

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.34 P.M. ON WEDNESDAY, 31 JULY 2013

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

Members Present:

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| Mayor Lutfur Rahman | (Mayor) |
| Councillor Ohid Ahmed | (Deputy Mayor) |
| 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) |

Other Councillors Present:

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| Councillor Kabir Ahmed | (Executive Advisor to the Mayor and Cabinet) |
| Councillor Gulam Robbani | (Executive advisor to the Cabinet and Mayor on adult social care) |
| Councillor Rachael Saunders | (Deputy Leader of the Labour Group) |

Officers Present:

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| Robin Beattie | (Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture) |
| Anne Canning | (Interim Corporate Director, Education Social Care and Wellbeing) |
| Aman Dalvi | (Corporate Director, Development & Renewal) |
| Isabella Freeman | (Assistant Chief Executive - Legal Services, Chief Executive's) |
| Ben Gadsby | (Political Adviser to the Conservative Group) |
| Stephen Halsey | (Head of Paid Service and Corporate Director Communities, Localities & Culture) |
| Ellie Kuper-Thomas | (Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's) |
| Jackie Odunoye | (Service Head, Strategy, Innovation & Sustainability, Development & Renewal) |
| Louise Russell | (Service Head Corporate Strategy and Equality, Chief Executive's) |
| Andy Bamber | (Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture) |
| Deborah Cohen | (Service Head, Commissioning and Health, Education, Social Care and Wellbeing) |
| John Coker | (Strategic Housing Manager, Development & Renewal) |

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| Colin Cormack | (Service Head Housing Options, Development & Renewal) |
| Maura Farrelly | (Community Resources Officer - Advice & Anti-Poverty, Third Sector Team, Development & Renewal) |
| Frances Jones | (Service Manager One Tower Hamlets, Corporate Strategy and Equality Service, Chief Executive's) |
| Martin Ling | (Housing Policy Officer) |
| Murziline Parchment | (Head of Executive Mayor's Office, Democratic Services, Chief Executive's) |
| Andy Scott | (Interim Service Head Economic Development, Development and Renewal) |
| Takki Sulaiman | (Service Head Communications, Chief Executive's) |
| David Tolley | (Head of Consumer and Business Regulations Service, Safer Communities, Communities Localities & Culture) |
| Matthew Mannion | (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 31 July 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 10 September 2013** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 9 August 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 12 August 2013.

Any decision ‘called in’ for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 10 September 2013, **can be implemented** the following day, **Wednesday 11 September 2013**.

Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 10 September 2013, will be **referred back to the Mayor in Cabinet** for further consideration on **Wednesday 11 September 2013**.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rabina Khan (Cabinet Member for Housing)
- Councillor Rania Khan (Cabinet Member for Culture)
- Councillor Oliur Rahman (Cabinet Member for Children’s Services)
- Councillor Rofique U Ahmed (Cabinet Member for Regeneration)

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 Cabinet meeting held on 3 July 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 Private Sector Renewal Policy

DECISION

1. To approve the Private Sector Renewal Policy attached at Appendix 1 to the report.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Strategic Housing Manager, Development and Renewal (M. Ling))

Reasons for the decision

The Council has a duty under Part 1, Chapter 1, Section 3 of the Housing Act 2004 to review housing conditions in their district. Where housing conditions are found to require improvement, assistance can be provided under the terms of Article 3 of the Regulatory Reform (Housing Assistance) Order 2002.

The private sector stock condition demonstrates that housing conditions are found to require improvement and the Council has a ring-fenced budget available to spend on improvements in the privates sector.

Alternative options

The Council could choose to adopt a modified Private Sector Renewal Policy 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 Fuel Poverty and Insulation Works on HRA Properties (Project 2)

DECISION

1. To adopt a capital estimate of £4.063 million for fuel efficiency works on HRA properties to supersede the existing approvals of £1.809 million that are already incorporated into the approved budget, noting that the increase of £2.254 million is the Department of Climate Change grant funded element of the scheme.
2. To agree the proposed Fuel Poverty and Insulation Works on HRA Properties.

