

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 6.38 P.M. ON WEDNESDAY, 2 APRIL 2014

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

Members Present:

Mayor Lutfur Rahman	(Mayor)
Councillor Ohid Ahmed	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)

Other Councillors Present:

Councillor Gulam Robbani	(Executive Advisor to the Cabinet and Mayor on Adult Social Care)
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Officers Present:

Kate Bingham	(Service Head, Resources, Education Social Care and Wellbeing)
Keith Burns	(Interim Project Manager, Commissioning and Strategy, Adults Health and Wellbeing)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
Louise Russell	(Service Head Corporate Strategy and Equality, Directorate, Law Probity and Governance)
Stephen Adams	(Finance and Resources Manager, Communities Localities & Culture)
Robert Driver	(Senior Strategy, Policy and Performance Officer, Education, Social Care and Wellbeing)
Andrew Hargreaves	(Borough Conservation Officer, Development and Renewal)
Mark Hutton	(Team Leader, Development Design & Conservation, Development & Renewal)
Frances Jones	(Service Manager One Tower Hamlets, Corporate Strategy and Equality Service, LPG)
Ellie Kuper-Thomas	(Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, DLPG)
Murziline Parchment	(Head of Executive Mayor's Office, Democratic Services, LPG)
Takki Sulaiman	(Service Head Communications, Law, Probity and Governance)

Robin Beattie	(Service Head, Strategy & Resources, Communities Localities & Culture)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Meic Sullivan-Gould	(Interim Monitoring Officer)
Owen Whalley	(Service Head Planning and Building Control, Development & Renewal)
Matthew Mannion	(Committee Services Manager, Democratic Services, DLPG)

The following is a record of those decisions taken by the Cabinet at their meeting held on 2 April 2014.

Most decisions may be ‘called in’ for scrutiny by the Overview and Scrutiny Committee. The **deadline** for the receipt of any such written request is **5.00pm on Friday 11 April 2014**. Such requests should be made to John Williams, Service Head Democratic Services.

The request to “call in” a decision must comply with the requirements set out in the Council’s Constitution (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rules 16.2 - 16.4). These set out the time-scale for “call in”, those persons who may “call in”, the details the request must contain and which decisions may not be called-in.

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

Any decision not “called in” for scrutiny can be implemented on Monday 14 April 2014.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies of absence were received on behalf of:

- Councillor Shahed Ali
- Councillor Rania Khan
- Councillor Oliur Rahman
- Councillor Motin Uz-zaman
- Aman Dalvi (Corporate Director, Development & Renewal)
- Stephen Halsey (Head of Paid Service & Corporate Director CLC)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 5 March were noted.

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (JS. WILLIAMS)

(Committee Services Manager (M. Mannion))

4. PETITIONS**4.1 Petition regarding Fairness Commission**

Mr Haque addressed the meeting on behalf of the petitioners. The Cabinet member for housing responded to the matters raised in the petition.

DECISION

That the petition be referred to the Service Head for Corporate Strategy & Strategy & Performance Equality for a written response on any outstanding matters within 28 days.

(**Action by:** Louise Russell, Service Head for Corporate Strategy & Strategy Performance Equality)

5. OVERVIEW & SCRUTINY COMMITTEE**5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered**

Nil items.

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

Nil items.

6. A GREAT PLACE TO LIVE**6.1 Local List Update****DECISION**

1. To agree to add War Memorials set out in Appendix A to the Local List report.
2. To agree to remove selected entries set out in Appendix B from the Local List.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT & RENEWAL (A. DALVI)

(Borough Conservation Officer (A. Hargreaves))

Reasons for the decision

The selected course is considered to be a sensible and achievable means of (i) contributing towards the aims of the Council's Community Plan by helping the Borough achieve its aim of being a great place to live, (ii) move forward the Council's Conservation Strategy which seeks to 'Increase the protection available to locally important heritage resources and (iii) be a positive step towards complying with the National Planning Policy Framework which advises Local Planning Authorities to set out a 'positive strategy for the conservation and enjoyment of the historic environment'.

