

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.36 P.M. ON WEDNESDAY, 8 MAY 2013

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

Members Present:

Mayor Lutfur Rahman	(Mayor)
Councillor Ohid Ahmed	(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)

Other Councillors Present:

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

Officers Present:

Anne Canning	(Interim Corporate Director Education Social Care and Wellbeing)
John Coker	(Strategic Housing Manager, Development & Renewal)
Aman Dalvi	(Corporate Director, Development & Renewal)
Barbara Disney	(Service Manager, Strategic Commissioning, Adults Health & Wellbeing)
Isabella Freeman	(Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	(Head of Paid Service and Corporate Director Communities, Localities & Culture)
Numan Hussain	(Political Advisor to the Mayor, Executive Mayor's Office, Chief Executive's)
Frances Jones	(Service Manager One Tower Hamlets, Chief Executive's)
Paul Leeson	(Finance Manager, Development & Renewal)
Jackie Odunoye	(Service Head, Strategy, Innovation & Sustainability, Development & Renewal)

Diana Warne
Matthew Mannion

(Head of Secondary Learning and Achievement)
(Committee Services Manager, Democratic
Services, Chief Executive's)

The following is a record of those decisions taken by the Cabinet at their meeting held on Wednesday 8 May 2013.

Most decisions may be 'called in', by the Assistant Chief Executive, for scrutiny by the Overview and Scrutiny Committee to be held on **Tuesday 4 June 2013** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 17 May 2013**. Such requests should be made to John Williams, Service Head Democratic Services-Tel 020 7364 4204.

The request to "call in" a decision must comply with the requirements set out in the Council's Constitution (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rules 16.2 and 16.3). This sets out the time-scale for "call in", those persons who may "call in" and those details the request must contain.

The Council's Constitution (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rule 16.4) **sets out those decisions that may not be "called in"** for further consideration by the Overview and Scrutiny Committee.

Report authors will be advised by Democratic Services if any decision in respect of an item they have placed on the agenda has been "called in".

Any decision not "called in" for scrutiny can be implemented on Monday 20 May 2013.

Any decision 'called in' for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 4 June 2013, **can be implemented** the following day, **Wednesday 5 June 2013**.

Any decision 'called in' for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 4 June 2013, will be **referred back to the Mayor in Cabinet** for further consideration on **Wednesday 5 June 2013**.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

DECISION

Apologies for absence were received on behalf of:

- Councillor Oliur Rahman (Cabinet Member for Children's Services)
- Robin Beattie (Service Head, Strategy and Resources)

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

(Committee Services Manager, Democratic Services, Chief Executive's (M. Mannion))

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 10 April 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.

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

Nil items.

6. A GREAT PLACE TO LIVE

6.1 HRA Capital Estimates Report

DECISION

1. To agree the proposed works for the three year Decent Homes programme for 2013-14 to 2015-16.
2. To agree the proposed works for the 2013-14 non-Decent Homes programme, subject to satisfactory leaseholder consultation.

3. To adopt the reprofiled Capital Estimates for years 3, 4 and 5 of the Decent Homes Programme totalling £148.19 million, to bring the total Capital Estimate for the backlog and on-going Decent Homes programme to £181.37 million (paragraphs 5.1 to 5.5).
4. To adopt capital estimates for the Mainstream Capital Programme incorporating the schemes set out in Appendix 2, totalling £6,615,000, to be managed in accordance with resource availability under the HRA self-financing regime (paragraphs 5.6 to 5.12), and a contingency of £600,000 for urgent works (see paragraph 5.13).
5. To adopt a capital estimate of £500,000 to fund Overcrowding Reduction Initiatives as outlined in paragraph 5.14.
6. To adopt capital estimates for the Aids and Adaptations programme (£750,000), the Capitalisation of Voids (£1.5 million) and the Capitalisation of Fees and Salaries (£650,000) as outlined in paragraph 5.15.
7. To authorise the Assistant Chief Executive (Legal), to enter into all necessary documents to implement the decisions made in respect of this report.