3. To agree the procurement of the contract, for insulation works on HRA assets, funded by DECC, the Council and ECO, through the RENEW Framework following a competitive tendering process.
4. To authorise the Corporate Director D/R in consultation with ACE Legal to award the contract to the successful contractor following completion of the competitive tendering process.
5. To authorise the Assistant Chief Executive (Legal Services) 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, Housing, Regeneration and Sustainability (J. Odunoye)

Reasons for the decision

The Council acquired from Carillion Energy Services (CES) Intellectual Property Rights (IPR) consisting of designs, plans, planning permissions etc. that the company has prepared or obtained in relation to the estates. The cost of the IPR valued at up to £750,000 (depending on when the contract is entered into, as provided it is completed by 1st October 2013 there is a £50,000 discount available) is significant, however, these IPRs are of limited value to the Council unless the energy efficiency scheme subsequently proceeds for the specific sites and DECC grant and ECO funding is secured. If the scheme does not progress the Council will have acquired an asset of limited use and value.

It is imperative that the Council meet the spending agreement with DECC in which it was agreed that the delivery of the insulation works will commence in August 2013 and the whole scheme delivered six months later. The RENEW Framework presents a delivery avenue that is not only readily available but also appropriately procured. This framework was preferred because it specialises in energy efficiency improvements and has a major ECO obligated supplier on the framework.

The proposed energy savings programmes fall within the Great Place to Live strand of the Community Plan and in particular objective 2 - Improving and maintaining the quality of housing, including by maximizing energy efficiency.

Alternative options

Soft market testing indicates there is current interest in the council's proposed procurement; however, a further lengthy delay may result in the potential partner energy companies discharging their interest in other schemes, which – at the moment – is mitigated by adopting the RENEW Framework.

7. A PROSPEROUS COMMUNITY

7.1 Proposals for Bow School

DECISION

1. To agree that statutory proposals for the enlargement and change of character of Bow School from September 2014 should be implemented as published.

Action by:

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

(Head of Building Development (P. Watson))

Reasons for the decision

Proposals have been developed to expand Bow School, admit both boys and girls and transfer to a larger site. 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 6.35 and 8.8 of the report.

8. A SAFE AND COHESIVE COMMUNITY

8.1 Cumulative Impact Policy (Brick Lane Saturation Zone)

DECISION

1. To consider the proposed Cumulative Impact Policy and agree that it may go forward to Full Council for adoption.
2. To note that it is intended to present the Cumulative Impact Policy to Full Council on the 18th September 2013.
3. To agree that when the policy goes before full Council for adoption it will form part of the reviewed Statement of Licensing Policy.
4. To recommend that Full Council approve the Cumulative Impact Policy for the Brick Lane area.

Action by:**CORPORATE DIRECTOR COMMUNITIES, LOCALITIES AND CULTURE
(S. HALSEY)**

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

Reasons for the decision

The Council has the power to consider the cumulative impact of licensed premises in any part of the Borough and make special provision for this in its Statement of Licensing Policy.

The draft policy consultation results demonstrated very high levels community support for the introduction of such a policy.

Alternative options

Cabinet could choose not to progress the introduction of a Cumulative Impact Policy. This option would be inconsistent with the achievement of the licensing objectives i.e. reducing crime and disorder and nuisance.

The adoption of the Cumulative Impact Policy will enable the current licence holders to carry on their business as they currently do. The creation of the zone will require any new licence applicants to demonstrate that they will not have an adverse impact on the area and to successfully address a rebuttal presumption against additional licenses established by the supporting policy.

9. A HEALTHY AND SUPPORTIVE COMMUNITY**9.1 Supporting Carers - Respite Care Breaks****DECISION**

1. To approve the approach set out in the report to the recommissioning of respite care breaks.

Action by:**INTERIM CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND
WELLBEING (A. CANNING)**

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

Reasons for the decision

The proposed approach supports:

- 1) Delivery of the agreed Council's Carers Plan
- 2) Stated Council objectives, including the transformation of adult social care, prevention and early intervention, supporting carers to stay healthy
- 3) Value for money whilst improving service quality.

Alternative options

One option would be to maintain the status quo and extend the existing contractual arrangements for respite care breaks. This is not recommended as extending the contracts minimises the opportunity to:

- Secure better value for money
- Change the service provision to meet current and future needs
- Achieve better outcomes

Another option would be to not replace the contractual arrangements for respite care. This is not recommended as it would mean that many carers would not be able to sustain their caring roles and it would increase the need for more expensive residential care.