Alternative options

Several alternative courses of action have been considered ranging from keeping the existing local list to a full survey of the Borough.

Relying on the existing local list is not considered an appropriate option as there are a number of buildings which may no longer exist or which may have been added to the Statutory List. Not updating the list would therefore create uncertainty for the local community, building owners and applicants for planning permission.

A full survey of the borough is not considered necessary at this stage given the strength of the Council's Conservation Strategy, the extent of the borough's Conservation Areas and the detailed records of statutory heritage assets. War Memorials are a notable omission from the local list and therefore are being proposed for inclusion.

The proposed course of action is considered to be a sensible and achievable means of the Borough meeting national, regional and local policy objectives.

6.2 New Homes: Ashington East**DECISION**

1. To note the development of 53 New Council Homes and the redevelopment of the Community Centre on Collingwood Estate
2. To note the grant of £1,590,000. from the London Mayor's Building The Pipeline Supply Programme towards the development of Ashington East
3. To note the resulting contribution from the Council of £9,880,000. for the Ashington East site on Collingwood Estate
4. To note that Cabinet is requested to adopt a capital estimate of £11,470,000 in order that the scheme can be included within the capital programme
5. To note the constraint contained in the GLA programme of achieving a Start On Site of March 2015

6. To authorise the Corporate Director, Development & Renewal to take the necessary actions to deliver the scheme within the timescale of the funding programme including dealing with the settlement of any existing rights
7. To authorise officers to proceed with the procurement of the required professional and technical services and works contracts and utilising suitable procurement frameworks available to the public sector.
8. To authorise the Corporate Director Development & Renewal in consultation with the Mayor to award the contracts for professional and technical services and works contracts.
9. To authorise the Corporate Director Development & Renewal in consultation with the Service Head Legal Services to agree terms for the contracts at 8 above
10. To authorise the Head of Legal Services to execute all necessary documents to implement the decision at 8 above.

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

(Head of Strategy Regeneration and Sustainability (J. Odunoye))

Reasons for the decision

Tower Hamlets has one of the highest population densities in inner London. Housing need, both in terms of quality and quantity, is one of the most significant drivers for change in the borough. However, housing affordability is low in comparison to national standards. This is reflected in its planning policies, more specifically the Core Strategy and the Managing Development Document adopted in April 2013. The Council has a commitment to provide affordable housing for its residents. It is actively engaged in tackling housing need on several fronts, through partnerships with the private and third sectors, and through a direct development programme targeted to existing borough communities. The development at Ashington East fits within this strategy.

The Council is using its own land asset in order to develop affordable housing; it requires the capital funds and the cash flow to enable it to undertake the development. Tapping into the London wide housing strategy, the Council wishes to enter into a partnership with the GLA to part fund the scheme. The GLA has agreed to a grant of £1,590,000 as per recommendation 2 above. The grant is accompanied by a funding agreement which includes regular monitoring from the GLA and a requirement to be on site by March 2015.

The Council will be funding the remaining £9,880,000 from the Housing Revenue Account through a mixture of existing resources and borrowing. It will receive the grant on completion and will be forward funding the total development costs.

The operational processes required to deliver the scheme, including meeting legal and procurement obligations as well as the grant requirements are covered in recommendations 7-10. These recommendations flow from the earlier decisions requested in Recommendations 2-6.

Alternative options

The Do Nothing option would not deliver 53 additional affordable homes for rent in the borough, in the Bethnal Green South area. It would not attract the estimated New Homes Bonus amount of £80,000. It will not supply 53 new allocations to the Housing Waiting List at POD rent. It will not generate rental income from the 53 new homes.

