

# CABINET

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**Wednesday, 9 July 2014 at 5.30 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**Members:**

|                             |  |
|-----------------------------|--|
| Mayor Lutfur Rahman         | (Mayor)  |
| Councillor Oliur Rahman     | (Deputy Mayor and Cabinet Member for Economic Development (Jobs, Skills and Enterprise)) |
| Councillor Ohid Ahmed       | (Cabinet Member for Community Safety)  |
| 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 Aminur Khan      | (Cabinet Member for Policy, Strategy and Performance)                                    |
| Councillor Gulam Robbani    | (Cabinet Member for Children's Services)   |

[The quorum for Cabinet is 3 Members]

**Public Information:**

The public are welcome to attend meetings of the Cabinet. Procedures relating to the Public Question and Answer session and submission of petitions are set out in the 'Guide to Cabinet' attached to this agenda.

**Contact for further enquiries:**

Matthew Mannion, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG  
Tel: 020 7364 4651  
E-mail: [matthew.mannion@towerhamlets.gov.uk](mailto:matthew.mannion@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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## Public Information

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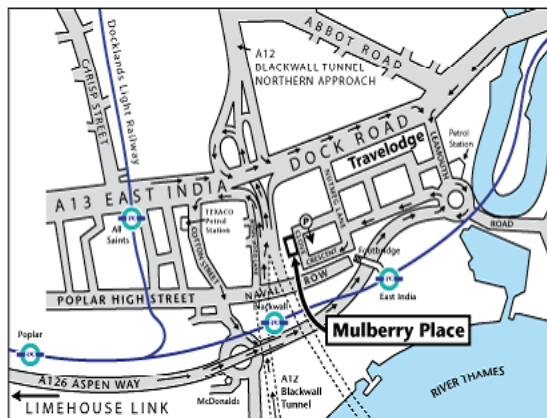
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QR code for smart phone users

## 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](http://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 decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 11 July 2014**
- The deadline for call-ins is: **Friday, 18 July 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, 3 July 2014 (Noon)**

# LONDON BOROUGH OF TOWER HAMLETS

## CABINET

WEDNESDAY, 9 JULY 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.

|                         | PAGE<br>NUMBER | WARD(S)<br>AFFECTED |
|-------------------------|----------------|---------------------|
| 3. UNRESTRICTED MINUTES | 5 - 12         |                     |

The unrestricted minutes of the Cabinet meeting held on 2 April 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

### 7. A PROSPEROUS COMMUNITY

|     |  |         |           |
|-----|--|---------|-----------|
| 7.1 | Discretionary Awards 2014/15                                   | 13 - 38 | All Wards |
| 7.2 | Education, Social Care and Wellbeing Capital Programme 2014/15 | 39 - 54 | All Wards |

### 8. A SAFE AND COHESIVE COMMUNITY

### 9. A HEALTHY AND SUPPORTIVE COMMUNITY

|     |                              |         |           |
|-----|------------------------------|---------|-----------|
| 9.1 | Extra Care Sheltered Housing | 55 - 60 | All Wards |
|-----|------------------------------|---------|-----------|

### 10. ONE TOWER HAMLETS

### 11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

### 12. UNRESTRICTED REPORTS FOR INFORMATION

|      |  |         |           |
|------|--|---------|-----------|
| 12.1 | Exercise of Corporate Directors' Discretions | 61 - 70 | All Wards |
| 12.2 | Cabinet Terms of Reference                   | 71 - 78 | All Wards |

### 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

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.**

**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**

**17. A PROSPEROUS COMMUNITY**

**18. A SAFE AND COHESIVE COMMUNITY**

**19. A HEALTHY AND SUPPORTIVE COMMUNITY**

**19 .1 Extra Care Sheltered Housing - Exempt Appendix 79 - 80**

**20. ONE TOWER HAMLETS**

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

**22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION**

# 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 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

**Apologies:**

Apologies were received from: Councillor Shahed Ali, Councillor Rania Khan and Councillor Oliur Rahman

**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, 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, LPG)                 |

## **AGENDA ORDER**

Note that during the meeting the **Mayor** changed the agenda order to take Item 4 (Petitions) first. To aid clarity, the minutes are presented in the order the items appeared on the agenda.

### **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.

### **4. PETITIONS**

#### **4.1 Petition regarding Fairness Commission**

Mr Haque addressed the meeting on behalf of the petitioners. He stated that the concept of fairness had to be at the centre of public service and that they had concerns as to whether the Fairness Commission had properly considered all the relevant fairness issues. The Cabinet Member for Housing responded to the matters raised in the petition. She stated that questions of fairness and equality in relation to decision making were important

considerations and that the Council endeavoured to deliver fairness to everyone. She thought that the fairness commission could help.

## **RESOLVED**

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.

## **5. OVERVIEW & SCRUTINY COMMITTEE**

### **5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered**

The **Mayor** noted that the Chair of the Overview and Scrutiny Committee (OSC) had given his apologies for the meeting but that he had provided a tabled paper with an update on the OSC meeting of the previous evening.

### **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 5 March 2014.

## **6. A GREAT PLACE TO LIVE**

### **6.1 Local List Update**

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She highlighted the importance of caring for the rich local heritage in the borough and remembering the actions of those who had lived here. She stated that the report recommended the inclusion of over 50 war memorials to the local list.