10. ONE TOWER HAMLETS**10.1 Welfare Reform and Discretionary Support****DECISION**

1. To note the likely impact of welfare reform and the limited funds available to provide support meaning we need to think carefully about how to support those most in need;
2. To agree the option at paragraph 7.9.2 to provide funding of £2.2 million to the Mayor's Temporary Accommodation Support Fund.
3. Subject to the decision relating to recommendation 2.2 above, transfer £950,000 from the earmarked reserve for Homelessness to the Housing Options Budget for 2013/14 to support the Mayor's Temporary Accommodation Support Fund.
4. To consider any additional or new considerations which should form the basis of determining eligibility for the Support Fund;
5. To review the revised Discretionary Housing Payments policy;

Action by:**ACTING CORPORATE DIRECTOR RESOURCES (C. HOLME)**

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

(Service Head, Housing Options (C. Cormack)

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

Reasons for the decision

Central government legislative change to welfare has had a significant impact on local authorities. Many of the changes to welfare, from the localisation of the council tax and social fund, to the rollout of Local Housing Allowance and benefit caps has been left with local authorities to administer. The impacts on

high rent areas, particularly in inner London continue to be significant, with thousands of residents facing reduced incomes.

Managing the impact of welfare reform on local residents is therefore a key strategic priority for the council and forms part of A Prosperous Community community plan theme. The rollout of the benefit cap in Tower Hamlets from 12 August 2013 - which will have the greatest financial impact on residents of all the reforms – requires the council to act decisively to the additional hardship that many residents face. This paper outlines the financial support which is required to do so, both support provided by central government (the Department for Work and Pensions) and locally, through the Mayor's Temporary Accommodation Fund.

Alternative options

To leave the Discretionary Housing Payments policy unchanged. This would not take into account the additional impact welfare reforms will have on residents and the relationship with the Mayor's Crisis and Support Grants and the Mayor's Temporary Accommodation Support Fund. Not amending the policy to reflect this new environment may result in Discretionary Housing Payments not being administered effectively over the year, potentially resulting in significant shortfalls or surpluses by the end of the year, resulting in uneven and inconsistent support.

To not provide a Mayor's Temporary Accommodation Support Fund. This would result in many hundreds of homeless temporary accommodation families (up to 450) being left with significant financial shortfalls. This will result in the financial burden of rent payments falling to the Council which would incur similar, if not greater costs than the Fund itself, certainly in the short and medium term. It would also result in significant distress for many families.

10.2 Financial Inclusion Strategy

DECISION

1. To agree the Financial Inclusion Strategy and Action Plan 2013 – 17 as set out in Appendix 1 to the report.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)

(Interim Service Head, Economic Development (A. Scott))

(Community Resources Coordinator (M. Farrelly))

Reasons for the decision

The changes to welfare support introduced in the Welfare Reform Act 2012 including the proposed introduction of universal credit, alongside the protracted economic downturn, has considerable implications for low income households in the borough. It is therefore necessary to review financial inclusion and money management support services in the borough and

identify how best local partners can respond to supporting residents through these challenging times.

Developing the strategy has provided an opportunity for the Council and its partners to assess levels and drivers of financial exclusion in the borough and develop a framework for improving financial capability and improving access to financial and money management support services.

Alternative options

The Mayor in Cabinet may choose not to agree the strategy. This course of action is not recommended as the need for a more co-ordinated and targeted partnership approach to tackling financial exclusion has been identified, particularly as demand for financial inclusion support services is increasing in response to the challenges of the current economic climate and welfare reform changes.

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

10.3 Quarter 2 Special Contracts Forward Plan

DECISION

1. That, subject to the removal of ESCW (AHWB) 4471 (Carers Respite Breaks Framework Agreement) from the list of contracts, all the remaining contracts could go out to tender.
2. That the agreed contracts, after tender, could proceed to contract award 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.
3. To authorise the Assistant Chief Executive (Legal Services) to execute all necessary contract documents in respect of the awards of contracts referred to at recommendations 1 above.

Action by:

ACTING CORPORATE DIRECTOR RESOURCES (C. HOLME)

(Senior Procurement Manager (Z. Ahmed))

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.

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.

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 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 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/Restricted minutes of the Cabinet meeting held on 3 July 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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.06 p.m.

**Isabella Freeman
ASSISTANT CHIEF EXECUTIVE (Legal Services)**