

Meeting of the

CABINET

Wednesday, 5 March 2014 at 5.30 p.m.

AGENDA – SECTION ONE

VENUE

Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Members:

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)
Councillor Oliur Rahman	– (Cabinet Member for Children's Services)

[Note: The quorum for this body is 3 Members].

Committee Services Contact:

Matthew Mannion, Democratic Services,
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www.towerhamlets.gov.uk/committee

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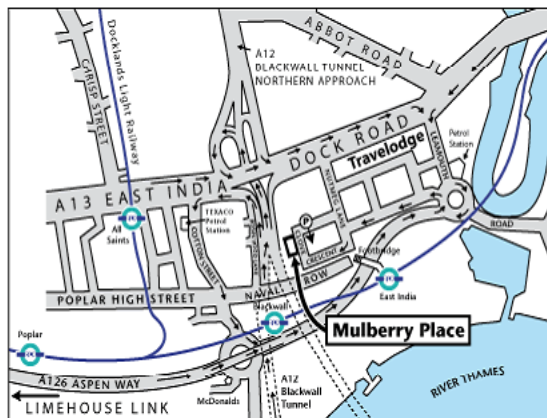
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A Guide to CABINET

Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor Lutfur Rahman** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through www.towerhamlets.gov.uk/committee

Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a Key Decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 7 March 2014**
- The deadline for call-ins is: **Friday, 14 March 2014**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there are opportunities for the public to contribute.

1. Public Question and Answer Session

Before the formal Cabinet business is considered, up to 15 minutes are available for public questions on any items of business on the agenda. Please send questions to the clerk to Cabinet (details on the front page) by **5pm the day before the meeting**.

2. Petitions

A petition relating to any item on the agenda and containing at least 30 signatures of people who work, study or live in the borough can be submitted for consideration at the meeting. Petitions must be submitted to the clerk to Cabinet (details on the front page) by: **Thursday, 27 February 2014 (Noon)**

LONDON BOROUGH OF TOWER HAMLETS

CABINET

WEDNESDAY, 5 MARCH 2014

5.30 p.m.

PUBLIC QUESTION AND ANSWER SESSION

There will be an opportunity (up to 15 minutes) for members of the public to put questions to Cabinet members before the Cabinet commences its consideration of the substantive business set out in the agenda.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. UNRESTRICTED MINUTES

PAGE NUMBER	WARD(S) AFFECTED
5 - 18	

The unrestricted minutes of the Cabinet meeting held on 5 February 2014 are presented for information.

4. PETITIONS

To receive any petitions.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions in Relation to Unrestricted Business to be Considered

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

(Under provisions of Article 6 Para 6.02 V of the Constitution).

UNRESTRICTED REPORTS FOR CONSIDERATION

6. A GREAT PLACE TO LIVE

- | | | | |
|------|---|---------|-----------|
| 6 .1 | Highways Contract Re-procurement - Contract Extension | 19 - 28 | All Wards |
|------|---|---------|-----------|

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 | 29 - 38 | Bow West;
East India &
Lansbury;
Mile End
East;
Shadwell |
| 9 .2 | Permission to extend existing contract for sexual and reproductive health | 39 - 44 | All Wards |

10. ONE TOWER HAMLETS

- | | | | |
|-------|--------------|---------|-----------|
| 10 .1 | Child Rights | 45 - 56 | All Wards |
|-------|--------------|---------|-----------|

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items.

13. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda, the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972”.

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

14. EXEMPT / CONFIDENTIAL MINUTES

The exempt / confidential minutes of the Cabinet meeting held on 5 February 2014 are 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.

15 .2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee

(Under provisions of Article 6 Para 6.02 V of the Constitution).

EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

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

All Wards

20. ONE TOWER HAMLETS

Nil items.

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

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

- Meic Sullivan-Gould, Interim Monitoring Officer, 020 7364 4800
- John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.35 P.M. ON WEDNESDAY, 5 FEBRUARY 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 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 Oliur Rahman	(Cabinet Member for Children's Services)

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 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)
Councillor Motin Uz-Zaman	(Chair, Overview & Scrutiny Committee)

Officers Present:

Katherine Ball	(Senior Accountant, Development & Renewal)
Robin Beattie	(Service Head, Strategy & Resources, Communities Localities & Culture)
Michael Bell	(Strategic Planning Manager, Development & Renewal)
Kate Bingham	(Service Head, Resources, Education Social Care and Wellbeing)
Anne Canning	(Service Head Learning and Achievement, Education Social Care and Wellbeing)
Aman Dalvi	(Corporate Director, Development & Renewal)
Peter Farnham	(Strategic Planning Officer)
Daniel Fordham	(Business Partnerships Manager)
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,

Paul Leeson	Chief Executive's (Finance Manager, Development & Renewal)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Andy Scott	(Interim Service Head Economic Development, Development and Renewal)
Takki Sulaiman	(Service Head Communications, Chief Executive's)
Meic Sullivan-Gould	(Monitoring Officer)
Ann Sutcliffe	(Service Head Corporate Property and Capital Delivery, Development and Renewal)
Matthew Mannion	(Committee Services Manager, Democratic Services, Chief Executive's)

NOTE - AGENDA ORDER

During the meeting the Mayor agreed to vary the order of business to take Item 10.1 (Housing Revenue Account Budget Report) straight after Item 6.3 (Neighbourhood Planning). To aid clarity, the Minutes are presented in the order that the items originally appeared on the agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Rania Khan (Cabinet Member for Culture).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 8 January 2014 were noted.

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

Councillor Motin Uz-Zaman, Chair of the Overview and Scrutiny Committee (OSC) provided an update on the discussions that had taken place at their last meetings.

In particular he noted:

- The Committee's concern that the Mayor had not been able to attend the OSC meeting.
- The Committee had had a fruitful discussion on grants allocations where they examined the applications that had so far been received and approved. They had noted a disparity in where money had been allocated and the need to ensure all residents were served equally.
- The need to ensure Members behaved appropriately in the run up to the elections in particular in the types of events they attended.
- The Committee had expressed concern about the limited information provided in respect of the proposed new Town Hall in Whitechapel. Members were concerned to see more detail of the costings and alternative options.
- The lack of information available to properly scrutinise use of the Executive Mayor's car.

The **Mayor** thanked Councillor Motin Uz-Zaman for his update.

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

The clerk advised that no requests had been received to 'call-in' for further consideration, by the Overview and Scrutiny Committee, any provisional decisions taken by the Mayor in Cabinet at the meeting held on 8 January 2014.

6. A GREAT PLACE TO LIVE

6.1 Whitechapel Vision Economic and Employment Impacts Study

Councillor Shafiqul Haque, Cabinet Member for Jobs and Skills, introduced the report, highlighting the vision's potential to deliver economic benefits to residents and local businesses as well as providing the Borough with a new Civic Hub.

During discussion Members highlighted a number of potential benefits including new jobs for local people, improving local facilities for shops and market stall holders. However, Members also noted the need to ensure there was a clear strategy for communicating with residents and businesses and the need to protect the character of Whitechapel.

The **Mayor** thanked Members for their contributions and **agreed** the recommendations as set out in the report.

RESOLVED

1. To note the contents of the report in terms of the anticipated economic and employment impacts of the delivery of the Whitechapel Vision masterplan; and

2. To note in particular the report's analysis with regard to the likely impacts of the delivery of the new civic hub which the masterplan proposes.

6.2 Mulberry Place and proposed Civic Centre

Councillor Alibor Choudhury, Cabinet Member for Resources, introduced the report highlighting that the proposed civic centre was an integral part of the Whitechapel vision. He also reported on issues relating to staying at Mulberry Place such as the lease expiring and accessibility concerns. Finally, he noted the alternative options set out and asked that the Mayor confirm his preferred option.

Following debate, the **Mayor** thanked the Lead Member for the report, noted that there was a Part II/Exempt report later on the agenda and confirmed his preference to develop the former hospital site in Whitechapel for the new civic centre. On that basis he **agreed** the relevant recommendations as set out in the report.

