

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.36 P.M. ON WEDNESDAY, 13 MARCH 2013

COMMITTEE ROOM, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**Members Present:**

Mayor Lutfur Rahman (Mayor)	(Mayor)
Councillor Ohid Ahmed (Deputy Mayor)	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Md. Maium Miah	(Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)
Councillor Gulam Robbani	(Executive advisor to the Cabinet and Mayor on adult social care)

Officers Present:

Andy Bamber	– (Service Head Safer Communities, Crime Reduction Services, Communities, Localities & Culture)
Robin Beattie	– (Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture)
Jill Bell	– Head of Legal Services (Environment), Legal Services
Kate Bingham	– (Acting Service Head Resources, Children Schools & Families)
Isobel Cattermole	– (Corporate Director, Education, Social Care and Wellbeing)
Sarah Barr	– (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
Deborah Cohen	– (Service Head, Commissioning and Health, Education, Social Care and Wellbeing)
Chris Holme	– (Acting Corporate Director - Resources)
Numan Hussain	– (Political Advisor to the Mayor, Executive Mayor's)

Shazia Hussain	– Office, Chief Executive's) (Service Head Localisation, Communities Localities & Culture)
Kevin Kewin	– (Service Manager, Strategy & Performance, Chief Executive's)
Ellie Kuper-Thomas	– (Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's)
Takki Sulaiman	– (Service Head Communications, Chief Executive's)
Ann Sutcliffe	– (Service Head Strategic Property, Development and Renewal)
David Tolley	– Head of Consumer and Business Regulations Service
Matthew Mannion	– (Committee Services Manager, Democratic Services, Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Head of Paid Service, Steven Halsey, and the Corporate Director for Development and Renewal, Aman Dalvi.

Action by:

ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES) (I. FREEMAN)

(Committee Services Manager, M. Mannion)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 13 February 2013 were presented for information.

4. PETITIONS

No petitions were received.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered

Nil items.

Reasons for the decision

Alternative options

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

Nil items.

Reasons for the decision

Alternative options

6. A GREAT PLACE TO LIVE

6.1 Licensing Policy Review

DECISION

1. *To agree the forward programme for consulting on the Statement of Licensing Policy.*
2. *To agree, if appropriate, that the consultation should be based on the existing Policy as detailed in Appendix One and the proposed changes detailed in Appendix Two.*
3. *To agree that the Council should consult on whether or not to adopt the sexual entertainment licensing regime under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.*

Action by:

CORPORATE DIRECTOR OF COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

(Head of Consumer and Business Regulations, D. Tolley)

Reasons for the decision

The Council is statutorily required to review its Statement of Licensing Policy every three years. As part of the review a statutory consultation must take place.

The Statement of Licensing Policy consultation will be based on the proposed changes outlined in Appendix Two. This will enable the new statutory provisions to be reflected in the reviewed Statement of Licensing Policy.

Alternative options

Cabinet does have the option not to review its Statement of Licensing Policy but the Council will be open to legal challenge for not having a properly consulted and adopted Policy.

6.2 Gambling Policy

DECISION

1. To consider the proposed Gambling Policy and agree that it may go forward to full council for adoption.
2. To note that it is intended to present the Gambling Policy to Full Council on the 17th April 2013.
3. To recommend that Full Council approve the Gambling Policy.

Action by:

CORPORATE DIRECTOR OF COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

(Head of Consumer and Business Regulation, D. Tolley)

Reasons for the decision

All relevant local authorities have to review their gambling policy, as one of the responsibilities they have, under the Gambling Act 2005.

The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.

A statutory consultation process has taken place and in addition there was the opportunity for the local community to comment on it.

Following consultation the amended policy will ultimately go to Cabinet and the full Council for adoption.

Alternative options

Pursuant to the Gambling Act 2005, the Council is a licensing authority for the licensing of premises used for gambling. If the Council did not have a policy it would be acting ultra vires with regards to any decisions it makes determining gambling premises licences. This course of action is not recommended.

