

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.30 P.M. ON WEDNESDAY, 3 JULY 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)
Councillor Rania Khan	(Cabinet Member for Culture)

Other Councillors Present:

Councillor Gulam Robbani	(Executive advisor to the Cabinet and Mayor on adult social care)
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Officers Present:

Anne Canning	(Interim Corporate Director, Education Social Care and Wellbeing)
Aman Dalvi	(Corporate Director, Development & Renewal)
Chris Holme	(Acting Corporate Director - Resources)
Robin Beattie	(Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture)
Colin Cormack	(Service Head Housing Options, Development & Renewal)
Ben Gadsby	(Political Adviser to the Conservative Group)
Numan Hussain	(Political Adviser to the Mayor, Executive Mayor's Office, Chief Executive's)
Kevin Kewin	(Service Manager, Strategy & Performance, Chief Executive's)
Martin Ling	(Housing Policy Officer)
Megan Nugent	(Legal Services Team Leader, Planning, Chief Executive's)
Jackie Odunoye	(Service Head, Strategy, Innovation & Sustainability, Development & Renewal)
Takki Sulaiman	(Service Head Communications, Chief Executive's)
Claire Symonds	(Service Head, Customer Access and ICT)
Murziline Parchment	(Head of Executive Mayor's Office, Democratic Services, Chief Executive's)
Louise Fleming	(Senior Committee Officer, Democratic Services)

The following is a record of those decisions taken by the Cabinet at their meeting held on Wednesday 5 June 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 23 July 2013** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 12 July 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 15 July 2013.

Any decision ‘called in’ for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 23 July 2013, **can be implemented** the following day, **Wednesday 24 July 2013**.

Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 23 July 2013, will be **referred back to the Mayor in Cabinet** for further consideration on **Wednesday 31 July 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
- Mr Stephen Halsey, Head of Paid Service and Corporate Director, Communities, Localities and Culture

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

(Senior Committee Officer, Democratic Services, Chief Executive's – L. Fleming)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations were made.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 5 June 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 Overcrowding and Under-Occupation Statement

DECISION

1. Approve the Overcrowding and Under Occupation Statement attached at Appendix 1.
2. Approve Overcrowding and Under Occupation Statement Action Plan attached at Appendix 2.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Strategy Regeneration and Sustainability (J. Odunoye))

Reasons for the decision

There are over 9000 overcrowded households in the borough and their living conditions can have a detrimental impact on the health, education and wellbeing of those affected. By tackling overcrowding in conjunction with the Council's main Registered Providers and other partners, the Council can help to alleviate the impact of overcrowding and improves the life chances of the households affected.

Alternative options

The Council could choose not to have an Overcrowding and Under Occupation Statement and Action Plan. The Council could also choose to adopt a modified Overcrowding and Under Occupation Statement and Action Plan, which may require further impact assessment, but the versions in the appendices are recommended for reasons set out in the body of the report.

6.2 Draft Homelessness Statement 2013-17

DECISION

1. Agree the Homelessness Statement 2013 – 17.
2. Agree that the action plan and outcome measures for the statement be finalised by the Homelessness Partnership Board.
3. Note the equality analysis of the statement.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Housing Options (C. Cormack))

Reasons for the decision

National legislation including the Welfare Reform Act 2012 and the Localism Act 2011 and continuing financial and budgetary pressures will have considerable implications for homelessness in the borough. It is therefore necessary to review homelessness in the borough, the impact national legislative changes will have locally and how best local partners can respond to these changes to meet local needs.

Developing the statement has provided an opportunity for the Council and its partners to fully assess homelessness in the borough and develop a framework for preventing homelessness and supporting homeless households.

Alternative options

The Mayor in Cabinet may choose not to agree the Homelessness Statement. This course of action is not recommended as there would be a considerable gap in the Council's approach to responding to homelessness in the borough, particularly in light of the much changed legislative and financial context. This will also have an impact on local partners who work with homeless households and those at risk of homelessness as there will not be an updated partnership approach to homelessness locally.

The Mayor in Cabinet may choose to amend the Homelessness Statement prior to approval. Should he wish to do so, any amendments should reflect local needs and the impact that national legislative changes will have. The resource and equality implications of any changes will also need to be considered.

7. A PROSPEROUS COMMUNITY

Nil items.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Hostels Commissioning Plan

DECISION

1. The Mayor in Cabinet is recommended to agree the updated Hostels Commissioning Plan attached as appendix 2 and the future design of the hostel sector in readiness for the next procurement. The Hostels Commissioning Plan and recommendations therein will be subject to a formal consultation period following this.

Action by:

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

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

Reasons for the decision

The Hostel Commissioning Plan will inform the commissioning approach to hostel services, as they are tendered during the next three year period. As current contracts are due to expire during this year, this plan sets out our future requirements for these services. The Plan establishes the continued need for a hostel sector, the size and range of services needed and how they will align with statutory services in supporting some of our most vulnerable residents.