The **Mayor** welcomed the report and stated that it was right to commemorate those who gave so much. He **agreed** the recommendations as set out in the report.

## **RESOLVED**

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.

### **6.2 New Homes: Ashington East**

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She reported that this project was a good example of the creative ways the

Council looked to deliver new homes. She summarised the nature of the housing proposed including the spread of family and other units and the amount of disabled access.

The **Mayor** welcomed the report and thanked officers for their efforts in securing funding from the Greater London Authority. He **agreed** the recommendations as set out in the report.

### **RESOLVED**

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.

### **6.3 Communities, Localities and Culture Capital Programme 2014-15**

The report was introduced by Councillor Ohid Ahmed, Deputy Mayor. He highlighted that Appendix A contained details of the projects and funding sources.

Following a brief discussion including on the level of transport and highways fees, the **Mayor** accepted the report and, subject to the inclusion of the word 'Maximum' in paragraph 1.4 to indicate a maximum fee of 27.5%, **agreed** the recommendations as set out in the report.

#### **RESOLVED**

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.

### **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**

Councillor Abdul Asad, Cabinet Member for Health and Wellbeing, introduced the report. He highlighted that the report had been through the consultation process and the deadline for submission to the government. He stated that the report clearly demonstrated the value of partnership work to the Council

and residents. He noted a number of important projects such as the luncheon clubs, healthcheck programme and women into health jobs project.

Following a short discussion about how risks were being mitigated and the strength of the Council's partnerships the **Mayor agreed** the recommendation as set out in the report.

#### **RESOLVED**

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.

### **10. ONE TOWER HAMLETS**

#### **10.1 Tower Hamlets Fairness Commission: Response to recommendations**

The **Mayor** introduced the report, welcoming the ambition to work with partners across the board and how the Council was listening to residents to improve services. He **agreed** the recommendations as set out in the report.

#### **RESOLVED**

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.

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

The report was introduced by Councillor Alibor Choudhury, Cabinet Member for Resources. He noted that the Council's budget was still on course but that serious challenges lay ahead.

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

#### **RESOLVED**

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.

**11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

**12. UNRESTRICTED REPORTS FOR INFORMATION**

**12.1 Exercise of Corporate Directors' Discretions**

The **Mayor** asked for more information on the set up between church and provider on ESCW/470 (St Paul's Church) and then **agreed** the recommendation in the report.

**RESOLVED**

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

**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

|   |   |
|---|---|
| <b>Cabinet</b><br>9 July 2014   | <br><b>TOWER HAMLETS</b> |
| <b>Report of:</b> Robert McCulloch-Graham, Corporate Director<br>Education, Social Care & Wellbeing                         | <b>Classification:</b><br>Unrestricted  |
| Review of the Council's Discretionary Awards Determination for the 2014/15 financial year and discretionary award policies. |   |

|                               |  |
|-------------------------------|--|
| <b>Lead Member</b>            | <b>Councillor Gulam Robbani, Cabinet Member for Children's Services</b>  |
| <b>Originating Officer(s)</b> | Anne Canning, Service Head Learning and Achievement Early Years<br>Diane Warne, Head of Secondary Learning and Achievement |
| <b>Wards affected</b>         | All wards  |
| <b>Community Plan Theme</b>   | <b>A Prosperous Community</b>  |
| <b>Key Decision?</b>          | Yes  |

## Executive Summary

This report seeks the level of Discretionary Award Determination Cabinet wishes to take up and reviews the Council's discretionary awards policies, i.e. the Mayor's Education Award, 16-19 Further Education Transport Policy, School Clothing Grant Policy and Budget Holders Lead Professional Scheme.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. 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. 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 this report.
3. 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. 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 this report.
5. 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. 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.

## **1. REASONS FOR THE DECISIONS**

- 1.1 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 31<sup>st</sup> March.
- 1.2 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.
- 1.3 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.

## **2. ALTERNATIVE OPTIONS**

- 2.1 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.

## **3. BACKGROUND**

- 3.1. Cabinet undertakes the review of its discretionary awards schemes on an annual basis taking into account the budget available and any policy changes requested.

- 3.2. The expected budget provision for the 2014/15 financial year is set out below.

**Table 1: Funding for each grant scheme 2013/14 and 2014/15**

| <b>Grant scheme</b>                       | <b>Budget<br/>2013/14<br/>£'000</b> | <b>Budget<br/>2014/15<br/>£'000</b> |
|---|-------------------------------------|-------------------------------------|
| School clothing grants                    | 201                                 | 201                                 |
| Budget holding lead professionals scheme  | 21                                  | 21                                  |
| 16-19 further education transport support | 5                                   | 5                                   |
| Mayor's Education Award                   | 410                                 | 272                                 |
| Mayor's Higher Education Award            | 630                                 | 630                                 |
| <b>Total</b>                              | <b>1,267</b>                        | <b>1,129</b>                        |

#### **4. THE DIRECTORATE'S PROPOSED DISCRETIONARY AWARDS SCHEMES FOR THE 2013/14 ACADEMIC YEAR**

##### **4.1 School Clothing Grant Policy**

- 4.2. The Council has power under section 518 of the Education Act 1996 and the Local Education Authority (Payment of School Expenses) Regulations 1999 to pay expenses to enable a child attending a maintained school to take part in any school activity. The Council may make such a payment where satisfied that it should be made to relieve financial hardship, but the payment must be related to the means of the child's parents. 2,012 awards were made under this scheme in the 2013/14 academic year. There are no revisions required to the policy which appears at Appendix 1.