The Regulations specify matters that the Council's gambling policy must contain. The Council is also required to have regard to guidance issued by the Gambling Commission, which also specifies requirements for gambling policies. If the Council did not comply with the Commission's guidance, then it would need to have good reasons for failing to do so. The content of the proposed gambling policy is recommended having regard to the requirements in the Act, Regulations and guidance.

7. A PROSPEROUS COMMUNITY

7.1 Woolmore School - Proposed Expansion

DECISION

1. To note the contents of this report;
2. To agree that statutory proposals should be published for the enlargement of Woolmore Primary School to admit 90 pupils in each year from September 2014.

Action by:

INTERIM CORPORATE DIRECTOR OF EDUCATION, SOCIAL CARE AND WELLBEING (I. CATTERMOLLE)

(Head of Building Development, P. Watson)

Reasons for the decision

Proposals have been developed to expand Woolmore Primary School to assist in the LA's programme to provide primary school places to meet growing local need. Initial consultation on the proposals has been held. Cabinet is asked to consider the proposed expansion, the response to the initial consultation and the recommendation that statutory proposals for the expansion should be published. The publication of statutory proposals is required in order to implement this change to the school.

Alternative options

In order to meet the rising need for school places, the Council has implemented a number of school expansion projects and continues to develop further schemes to meet need. Longer term development plans for the borough include proposals for new primary schools. However, further expansion proposals are needed to keep pace with the need, so taking no action would leave the Council at risk of being unable to discharge its statutory functions. The options for expansion have been considered having regard to the factors set out in paragraphs 6.9 to 6.11 of the report.

7.2 Academy Conversions - Old Ford and Culloden Primary Schools

DECISION

1. To approve the land disposal for both schools;
2. To approve the Council to enter into commercial and staffing transfers for both schools;
3. To approve the Council to enter into all other necessary documentation to ensure the liability under the Grouped Schools PFI arrangements for Old Ford School are transferred to the Academy;
4. To authorise the Corporate Director, Education, Social Care and Well-Being in consultation with the Assistant Chief Executive Legal Services and Corporate Director Resources to settle remaining issues associated with the conversion for the two schools;
5. To authorise the Assistant Chief Executive (Legal Services) to execute all documentation required to implement those decisions at 1 to 4.
6. To authorise the Section 151 Officer to execute the Local Government (Contract) Act 1997 Certificate required to implement the decisions at 1 to 4.

Action by:**INTERIM CORPORATE DIRECTOR OF EDUCATION, SOCIAL CARE AND WELLBEING (I. CATTERMOLE)**

(Interim Service Head Education, Social Care and Wellbeing Resources, K. Bingham)

Reasons for the decision

In August 2012 the Governing Bodies for Old Ford and Culloden Primary Schools passed resolutions in favour of academy conversion and formally applied for Academy status with the Department for Education (DfE). Both applications were subsequently approved by the Secretary of State and Academy Orders were issued to the Council. At this point the Council had to work with both schools on all matters of transfer.

Alternative options

There is no alternative to the planned course of action. Once the application from a Governing Body has been approved by the Secretary of State the expectation is that the local authority will work with the school in all transfer matters. This means that the community school land, owned by the local authority, will normally be leased to the Academy Trust on a 125 year lease to be used for the purposes of the school. The Secretary of State also has the power to direct the transfer of public land if necessary.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 The Establishment of the Tower Hamlets Health and Wellbeing Board (to follow)

This report was withdrawn.

Reasons for the decision

Alternative options

9.2 Tendering of Carers' Hub

DECISION

1. To approve the outcome of the tendering of the Carers Hub Services and award the contract to the Carers Centre, as the highest ranking bidder following the evaluation process.
2. To authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decision at 1 once the standstill period has expired and any objections dealt with.