RESOLVED

1. To confirm the former hospital site in Whitechapel as the preferred option for the new civic centre;
2. In light of the above preference:
 - a. To authorise the Corporate Director Development and Renewal to complete negotiations with Bart's Health NHS Trust for the purchase of Grade 2 listed former hospital building/site in Whitechapel on Whitechapel Road for the purpose of a new civic centre. The purchase cost and offer, of up to the sum specified in the exempt section of this report, is on an unconditional basis.
 - b. To agree commencement of the design and procurement work streams.
 - c. To agree preparation of a final financial business case to provide detailed analysis to satisfy the procurement appraisal as detailed in the outline business case and confirm the proposed exit strategy should the council not proceed with the scheme.
 - d. To agree disposal of the surplus sites identified within the outline business case in accordance with the proposed programme.
 - e. To agree expenditure of up to £200k to implement recommendations b, c and d above.

3. To authorise the Corporate Director Development and Renewal, after consultation with the Head of Legal Services, to agree the final terms and conditions of any agreement required to implement the decisions in 2 above.
4. To authorise the Head of Legal Services to execute all necessary contract documents to implement this decision.

6.3 Neighbourhood Planning - Application to establish Neighbourhood Planning Forums and Areas in Shoreditch & Wapping

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She set out the reasons for approving the East Shoreditch Neighbourhood Planning Forum Application and the reasons why the Network Wapping application should be refused whilst new proposals were drawn up.

The **Mayor** welcomed the report and **agreed** the recommendations as set out.

RESOLVED

East Shoreditch Neighbourhood Planning Forum application:

1. To designate the submitted Neighbourhood Planning Area for East Shoreditch in its entirety for the area within the London Borough of Tower Hamlets (shown on the plan attached at Appendix 1) pursuant to Section 61G of the Town and Country Planning Act 1990.
2. To designate the East Shoreditch Neighbourhood Planning Forum as the Neighbourhood Planning Forum for the designated East Shoreditch Neighbourhood Planning Area within the London Borough of Tower Hamlets pursuant to Section 61F of the Town and Country Planning Act 1990.

Network Wapping application:

3. To refuse to designate the Neighbourhood Planning Area submitted by Network Wapping but designate part of the submitted area as the Wapping Neighbourhood Planning Area (shown on the plan attached at appendix 1) pursuant to Section 61G of the Town and Country Planning Act 1990 for the reasons stated in section 1 of this report.
4. To refuse to designate Network Wapping as the Neighbourhood Planning Forum for the designated Wapping Neighbourhood Planning Area pursuant to Section 61F of the Town and Country Planning Act 1990. This is because there remains significant objection to the designation of Network Wapping as a Neighbourhood Planning Forum demonstrating a lack of community

cohesion in terms of leadership for neighbourhood planning such that the Council is not satisfied that the proposed forum are representative of the local community to an extent that will lead to successful neighbourhood planning within the Wapping area.

7. A PROSPEROUS COMMUNITY

7.1 Proposed Expansion of Olga School

Councillor Oliur Rahman, Cabinet Member for Children's Services, introduced the report. He highlighted the extremely strong performance of the schools in Tower Hamlets and the need to ensure that no child had to settle for second best.

The **Mayor** welcomed the report and **agreed** the recommendation as set out.

RESOLVED

1. To agree that statutory proposals should be published for the enlargement of Olga Primary School to admit 90 pupils in each year from September 2016.

7.2 Determination of School Admission Arrangements for 2015/16

Councillor Oliur Rahman, Cabinet Member for Children's Services, introduced the report. He highlighted that nursery admission arrangements were being included to make it clearer to parents on how they were allocated.

The **Mayor** welcomed the report and **agreed** the recommendations as set out.

RESOLVED

1. To agree the arrangements and oversubscription criteria for admission to Community Nursery Schools/Classes in 2015/16, as set out in Appendix 1.
2. To agree the arrangements, oversubscription criteria and catchment areas for admission to Community Primary Schools in 2015/16, as set out in Appendices 2 and 3.
3. To agree the arrangements and oversubscription criteria for admission to Community Secondary Schools in 2015/16, as set out in Appendix 4.
4. To agree the scheme for co-ordinating admissions to Reception Year of primary school and Year 7 of secondary school for 2015/16, as set out in Appendix 5.

5. To agree the scheme for co-ordinating 'In-Year' Admissions for 2015/16, as set out in Appendix 6.
6. To agree the planned admission number for each School in Tower Hamlets in 2015/16, as set out in Appendix 7.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Award of contract for Young People's Substance Misuse Services

The **Mayor** welcomed the report, confirmed that he was happy with the proposals, noted the Part II/Exempt report later on the agenda and **agreed** the recommendations as set out.

RESOLVED

1. To approve the award of contract to the recommended bidder, Lifeline, for the Young People's Substance Misuse Service;
2. To authorise the Corporate Director of Education, Social Care and Wellbeing, in consultation with the Head of Legal Services, to agree the final terms and conditions of the contract;
3. To authorise the Head of Legal Services to execute all necessary contract documents to implement this decision.

9.2 Award of contract for various Social Care services

The **Mayor** welcomed the report, and noted the Part II/Exempt report later on the agenda.

Following discussion, the **Mayor** highlighted a number of issues including:

- The need to ensure that any contract extensions were agreed with the Mayor.
- To ensure that the Council was involved in any subcontracting processes in relation to the Advocacy and Mental Health contract.
- That he was requesting additional information on the criteria for choosing the preferred bidder on the Personal Care in four Extra Care Sheltered Housing Schemes and that he would not be approving that contract until he had received this extra information.

Subject to removing the Personal Care in four Extra Care Sheltered Housing Schemes, the **Mayor agreed** the recommendations as set out.

RESOLVED

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

Service:	Recommended bidder:
Mental Health Carers Support Service	Rethink Mental Illness
Mental Health Family Support Service	Family Action
Advocacy and Independent Mental Health Advocacy Service	PohWER
Link Age Plus	Toynbee Hall (Consortium lead)
Autism Diagnostic and Intervention Service	East London Foundation Trust

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

10. ONE TOWER HAMLETS**10.1 Housing Revenue Account Budget Report – 2014/15**

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She highlighted that the cost of providing the service had been reduced by 4.5% and that the Council would continue to examine ways to reduce costs.

The **Mayor agreed** the recommendations as set out in the report.

RESOLVEDRevenue

1. To approve the draft 2014/15 Housing Revenue Account budget as set out in Appendix 1.
2. To approve the draft 2014/15 Management Fee payable to Tower Hamlets Homes (THH) of £33.633 million as set out in Table 2 in section 7.16.
3. Subject to 2 above, to note that under the Management Agreement between the Council and THH, THH will manage delegated income budgets of £88.034 million and delegated expenditure budgets of £24.381 million on behalf of the Council in 2014/15.

4. To note that, as referred to in paragraph 7.9, a sum of £0.205 million is being held within the HRA to provide for an assumed 1% pay award for 2014/15, and agree that the Management Fee will be adjusted – if necessary - to reflect the pay award when it is finalised.
5. To note that, as detailed in paragraph 7.10, a sum of £1.3 million is being held within the HRA to provide for a possible increase in Employer Pension contributions in 2014/15, and agree that the Management Fee will be adjusted – if necessary - to reflect this increase as and when it is finalised.
6. To note the HRA Medium Term Financial Plan (2014-17) outlined in Appendix 2.

Capital

7. To adopt a capital estimate of £6.7 million in relation to Mechanical and Electrical schemes, as outlined in paragraph 9.7 and Table 4.
8. To adopt a capital estimate of £3.5 million in relation to external works on non- Decent Homes blocks, as outlined in paragraphs 9.8 and 9.9.
9. To adopt a capital estimate of £1 million to fund Overcrowding Reduction Initiatives as outlined in paragraph 9.10.
10. 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 9.11.
11. To adopt a capital estimate of £250,000 in order to maintain a contingency for urgent works of £1 million, as outlined in paragraph 9.12.
12. To adopt a capital estimate of £3.610 million in respect of the Extensions element of the GLA Pipeline scheme, and note that the Council will receive £1.020 million of GLA funding for this scheme (paragraphs 9.15 to 9.18).
13. To adopt a capital estimate of £995,000 for the award of Disabled Facilities Grants, as outlined in paragraph 10.1, subject to funding being confirmed from within the Department of Health Personal Social Services capital grant.
14. To adopt a capital estimate of £550,000 in respect of Private Sector Improvement Grants, including Empty Property Grants, for 2014/15, to be financed from ring-fenced resources received from the East London Renewal Partnership (paragraph 10.2).