##### **4.3. Budget Holding Lead Professional Scheme for Attendance Support**

- 4.4. This scheme is regarded as being an extremely effective form of targeted intervention that has had a positive effect on the lives of the children supported. No changes are proposed to this scheme which is set out in Appendix 2.

##### **4.5. 16-19 Further Education Travel Policy**

- 4.6. The Council has power under section 508C of the Education Act 1996 to make such school travel arrangements as it considers necessary for the purpose of facilitating a child's attendance at any relevant educational establishment in relation to the child. This power relates to children who are not eligible children within the meaning of Schedule 35B to the Education Act 1996 (and in respect of whom the Council has a duty). The arrangements that may be made include payment of the whole or any part, as the Council thinks fit, of a person's reasonable travelling expenses.

- 4.7. No change is proposed in the Further Education Travel Policy. The proposed policy is shown at Appendix 3.
- 4.8. **The Mayor's Education Award**
- 4.9. The Mayor's Education Award commenced in the 2011/12 academic year. Eligible students receive grants of £400 per year paid in two tranches of £200. Approximately 2,000 applications were received and 1,300 students were supported by the Scheme in the 2012/13 academic year.
- 4.10. The MEA scheme was designed to assist student taking courses of full-time education of at least one year's duration. The scheme contributes to the Prosperous Community theme by delivering financial support to families in need, increasing the ability of their young people to take part fully in further education
- 4.11. The MEA scheme is due to end in summer 2014 as there are no further funds available for it. If the scheme was to continue the Council would need to set aside funding at least as estimated for 2013-14. However, a policy for the 2014/15 academic year is shown at Appendix 4 in the event that Cabinet wishes to scheme to continue and has funds to allow it to do so.

## **5. The Mayor's Higher Education Award**

- 5.1 The MHEA scheme is designed to give awards of £1,500 to 400 students in the first year of a higher education undergraduate course. The purpose of the scheme is to mitigate the high cost associated with higher education.
- 5.2 The scheme is aimed at young people up to the age of 24, with an exception for students having had an SEN statement up to the age of 16 or 19 as necessary and for students receiving Disability Living Allowance. These two groups of students can apply up to the age of 25.
- 5.3 Over 800 applications were made for the scheme and 400 awards were offered. Payments commenced in February 2014. Approximately 5% of applicants offered support were not in attendance and the awards were put aside to be offered to applicants whose priority had been too low to be offered an award in the first instance. Although attempts will be made to allocate all awards, there is an expectation that 5% of awards will remain unused at the end of the 2013/14 academic year.
- 5.4 The scheme is only due to run in the 2013/14 academic year, with half of the award per individual being paid in February 2014 and the remaining half in February 2015. However, a policy for the 2014/15

academic year is shown at Appendix 5 in the event that Cabinet wishes the scheme to continue and has funds to allow it to do so.

## 6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 The funding for these discretionary awards is available at the level indicated in the report in the 2014/15 budget. The exception is that there is a forecast variance of £0.128m against the Mayor's Education Award on the figures in **Table 2** below. This will need to be funded from reserves if take-up is at this level.
- 6.2 The Mayor's Education Award scheme ceases at the end of 2013/14 academic year (i.e. summer 2014) and there is no funding beyond then for that scheme.
- 6.3 The Mayor's Higher Education Award operates for two academic years from autumn 2013, with the first payment in February 2014. The funding is sufficient to pay for 400 awards per year plus £30k administration costs. The illustration of the activity and costs are in Table 3.

**Table 2: Activity and costs on Mayor's Education Award since its introduction.**

| Financial year                                 | 2011/12                          | 2012/13                         |                                 | 2013/14                           |                                   | 2014/15                           |                    | Total           |
|--|----------------------------------|---------------------------------|---------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|--------------------|-----------------|
| Year   | Jan-12<br>Actual<br>11/12<br>ay* | Apr-12<br>Actual<br>11/12<br>ay | Jan-13<br>Actual<br>12/13<br>ay | Apr-13<br>Estimate<br>12/13<br>ay | Jan-14<br>Estimate<br>13/14<br>ay | Apr-14<br>Estimate<br>13/14<br>ay | Jan-15<br>Estimate |                 |
| Total eligible                                 | 650                              | 889                             | 1,135                           | 1,050                             | 1,350                             | 1,350                             |                    |                 |
| Admin cost                                     | £0.020m                          | £0.020m                         | £0.020m                         | £0.020m                           | £0.020m                           | £0.020m                           |                    |                 |
| Total cost (ie eligible x £200 per instalment) | £0.150m                          | £0.198m                         | £0.247m                         | £0.230m                           | £0.290m                           | £0.290m                           |                    |                 |
| <b>Revised Financial Year cost</b>             | <b>£0.150m</b>                   | <b>£0.445m</b>                  |                                 | <b>£0.520m</b>                    |                                   | <b>£0.290m</b>                    |                    | <b>£1.369m</b>  |
| <b>Budget</b>                                  | <b>£0.150m</b>                   | <b>£0.445m</b>                  |                                 | <b>£0.410m</b>                    |                                   | <b>£0.272m</b>                    |                    | <b>£1.277m</b>  |
| <b>Variance</b>                                | <b>0</b>                         | <b>0</b>                        |                                 | <b>+£0.110m</b>                   |                                   | <b>+£0.018m</b>                   |                    | <b>+£0.128m</b> |