Action by:

INTERIM CORPORATE DIRECTOR EDUCATION, SOCIAL CARE AND WELLBEING (I. CATTERMOLE)

(Service Head Commissioning and Health, D. Cohen)

Reasons for the decision

Members agreed the Carers Three Year Plan (2012-2015) at Cabinet on 20th June 2012. One of the key actions of the Plan is the tendering of all the current carer contracts and this tender for the Carers Hub Service is a central tenet to the provision of services for carers.

The new Carers Hub Service will maximise carers' independence and help to prevent reliance and dependency on more intensive care and support. It was developed in response to the Transforming Adult Social Care agenda with a shift away from the high end of social care to an emphasis on universal and preventative services.

It will support:

- The Tower Hamlets Promoting Independence Strategy
- The Tower Hamlets Carers Three Year Plan (2012-2015) by:
- Promoting choice and control
- Maximising independence
- Effective use of resources by commissioning services that provide value for money, are joined up and seamless and avoid duplication

It will also support themes of the Tower Hamlets Community Plan:

- A healthy community
- A prosperous community
- A safe and supportive community.

Alternative options

The present block contracts are out of date and do not provide enough choice for carers nor do they give carers the option of having a personal budget. The development of a new Carers Hub Service will address these shortcomings, by reaching out to more carers and also ensuring that carers can access individually tailored service that fit around their busy lives.

9.3 New Information Advice and Advocacy (IAA) Services Tender

DECISION

1. To approve and award the contract for the Information, Advice and Advocacy services to the REAL who will lead a consortium of specialist providers.
2. To authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decision at 1 once the standstill period has expired and any objections dealt with .

Action by:

INTERIM CORPORATE DIRECTOR EDUCATION, SOCIAL CARE AND WELLBEING (I. CATTERMOLE)

(Service Head Commissioning and Health, D. Cohen)

Reasons for the decision

The new provider(s) as a consortium will be able to ensure joined up integrated service provision ensure organisations will not compete to hold onto clients and work in a more collaborative, person centred way. It also would be a more streamlined service with only one contract instead the current nine, reducing the resources spent on contract management both by providers and the Council and will be value for money as it will be able to support more local people with support needs.

The new contract specifies the requirement for the London Living Wage to be paid and for the provider to provide volunteering opportunities. In carrying out the procurement the Council has worked with TH CVS to facilitate a partnership approach to service delivery. Details of the consultation with the voluntary sector are at para 6.4 of this report.

Alternative options

An alternative option investigated was whether the new Information, Advice and Advocacy service could be delivered in house. However, in order to meet the various specialist service requirements and needs, a commissioned service was better able to address these and to also ensure impartiality.

9.4 Letting Supporting People Contracts 2012- 2015: The Mobilisation Plan

DECISION

1. To agree the proposed re-commissioning mobilisation plan with proposed contract extensions limited to a maximum of up to 12 months and that any further necessary extensions are agreed by Cabinet .
2. To note that officers will work to keep the required extension period to a minimum period possible. No blanket extensions will be applied. All extensions will be expressed as 'up to' the agreed period.
3. To authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decision at 1.

Action by:

INTERIM CORPORATE DIRECTOR EDUCATION, SOCIAL CARE AND WELLBEING (I. CATTERMOLÉ)

(Service Head Commissioning and Health, D. Cohen)

Reasons for the decision

Given the scale of the contracts to be let against the Framework Agreement, it will not be possible to enter into new contracts for all services due to expire on 31st March 2013. The framework itself is valid for four years and it is recommended that the programme of re contracting is staged over a two year period to be completed by 31st March 2015.

This will allow the commissioning, legal, and procurement services the capacity to respond to this tendering programme, within the Adult Services context of significant care services and public health commissioning over this same period.

Having considered all other options; unless we are able to extend these contracts beyond March 31st 2013 they will automatically cease and we will

have no choice but to close services and seek to find alternative services for individuals.