10.2 General Fund Capital and Revenue Budgets and Medium Term Financial Plan 2014-2017

Councillor Alibor Choudhury, Cabinet Member for Resources, introduced the report. He highlighted a number of issues including:

- The extremely challenging cuts in government funding.
- The need to make proper use of the Council's reserves.
- The use of funds originally allocated to pay for free school meals that would now be targeted at other areas such as jobs.
- The proposed programme to support women into health related jobs and training.
- The need to deliver on the Mayor's priorities and to protect front line services.
- The tabled paper on the response to the two budget roadshows the Council had undertaken.

Opening up the item to debate, the **Mayor** welcomed the report and thanked the Head of Paid Service, the Interim Corporate Director, Resources and all officers and Lead Members for their work in preparing the proposals.

During debate, Councillor Ohid Ahmed, Deputy Mayor, proposed an amendment to provide for additional police officers for the Borough's streets and the **Mayor** proposed an amendment to improve the Council Tax benefit scheme with an additional £25 of support to eligible households.

Following further debate, the **Mayor** noted the tabled paper on the budget roadshows and the response of the Overview and Scrutiny Committee. He also accepted the two proposed amendments, and, subject to the amendments, agreed the recommendations as set out in the report.

RESOLVED

1. To agree a General Fund Revenue Budget of £292.358m and a Council tax (Band D) at £885.52 for 2014-2015 be referred to Full council for consideration.
2. To note the following matters -
 - a. Budget Consultation

The results of the feedback for the budget consultation are being collated but could not be completed prior to publication of this report as the second budget roadshow took place on the 27th January 2014. The results were presented as an addendum to this report.

- b. Funding

The funding available for 2014-2015 and the indications and forecasts for future years set out in Section 8.

c. Base Budget 2014-2015

The Base Budget for 2014-2015 as £295.732m as detailed in Appendix 1.

d. Growth and Inflation

The risks identified from potential inflation and committed growth arising in 2014-2015 and future years and as set out in Section 9 and in Appendix 3.

e. General Fund Revenue Budget and Medium Term Financial Plan 2014-2015 to 2016-2017

The initial budget proposal and Council Tax for 2014-2015 together with the Medium Term Financial Plan set out in Appendix 1 and the budget reductions arising.

f. Savings

Previously agreed savings items to be included in the budget for 2014-2015 and the strategic approach for future savings to be delivered are set out in Section 10, Appendix 4 and paragraph 7.13 of the report.

g. Capital Programme

The capital programme to 2016-2017; including the proposed revisions to the current programme as set out in section 14 and detailed in Appendices 8.1, 8.2 & 8.3.

h. Dedicated Schools Grant

The position with regard to Dedicated Schools Grant as set out in Section 12 and Appendices 6.1 & 6.2.

i. Housing Revenue Account

The position with regard to the Housing Revenue Account as set out in Section 13 and Appendix 7.

j. Financial Risks: Reserves and Contingencies

Advise on strategic budget risks and opportunities as set out in Section 11 and Appendices 5.1, 5.2 and 5.3.

k. Reserves and Balances

The position in relation to reserves as set out in the report and further detailed in Appendices 5.1 and 5.3

I. Mayor's Priorities

An initiative (Working Start for Women in Health and Childcare) to be included in the budget for 2014-15 is set out in paragraphs 8.29 to 8.36 of this report and a detailed proforma in Appendix 3.

3. To authorise officers to present two additional proposals to be submitted as part of the report to be considered at Council:
 - a. An initiative to fund an additional 20 police officers for the Borough.
 - b. To provide support to low income households who are already entitled to partial council tax support, by way of a £25 reduction against their remaining council tax liability in 2014/15"

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items.

12.1 Exercise of Corporate Directors' Discretions

The **Mayor agreed** the recommendation as set out.

RESOLVED

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

13. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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 16.1 “Mulberry Place and Proposed Civic Centre” 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 “Young Person Substance Misuse Tender Award” 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 19.2 “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

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

16.1 Mulberry Place and Proposed Civic Centre

The **Mayor** agreed the recommendations as set out in the report.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

19.1 Young Persons Substance Misuse Tender Award - Exempt Report

RESOLVED

1. To note the content of the report.

19.2 Award of Contracts for Various Social Care Services

RESOLVED

1. To note the content of the 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 7.13 p.m.

John S. Williams
SERVICE HEAD, DEMOCRATIC SERVICES

Cabinet 5 March 2014	 TOWER HAMLETS
Report of: Stephen Halsey, Head of Paid Service and Corporate Director, Communities, Localities and Culture	Classification: Unrestricted
Highways Contract Reprocurement	

Lead Member	Cllr Ohid Ahmed (Deputy Mayor)
Originating Officer(s)	Fiona Heyland Head of Waste Strategy, Policy & Procurement Margaret Cooper, Head of Transport & Highways
Wards affected	All wards
Community Plan Theme	A Great Place to Live
Key Decision?	Yes

Executive Summary

- 1.1 The Council's current provision for Highway maintenance and planned major works is currently commissioned as five separate contracts which are due to expire at the end of June 2014. In June 2013 the Council issued an OJEU Notice to procure replacement 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.
- 1.2 Extending the tender deadline would effectively make it impossible to start the new contract by the time that the current contracts are due to expire since the amount of time left for the incoming contractor to mobilise the new services would be insufficient to secure new plant and materials and conclude TUPE arrangements. Extending the current contracts by a period of no more than 3 months is therefore 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.

Recommendations:

The Mayor in Cabinet is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 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.
- 1.2 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.
- 1.3 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.

2. ALTERNATIVE OPTIONS

- 2.1 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.
- 2.2 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.

3. DETAILS OF REPORT

- 3.1 The Council's current provision for Highway maintenance and planned major works is currently commissioned as five separate contracts:
- Carriageway Maintenance Works
 - Footway Maintenance Works
 - Major Planned Highway Works (capital works)
 - Gully Cleansing works
 - Street Lighting Maintenance Contract
- These contracts are due to expire by 30th June 2014.
- 3.2 On 10th June 2013 the Council issued an OJEU Notice to commence the re-procurement of these services under one procurement process but with the services offered in the following 4 Lots:
- Lot 1 - Carriageway & Footway Maintenance and Gully Cleansing
 - Lot 2 - Highways Major Works
 - Lot 3 - Street Lighting Maintenance
 - Lot 4 – Street Lighting Replacement Programme
- 3.3 The Council received a total of 15 on time PQQ responses and 1 PQQ response that was received late. On 11th November the Council notified the outcome of the PQQ evaluation process, advising 11 companies that they had been successful in being shortlisted to Tender. Following a short delay the Invitation to Tender and Tender document pack was issued to the 11 successful companies on 4th December 2013 and the Tender phase of the procurement process commenced.
- 3.4 Following the approval of the Procurement Policy Imperatives at Cabinet in January 2013, the Council has implemented the requirement to deliver additional community benefits, through the Council's contracts, that support local employment, local apprentice placements and the local supply chain.
- 3.5 As the Tender has progressed it has become clear through feedback from the bidders that some aspects of the tender specification could be improved further and that there was a need to prepare more detailed interpretive guidance to support the contractor's approach to the development of their community benefits programme. In order to ensure that the procurement process successfully continues to completion, that it delivers value for money, that it delivers the Council's aspirations for community benefits and that it minimises the risk of any potential challenge it was considered necessary to provide Tenderers with comprehensive guidance on the Council's expectations and issue revised Tender documents for this part of the contractual requirement.
- 3.6 In order to allow the Council time to work up a suitable response to the questions and determine a revised approach to the Community Benefits requirement, including the preparation of revised Tender documents, CMT agreed at its meeting of 4th February to extend the Tender return date to 24th February. This would then allow Tenderers sufficient time to digest and incorporate the revised requirements into their Tender responses.

- 3.7 The knock on effect of the revised return date is that it allows insufficient time for contract mobilisation before the existing contract arrangements expire. Thus the incoming contractor is likely to be unable to effectively deal with the TUPE transfer of staff and secure the necessary plant and equipment to commence the services within the current required timeframe. This necessitates the requirement to extend the existing contracts by three months to restore the lead in time for mobilisation. This would cover the period of the Tender return and provide additional contingency in the process to cover any further unforeseen technical delays.
- 3.8 In conclusion, as it is now unlikely that the procurement process for the new Highways contracts can be satisfactorily completed with a timeframe that would allow the incoming contractor to mobilise the new contracts before the current contracts expire, it is recommended that Cabinet approve the extension of the current Highways contracts for a period of no longer than 3 months.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The report seeks approval to extend the contracts for the provision of the Highway maintenance and planned major works currently commissioned by a period of no more than 3 months. Under the circumstances set out in Section 3 of the report, this is deemed to be 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. The extension of the current contracts will be met from existing resources within the Highways and Transportation budget.