\*ay Academic year payments Jan and April ( crossing financial years)

**Table 3: Activity and costs on Mayor's Higher Education Award scheme**

| Financial year  | 2013/14               | 2014/15               |                       | 2015/16               |  |
|---|-----------------------|-----------------------|-----------------------|-----------------------|--|
| Year  | Estimated<br>13/14 ay | Estimated<br>13/14 ay | Estimated<br>14/15 ay | Estimated<br>14/15 ay |  |
| Total eligible  | 400                   | 400                   | 400                   | 400                   |  |
| Admin cost  | £0.015m               | £0.015m               | £0.015m               | £0.015m               |  |
| Total cost (ie eligible x £750 per instalment, or £1,500 per academic year) | £0.300m               | £0.300m               | £0.300m               | £0.300m               |  |
| Original Budget allocation  | £0.630m               | £0.630m               |                       | Nil                   |  |
| Revised Financial Year cost   | £0.315m               | £0.630m               |                       | £0.315m               |  |

## **7. LEGAL COMMENTS**

7.1 The Council is empowered by section 518 of the Education Act 1996 to make payments, in circumstances prescribed by regulations, to enable a person to take advantage of educational facilities that are available to them.

Such payments may consist of –

- A post-compulsory education award, which may be a scholarship, an exhibition, a bursary or any other allowance.
- Payment of such expenses of attending a community, foundation, voluntary or special school as may be necessary to enable them to take part in school activities.

7.2 The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 provide that the Council must decide each financial year whether it wishes to operate an awards scheme and, if so, whether it will do so generally or only in respect of eligible people who satisfy criteria specified by the Council. The proposal is to put in place policies for a number of targeted awards schemes, as set out in appendices 2, 4 and 5, each specifying the applicable criteria.

7.3 The Local Education Authority (Payment of School Expenses) Regulations 1999 specify that the Council may pay expenses where it is satisfied that such a payment should be made in order to prevent or relieve financial hardship. The proposed school clothing grant policy in Appendix 1 is for the payment of school clothing grants and this contains a relevant eligibility criterion concerning income.

7.4 The Council has a separate discretion under section 508C of the Education Act 1996 to make travel arrangements for children other



than eligible children. The Council may make such arrangements in relation to a child where it considers them necessary to facilitate the child's attendance at any relevant educational establishment in relation to the child. The travel policy in Appendix 3 outlines the Council's approach to the exercise of its discretion.

7.5 The proposed awards policies contain a requirement for residence in Tower Hamlets as part of the eligibility criteria. This will apply equally to UK and other nationals and there is a good argument that it does not give rise to any indirect form of discrimination contrary to Article 49 of the Treaty Establishing the European Economic Community.

7.6 Under section 149 of the Equality Act 2010, before making a decision to opt in or out of discretionary awards and before determining the policies on which it will make discretionary payments, 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. Information is provided in section 9 of the report relevant to these considerations. Age is a protected characteristic within the meaning of the Equality Act 2010, but the grant of education awards is not considered to be the subject of an anti-discrimination obligation under the Act.

## **8. ONE TOWER HAMLETS CONSIDERATIONS**

8.1 Education is crucial in allowing people to compete successfully in society. The adoption of the power to make discretionary awards will help to ensure equality of opportunity by mitigating financial barriers to education and thereby assisting equality of access to all residents regardless of race, gender, disability, sexual orientation, and religion/beliefs. This will assist the work of building aspiration among Tower Hamlets students at a time when the lack of economic opportunity means that competition for jobs is ever greater.

8.2 Equalities Analyses were carried out on the Discretionary Awards Schemes shown in this report for the 2012/13 2013/14 academic years and the scheme were found to have an overall positive effect on breaking down barriers to participation and on the protected groups concerned.

## **9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

9.1 There are no SAGE issues arising from this report.

## **10. RISK MANAGEMENT IMPLICATIONS**

10.1 The discretionary award policies are cash limited wherever possible and an overspend in one can be compensated by an underspend in

another. Reputational risk is guarded against by the annual review of the policies which seeks to ensure that they respond to need.

## **11. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 11.1 Cutting crime and anti-social behaviour is about improving quality of life. The discretionary award policies do this by obviating financial need where possible, by allowing young people to fulfil their potential by channelling their energies in a positive way and in some cases by focussing on early intervention.

## **12. EFFICIENCY STATEMENT**

- 12.1 The Directorate is making efficient use of its resources by using an existing team to deliver the Mayor's Further and Higher Education Awards, by concentrating its financial resources on the poorest and most vulnerable members of its community, and by tailoring its scheme to ensure that disadvantaged young people are taken into consideration. The assistance given at further education level will increase students' ability to take part in higher education and that given at higher education level will assist young residents to find employment.

