

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.36 P.M. ON WEDNESDAY, 5 MARCH 2014

**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 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:

Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Md. Maium Miah	(Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)

Officers Present:

Jamie Blake	(Service Head of Public Realm, Communities Localities and Culture)
Mark Cairns	(Senior Strategy, Policy and Performance Officer)
Deborah Cohen	(Service Head, Commissioning and Health, Education, Social Care and Wellbeing)
Aman Dalvi	(Corporate Director, Development & Renewal)
Ben Gadsby	(Political Adviser to the Conservative Group)
Stephen Halsey	(Head of Paid Service and Corporate Director Communities, Localities & Culture)
Chris Holme	(Acting Corporate Director - Resources)
Ellie Kuper-Thomas	(Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's)
Chris Lovitt	(Associate Director of Public Health)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Anthony Walters	(Transformation Manager, Education Social Care and Wellbeing)
Graham White	(Interim Head of Legal Operations)
John Fennessy	(Head of Media)
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 5 March 2014.

Most decisions may be ‘called in’ for scrutiny by the Overview and Scrutiny Committee to be held on **Tuesday 1 April 2014** on receipt of a written request. The **deadline** for the receipt of any such written request is **5.00pm** on **Friday 14 March 2014**. Such requests should be made to John Williams, Service Head Democratic Services.

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 - 16.4). These set out the time-scale for “call in”, those persons who may “call in”, the details the request must contain and which decisions may not be called-in.

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 17 March 2014.

Any decision ‘called in’ for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 1 April 2014, **can be implemented** the following day, **Wednesday 2 April 2014**.

Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 1 April 2014, will be **referred back to the Mayor in Cabinet** for further consideration on **Wednesday 2 April 2014**.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Shahed Ali (Cabinet Member for Environment)
- Councillor Rabina Khan (Cabinet Member for Housing)
- Councillor Rania Khan (Cabinet Member for Culture)
- Councillor Oliur Rahman (Cabinet Member for Children’s Services)
- Robin Beattie (Service Head Strategy and Resources, CLC)

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (JS. WILLIAMS)
(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 5 February were noted.

Action by:
SERVICE HEAD, DEMOCRATIC SERVICES (JS. WILLIAMS)
(Committee Services Manager (M. Mannion))

4. PETITIONS

Nil items.

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 Highways Contract Re-procurement - Contract Extension

DECISION

1. To approve the extension of current Highways Contracts outlined in paragraph 3.1 of the report, for a maximum of 3 months.
2. To authorise the Service Head - Legal Services to execute all necessary contract documents to implement this decision.

Action by:
CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)
(Head of Waste Strategy, Policy and Procurement (F. Heyland))
(Head of Transport and Highways (M. Cooper))

Reasons for the decision

In June 2013 the Council issued an OJEU Notice to procure replacement Highways contracts. The procurement process progressed smoothly to Tender stage but is now experiencing some difficulties as Tenderers within

this sector have little experience of bidding in relation to the Community Benefits that have been included as part of the contractual requirement.

The Tender return date was originally set for 3rd February however, given the complexity of the issues that have been raised and the need to issue some revised Tender documentation, it was necessary to extend the Tender period through to 24th February. This action was agreed by CMT on 4th February to ensure that the opportunity to deliver outputs that benefit the community as set out in the Procurement Policy Imperatives is maximised.

Extending the Tender period has reduced the amount of time left for the incoming contractor to mobilise the new services, to the extent that it will not be possible to start the new contract by the time that the current contracts are due to expire. Extending the current contracts by a period of no more than 3 months is proposed as the most appropriate action to mitigate the risks to the Council of not being able to commence the new contract as expected on 1st July 2014. As the delay facilitates the acquisition, through the contract process, of community benefits specific to local training, employment and the local economy it is considered a pragmatic measure worth taking.

Alternative options

Utilise access to other collaborative contracts in the period between expiry of existing contracts and start of the new contracts : this option has also been dismissed for the majority of works other than ad hoc individual projects since it would have unacceptable impacts on the employees of incumbent contractors who have established TUPE rights.

Maintain the proposed start date of July 1st 2014 by extending the Tender period and reducing the contract mobilisation period. Reducing the amount of time for the incoming contractor to mobilise the new services will unfairly favour the incumbent contractors and therefore risk challenge from others who could not be reasonably expected to mobilise to start the new contract in less than 3 months.

7. A PROSPEROUS COMMUNITY

Nil items.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Award of contract for various Social Care services

DECISION

1. To approve the award of contract to the recommended bidder for each service as listed below:

Service:	Recommended bidder:
Carers Support Services – Dementia Carers Support Service	Alzheimer's Society Tower Hamlets
Carers Support Services – Somali Carers Support Service	Black Women's Health & Family Support
Carers Support Services – Bangladeshi Women Carers Support Service	Usha Mohila Somity
Carers Support Services – Carers Retreat Service	London Buddhist Centre

2. To authorise the Corporate Director of Education, Social Care and Wellbeing, after consultation with the Service Head - Legal Services, to agree the final terms and conditions of the contract for each service;
3. To authorise the Service Head - Legal Services to execute all necessary contract documents to implement this decision.

