

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.38 P.M. ON WEDNESDAY, 9 JULY 2014

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

Members Present:

Mayor Lutfur Rahman
Councillor Oliur Rahman (Deputy Mayor and Cabinet Member for Economic
Development (Jobs, Skills and Enterprise)
Councillor Shahed Ali (Cabinet Member for Clean and Green)
Councillor Abdul Asad (Cabinet Member for Adult Services)
Councillor Alibor Choudhury (Cabinet Member for Resources)
Councillor Shafiqul Haque (Cabinet Member for Culture)
Councillor Rabina Khan (Cabinet Member for Housing and Development)
Councillor Gulam Robbani (Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Peter Golds (Leader of the Conservative Group)
Councillor Abjol Miah
Councillor Md. Maium Miah
Councillor Joshua Peck

Officers Present:

Robin Beattie (Service Head, Strategy & Resources,
Communities Localities & Culture)
Kate Bingham (Service Head, Resources, Education Social Care
and Wellbeing)
Keith Burns (Interim Project Manager, Commissioning and
Strategy, Adults Health and Wellbeing)
Mark Cairns (Senior Strategy, Policy and Performance Officer)
Anne Canning (Service Head Learning and Achievement,
Education Social Care and Wellbeing)
Aman Dalvi (Corporate Director, Development & Renewal)
Ben Gadsby (Political Adviser to the Conservative Group)
Stephen Halsey (Head of Paid Service and Corporate Director
Communities, Localities & Culture)
Chris Holme (Acting Corporate Director - Resources)
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)
Meic Sullivan-Gould (Interim Monitoring Officer)
Matthew Mannion (Committee Services Manager, Democratic Services, LPG)

The following is a record of those decisions taken by the Cabinet at their meeting held on 9 July 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 18 July 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 21 July 2014.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Ohid Ahmed
- Councillor Aminur Khan
- Robert McCulloch-Graham (Corporate Director, Education, Social Care and Wellbeing)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 2 April were noted.

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (J. S. Williams)
(Committee Services Manager (M. Mannion)

4. PETITIONS

Nil items.

5. OVERVIEW & SCRUTINY COMMITTEE

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

Pre-Scrutiny Questions in respect of Items 7.1 (Discretionary Wards 2014/15) and 7.2 (Education, Social Care and Wellbeing Capital Programme 2014/15) were tabled by Councillor Joshua Peck, Chair of the Overview and Scrutiny Committee. The questions were addressed during discussion of the relevant items.

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

Nil items.

6. A GREAT PLACE TO LIVE

Nil items.

7. A PROSPEROUS COMMUNITY

7.1 Discretionary Awards 2014/15

DECISION

1. To agree that the Council takes up the power to make discretionary awards in respect of specified groups of students over compulsory school age in 2014/2015.
2. To approve the policy in Appendix 1 for the provision by the Council of school clothing grants in 2014/2015 within the budget specified in paragraph 5.2 of the report.
3. To approve the policy in Appendix 2 for the provision of the Budget Holding Lead Professional Scheme for Attendance Support in 2014/2015 within the budget specified in paragraph 5.2 of this report.
4. To approve the policy in Appendix 3 for the provision by the Council of discretionary awards in support of education travel in 2014/2015 within the budget specified in paragraph 5.2 of the report.
5. To approve the policy in Appendix 4 for the provision by the Council of the Mayor's Education Award (MEA) in 2014/2015 if Cabinet wishes the scheme to continue having determined that funding is available to support applicants for the academic year 2014-15.
6. To approve the policy in Appendix 5 for the provision of the Mayor's Higher Education Award Scheme in 2014/2015 if Cabinet wishes the scheme to continue and has funds to support it.

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

(Service Head, Learning and Achievement Early Years (A. Canning))

(Head of Secondary Learning and Achievement (D. Warne))

Reasons for the decision

The Council has power by virtue of section 518 of the Education Act 1996 and in circumstances specified in regulations to grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age. The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 require the Council as local education authority to consider in each financial year whether it will grant scholarships, exhibitions, bursaries and other allowances to persons over compulsory school age and, if so, whether to exercise the power generally or only in respect of persons who satisfy determined criteria. The Council should make its determination annually by the 31st March.

Since 2000/01 Cabinet has determined to exercise the power only in respect of certain groups of students. This allows the Directorate to direct funds towards areas of identified need, and is the recommended option.

Cabinet is asked to review the discretionary award schemes shown below, and to note the minor change requested in the Mayor's Education Award Policy.

Alternative options

Cabinet has the options not to take up discretionary award powers in which case it could not run the Mayor's Education Award. Alternatively, the Council might choose to make discretionary awards generally which means that it would have to accept and consider applications for support for a wide spectrum of courses from diverse residents aged over 16. It is considered that such an approach would not provide an appropriately robust foundation on which to grant or refuse requests. The policies appended to the report are considered to offer the fairest means of disbursing limited funds.