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 – proposed School Clothing Grant Policy 2014/15
- Appendix 2 – proposed Budget Holding Lead Professional Scheme for AttendanceSupport 2014/15
- Appendix 3 – proposed 16 to 19 Further Education Transport Policy 2014/15
- Appendix 4 – proposed Mayor's Education Award 2014/15
- Appendix 5 – proposed Mayor's Higher Education Award 2014/15

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

- NONE

## **1 School Clothing Grant**

- 1.1 The School Clothing Grant is a single payment of £110 made on one occasion where a pupil transfers from primary to secondary school for pupils from low income families. The grant is made for the academic year in which the pupil reaches the age of 12.
- 1.2 Grants will be made wherever possible in advance of the start of the Autumn term so that parents have access to the money when most needed.

## **2. Conditions of eligibility**

- 2.1 Applicants **must** satisfy the following requirements of the policy to be eligible for a School Clothing Grant:

- age;
- residence;
- school;
- income.

### **2.1 Age limits**

- 2.1.1 Pupils can be considered for a School Clothing Grant for the academic year in which they become 12 years old. Overage and underage pupils may also qualify where their secondary transfer has been approved by the Educational Psychologist and School Development Adviser.
- 2.1.2 The start of the academic year is defined as 1<sup>st</sup> September.

### **2.2 Residence requirements**

- 2.2.1 The Authority will consider applications from parents and carers living within its area.

### **2.3 Approved institutions**

- 2.3.1 School Clothing Grants will be made to pupils attending courses of secondary education at maintained and private sector secondary schools.

### **2.4 Benefit requirement**

- 2.4.1 To be eligible for a School Clothing Grant the parents or carer must receive:
- income based Job Seekers Allowance;
  - Income Support;
  - Income related Employment Support Allowance
  - Guaranteed Pension Credit
  - a total income of less than £16,190 (excluding child tax credit and child

benefit, but including any Working Tax Credit you may receive).

- Universal Credit where the applicant is eligible for Free School Meals.

2.4.2 Pupils whose parents or carers are asylum seekers will be eligible to be considered for a School Clothing Grant where their parents or carers receive NASS (National Asylum Support Service) support under part IV of the Immigration and Asylum Act 1999.

2.4.3 The applicant, their parents or guardians must receive a qualifying benefit at the time of applying.

### **3. Administration of the payment**

3.1 The School Clothing Grant is paid as a single cheque of £110 to the parent or carer of the pupil.

### **4. Closing dates**

4.1 The School Clothing Grant application forms for the 2013/14 academic year must be received by the Housing Benefits Team by **5pm on Monday 30<sup>th</sup> September 2013.**

### **5 Exceptional circumstances**

5.1 Applications for School Clothing Grants received after the closing date will only be accepted in exceptional circumstances where the pupil and family meet all the criteria of this policy other than having made an application on time.

5.2 Parents applying on exceptional grounds will be asked to provide supporting evidence from a relevant professional, for example an Attendance and Welfare Adviser or Lead Professional.

### **6 Appeals**

6.1 Appeals must be made in writing and will be considered by a panel comprised of at least two senior officers from Attendance and Welfare. Appeals must be accompanied by evidence that the parent or guardian was in receipt of an appropriate benefit as described on paragraph 2.4.1 and 2.4.2 at the time of applying.

## Appendix 2

### **Budget Holding Lead Professional Scheme for Attendance Support (BHSAS)**

#### **1 Purpose of the scheme**

- 1.1 The aim of this scheme is to assist front line staff in identifying concerns about children and young people at an early stage. It provides access to funding for resources for early intervention to meet the identified needs and thereby avoiding the concerns escalating and becoming entrenched.
- 1.2 Non-attendance and poor punctuality are recognised as being early indicators of difficulties affecting the lives of children and young people. It is also recognised that the Attendance and Welfare Service (AWS) is one of the key front line services working with schools and children and young people of statutory school age and that it has a very important role in working with schools, families and the children and young people to overcome these difficulties.

#### **2 How the BHLPSAS will function**

- 2.1 Following receipt of a referral for non-attendance and/or poor punctuality, an AWA and/or school may have conducted or be in the process of conducting an assessment of the factors affecting the education of the pupil using the Tower Hamlets Common Assessment Framework Form (CAF);
- 2.2 This assessment may identify difficulties which could be resolved quickly and effectively through the immediate funding of resources to meet the identified needs;
- 2.3 An application can be submitted to the Principal Attendance and Welfare Advisor briefly detailing the situation and identified needs and the resources required to meet them;
- 2.4 The Principal Attendance and Welfare Advisor as the Budget Manager for the AWS will authorise the funding subject to:
- 2.5
- The request being linked to completion of a CAF on the pupil in question;
- 2.6
- There being evidence of the pupil and his/her carers having participated in the assessment of identified needs;
- 2.7
- Measurable outcomes being specified linked to the provision of the funding for the resources – improved attendance/punctuality;
- 2.8
- Funding for resources will not normally be in cash but in the form of payment of invoices for services/goods received.