The Do Something Else Option would see the funds targeted to the development of Ashington East diverted to another potential development in the borough. It will not necessarily benefit from the grant of £1,590,000 from the GLA, as one of the key qualifying criteria along with Value for Money, is a Start on Site prior to the end of March 2015. It will also impact on the reputation of Tower Hamlets as a developing Council against neighbouring London boroughs who have also adopted a new build programme.

A third option would be to purchase homes from the private sector and bring them up to a modern standard of repair. This option does not deliver additional homes in the borough. Property prices are very high and the Council would be exposing itself to financial risk. The acquisition of assets has delivered a buyback programme in the past but is unable to achieve the same number of homes as the approach of maximisation of existing assets.

The last option is to enable and support housing partners to deliver new affordable homes. This option is the main plank of Tower Hamlets Housing Strategy for the delivery of new homes and remains firmly in place. The New Homes: Ashington East scheme sits alongside this option and does not replace it.

6.3 Communities, Localities and Culture Capital Programme 2014-15

Subject to the inclusion of the word 'Maximum' in paragraph 1.4 to indicate a maximum fee of 27.5%.

DECISION

1. To include the schemes listed in appendix A to the report within the Communities Localities & Cultural Services Directorate's 2014/2015 Capital Programme.
2. To adopt Capital Estimates (sum specified in estimated scheme cost column) for the schemes as outlined in Appendix A to the report.
3. To agree that where possible the Council's Measured Term Contracts be used for the implementation of the Transport and Highways Works as appropriate

4. To agree that where possible the landscape improvement works be let under the terms of the Landscape Framework Agreement for implementation as appropriate.

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

(Head of Transport & Highways (M. Cooper)

(Business Finance Manager (S. Adams)

Reasons for the decision

Cabinet has previously agreed the Capital programme for the Council for 2014-15 to 2016-17. This report details the new schemes, totalling £6.976m outlined in Appendix A, funded from the following sources:

	£'000
Local Implementation Plan (TfL)	3,602
Borough Cycling Plan	344
S106 Developers Contribution	1,710
LBTH Capital	1,000
OPTEMS	250
London Marathon Trust	70

All schemes link with the Council's Strategic Plan and Community Plan through strategic priorities 2.2 and 2.3 in the Great Place to Live theme. Priority will be given to those schemes which are time constrained and must be subject to practical completion by the 31st March 2015.

The revised CLC Directorate Capital Programme for 2014/2015 is now £12.622m, which has been amended to take account of decisions taken by the Council, Mayor and officers, including the additional grant resources that have become available.

The following table sets out a reconciliation of the revised capital programme

	£'000
Cabinet Approved schemes – February 2014	10,265
Changes to TfL schemes	580
Additional S106 schemes	1,400
Sports and Physical Activities Projects	377

Revised CLC Capital Programme 2014/15 12,622

Transport & Highways capital estimates include a fee of 27.5% of the total works cost which covers the cost of staff resources engaged in the entire scheme development process from inception to construction.

All works are fully funded and further opportunities may arise through the year to supplement this funding. As in previous years the Council's Major Planned

Highway Works Contract will be utilised for the implementation of the highways programme in addition to other specialist Measured Term Contracts for drainage and street lighting works. Other framework contracts shared with partner organisations are also available for utilisation.

Alternative options

Nil

7. A PROSPEROUS COMMUNITY

Nil items.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Direct Payment Support Service

This report was withdrawn from the agenda.

9.2 DRAFT Better Care Fund Submission Template

DECISION

1. To agree the final version of the Better Care Fund Planning Template (Appendix 1) before final submission to NHS England on 4 April 2014.

Action by:

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

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

Reasons for the decision

In order to receive the Better Care Fund, the Government requires the Council to submit a template document which sets out its plans for the application of those monies.

The Government has published guidance related to the Better Care Fund programme which indicates that the template submission should be agreed by the Council's Health and Wellbeing Board ("HWB"). This is consistent with the general policy, reflected in the Health and Social Care Act 2012, of giving HWBs responsibility for joint health and wellbeing strategies and the joint strategic needs assessment. The final Better Care Fund Planning Template will be considered by the HWB on 24th March 2014.