5. LEGAL COMMENTS

- 5.1. The Council has a responsibility to maintain the highways in accordance with its statutory duty found under section 41 of the Highways Act 1980. The Council also has the power to exercise its functions by purchasing the service provision from bodies that are external to the Council, provided that in accordance with the Local Government Act 1999 the Council obtains best value.
- 5.2. For the purposes of the Public Contracts Regulations 2006 which subjects purchases to the ambit of European Law the subject matter of the contracts constitute "Works". Where the cost of the Works is greater than the European Threshold then the contract should be subject to a full European Tender.
- 5.3. The current proposal is to give a three month contract to each existing provider without subjecting this to competition which on the face of it could lead to a challenge by a third party that they should be given the opportunity to bid for this work. Such a challenge may arise even though the value of the 3 month contract is below the European Threshold. However, the Council's obligations under the Public Contracts Regulations 2006 must be weighed against the need for the Council to continue to maintain highways in accordance with the statutory duty outlined above. In the circumstances

outlined in the report, it appears reasonable for the Council to grant an extension in order to complete the competitive exercise.

- 5.1. When considering whether to extend the contracts, 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. There is information in the report relevant to these considerations.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. The tender process requires bidders to demonstrate how they intend to contribute towards achievement of the Procurement Policy Imperatives in their tender submissions which will be considered as part of the evaluation process. The purpose of the recommended extension to the tender period is to provide additional information on this matter to bidders and allow time for further consideration in their submissions.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The tender process requires bidders to address environmental and sustainability objectives in their tender submissions which will be considered as part of the evaluation process.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The proposals outlined above will reduce the risk of failing to deliver against the procurement imperatives. It will also reduce the risk of legal challenge from bidders and remove the risk, having extended the procurement period of failing to allow enough time for contract mobilisation before existing contracts terminate.
- 8.2 Without an extension to the current contracts, the Council could find that it is unable to discharge its statutory responsibilities for Highways services which could lead not only to increased insurance claims but possible intervention from the Department for Transport.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 None.

10. EFFICIENCY STATEMENT

- 10.1 The purpose of this procurement is to achieve maximum value for money in the delivery of highways services through a competitive tendering process. The extension is recommended to protect achievement this objective.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE


Officer contact details for documents:

- F Heyland / M Cooper

Originating Officers and Contact Details

Name	Title	Contact for information
F Heyland	Head of Waste Strategy, Policy & Procurement	Fiona.heyland@towerhamlets.gov.uk
M Cooper	Head of Transport & Highways	Margaret.cooper@towerhamlets.gov.uk

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Highways contracts re-procurement – contract extension
Directorate / Service	CLC, Waste strategy, policy and procurement
Lead Officer	Fiona Heyland, Head of Waste Strategy, Policy and Procurement
Signed Off By (inc date)	Jamie Blake
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="text-align: center;">  </div> <p>Proceed with implementation</p> <p>As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>


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Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	If the recommendations are approved by the Cabinet, the current Highways contracts will be extended for a maximum period of 3 months.

b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p>Contractors that currently provide the services under the five Highway maintenance and planned major works contracts will be affected by the proposal, i.e. continuing providing the services beyond the current contract due on 30 June 2014 up to a maximum period of 3 months. The service holds equalities data of major contractors' employees who work for the Council contracts in the borough. This proposal does not adversely affect the employees.</p> <p>This proposal is to facilitate the extension of the successive contracts' tender period, which aims to ensure that bidders will include adequate response to the Mayor's procurement imperatives.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	This proposal is to extend the contracts up to 3 months.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	Based on the CLC forward plan procedure, the service has been supported by S&R (officers and managers).
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Bidders for the successive contracts raised the need to extend the tender period, because they found difficult to bid in relation to the Community Benefits required by the Mayor's Procurement Imperatives. The service will provide more detailed imperative guidance to support the contractors approach to the development of their community benefits programme.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	<p>This proposal is to extend the contracts up to 3 months and there is no adverse impact on the contractors.</p> <p>Equalities data of those who will benefit from the Procurement Imperatives will be collected and analysed.</p>

b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	The proposed contract extension for a maximum of 3 months will impact the contractors and their employees positively.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	Yes	The tender return date will be extended from 3 February 2014 to 24 February 2014. The current contracts will be extended for a maximum of 3 months.
b	Have alternative options been explored	Yes	The existing contracts are due to expire on 30 June 2014. Extending the tender period will reduce 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.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The procurement process is monitored by the council process.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	See above.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	

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Cabinet 05 March 2014	 TOWER HAMLETS
Report of: Robert McCulloch-Graham, Corporate Director for Education, Social Care and Wellbeing	Classification: Report and Appendix 1 Unrestricted
Contract Awards – Adult Social Care Services	

Lead Member	Cllr Abdul Asad, Cabinet Member for Health and Wellbeing
Originating Officer(s)	Deborah Cohen, Service Head Commissioning and Health Keith Burns, Programme Director Special Projects
Wards affected	All Wards
Community Plan Theme	A Healthy and Supportive Community
Key Decision?	Yes

Executive Summary

- 1.1 The Council has, during 2013/14, undertaken a series of competitive procurement exercises to identify suitable providers to deliver a range of adult social care services. When the intention to undertake these procurement processes was reported to the Mayor in Cabinet it was resolved that the contract award proposals be reported back to the Mayor in Cabinet for decision.
- 1.2 Following the completion of these procurement processes approval is sought to proceed to award of contract. In each case it is recommended that the contract be awarded to the bidder that submitted the most economically advantageous tender. The tender exercises have been undertaken in a manner that is fully consistent with the Council's Financial Regulations and Procurement Rules, and with the Council's Procurement Policy Imperatives as reported to Cabinet in January 2013.

Recommendations:

The Mayor in Cabinet is recommended to:

1. 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	UshaMohilaSomity
Carers Support Services – Carers Retreat Service	London Buddhist Centre

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

1. **REASONS FOR THE DECISIONS**

- 1.1 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.

2. **ALTERNATIVE OPTIONS**

- 2.1 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.

3. DETAILS OF REPORT

3.1 Following the completion of competitive processes undertaken in line with the Council's Financial Regulations and Procurement Rules, service providers have been identified as having submitted the most economically advantageous tenders in respect of each tender advertised, and it is proposed therefore that contracts be awarded to providers in each of the following areas:

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

3.2 For each tender listed above the pre-tender process was approved by the Strategic Competition Board through the Tollgate process and by Cabinet through inclusion on the relevant Quarterly Contracts Forward Plan.

3.3 In all cases the tender process involved the following stages prior to the recommended bidder being established: Pre-Qualification Questionnaire; Tender submission; Final Presentation by shortlisted bidders. The Pre-Qualification Questionnaires were designed to ensure that bidders were subject to due diligence and that only those with the requisite qualifications and experience were invited to tender. The questions asked at the Tender submission and presentation stages were designed to test the ability of bidders to deliver services to a high quality and in the specific context of the borough and its communities. They also ensured that tenderers were prepared to pay the London Living Wage. The ability of providers to deliver wider community benefits was also thoroughly tested through these stages.

3.4 In all cases market warming events were held prior to submission of Pre-Qualification Questionnaires. The purpose of these events was to brief providers on service expectations and Council priorities including those identified in the Procurement Policy Imperatives.

3.5 The tender opportunities were advertised on the Council's tender portal and local providers were notified via email and by the Tower Hamlets Council for Voluntary Services (CVS).

3.6 For each tender sufficient bids were received to provide assurance that the outcome of the tender provides the Council with Best Value in respect of each of the services to be provided under contract.

3.7 The annual value of each of the contracts to be let, and their duration is set out in the table below:

Contract:	Annual value:	Duration (extension in brackets)
Carers Support Services – Dementia Carers Support Service	£70,178	2 years (1 year)
Carers Support Services – Somali Carers Support Service	£49,500	2 years (1 year)
Carers Support Services – Bangladeshi Women Carers Support Service	£7,999	2 years (1 year)
Carers Support Services – Carers Retreat Service	£12,000	2 years (1 year)

3.8 In each case the recommended provider has evidenced, through their tender submission that they will be able to deliver high quality services to residents of the borough while also adding value in line with the Council’s Procurement Policy Imperatives and the Social Value Act 2012.