7.2 Education, Social Care and Wellbeing Capital Programme 2014/15**DECISION**

1. To note the contents of this report and specifically the out-turn for the 2013/14 ESCW Capital Programme (detailed in Appendix A) and proposed allocation of the funding available in 2014/17 (as detailed in Appendix B) (paragraph 3.1);
2. To approve the adoption of capital estimates for the 2014/15 capital condition and improvement programme schemes in schools and service premises as shown in Appendix C and authorise expenditure (paragraph 3.6);

3. To approve the adoption of a capital estimate of £100,000 to provide items of equipment and assistive technology to support people with care needs in their own homes and authorise expenditure (paragraph 3.7);
4. To approve the adoption of a capital contribution of £250,000 to supplement the Disabled Facilities Grant allocation (paragraph 3.8);
5. To note the remaining projects within the Primary Capital Programme (PCP) schemes as shown in Appendix D (paragraph 3.10);
6. To note the Primary School Expansion Programme as detailed in Appendix E (paragraph 3.12) ;
7. To approve the adoption of a capital estimate of £4.5m for the provision of additional 6th form accommodation at Stepney Green School (paragraph 3.17);
8. To approve the adoption of a capital estimate of £290,000 for the works at Marner School to provide the satellite classes for Phoenix School (paragraph 3.21);
9. To approve the adoption of a capital estimate of £750,000 to cover the costs of developing proposals to be considered for inclusion in the capital programme and authorise expenditure (paragraph 3.27);
10. To approve the adoption of a capital estimate of £200,000 for the costs of providing additional short term accommodation if required for additional pupils until major works have been carried out to provide permanent additional school places and authorise expenditure (paragraph 3.28);
11. To note progress with creating early education provision and further consultation with providers as shown in Appendix D (paragraph 3.30);.
12. To approve the adoption of a capital estimate of £100,000 in respect of Swanlea School (paragraph 3.32);
13. That the Corporate Director of ESCW, in respect of all proposed tenders referred in this report, is authorised to agree tenders for projects within the approved programmes and capital estimate;
14. That any scheme exceeding the approved budget, the Corporate Director of ESCW is authorised to prepare and carry out a Bill of Reductions where relevant to ensure expenditure is contained within the agreed costs

Action by:

CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(Service Head Resources, ESCW (K. Bingham))

Reasons for the decision

The Local Authority (LA) has a responsibility to maintain its properties to ensure that they are safe and secure for staff and users. In the case of schools, the LA also has a statutory responsibility to provide sufficient places for children and young people of school age. Cabinet is asked to note the programme and approve the adoption of the capital estimates so that the required works can proceed.

Alternative options

When identifying which works to include within the capital programme alternative options are always considered. This is to ensure that the projects both meet value for money and address the needs identified. Expansion projects are recommended following options appraisals and to select the options which best meet the location needs of the rising school age population.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY**9.1 Extra Care Sheltered Housing****DECISION**

1. To approve the award of contract for the care provision in the four ECSH schemes to **the successful bidder**, whose bid represented the most economically advantageous tender based on price and quality.
2. To authorise the Corporate Director of Education, Social Care and Wellbeing, after consultation with the Service Head - Legal Services, to finalise the terms and conditions of the contract for this service
3. To authorise the Service Head - Legal Services to execute all necessary contract documents to implement this decision.
4. To authorise a four month extension (see paragraph 1.2 in the report) of the current contract in order for mobilisation of the new contract (including TUPE issues where applicable) to be executed.

Action by:

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

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

Reasons for the decision

To enable the award and mobilisation of a contract for the provision of care in four ECSH schemes to ensure continuity of care to the vulnerable adults in each of the schemes named above.

The request for the outcome of the procurement process was due before Cabinet on 5th February 2014. Had this been agreed the new contract could have been in place when the current contract expires in June 2014. The recommendation from officers did not go before Cabinet as planned and so the extension is required in order to mobilise the contract with the successful bidder.

Alternative options

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

- The tender exercise 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 the contract 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. This would also result in a risk of a legal challenge on the basis that the interim arrangements would not have been lawfully procured.

10. ONE TOWER HAMLETS

Nil items.

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)

Reasons for the decision

Financial Regulations requires that regular reports be submitted to Council/Committee setting out financial decisions taken under Financial Regulation B8.

The regular reporting of Corporate Director's Discretions should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

The Council is bound by its Financial Regulations (which have been approved by Council) to report to Council/Committee setting out financial decisions taken under Financial Regulation B8.

If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these activities are in accordance with Financial Regulations.

12.2 Cabinet Terms of Reference

DECISION

1. To note the report.

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (J.S. WILLIAMS)

Reasons for the decision

To set out for clarity the decision of the Mayor and to set out the Cabinet's Terms of Reference.

Alternative options

Not applicable to a noting report.

13. EXCLUSION OF THE PRESS AND PUBLIC

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
- Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 (“the 1972 Act”). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
 - Agenda item 19.1 “Extra Care Sheltered Housing – Exempt Appendix” 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

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

19.1 Extra Care Sheltered Housing - Exempt Appendix

DECISION

1. To note the exempt appendix.

Action by:

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

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

Reasons for the decision

As set out in the public agenda.

Alternative options

As set out in the public 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 6.20 p.m.

John S Williams
SERVICE HEAD, DEMOCRATIC SERVICES