In order to re-let the services against the Framework and then manage the potential handover period that follows, it will not be possible to condense the process into a shorter time-frame than listed. We are recommending the minimum extension periods we consider feasible to deliver the re-commissioning programme in its entirety, and have significantly condensed this programme in light of previous comments received.

In recommending this action officers are mindful of the impact on service users and the need to allow for TUPE transfer of staff where providers are to change. There is also a need to fit this work in around other planned commissioning activity. Where possible the Procurement Policy Imperatives will be incorporated into extensions but this will be subject to negotiation with the current provider.

Alternative options

As procurement via the Framework is considered to be the most cost effective and efficient method of procurement, no alternative options are being proposed.

There are no suitable alternatives that would enable all existing services to be re-contracted within the short timeframe available, so eliminating the requirement of any contract extensions beyond March 31st 2013.

There are significant risks both to service continuity and the impact on service users should we seek to further reduce the recommended timescales.

10. ONE TOWER HAMLETS

10.1 Strategic Performance, General Fund Revenue Budget and Capital Programme Q3

DECISION

1. To review and note the Quarter 3 2012/13 performance; and
2. To note the Council's financial position as detailed in sections 3 and 4 and Appendices 1-4 of this report.

Action by:

ACTING CORPORATE DIRECTOR RESOURCES (C. HOLME)

(Service Head Financial Services, Risk & Accountability, A. Finch)

(Service Head Corporate Strategy and Equality, L. Russell)

Reasons for the decision

Under Financial Regulations it is the responsibility of senior managers to spend within budgets and, where necessary, management actions will need to be taken over the remainder of the financial year to avoid overspend.

Any overspend we incur at the end of 2012/13, or at any time over the forthcoming period, will risk the financial position and would increase the savings targets required to meet funding cuts, with a potential impact on front-line services. The projected figures at this stage do not indicate that this is a significant risk.

Alternative options

The report provides performance information, including by reference to key performance indicators and the budget. It is consistent with good administration for the Council to consider monitoring information in relation to plans and budgets that it has adopted.

10.2 Implementing Local Structures – Local Community Ward Forums**DECISION**

1. To approve a yearly programme of 3 x LCWF meetings in each of the Borough's wards.
2. To agree the detail for each of the LCWF meetings in the yearly programme.
3. To agree to implement a participatory budgeting process and the allocation of £10K per ward for 2013/14 and 14/15.
4. To agree the role of the Community Plan Delivery Groups (CPDGs) in co-commissioning services identified through LCWF priority setting.

Action by:

CORPORATE DIRECTOR OF COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

(Service Head Localisation, S. Hussain)

Reasons for the decision

The Mayor is committed to ensuring greater levels of community engagement, empowerment and accountability across the Partnership. The Council must also ensure that the Partnership continues to align service delivery infrastructure with new government policy seen in a number of landmark pieces of legislation introduced by the coalition government including the Localism Act 2011, the Police Reform and Social Responsibility Act 2011 and the Health and Social Care Act 2012. The LCWFs will play an important role in meeting this agenda.

Alternative options

No Action:

There is currently no localised community partnership structure. Doing nothing would hinder the Council and its partner's ability to engage with citizens of Tower Hamlets and reduce our ability to provide appropriate services for local residents. It would also risk reputational damage and have an adverse impact on our ability to work effectively and in a joined up way with our partners at a local level.

Reduce the numbers of forums:

It would be possible to implement a local partnership structure with fewer local forums. However, this would reduce the accountability of the approach with the potential of creating disproportionate representation in different parts of the borough. Fewer forums would result in a less responsive partnership offer.

Reinstate the Local Area Partnership (LAP) Steering Groups:

The LAP Steering Groups were introduced during the early part of the Partnership's formation, at a time when the local infrastructure for the key public agencies was in its infancy. At the time central government funding was also available to enable and grow local structures that brought about greater local participation with local service providers. However, given the current funding constraints, such a structure would no longer be appropriate or sustainable. There is also an explicit need for citizens to be able to participate in a local structure which is more locally appropriate, publicly accessible and community owned.