3.9 All of the tenders that are within the scope of this report have been evaluated on a Most Economically Advantageous basis, with quality given a weighting of at least 50% in the evaluation. Evaluation of the quality submissions was undertaken by panels of experienced officers with a mix of procurement and operational expertise, and in a number of cases this was supplemented by service user involvement in the design and / or evaluation of the quality requirements.

3.10 Summary detail of the nature and scope of each of the services to be contracted is set out in appendix 1 to this report.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 This report seeks formal cabinet approval for the award of 4 Adult Social Care contracts with an annual combined value of £0.140m.

4.2 In all cases, the services provided through these contracts are funded out of existing general fund budgets.

5. LEGAL COMMENTS

5.1 The proposed contracts relate to delivery by the Council of its community care functions, which include the following:

- The Council is required to provide a range of community care services to promote the welfare of vulnerable persons aged 18 or over. The duty arises under a number of statutes, including section 47 of the NHS & National Health Service and Community Care Act 1990 (the duty to

assess needs and provide community care services), and Part III of the National Assistance Act 1948, and section 2 of the Chronically Sick and Disabled Persons Act 1970 (provision of residential and non-residential welfare services).

- The Council is, in some circumstances, under a statutory obligation to provide information, advice and advocacy services. For example, the Disabled Persons (Services, Consultation and Representation) Act 1986 makes provision for the appointment of authorised representatives for disabled people. The Mental Capacity Act 2005 also imposes a duty on Councils to make arrangements for independent mental capacity advocates to represent and support persons who lack capacity to make decisions concerning significant welfare issues such as changes in their accommodation, in circumstances where they have no family or friends whom it would be appropriate to consult about those decisions.
- The Council is required to carry out carer's assessments in circumstances specified under the Carers (Recognition and Services) Act 1995 and, separately, under the Carers and Disabled Children Act 2000 ("the Carers Acts"). The services the Council may provide to a carer depend on the avenue by which the carer's assessment is carried out. Under section 2 of the Carers and Disabled Children Act, the Council may provide any services which it sees fit to provide that will help the carer to care for the person cared for. Such services may take the form of physical or other forms of support.

5.2 The Council has an obligation as a best value authority under section 3 of the Local Government Act 1999 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". This obligation extends to the purchase of all goods works and services. The Council meets this obligation by subjecting the purchase to the appropriate level of competition.

5.3 The community care services to be purchased are Part B services within the meaning of the Public Contracts Regulations 2006. This means that some of the requirements of the Regulations do not apply to procurement of the services, such as advertising in the Official Journal of the European Union. However, the Council is still required to comply with other requirements of the Regulations, such as the requirements to:

- treat contractors, suppliers and services providers equally and in a non-discriminatory way; and
- act in a transparent way.

5.4 The Council was required to carry out a reasonable level of advertising. There is also a requirement for a standstill period prior to award.

5.5 The competitive exercises described in the report are designed to comply with the Council's best value duty (as described above). It follows that the winner or winners of the relative tenders are those that have shown the best value

based on a mix of quality and price. In order to comply with the Local Government Act 1999 obligation the Council can only award a contract to those bidders that showed the best value through the tendering process.

- 5.6 Before awarding the contracts, 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. There is information in the report relevant to these considerations. If services have been significantly redesigned then consultation prior to implementation must occur with the service users, their families and any other relevant stakeholders.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 All of the above tenders were advertised on the basis that the London Living Wage be paid as a minimum to all employees delivering the services under contract in furtherance of the Council's anti-poverty strategy.
- 6.2 The contract monitoring undertaken in respect of each of the contracts will include monitoring of how the service is meeting needs in respect of the nine protected characteristics covered by the Public Sector Equality Duty. The specifications for each of the services to be contracted for stipulate a requirement to provide the service in a way that takes proper account of the nine protected characteristics and the evaluation process for each tender tested specific aspects of this requirement.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1. The contractual terms and conditions and service specifications for each of the services to be contracted require the service provider to comply fully with all relevant environmental obligations.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. The contractual terms and conditions and service specifications for each of the services to be contracted include a range of measures to reduce risk to the council including those relating to financial loss; fraud; service failure; and the handling of personal data.
- 8.2 The Council has in place a set of Procurement Procedures that are designed to ensure that procurement exercises are undertaken in a way that is compliant with relevant EU and UK legislation. Each of the tender exercises within the scope of this report has complied fully with the requirements set out in these procedures.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 Each of the services to be contracted is designed to meet the community care needs of specific groups of residents. They do not, therefore, contribute to the reduction of crime and disorder other than that by making these services available the Council is

contributing to ensuring that individuals who may otherwise be more vulnerable to being victims of crime are supported to live safer and more independent lives in the community.

10. EFFICIENCY STATEMENT

- 10.1 The tender exercises to which this report relates were each designed to identify the most economically advantageous tender for each contract. The award criteria in each case were designed to secure the optimum balance between service quality and price.
-

Linked Reports, Appendices and Background Documents

Linked Report

- Contract award – Adult Social Care Services (Exempt report)

Appendices

- Appendix 1: Summary of scope and nature of services to be contracted.

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE


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CONTRACT AWARDS – ADULT SOCIAL CARE SERVICES

APPENDIX 1: SUMMARY OF SCOPE AND NATURE OF SERVICES TO BE CONTRACTED

Tender	Summary of service to be provided	Changes from current arrangements	Geographic scope of service	Service users to whom the service is provided
Carers Support Services – Dementia Carers Support Service	This service will provide specialist advice, information and support to individuals providing informal care to people with dementia. This includes supporting the carer to ensure that they and the person they are caring for are in receipt of services that enable the cared for person to continue living as independent a life as possible.	Community benefits, including London Living Wage, incorporated into contract.	All Wards	Carers of people with dementia.
Carers Support Services – Somali Carers Support Service	This service will provide specialist advice, information and support to individuals providing informal care to Somali elders. This includes supporting the carer to ensure that they and the person they are caring for are in receipt of services	Community benefits, including London Living Wage, incorporated into contract.	All Wards	Carers from the Somali community.

	that enable the cared for person to continue living as independent a life as possible.			
Carers Support Services – Bangladeshi Women Carers Support Service	This service will provide specialist advice, information and support to mothers from the Bangladeshi community who are caring for sons or daughters with learning disabilities. This includes supporting the carer to ensure that they and the person they are caring for are in receipt of services that enable the cared for person to continue living as independent a life as possible.	Community benefits, including London Living Wage, incorporated into contract.	All Wards	Women Carers from the Bangladeshi community.
Carers Support Services – Carers Retreat Service	This service will provide short breaks for carers, outside of their family home, in an environment designed to promote the carer's mental wellbeing.	Community benefits, including London Living Wage, incorporated into contract.	All Wards	Carers.

Cabinet 5 March 2014	 TOWER HAMLETS
Report of: Robert McCulloch- Graham, Corporate Director Education Social Care and Well Being	Classification: Unrestricted
Permission to extend existing contract for sexual and reproductive health	

Lead Member	Councillor Abdul Asad, Cabinet Member for Health and Wellbeing
Originating Officer(s)	Chris Lovitt, Associate Director of Public Health
Wards affected	All wards
Community Plan Theme	Healthy and Supportive Community
Key Decision?	Yes

Executive Summary

Cabinet agreed on the 11th September 2013 to re-procure public health services. Work has been ongoing to review, re-specify and procure services commissioned as part of the public health grant, including a range of sexual health services. The re-procurement of the sexual and reproductive health services provided by THCaSH was delayed as key information was awaited from the Department of Health and the provider. Procurement commenced on the 20th January 2014 but will not complete before the existing contract ends on the 31st March 2014. Permission is sought to extend the existing contract to provide sexual and reproductive health services for six months to allow sufficient time for the current procurement process to take place.

Recommendations:

The Mayor in Cabinet is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 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.
- 1.2 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.
- 1.3 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.

2. ALTERNATIVE OPTIONS

- 2.1 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.

- 2.2 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.

- 2.3 Allow contract to lapse.

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

- 2.4 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.