Alternative options

Current contracts are due to expire during this financial year, and therefore a clear strategic framework is required to inform the commissioning activities. This commissioning activity has a further savings target of £0.225m to be delivered in 2013/14 through re-commissioning of hostel services. Should the commissioning plan not be agreed, in whole or in part, it will not be possible to deliver the savings in this way. As the changes are also designed to address changing need and growth pressures, not agreeing the commissioning plan may also lead to a risk of additional cost pressures.

9.2 Extension of Block Contract - Hotel in the Park**DECISION**

1. Approve the extension requested in paragraph 6.3.
2. Authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decision at 2.1

Action by:

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

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

Reasons for the decision

The Council, in partnership with the Clinical Commissioning Group, produced a three year Plan for Carers last year, which outlines the proposals for:

- § A new “Carers Journey” which introduces personal budgets for the first time to eligible carers, and
- § A new equitable respite policy, which includes the re-commissioning of specialist support for carers.

Members agreed the Carers Three Year Plan (2012-2015) at Cabinet on 20th June 2012.

A key part of this Strategy is about respite care and the demand for more flexibility and choice for our carers and service users.

Alternative options

Not extending this contract would mean access to residential respite for adults with Learning Disabilities would be limited to spot purchase arrangements. This would potentially allow the organisation to increase their fees without strategic negotiation. Hotel in the Park is the only provision in the borough which many families prefer as it enables them to be close to their loved ones. Many families would want to continue to use the service.

There are out of borough providers, which are used by some families and the Council may choose to use these spot purchased arrangements as a preference, if they are cheaper. This may lead to an increase in complaints from families and carers who want to continue to use Hotel in the Park.

10. ONE TOWER HAMLETS**10.1 New Cross – Finsbury Market Cable Tunnel – Subsoil Disposal****DECISION**

- a) Note the contents of the report;
- b) Agree the freehold disposal of the subsoil interest to UKPN on the terms proposed in parts 1 & 2 of this report.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Strategic Property (A. Sutcliffe))

Reasons for the decision

The disposal will guarantee the Council a capital receipt which can be used to meet service delivery and / or Council priorities.

Alternative options

Alternative options the Council could consider are:

Do nothing. The Council could refuse to dispose on the terms proposed. This option is not recommended as, if UKPN use their compulsory purchase powers, the Council may still be forced to proceed with the disposal, receiving instead a nominal amount of £50.

10.2 Contracts Forward Plan Q2

DECISION

1. Consider the contract summary at Appendix 1, and identify those contracts about which specific reports – relating to contract award – should be brought before Cabinet prior to contract award by the appropriate Corporate Director for the service area;
2. Confirm which of the remaining contracts set out in Appendix1 can proceed to contract award after tender subject to the relevant Corporate Director who holds the budget for the service area consulting with the Mayor and the relevant lead member prior to contract award; and
3. Authorise the Assistant Chief Executive (Legal Services) to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.

Action by:

ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)

(Service Head, Customer Access and IT (C. Symonds))

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 Q2 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.

10.3 Strategic Performance, 12/13 General Fund Revenue Budget and Capital Programme Monitoring Q4

DECISION

1. Note the Council's financial performance compared to budget for 2012/13 as detailed in Sections 3 to 6 and Appendices 1-4 of this report.
2. Note and approve the proposed transfers to reserves as detailed in Appendix 5 of this report.
3. Review and note 2012/13 year end performance for strategic measures and Strategic Plan activities in Sections 7 and 8 and detailed in Appendices 6 & 7.

Action by:

ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)

(Interim Service Head, Finance and HR Development (P. Thorogood))

Reasons for the decision

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 Section 3 of the Local Government Act 1999 requires the Council as a best value authority to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Monitoring of performance information is an important way in which that obligation can be fulfilled.

10.3 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's chief finance officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for Members to receive information about the revenue and capital budgets as set out in the report.

When considering its performance, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between

persons who share a protected characteristic and those who don't. Relevant information is set out in section 11 of the report.

Alternative options

No alternative options were considered as the decision was for noting.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items.

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 20.1 "New Cross – Finsbury Market Cable Tunnel – Subsoil Disposal Part II" 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 and the Lessee.
- (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 20.1. “New Cross – Finsbury Market Cable Tunnel – Subsoil Disposal Part II” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). There is information in the report relating to the financial affairs of the Council and the Lessee. This information is not information falling within paragraph 8 (information required to be reported by companies) or paragraph 9 (development for which the Council may give itself planning permission) of Schedule 12A. The report is concerned with one of the Council’s disposal proposals which is at a critical stage. Publication of the details of any proposals could prejudice the Council achieving its obligation to obtain best consideration from the use of its resources and best value from the procurement process.

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

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

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

20.1 New Cross – Finsbury Market Cable Tunnel – Subsoil Disposal Part II

DECISION

The Mayor considered the report and agreed its recommendations.

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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 5.49 p.m.

Isabella Freeman
ASSISTANT CHIEF EXECUTIVE (Legal Services)