Action by:

CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING (R. McCULLOCH-GRAHAM)

(Service Head Commissioning and Health (D. Cohen)

(Programme Director Special Projects (K. Burns)

Reasons for the decision

To enable the award and mobilisation of contracts for a range of adult social care services, as listed in the body of the report below, in order to ensure continuity of service provision to vulnerable residents eligible to receive community care services.

Alternative options

The Mayor in Cabinet could instruct officers to set aside any or all of the proposed contract award decisions, and to re-run the relevant competitive tender processes. While such a course of action is allowed by the Council's Procurement Rules it is not recommended for the following reasons:

- Each of the tender exercises has been undertaken in a manner that is fully compliant with the Council's Procurement Procedures and Procurement Policy Imperatives, and has generated sufficient levels of competition to give confidence that quality and value for money considerations have been fully addressed;
- While the Council reserves the right not to award a contract to any bidder following a competitive tender exercise, without a compelling

reason to follow this course of action the risk of legal challenge from bidders is considered to be high;

- Any delay in awarding contracts while a new competitive tender exercise was undertaken would inevitably be significant and would necessitate interim contractual arrangements that would create uncertainty for both service users and interim service providers.

9.2 Permission to extend existing contract for sexual and reproductive health

DECISION

1. To agree to the extension of the existing contract to provide sexual and reproductive health services until October 2014.
2. To authorise the Service Head - Legal Services to execute all necessary contract documents to implement this decision.

Action by:

**CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)**

(Associate Director of Public Health (C. Lovitt))

Reasons for the decision

On the 11th September 2013 Cabinet agreed to re-procure a number of services funded from the public health grant, including a range of sexual health services. Tower Hamlets Contraceptive and Sexual Health Service (THCaSH) located at Mile End Hospital is one of these services. The council is mandated to provide these sexual health treatment services as part of the arrangements of the Health and Social Care Act 2012.

The re-procurement process for sexual and reproductive health services was delayed whilst the contract for 2013/14 was agreed, key information was supplied by the current provider and until the new national standards for treatment of sexually transmitted infections were published.

The new standards were published in January 2014. These have now been incorporated enabling the re-procurement process to start. To ensure continuity of patient care an extension is sought to the current contract of the existing provider until October 2014.

Alternative options

- 1 Cease current service provision on 1st April 2014.

This is a mandated public health service which sees large numbers of local residents. There are not currently alternative providers who have capacity or a contract to provide alternative services.

2 Move to an alternative payment mechanism e.g. Genito Urinary Medicine Payment by Results tariff (GUM PBR).

This is likely to be a more expensive option and does not fully cover the services provided by a reproductive health service e.g. all aspects of contraception fittings, chlamydia screening programme co-ordination, education and outreach.

3 Allow contract to lapse.

There would be financial and service quality risks if an extension was not agreed.

4 Reduce procurement timetable.

This contract value exceeds European procurement thresholds and a number of organisations are expected to bid for the contract. It would be unlikely to be possible to reduce procurement timescales whilst ensuring services to residents were not unduly disrupted.

10. ONE TOWER HAMLETS

10.1 Child Rights

DECISION

1. To consider and agree the wording of the Mayor's Charter of Child Rights and support the launch of the child rights commitment in Tower Hamlets.
2. To agree the Council will be a signatory of the Charter
3. To agree for the charter to be publicly launched, with partner organisations who are also signing the charter and agreeing to promote and embed child rights within their organisations.

Action by:

**CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)**

(Transformation Manager, Education, Social Care and Wellbeing (A. Walters)
(Strategy, Policy and Performance Officer E. Kuper Thomas)

Reasons for the decision

The Mayor's Charter of Child Rights, aimed at promoting children's rights across Tower Hamlets, has been developed in consultation with young people in order to promote child rights in Tower Hamlets. The Charter is being developed as a statement of the commitment of the Council and its partners to embedding a child rights based approach. Furthermore, through the Charter, children and young people will be educated about their rights. The ultimate goal is to make Tower Hamlets a child friendly borough.

A separate Charter has been created, in consultation with young people, for young people with a statement on the actions they can undertake to promote their rights.

Alternative options

The Mayor in Cabinet could decide not to support the creation of a Child Rights Charter for Tower Hamlets. However, although the Convention on the Rights of the Child (CRC) has not become part of UK's domestic law, the UK has signed the convention (on 19 April 1990) and ratified it (on 16 December 1991) and the government is committed to the CRC and to its implementation. As a public body, the Council is already a duty bearer of the Convention of the Rights of the Child.

Developing a local a charter is a public demonstration of our commitment, which will help embed best practice and will have benefits for our young people and the wider community.

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

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.

- Agenda item 19.1 “Award of Contracts for Various Social Care Services” 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 the above listed reports 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 5 February 2014 were noted.

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (JS. WILLIAMS)

(Committee Services Manager (M. Mannion))

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

19.1 Award of Contract for Various Social Care Services

DECISION

1. To note the report.

Action by:

**CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)**

(Service Head Commissioning and Health (D. Cohen)

(Programme Director Special Projects (K. Burns)

Reasons for the decision

As set out in the unrestricted report.

Alternative options

As set out in the unrestricted report.

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 5.58 p.m.

John S Williams
SERVICE HEAD, DEMOCRATIC SERVICES