3. DETAILS OF REPORT

Background

- 3.1 Tower Hamlets Contraception and Sexual health Service (THCaSH), operating from Mile End Hospital, provides sexual and reproductive health services to Tower Hamlets residents and specialist services to support teenage parents. The contract to provide sexual and reproductive health services were transferred to the council in April 2013.
- 3.2 In 2012-13 approximately 9000 Tower Hamlets residents were seen by the service with 2,500 follow up appointments. Services provided included screening and treatment for sexually transmitted infections, sexual health advice/ counselling, contraceptive advice and fitting/ removal of long acting reversible contraception.
- 3.3 These services are part of the Secretary State for Health mandated services and complement other sexual health services provided by primary care and genito- urinary medicine (GUM). The council is required to provide these as part of the Public Health grant. The cost of the THCaSH service to the council in 2013-14 was circa £1.75 million on a block contract.
- 3.4 The current contract with THCaSH ends on the 31st March 2014 and the cost of extending the contract is likely to be £875,000; subject to agreement with the current provider Barts Healthcare Trust.

Why has re-procurement been delayed?

- 3.5 Since cabinet approved the re-procurement of public health services a process of review, re-specification and procurement has been underway.
- 3.6 Work to review current provision has been ongoing in 2013/14 but there have been delays in the current provider supplying necessary information to allow the pricing and specification of services for 2014/15.
- 3.7 The current provider disputed the contract value identified as being transferred to the council in 2013/14 and sought a significant increase of £700,000. As a result of this dispute it was only possible to agree the contract value for 2013/14 in November. The final contract value agreed was advantageous to the council and enabled efficiencies and cost savings as additional services were agreed as part of the contract value.

- 3.8 New national standards for the management of sexually transmitted infection were commissioned by the Department of Health- these were felt to be essential to defining the specification for the re-procurement. Following their publication and incorporation in the new service specification in January 2014 this has now enabled the re-procurement process to commence.
- 3.9 The views of Tower Hamlets Health Watch, Tower Hamlets NHS Clinical Commissioning Group, NHS England and Public Health England have been sought and they are supportive of a six month extension of the contract with the existing provider.
- 3.10 **Decision sought**
A decision to extend the existing contract to provide sexual and reproductive health services is sought whilst the current re-procurement process takes place. Owing to the size, complexity and need to ensure services are not unduly disrupted an extension to October 2014 is recommended.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. The report identifies that the cost of the six month extension to the contract would be £0.875m in total, subject to agreement with Barts Healthcare Trust, the provider. This is the same rate as the contract in 2013/14, which cost £1.750m in the full-year. This cost would continue to be met from the Public Health Grant.

5. LEGAL COMMENTS

- 5.1. The Council assumed responsibility for the provision of various public health functions in 2013 following amendment of the National Health Service (NHS) Act 2006. The Council has a general obligation to take such steps as it considers appropriate for improving the health of the people of Tower Hamlets.
- 5.2. By virtue of section 6C of the NHS Act and the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013, the Council is required to carry out specified public health functions of the Secretary of State. These include providing, or making arrangements to secure the provision of, open access sexual health services in Tower Hamlets. The Council must do this by:
- Making arrangements for the following contraceptive services: (a) the giving of advice on contraception; (b) the medical examination of persons seeking advice on contraception; (c) the treatment of such persons, and (d) the supply of contraceptive substances and appliances.
 - Exercising its general public health functions for the following: (a) preventing the spread of sexually transmitted infections; (b) treating, testing and caring for people with such infections; and (c) notifying sexual partners of people with such infections.

- 5.3. The Council may exercise its functions by purchasing the service provision from bodies that are external to the Council, provided that, in accordance with the Local Government Act 1999, the Council obtains best value. The competitive exercises being carried out are designed to comply with the Council's best value duty. The winner or winners of those processes should be those that have shown the best value based on a mix of quality and price. In order to comply with its best value obligation the Council should only award a contract to those bidders which show the best value through the tendering process.
- 5.4. The services to be purchased are Part B services within the meaning of the Public Contracts Regulations 2006. This means that some of the requirements of the Regulations do not apply to procurement of the services, such as advertising in the Official Journal of the European Union. However, the Council is still required to comply with other requirements of the Regulations, such as the requirements to:
- treat contractors, suppliers and services providers equally and in a non-discriminatory way;
 - act in a transparent way; and
 - have a standstill period prior to award.
- 5.5. The current proposal is to award a six month contract to the existing providers without subjecting this to competition. This could lead to a challenge by a third party on the basis that they have not been given the opportunity to bid for this work. However, the Council's obligations under the Public Contracts Regulations must be weighed against the need to ensure continuity of the services which the Council has a statutory duty to provide. In the circumstances, it appears reasonable for the Council to grant an extension in order to complete the competitive exercise (which it has commenced by placing the advert for the new procurement).
- 5.6. When considering whether to extend the contract, 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. Many of the service users who benefit from the services provided under the Public Health function will have protected characteristics for the purposes of the Equalities Act 2010 and the Council should consider the impact on such service users should this extension not be granted.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. This is an open access service which has recently undertaken an internal equity audit. The audit details that THCASH provides a service to people from all of the protected characteristics. An extension of the contract will ensure that services continue without undue disruption whilst re-procurement takes place.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The current service is provided locally from the Mile End Hospital site and the re-procurement process highlights the importance of locally provided and accessible services. These criteria ensure that increased environmental impact of out of borough travel are minimised.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. There are risks if an extension is not agreed relating to increased cost, reduced service quality and adverse sexual health outcomes for residents. An extension will allow these risks to be addressed whilst ensuring that services to residents are not unduly disrupted.
- 8.2. If the extension to the contract is agreed there is a risk of the council being asked to account for the extension by other interested providers. However, this risk is felt to be small as a) the re-procurement process has now commenced and b) the reasons for the delay were outside the control of the council.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 The sexual and reproductive health service has clear pathways to ensure that clients reporting crimes including domestic violence, sexual exploitation, female genital mutilation are treated and/or referred. Extending the existing contract will ensure these services continue.

10. EFFICIENCY STATEMENT

- 10.1 It is anticipated that the current provider will agree an extension to the existing contract without an increase in cost. The re-procured service specification will offer increased efficiencies owing to enhanced join up across other council services and an increase in service capacity.

Linked Reports, Appendices and Background Documents

Linked Report

- Cabinet report, CAB 60/123, "Future Commissioning Arrangements for Public Health Services"

Appendices

- NONE

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE

<p>Cabinet 5 March 2014</p>	
<p>Report of: Robert McCulloch-Graham, Corporate Director of Education, Social care and Wellbeing</p>	<p>Classification: Unrestricted</p>
<p>Mayor's Charter of Child Rights</p>	

Lead Member	Cllr Oliur Rahman, Lead Member for Children, Schools and Families
Originating Officer(s)	Anthony Walters, Transformation Manager, Education, Social Care and Wellbeing Ellie Kuper Thomas, Strategy, Policy and Performance Officer, Democratic Services
Wards affected	All wards
Community Plan Theme	One Tower Hamlets
Key Decision?	Yes

Executive Summary

Cabinet members are asked to support the promotion of the Mayor's Charter of Child Rights, which is being developed to affirm Tower Hamlets' commitment to upholding the rights of children and young people, especially in the commissioning of services concerning children and young people and service delivery. The Charter is part of the Child Rights project in Tower Hamlets, aimed at a step-change in the way we deliver public services.

Recommendations:

The Mayor in Cabinet is recommended to:

1. 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. Agree the Council will be a signatory of the Charter
3. 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.

1. REASONS FOR THE DECISIONS

- 1.1 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.
- 1.2 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.

2. ALTERNATIVE OPTIONS

- 2.1 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.
- 2.2 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.

3. DETAILS OF REPORT

3.1 Background to the Project

3.1.1 Tower Hamlets was approached by UNICEF in late 2011, with an offer to be one of the child rights partners in a project aiming to put children's rights at the heart of public services in the UK. The other participating partners are:

- Glasgow;
- Derry;
- Newcastle;
- Leeds; and
- Neath and Port Talbot.