Action by:**CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)**

(Service Head Strategy, Sustainability and Regeneration (J. Odunoye)

(Strategic Housing Manager, Development and Renewal (J. Coker)

Reasons for the decision

In accordance with Financial Regulations, capital schemes must be included within the Council's capital programme, and capital estimates adopted prior to any expenditure being incurred. This report seeks the adoption of the necessary capital estimates for various housing schemes in order that they can be progressed.

In July 2012 the Council entered into contract with the GLA for the DH Backlog funding. Under the Agreement the Council is contracted to deliver pre-agreed annual targets of DH in order to access the DH Backlog funding. The DH Contractor and Consultant procurement is critical to delivering the DH targets and securing the GLA funding.

Cabinet on the 9th January 2013 agreed, subject to the outcome of the Leaseholder consultation, the OJEU procured and leasehold compliant framework to deliver the DH capital investment for 2013/14/15. Therefore, it is vital that the programme is agreed to allow the appointed contractors to start on site.

Alternative options

In January 2013 Cabinet considered and agreed the procurement for delivery of the DH Programme in 2013-16 subject to the outcome of the Leaseholder consultation. Whilst the programme could be delivered in various ways, the proposed detailed delivery outlined seeks to maximise GLA delivery targets,

value for money, strategic mobilisation across the borough, stock condition data, operational priorities and s20 consultation.

Any further changes to the proposal at this stage would significantly compromise the detailed maximisation of the programme as outlined above.

Schemes within the Housing Investment Programme are assessed by Tower Hamlets Homes in accordance with relative need, and are then prioritised. Although alternative schemes are feasible, the proposals in the report reflect the needs identified within the stock condition survey.

7. A PROSPEROUS COMMUNITY

7.1 Woolmore Primary School - Proposed Expansion

DECISION

1. To agree that statutory proposals for the enlargement of Woolmore Primary School to admit 90 pupils in each year from September 2014 should be implemented as published.

Action by:

CORPORATE DIRECTOR EDUCATION, SOCIAL CARE AND WELLBEING
(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. Cabinet has previously considered the response to the initial consultation and agreed that statutory proposals should be published. An objection has been received to the proposals therefore Cabinet has to consider the response to the consultation before deciding if the proposals should be implemented.

The LA must take a decision on statutory proposals within 2 months of the end of the consultation period or the matter must be referred to the Schools Adjudicator.

Alternative options

The due process has been followed in the consultation on the proposals. The final stage is the determination following consultation, in relation to which the options are set out in paragraphs 6.23 and 8.7 of the report.

7.2 Review of the Council's Discretionary Awards Determination for the 2013/14 financial year and discretionary award policies

DECISION

1. To agree that the Council takes up the power to make the Mayor's discretionary awards in respect of specified groups of students over compulsory school age in 2013/2014.
2. To approve the policy in Appendix 1 for the provision by the Council of The Mayor's school clothing grants in 2013/2014 within the budget specified in paragraph 5.2 of this report.
3. To approve the policy in Appendix 2 for the provision of the Mayor's Budget Holding Lead Professional Scheme for Attendance Support in 2013/2014 within the budget specified in paragraph 5.2 of this report.
4. To approve the policy in Appendix 3 for the provision by the Council of the Mayor's discretionary awards in support of education travel in 2013/2014 within the budget specified in paragraph 5.2 of this report.
5. To approve the policy in Appendix 4 for the provision by the Council of the Mayor's Education Award (MEA) until the end of 2013/2014 academic year.
6. To approve the policy in Appendix 5 for the provision of the Mayor's Higher Education Award Scheme.

Reasons for the decision

The Council has power by virtue of section 518 of the Education Act 1996 and in circumstances specified in regulations to grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age. The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 require the Council as local education authority to consider in each financial year whether it will grant scholarships, exhibitions, bursaries and other allowances to persons over compulsory school age and, if so, whether to exercise the power generally or only in respect of persons who satisfy determined criteria. The Council should make its determination annually by the 31st March.

Since 2000/01 Cabinet has determined to exercise the power only in respect of certain groups of students. This allows the Directorate to direct funds towards areas of identified need, and is the recommended option.