### **3 Eligibility**

- 3.1 The pupil's non-attendance or poor punctuality has reached the trigger point for serving a court warning notice;
- 3.2 An assessment utilising the CAF is in process or has been completed. Where the pupil has been the subject of a recent assessment by Children's Social Care then this can be used to avoid duplication but must be accompanied by a completed scored CAF Review Form to detail the current need and to give initial baseline scores;
- 3.3 An urgent need has arisen that requires early provision of resources but will be followed by completion of a CAF such as when parents/carers cannot accompany a child to/from school due to a short term exceptional situation.
- 3.4 This source cannot be used to fund statutory entitlements, the funding can only be used for resources that are additional to statutory entitlements.

### **4 Funding**

- 4.1 For 2014/15 the AWS has a BHSAS allocation of £25,000.

### **5 The Social Inclusion Panel (SIP)**

- 5.1 It is intended that the BHSAS will serve to assist AWAs in meeting pupils' identified needs at an early stage thereby preventing deterioration to the stage of them meeting the criteria at which they must be referred to SIP.
- 5.2 Where a pupil's attendance and/or punctuality does meet the criteria for referral to SIP then they must still be referred even if they are part of the BHLPSAS.
- 5.3 SIP itself also has an allocation from schools' funding under the BHSAS from the Direct Schools' Grant and can offer funding in targeted cases to fund resources to help overcome the difficulties affecting them/meet their needs.

### **6 Examples of Resources that can be Funded**

- 6.1 A Reward Scheme  
An Evening Activity  
Family Group Conference  
Teaching Assistant Hours  
Counselling Support  
Escort Provision  
School Uniform  
Pieces of Equipment – such as a musical instrument  
After hours One-to-One Support from a Significant Other/Tutor
- 6.2 This list is not exhaustive and AWAs are encouraged to be creative and innovative but any application for resources to be funded must be justified in the

CAF and must be outcome related to the pupil's attendance/punctuality.

**7 Applying for Funding through the BHSAS**

7.1 Application for funding is through completion and submission of a short form.

7.2 It is required that following the intervention funded by the BHSAS a completed and scored CAF Review Form be submitted to assist in the evaluation of the intervention.

## Appendix 3

### TOWER HAMLETS FURTHER EDUCATION TRAVEL POLICY 2014/15

#### 1 Amount of support

- 1.1 Eligible applicants will receive a travel pass or a travel grant, whichever is the more cost effective.
- 1.2 The travel grant is a flat rate grant of £300.00 to be paid in three termly instalments. Applications received by the Directorate after the start of the academic year will be funded on a pro-rata basis from the half term in which they are received.
- 1.3 Where an eligible student is taking a specialist vocational course and receiving a Further Education grant, or bursary, but his or her fares are more than £10 per week taking into account fare concessions, they can receive the grant of £300 as detailed in paragraph 1.2.
- 1.4 A specialist vocational course is one that leads to a single national qualification in a specified area, e.g. a national diploma in model making. This does not include a variety of A, A/S or A2 levels, one or more of which cannot be taken locally.
- 1.4 The provision of free bus transport by Transport for London will be taken into account when considering the value of any award made.

#### 2 Responsibility

- 2.1 Applicants must be the ordinarily resident in Tower Hamlets to be the responsibility of Tower Hamlets Children' Services.
  - 2.1.1 'Ordinary residence' refers to a person ordinarily residing in the Borough of Tower Hamlets (apart from temporary or occasional absences) whose residence in the Borough has been adopted voluntarily for settled purposes.
  - 2.1.2 Applicants who are living in Tower Hamlets solely for reasons of taking full-time education are not eligible for support from this policy and should apply to their home authorities for support.

#### 3 Other sources of income

- 3.1 Applicants must first have their entitlement to discretionary bursary support determined, to allow proper consideration of their transport support.
- 3.2 Students should not receive more than one form of travel support. This acknowledges the fact that they may receive EFA funds towards travel costs. The Directorate will not normally fund a student's travel support where he or she has an entitlement to central government funds.



3.3 To be considered for a travel grant, the applicant must be ineligible for any form of government training allowance except in situations where they are taking a specialist course as stated in paragraphs 1.3 to 1.4.

3.4 Exceptionally, students with special educational needs may be considered by the Directorate to need both travel support and other forms of funding.

## **5 Age**

5.1 Applicants can apply for support for the 2014/15 academic year where it follows the academic year in which they became 16, 17 or 18 years old. The academic year is deemed as starting on 1<sup>st</sup> September 2014.

5.2 Applicants with Special Educational Needs can be funded for the 2014/15 academic year where it follows the academic year in which they became, 16, 17, 18, 19 or 20 years old.

## **6 Parental Income**

6.1 Parental income in the 2014/15 financial year must be no more than £30,810.

6.2 Where the income of an applicant's parents in the 2014/15 financial year can be shown to be 15% less than their income in the 2013/14 financial year, the parents' current estimated income can be used for the purposes of this policy.

## **7 Recognised schools and colleges**

7.1 Travel support can be paid for full-time attendance on any further education course at any public sector school or college or any other school or college that receives funding from the Education Funding Agency. Advice will be sought from the School Development Advisers where applicants wish to go to other educational institutions.

## **8 Minimum home to school/college distance**

8.1 The applicant must be attending a school or college at least one and a half miles radius from the applicant's home.

## **9 Students with special educational needs**

9.1 Applicants with Special Educational Needs can receive a travel grant or travel pass whichever is deemed by the Education Directorate to be most appropriate. These applications will be considered taking into account the other criteria of this policy.