3.1.2 After discussion at (then) Children, Schools and Families DMT, and the Children and Families Partnership Board, it was agreed to accept UNICEF's offer and to establish a cross- partnership steering group to progress the work. Although there are no funds for being involved in the project, the Partnership Board was of the opinion that participation in the project would

help to develop our focus on engagement and empowerment of children and young people, gaining the benefit of UNICEF's expertise as well as the ability to gain national profile for the excellent practice with the borough. The Executive Mayor is also strongly supportive of this work, having been a keynote speaker at the programme's national launch. The Mayor's Charter of Child Rights is designed to set out his support for child rights in the borough.

3.1.3 The child rights project is based on the Convention on the Rights of the Child (CRC) that sets out rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The seven core principles of the Convention are the right to dignity, a right to life, survival and development, devotion to the best interests of a child, non-discrimination, interdependence and indivisibility, ensuring transparency and accountability and participation of children and young people. The Convention protects children's rights by setting standards in health care, education, and legal, civil and social services. Equalities is at the heart of the Convention and our adoption of a child rights approach will enhance our response to equalities issues and will contribute to our One Tower Hamlets vision.

3.1.4 Although the Convention 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 state party, the Westminster Government is responsible for the overall co-ordination of the CRC across the UK. The Department for Education is the lead department with responsibility for implementing the CRC in England. Examples of policy initiatives embedding a child rights based approach include Every Child Matters, which set out the national framework for local change programmes to build services around the needs of children and young people to maximise opportunity and minimise risk. The Department for Education is also responsible for co-ordinating UK-wide reports on the CRC. The UK first reported to the United Nations Committee on the implementation of the CRC on 15 March 1994. Since then it has produced a further 3 periodic reports (more information is available at:

<http://www.education.gov.uk/childrenandyoungpeople/healthandwellbeing/b0074766/uncrc>

3.1.5 The Convention can be accessed via:
http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

3.2 Tower Hamlets Pilot Project

3.2.1 UNICEF asked the child rights partner councils to identify a pilot project that would involve embedding a child rights approach to an area of practice.

3.2.2 With the approval of the Children and Families Partnership Board, Tower Hamlets put forward a pilot focused on developing a child rights based approach to commissioning, which was agreed by UNICEF. The pilot involves

adopting a child rights based approach to commissioning for our substance misuse treatment service, and depending on the outcomes, using the learning from this to inform the development of a child rights approach to all commissioning across the partnership. Alongside the development of the commissioning framework, the Mayor's Office is developing Mayor's Charter of Child Rights setting out the Mayor's commitment to realising child rights across the borough. A Project Board exists to deliver this project and the steering group is monitoring and evaluating the pilot.

3.3 Elements to Tower Hamlets Child Rights Project

3.3.1 There are several components to the project:

3.3.2 **Recommissioning and procurement of the substance misuse treatment service-** providers that have submitted their bids for a substance misuse treatment service have had to demonstrate how the child rights principles of **participation, transparency/ accountability and holistic (interdependence and indivisibility)** would be embedded in their approach to delivery. The service specification was written on the basis of these principles. We appointed a group of Young Commissioners to take part in the service specification and tender evaluation processes to ensure that they are able to voice their opinions about the commissioning of a service and thus play a key part in the decision-making process.

3.3.3 **Joint commissioning framework-** this sets out the process of specifying, securing and monitoring services to meet people's needs, and securing value for money in the use of resources and has been developed to incorporate a child rights based approach to commissioning. As well as adopting a life course approach to the planning and commissioning of services for children, young people and families as set out in the Children and Families Plan (2012-2015), the framework aims to facilitate the development of a commitment to evidence based planning, using both a needs analysis and an analysis of rights as the foundation of this. The long-term vision is that the framework will apply to the development and delivery of services across the Children and Families Partnership. The developed framework is being used to inform the recommissioning process for the treatment service.

3.3.4 **Child rights based needs assessment-** the assessment is a child rights based analysis of the needs of children and young people in Tower Hamlets who misuse substances focusing on the three principles of **participation, transparency/ accountability and holistic** as embedded in the UN Convention on the Rights of the Child. The needs assessment is being used to inform the recommissioning process for the substance misuse treatment service.

3.3.5 **Development of the Mayor's Charter of Child Rights shaped by our Youth Council-** this is the public declaration of the commitment of the Council and other partner organisations who work with children and young people, to uphold child rights. It affirms that organisations respect the rights of children and young people during their service delivery and acknowledge that

all rights set out in the Convention on the Rights of the Child are of equal importance. It will help to ensure that any support offered to children and young people adopts a holistic approach considering the various needs of a child.

3.3.6 Engagement and participation- young people are key to the development of the child rights project. As well as taking part in the commissioning of the substance misuse treatment service and the development of the Mayor's Charter of Child Rights, young people are playing a role in raising the profile of child rights by training youth centres and schools on child rights. The work undertaken by the young people and Young Commissioners, coupled with the Mayor's Charter of Child Rights, will enable young people to be educated about their rights and the importance of respecting everyone's rights. This has the potential to strengthen community cohesion and community links.

3.4 The Development of the Mayor's Charter of Child Rights

3.4.1 Consultation

3.4.1(a) In accordance with one of the Convention's key principles – participation- the Charter has been developed by the young people of Tower Hamlets.

3.4.1(b) Eight consultation sessions have been held with around 150 young people, including at schools, a nursery, the Youth Council, Youth Week Events, play centres and at the Kit Kat Club. The consultation has been with a range of ages from 2 – 18, genders and ethnicities, and with our looked after children.

3.4.1(c) The children and young people were asked to describe the rights they would like the Council and other organisations in Tower Hamlets to champion; this has informed the decision around which rights are given focus in the Charter.

3.4.1(d) The Tower Hamlets Pupil Attitude Survey results have also been included as part of the consultation.

3.4.1(e) A workshop was held with the Children and Families Partnership in July 2013, to aid the development of the commitments organisations could make to embedding the principles of the Convention on the Rights of the Child. On the 27th of January 2014 the Children and Families Partnership agreed the Charter.

3.4.1(f) A group of Young Commissioners have been involved throughout the process and are helping to create the wording, design of the Charter and the launch event.

3.5 Charter

3.5.1 The wording of the Charter incorporates:

- A statement of intent towards embedding all the rights.
- The rights chosen by the young people of Tower Hamlets.
- A statement of how organisations will promote and embed the rights in their organisations.

3.5.2 A separate Charter, for young people, will contain the first two segments and a statement on how young people will uphold the rights in the Charter.

3.5.3 The Charter has been drafted in consultation with the youth commissioners to ensure it is understandable by young people.

3.5.4 The following is the proposed wording of the Tower Hamlets Mayor's Charter of Child Rights:

Tower Hamlets Mayor's Charter of Child Rights

By signing this pledge, we agree to uphold all the United Nations Convention on the Rights of the Child and treat each right equally.

The rights in the Convention apply to everyone under eighteen regardless of their race, religion, gender, abilities, whatever their beliefs or thoughts, whatever type of family they come from.

We agree to ensure that young people's best interests are at the heart of any activity concerning a child or a young person and we seek to take into account their various needs and requirements.

We agree to ensure that every child has their dignity respected and is treated in all circumstances with understanding and compassion. We aim to promote the development and best standard of living possible for every child.

We agree that we will be inclusive, transparent and accountable to young people in the provision of our services and allow opportunities for young people to express their views and opinions through participation.

By signing this pledge, we agree to uphold the full United Nations Convention on the Rights of the Child. The following rights have been highlighted by the young people of Tower Hamlets as being most important to them:

Playing a part and freedoms

Children have the right to think and believe what they want and we respect the right and responsibility of families to direct and guide their children on these matters. Children have the right to voice their opinion and have it taken into account when adults are making decisions that affect them. (Articles 5, 14, 12)

Children have the right to privacy. We will protect them against any breaches of this privacy. (Article 16)

Children have the right to meet together and join groups and organisations, on the condition that it does not prevent others from enjoying their rights. (Article 15)

Children have the right to knowledge. They have the right to obtain and share information, whilst ensuring that the information is not damaging to them. (Article 13)

Reaching potential

All children have the right to a decent quality of education. Children should be encouraged to reach the highest level of education they are capable of and offered the support they need in order to fulfil their potential. (Articles 28, 29)

Children with disability should have special care and support which provides them with the skills to lead full and independent lives. (Article 23)

Living well

Children have the right to a standard of living that is reasonable enough to meet their physical and mental needs. This includes the right to good quality healthcare, nutritious food, decent clothing and a clean environment. We pledge to assist families who are unable to afford to provide this standard of living. (Articles 6, 24, 26, 27)

Children have the right to relax, play and join in on a wide range of activities (Article 31)

Being free from harm

Children should be protected from danger that could harm their development and mental and physical state. (Articles 33, 34 and 25)

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families. (Article 37)

The undersigned organisations will promote and embed the rights through:

- Integrating these rights in the services we deliver.
- Offering training to staff members to raise the profile of child rights.
- Allowing participation and involvement of young people
- Listening to young people and using their expertise.
- Communicating these rights in an open and clear manner.

or (the below will feature in the Charter for young people)

Young people will uphold the rights through:

- Learning and understanding the meaning and implications of these rights.
- Promoting the rights to other young people.
- Participating in the implementation of these rights.