The Council's HWB agreed the draft template submission at its meeting on 6 February 2014. This endorsement appears to be within the terms of reference of the HWB agreed by the Mayor in Cabinet on 4 December 2013, which include the following functions –

- To encourage integrated working between persons who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.
- To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.

Given that the Better Care Fund monies are focussed on achieving better service integration, it is reasonable for the HWB to be asked to endorse the Council's template for submission to Government in April. It appears to fall within the HWB functions of encouraging integration and supporting partnerships under section 75 of the NHS Act 2006. As the HWB has statutory status, due regard should be given to its decision making authority within its terms of reference.

Whilst acknowledging the role of the HWB, the Council is nevertheless required to sign the template submission, indicating its commitment to spending almost £40million worth of funding in the manner indicated in the plan. That commitment would appear to be a key decision for which agreement should first be obtained from the Mayor.

Alternative options

None.

10. ONE TOWER HAMLETS

10.1 Tower Hamlets Fairness Commission: Response to recommendations

DECISION

1. To agree the activities set out in Table One as the Council's response to the recommendations of the Tower Hamlets Fairness Commission.
2. To note the activities planned by partner organisations to the recommendations of the Tower Hamlets Fairness Commission outlined in Table One (3.7)
3. To agree the proposal set out in paragraph 3.9 to increase engagement between the Tower Hamlets Partnership and Corporate Social Responsibility leaders in the borough.

Action by:

CORPORATE DIRECTOR, HEAD OF PAID SERVICE (S. HALSEY)

One Tower Hamlets Service Manager (F. Jones)

Reasons for the decision

The Tower Hamlets Fairness Commission was established by the Mayor in November 2012. The fourteen independent commissioners led a ten month evidence gathering and engagement process and in September published a report of their findings. This report also outlined sixteen recommendations aimed at national and local government, business and the voluntary and community sector.

At the launch of the report the Mayor welcomed the Commission's recommendations and tasked officers in the Council with investigating options for responding to them. This report sets out the proposed actions the Council will take in response to the Commission's recommendations.

Alternative options

Since the launch of the Commission's report in September 2013 officers have carried out options appraisals for responding to the Commission's recommendations. These have been discussed with a number of partners. The Mayor in Cabinet could decide not to progress the actions set out in the report or agree other activities in line with the recommendations.

10.2 Strategic Performance, 13/14 General Fund Revenue Budget and Capital Programme Monitoring Q3**DECISION**

1. To review and note the Quarter 3 2013/14 performance.
2. To note the Council's financial position as detailed in section 3 and appendices 1-3 of this report.
3. To note that Cabinet will approve capital estimates for ESCW as set out in Appendix 4a.

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

(Chief Accountant (K. Miles)

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

Reasons for the decision

Good financial practice requires that regular reports be submitted to Council/Committee setting out the financial position of the Council against budget, and its service performance against targets

The regular reporting of the Strategic Performance and Corporate Revenue and Capital Budget Monitoring should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

The Council reports its quarterly budget against spend, its capital monitoring and its Strategic Performance.

Significant variations, trends and corrective action are reported in the body and appendices of the report. No alternative action is considered necessary beyond that included below and this report is produced to ensure that Members are kept informed about decisions made under the delegated authority.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Exercise of Corporate Directors' Discretions

DECISION

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

Action by:

CORPORATE DIRECTOR, RESOURCES (C. HOLME)

13. EXCLUSION OF THE PRESS AND PUBLIC

A motion to exclude the press and public was not passed at the meeting.

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

15. OVERVIEW & SCRUTINY COMMITTEE

15.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.

Nil items.

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

Nil items.

16. A GREAT PLACE TO LIVE

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

19.1 Direct Payment Support Services

This report was withdrawn from the agenda.

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 7.26 p.m.

John S Williams
SERVICE HEAD, DEMOCRATIC SERVICES