Cabinet is asked to review the discretionary award schemes shown below, and to note the minor change requested in the Mayor's Education Award Policy.

Alternative options

Cabinet has the option not to take up discretionary award powers in which case it could not run the Mayor's Education Award. Alternatively, the Council might choose to make discretionary awards generally which means that it would have to accept and consider applications for support for a wide spectrum of courses from diverse residents aged over 16. It is considered

that such an approach would not provide an appropriately robust foundation on which to grant or refuse requests. The policies appended to the report are considered to offer the fairest means of disbursing limited funds.

Cabinet might choose, contrary to recommendations in the report, to amend the policy on the provision of school clothing grants or the Budget Holding Lead Professional Scheme for Attendance Support, but this would likely require further analysis of any consequent impacts.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Towards a Healthier Tower Hamlets: Health and Wellbeing Plan

DECISION

1. To endorse Towards a Healthier Tower Hamlets: Health and Wellbeing Plan, contained in Appendix 1, and the delivery plan in Appendix 2.

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

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

(Strategy, Policy and Performance Officer (N. Ahmed))

Reasons for the decision

The local Health and Wellbeing Board has a statutory duty under the Health and Social Care Act 2012 to produce a Health and Wellbeing Strategy for the local area.

The Health and Wellbeing Strategy drives the collective actions of the NHS and local government, both commissioners and providers, and engages communities in the improvement of their own health and wellbeing.

The council, the Tower Hamlets Clinical Commissioning Group (CCG) and the NHS Commissioning Board will need to have regard to the Health and Wellbeing Strategy as they draw up their commissioning plans so that their plans are fully aligned with the agreed priorities in the strategy. Cabinet is being asked to endorse the proposed strategy ahead of its full adoption by the Health and Wellbeing Board.

Alternative options

Alternative options would be not to endorse the Plan at this time or to amend the strategy and delivery plan before endorsement. These options are not recommended as the strategy and delivery plan are based on a robust evidence base, expert advice, have been developed following extensive consultation with local people, and agreed by the Council's shadow Health and Wellbeing Board.

9.2 Learning Disability Day Opportunities - Modernisation Programme

DECISION

1. To approve the award of the block contract, for a three-year period from the date of contract award, for the provision of the Supported Employment, Training and Social Enterprise Service.
2. To approve the award of contracts, for a three-year period for the Community Hub Preferred Provider list from the date of contract award subject to an annual review as part of the evaluation exercise.

1. Contract 4221: Supported Employment, Training and Social Enterprise (Block)
Tower Project
2. Contract 4179: Community Hubs – Preferred Provider List (Spot)
Suppliers (in order of score rating)
1. Apasenth
2. RCHL

3. Whilst this is a part B service for the purposes of the relevant European Union and UK Legislation on competition, good practice dictates that contract award cannot be confirmed until conclusion of a standstill period, which is 10 days from the date that the intention to award contracts is communicated to bidders to allow for settling challenges from unsuccessful bidders.

Action by:

CORPORATE DIRECTOR OF EDUCATION, SOCIAL CARE AND WELLBEING (A. CANNING)

(Service Head Commissioning and Health (D. Cohen))

Reasons for the decision

The modernisation programme supports the Council's lean, flexible and citizen-centred agenda. The proposed changes support:

- Offering everyone in receipt of a service a personal budget to maximise their choice over what day opportunities they purchase; and
- Moving from expensive services in large outdated premises to new community hubs whilst delivering on agreed efficiency targets.

The aim of the programme is to improve the quality of experience for people with a learning disability in a way that maximises the opportunities and potential of everyone living in the Borough, whilst also ensuring services are

offering real value for money. Currently, many of our services are delivered within a 'one size fits all', building-based model with limited flexibility to meet the goals and aspirations of individuals.

Modernisation will move services away from building based 'traditional day centres' to the provision of a wide range of services that people with a learning disability can access using their personal budgets. This will include specialist services where appropriate but also mainstream services within the wider community. The outcome will be putting in place a 'Community Hub' model to maximise the effectiveness and efficiency of services - making use of all available local resources to benefit local people.