9.2 Where students with Special Educational Needs are concerned, consideration may be given to reducing the minimum home to school/college distance, taking into account the individual circumstances of the student relevant to the distance involved.

9.3 Students without a statement of Special Educational Needs but who have special needs can be considered exceptionally for a travel pass or travel grant under the same conditions that apply to students with Special Educational Needs.

## 10 **Appeals procedure**

10.1 Any applicant refused support can appeal in writing to the Awards Review Officer for further consideration. The appeal letter must be received by the Student Finance Section within 21 days of the date on which the refusal letter was sent.

10.2 The Awards Review Officer will determine whether or not the decision to refuse support has been properly made within the confines of the 16-19 Further Education Travel Policy.

## 11 **Exceptional circumstances**

11.1 Where an application has been properly refused but is felt to merit exceptional consideration by the Awards Review Officer, support can be offered on the agreement of the Head of the Access and Inclusion Service. The decision of this officer will be final.

## 12 **Cash limitations**

12.1 The budget to support the 16-19 Further Education Travel Policy is cash limited. Tower Hamlets Children, Schools and Families Directorate therefore reserves the right to refuse any application made under this policy on the grounds that sufficient funds are not available.

## Appendix 4

### **1. THE TOWER HAMLETS MAYOR'S EDUCATION AWARD POLICY 20014/2015**

- 1.1 The Children Schools and Learning Directorate will consider making Mayor's Education Awards under the Discretionary Awards Policy to students who are its responsibility.
- 1.2 Any award made will be for the student's maintenance only. Awards will not be made for course fees.
- 1.3 Any award offered will be for a specific course at an education provider recognised for the Discretionary Awards Policy and will be for a specific period. It will not be transferable to any other course or provider without the specific consent of the Directorate.
- 1.4 Further education students must make a written application on the form provided to allow their case to be considered. No student will have an automatic entitlement to a Mayor's Education Award.

### **2 Definitions**

- 2.1 Definitions used will follow those appearing in the EFA Funding Guidance Regulations 2031/14.

### **3. 16-19 FE Awards - conditions of eligibility**

- 3.1 Applicants must satisfy the following criteria of the policy to be eligible for a 16-19 FE Award:
  - age;
  - residence;
  - course;
  - recognised college.

#### **3.1 Responsibility for applications**

- 3.1.1 To be eligible for consideration for a 16-19 FE Award, an applicant must be the responsibility of the London Borough of Tower Hamlets in accordance with the Areas to which Pupils Belong Regulations 1996.

#### **3.2 Age limits**

- 3.2.1 16-19 FE Awards are considered for applicants aged 16 to 18 years old before the start of the academic year in which the course starts. Students becoming 19 within an academic year will be funded to the end of that academic year.
- 3.2.2 Awards will only be considered for courses that would normally be completed by the end of the academic year in which the student becomes 19.

- 3.2.3 Exceptionally students who had an SEN statement and/or those who are recognised by the Directorate's panel of experts as disabled may be funded up to the academic year in which they become 21 years old.

### **3.3 Residence requirements**

- 3.3.1 Applicants must have been ordinarily resident in the London Borough of Tower Hamlets for 3 years preceding the start of the course which is defined as:-
- 1st September for courses commencing in the Autumn term
  - 1st January for courses commencing in the Spring term
  - 1st April for courses commencing in the Summer term.
- 3.3.2 Applicants who have been resident in Tower Hamlets wholly or mainly to undertake a full-time course of education during any part of the 3 years preceding the start of the course will not be accepted as meeting the Tower Hamlets residence requirement.
- 3.3.3 The following are exempted from the Tower Hamlets 3 years residence requirement:-
- applicants who live in the borough and hold full refugee status,
  - applicants returning to the borough who have been in care or looked after by Tower Hamlets Council
  - applicants who have been away during this period and whose parents have maintained a home in the borough throughout the 3 years (e.g. students, returnees from extended visits abroad)
- 3.3.4 Applicants must be 'settled' in the EU/EEA (including the UK) and have been ordinarily resident in the EU/EEA for the three years preceding the start of the academic year as defined in para 3.4.1 above and whose main purpose for such residence was not to receive full-time education during any part of the three-year period.
- 3.3.5 'Settled' means having either indefinite leave to enter or remain (ILE/R) or having the right of abode in the UK.
- 3.3.6 Applicants who meet the EU/EEA rules of the EFA Funding Guidance Regulations 2013 will be accepted as meeting the EU/EEA rule of this policy.
- 3.3.7 An exception will be made for those YPLA groups only eligible up to the age of 18. Their age of eligibility is extended to 19 or 21 where SEN and/or disability rules apply (see para 3.2.3 above).
- ### **3.4 Approved courses**
- 3.4.1 Awards will be considered for courses of FE leading to nationally recognised qualifications offered by regulated awarding bodies.
- 3.4.2 Mayor's Education Awards are normally only offered to students on a programme containing at least 450 guided learning hours in any 12-month period i.e. any academic year.