10.3 Fees and Charges 2013/14**DECISION**

Adults, Health and Wellbeing

1. To approve the revised fees and charges as set out in Appendix 1 with effect from 1st April 2013 (or as soon as is practical thereafter)

Chief Executives

2. To approve the revised fees and charges as set out in Appendix 2 with effect from 1st April 2013 (or as soon as is practical thereafter)

Communities, Localities and Culture

3. To approve the revised fees and charges as set out in Appendix 3 with effect from 1st April 2013 (or as soon as is practical thereafter)

Children's, Schools and Families

4. To approve the revised fees and charges as set out in Appendix 4 with effect from 1st April 2013 (or as soon as is practical thereafter)

Development & Renewal

5. To approve the revised fees and charges as set out in Appendix 5 with effect from 1st April 2013 (or as soon as is practical thereafter)

Action by:

ACTING CORPORATE DIRECTOR RESOURCES (C. HOLME)

(Service Head, Financial Services, Risk and Accountability, A. Finch)

Reasons for the decision

Fees and charges are reviewed annually as part of the financial and business planning process. This ensures that they are set at the appropriate level for the prevailing economic circumstances and represents good practice in terms of the Council's aim to provide value for money.

Alternative options

Whilst the changes to fees and charges recommended in the report follow a review of existing charges by each directorate, other alternatives can be adopted by Members. The financial impact of any alternatives will need to be reflected in the Council's Medium Term Financial Plan (MTFP).

10.4 Contracts Forward Plan Q4

DECISION

1. To approve that all the contracts can go to tender.
2. That the Corporate Director for the service has delegated power to award the contract subject to consultation with the Mayor and the lead member and the Assistant Chief Executive (Legal Services) prior to award except for the following contracts where the decision to award must come back to cabinet:
 - AHWB4397 (Community Based Mental Health Services)
 - AHWB4398 (Older People and Other Community Based Services)
 - AHWB4378 (Extra Care Sheltered Housing)
2. To authorise the Assistant Chief Executive (Legal Services) to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 1 above.

Action by:

ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)

(Service Head Financial Services, A. Finch)

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 £250,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Cabinet in accordance with the Procurement Procedures". This report fulfils these requirements for contracts to be let during and after the period Q4 of the 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.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION**12.1 Exercise of Corporate Directors' Discretions****DECISION**

1. To note the exercise of Corporate Directors' discretions as set out in Appendix 1.

Reasons for the decision**Alternative options****13. EXCLUSION OF THE PRESS AND PUBLIC**

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present

during consideration of this business there would be disclosure of exempt information.

- Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 (“the 1972 Act”). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
 - Agenda item 14 “Exempt/ Confidential Minutes” – contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs
 - Agenda item 19.1. “Letting Supporting People Contracts 2012-15: The Mobilisation Plan” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

(b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:

- Agenda item 14 “Exempt/ Confidential Minutes” – contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs
- Agenda item 19.1. “Letting Supporting People Contracts 2012-15: The Mobilisation Plan” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

14. EXEMPT / CONFIDENTIAL MINUTES

The Exempt/Confidential Minutes of the Ordinary Cabinet meeting held on 13 February 2013 were **tabled** for information.

15. OVERVIEW & SCRUTINY COMMITTEE

15.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.

Nil items.

Reasons for the decision

Alternative options

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

Nil items.

Reasons for the decision

Alternative options

16. A GREAT PLACE TO LIVE

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

19.1 Letting Supporting People Contracts 2012- 2015: The Mobilisation Plan - Exempt Appendices

DECISION

1. To note The information contained in the exempt appendix in relation to the main report.

Reasons for the decision

Alternative options

20. ONE TOWER HAMLETS

Nil items.

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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.29 p.m.

Isabella Freeman
ASSISTANT CHIEF EXECUTIVE (Legal Services)