The modernisation project supports (i) Transformation of Adult Social Care ('Putting People First' and 'Valuing People Now'); (ii) the rebalancing of services toward prevention and early intervention; (iii) supporting individuals to live as independently as possible; and (iv) driving up efficiency and effectiveness in the use of resources.

Cabinet is asked to approve the recommended award of contracts in order that the Council can progress with mobilising the new contracts.

Alternative options

Most current contracts were let in 2004 for an initial three year period and extended on an annual basis since the expiry of this initial term. Continuing to contract with existing suppliers without undertaking any form of competitive tendering would therefore place the Council at increasing risk of challenge in relation both to EU and UK competition law and to the duty to ensure Best Value. This option was therefore deemed unsustainable prior to the commencement of the current competitive processes.

Cabinet could instruct officers to terminate one or both tender processes prior to contract award, and to retender on the basis of a different service specification and bid evaluation methodology. This would be likely to lead to disputation with bidders and is not recommended. It should also be noted that particular care has been taken to ensure that the service specification and evaluation criteria for both tenders balance the delivery of high quality care, the achievement of best value and the delivery of benefit to local communities. For these reasons it is recommended that this option be accepted as being unsustainable.

10. ONE TOWER HAMLETS

10.1 Strategic Plan 2013/14

DECISION

1. To approve the Strategic Plan (appendix 1)
2. To authorise the Service Head Corporate Strategy and Equality to make any appropriate and necessary amendments prior to publication.

Action by:**ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)**

(Strategic and Performance Manager (K. Kewin))

Reasons for the decision

The Strategic Plan outlines the council's key priorities for the year alongside the more detailed actions that will support their delivery. The plan also sets out the strategic performance measures with which we track our progress.

The Strategic Plan incorporates the council's Single Equality Framework (SEF). The SEF sets out the Council's framework for tackling inequality and promoting cohesion. We have integrated the equality objectives of the Framework into the Strategic Plan, ensuring that a focus on tackling inequality informs the strategic direction of the council. It also enables us to demonstrate that we are meeting the requirements of the Public Sector Equality Duty to prepare and publish objectives which demonstrate how the organisation will meet the aims of the Duty.

Alternative options

The Mayor in Cabinet may choose not to agree a Strategic Plan. This course of action is not recommended as there would be a significant planning gap: the Strategic Plan is a key element of the council's business planning arrangements. In addition, the council's priorities for the year would not be articulated and the key supporting activities and performance measures would not be agreed for monitoring. If the Strategic Plan was not agreed a Single Equality Framework would still need to be adopted to meet legal requirements.

The Mayor in Cabinet may choose to amend the Strategic Plan prior to approval. If he wishes to amend the Plan, regard would need to be given to the Council's medium term financial plan, with which the current Strategic Plan is aligned, as well as any impact arising from the changes.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

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

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

13. EXCLUSION OF THE PRESS AND PUBLIC

DECISION

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 21.1 “Reports of the Monitoring Officer and the Section 151 Officer in respect of Mayoral Virements” as the discussion of those reports was likely to contain 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 21.1. “Reports of the Monitoring Officer and the Section 151 Officer in respect of Mayoral Virements” 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 Cabinet meeting held on 10 April 2013 were presented 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.

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

Nil items.

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

Nil Items.

20. ONE TOWER HAMLETS

Nil items.

21. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**21.1 Reports of the Monitoring Officer and Section 151 Officer in Respect of Mayoral Virements**

The **Mayor** considered two **tabled** reports by the Monitoring Officer and Section 151 Officer in relation to Individual Mayoral decisions taken to vire money to provide funding to (a) East End Life and (b) the Mayor's Office.

AGREED

1. The two reports confirm that the Mayoral decisions were not in breach of the Budget and that I had taken the appropriate considerations into account in respect of my decision that they were not 'key decisions'. The Executive accepts the reports and has nothing further to add. I ask that the officers prepare a report for submission to the next Overview and Scrutiny Committee meeting confirming this response.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.16 p.m.

Isabella Freeman
ASSISTANT CHIEF EXECUTIVE (Legal Services)