3.6 Design

3.6.1 The Charter will be designed, in consultation with the Young Commissioners, and will be produced into an A3 or A2 poster, which can be displayed in Council and partnership buildings to demonstrate their public commitment to the pledge.

3.7 Launch

3.7.1 Following formal agreement at Cabinet, in March, it is proposed the Charter will be formally launched later in March, with a public signing of the Charter by the Mayor, and leaders of other organisations represented on the Children and Families Partnership and the Children's Charter to be signed by The Young Mayor. The launch will be attended by young people and representatives from UNICEF.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. There is no additional funding associated with participation in this UNICEF initiative. The initiative allows a refocussing of how existing resources are used.

5. LEGALCOMMENTS

- 5.1. The Convention on the Rights of the Child ("the Convention") was adopted by the General Assembly of the United Nations on 20 November 1989. It came into force on 2 September 1990, after being ratified by more than the required twenty states. It has now been ratified by all but two countries in the world.
- 5.2. The United Kingdom ratified the Convention on 16 December 1991, committing itself to ensuring certain rights to children. The United Nations Convention goes further than the European Convention on Human Rights in relation to the rights of the child, but unlike the European Convention (which is given effect in the UK by the Human Rights Act 1998) the United Nations Convention has no direct effect in the United Kingdom.
- 5.3. The Convention contains 54 Articles and provides for a wide range of rights which it is impractical to outline in these comments. The following summation of the rights is taken from V Muntarhorn 'The Convention on the Rights of the Child: reaching the unreached?' (1992) 91 Bulletin of Human Rights 66 at 66–67, extracted in the *Stair Memorial Encyclopaedia* (LexisNexis) -

- General rights (the right to life, prohibition against torture, freedom of expression, thought and religion, the right to information and to privacy).
 - Rights requiring protective measures (including measures to protect children from economic and sexual exploitation, to prevent drug abuse, and other forms of abuse and neglect).
 - Rights concerning the civil status of children (including the right to acquire nationality, the right to preserve one's identity, the right to remain with parents, unless the best interests of the child dictate otherwise, and the right to be reunited with the family).
 - Rights concerning government and welfare (including the child's right to a reasonable standard of living, the right to health and basic services, the right to social security, the right to education and the right to leisure).
 - Rights concerning children in special circumstances or in 'especially difficult circumstances'. These extend to such children as handicapped children, refugee children and orphaned children. Included are special regulations on adoption, the cultural concerns of minority and indigenous children, and rehabilitative care for children suffering from deprivation, as well as a prohibition on the recruitment of soldiers under 15 years of age.
 - Procedural considerations, particularly the establishment of an international committee of ten experts to monitor implementation of the Convention'.
- 5.4. Whilst the Convention doesn't have direct effect in the UK, it has been referenced in relation to the exercise of statutory functions. For example, the Convention has been considered by UK courts when determining whether to make, vary or discharge certain orders in relation to children under the Children Act 1989. Before making that decision, the court must consider the welfare checklist in section 1(1) of the Children Act 1989 and the provisions of the Convention have sometimes informed the consideration of items in the checklist.
- 5.5. There may be occasions where it is open to the Council to exercise its functions consistently with the Convention and adoption of the proposed charter may in this way be considered to be within the Council's powers. If additional power were necessary, it may be found within the Council's general power of competence (the Council has power under section 1 of the Localism Act 2011 to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes).
- 5.6. The fact that the Convention doesn't have direct effect in the UK means that the Council has no freestanding power or duty to uphold the Convention and a

degree of caution must be exercised by the Council in its commitment to uphold it. The Council's primary obligation must be to act in accordance with its statutory obligations under UK law and pursuit of the proposed charter should not be permitted to lead the Council into error in this regard. The example given in paragraph 3.3.2 of the report appears to show that the Council was able to incorporate its charter objectives into a procurement process which met the requirements of the Public Contract Regulations 2006, but the Council will need to continue to be careful that pursuit of the charter is consistent with its legal obligations.

5.7. Specifically in relation to contracts, it will be preferable to –

- Draw up the specification for a particular service in a manner consistent with the charter, rather than including the charter itself, to avoid conflict with the other requirements of the specification or the Council's legal obligations in respect of the young person under domestic law.
- Avoid generalised statements to the effect that the Council will only contract with organisations who have signed up to the charter. The Council should express this as desirable only and have a process of allowing an organisation to explain why in their particular case they are not able to adhere to the charter to ensure that the implementation of the charter does not discriminate against any particular organisation.

5.8. It is often legitimate for the Council to take into account resource considerations in the manner in which it discharges its statutory functions. To the extent that the proposed commitment to the Convention does not recognise resource limitations, it may lead to additional pressure on the Council in relation to the discharge of its functions, threatened proceedings and the Council's resources.

5.9. Before adopting the proposed charter and its implementation, 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. There is material contained in the report relevant to these considerations.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1. The Charter will help organisations realise and respect the rights of children and young people during their service delivery and acknowledge that all rights set out in the Convention on the Rights of the Child are of equal importance and thus any support offered to children and young people needs to adopt a holistic approach considering the various needs facing a child. The Charter is to endorse the practice of treating all children and young people equally without discrimination based on race, gender, disability, sexual orientation, religion/ belief and age and so this will contribute towards the vision of One Tower Hamlets by reducing inequalities.

- 6.2. The work undertaken by the young people and Young Commissioners in raising the profile of child rights, coupled with the Mayor's Charter of Child Rights, will enable young people to be educated about their rights and the importance of respecting everyone's rights. A rights- respecting focus has the potential to avoid conflicts or tensions between groups of children and young people from different backgrounds and thus ensuring community cohesion.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no environmental implications of the Mayor's Charter of Child Rights.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. A possible concern is that organisations may not embed a child rights based approach to the delivery, commissioning and procurement of services. This could be for a number of reasons, including lack of knowledge and expertise around child rights. To mitigate this, an Implementation Group has been set up, which is representative of the partnership that exists in Tower Hamlets. The Group will focus on raising the profile of child rights and generate interests in adopting a child-rights based approach in service delivery by:
- ensuring workforce development and communication around child rights with key stakeholders and using the Mayor's Charter of Child Rights to achieve this;
 - evaluating the child rights pilot in Tower Hamlets upon its completion and use the learning from it to develop a child rights based approach in all areas of commissioning concerning children and young people;
 - considering actions to be taken including seeking approval from DMT and the Children and Families Partnership Board to officially embed a child rights based approach to all areas of commissioning of services across the Children and Families Partnership;
 - developing and sharing local good practice and approaches between services and identify a hub for good practice; and
 - ensuring that the commissioning and delivery of services relating to children, young people and families adopt a child rights based approach.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 Adopting a child rights approach will help to ensure that children and young people are better engaged in the design and delivery of services, and that these services better meet their needs. This will enable the Council and its partners to deliver better outcomes, including reducing offending. In addition, adopting a more holistic approach to the design and delivery of services will enable us to ensure that prevention of offending is considered in the delivery of all of our services. This is in line with Article 19 of the CRC, which seeks to protect children from all forms of violence.

10. EFFICIENCY STATEMENT

- 10.1 As the Council enters a period of further significant budget reduction, the importance of aligning resources more effectively to achieve outcomes has never been greater. A child rights based approach supports this as services are co-designed with young people (participation), are held properly accountable for effective delivery and are delivered in a holistic way. It is expected that involving young people in the design and procurement of services will result in services which better meet their needs, resulting in improved outcomes and a reduced need for further services. Our experience in commissioning young people's substance misuse services is a good example of this, since there is a strong evidence base that the adoption of these principles results in better treatment outcomes at no additional cost.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- Consultation Feedback

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