### **3.5 Recognised colleges**

- 3.5.1 The Authority recognises all further education public sector provision in the UK.
- 3.5.2 Awards will be considered for private sector further education provision where students are predominately enrolled in learning which leads to an external certificate offered by a regulated awarding organisation and where the provider is subject to inspection by OFSTED or a similar organisation with a remit set by central government.
- 3.5.3 Furthermore, private training providers will be recognised where they are providing courses to disadvantaged young person referred to them the City Gateway charity.

### **3.6 Household income**

- 3.6.1 Awards will only be considered for students with a household income of up to £20,817 in the 2014/15 tax year.
- 3.6.2 Household income is defined as the total amount a family receives each year before tax and National Insurance. Taxable income from all sources, taxable benefits and Working Tax Credit will be taken into account.
- 3.6.3 Non-taxable benefits such as Income Support and Child Benefit will be disregarded.
- 3.6.4 The income taken into account is that of the student and parents. The term 'parents' includes stepparents and a parent's partner.
- 3.6.5 The income of absent parents will not be taken into consideration where it can be demonstrated that the absent parent is no longer part of the household, such as in cases of divorce.

## **4 Deadline for the receipt of forms**

- 4.1 An application must be received within three months from the date of enrolment and must be made before the end of the course year.
- 4.2 Applications will not be considered for retrospective academic years.

## **5 Value of the award**

- 5.1 The Mayor's Education Award will be £400 p.a. per individual to be delivered in two instalments, one in the Spring Term and one in the Summer Term, both instalments consisting of £200.
- 5.2 In situations where a student enrolls on a course after the mid-point of the academic year the award will be limited to a single instalment of £200.

- 5.3 The Award will normally be a cash award, paid to the student, but with the agreement of the student and the education provider concerned, may be paid to a third part to purchase a defined educational benefit such as a school trip.

## **6 The need for attendance, effort and good behaviour**

- 6.1 Awards will only be released to students with the agreement of the education provider. Providers will be able to suspend the payment of an award instalment or cancel it where the student does not meet accepted levels of attendance, effort or behaviour.
- 6.2 Providers must have an internal appeals process to allow students to contest the suspension or cancellation of an award.

## **7 Exceptional cases**

- 7.1 Applications that are ineligible for a Mayor's Education Award will be considered to see whether they merit support exceptionally. In these cases the following factors will be taken into account:
- 7.2
- medical and social factors;
  - family circumstances;
  - qualifications gained;
  - funding available from other sources, both public and private;
  - commitment to the chosen career;
  - any other information put forward.

## **8 Appeals**

- 8.1 Applicants refused support can make a written appeal. Appeals must be received by the Section administering the scheme within 21 days of the date on the letter refusing support, or they will be ruled as out of time.
- 8.2 Appeals will be decided by an Appeals Panel chaired by the Head of Secondary Learning and Achievement. Decisions to make awards exceptionally will be made by the Service Head – Learning and Achievement who will consider cases passed up by the Chair of the Appeals Panel.

## **9 Verification of information**

- 9.1 Documentary evidence may be sought as necessary to prove any aspect of the information supplied on an application form for a Mayor's Education Award.

## **10 Cash Limits**

- 10.1 **The budget for 16-19 FE awards is cash limited. Therefore, the Directorate reserves the right to refuse any application made under this policy on the grounds that sufficient funds are not available.**

## Appendix 5

### **1. THE TOWER HAMLETS MAYOR'S HIGHER EDUCATION AWARD POLICY 2014/2015**

- 1.1 The Mayor's Higher Education Award scheme will make awards in the **2014/15** academic year only, with the awards lasting into the **2015/16** academic year.
- 1.2 The Education, Social Work and Wellbeing Directorate will consider making Mayor's Higher Education Award under the Discretionary Awards Policy to students who are its responsibility.
- 1.3 Any award made will be for the student's maintenance only. Awards will not be made for course fees.
- 1.4 Any award offered will be for a specific course at an education provider recognised for the Discretionary Awards Policy and will be for a specific period. It will not be transferable to any other course or provider without the specific consent of the Directorate.
- 1.5 Higher education students must make a written application on the form provided to allow their case to be considered. No student will have an automatic entitlement to a Mayor's Higher Education Award.

### **2 Definitions**

- 2.1 Definitions used will follow those appearing in the Education (Student Support Regulations) 2011/12 allowing for any changes arising from The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012.

### **3. Mayor's Higher Education Award - conditions of eligibility**

- 3.1 Applicants must satisfy the following criteria of the policy to be eligible for an MHEA:
  - age;
  - residence;
  - course;
  - receipt of statutory student finance.

#### **3.1 Responsibility for applications**

- 3.1.1 To be eligible for consideration for a Mayor's Higher Education Award, an applicant must be the responsibility of the London Borough of Tower Hamlets as defined by the Areas to which Pupils Belong Regulations 1996.

#### **3.2 Age limits**

- 3.2.1 Mayor's Higher Education Awards are considered for applicants aged up to

24 years old before the start of the academic year in which the course commences.

An exception is made for any student who has or has had a Special Educational Needs statement up to the age of 16, or who receives Disability Living Allowance. These students can apply up to the age of 25 years old before the start of the academic year in which the course commences

Having regard to their circumstances, students becoming 24 or 25 within an academic year will be funded for the duration of any award offered.

### **3.5 Residence requirements**

3.5.1 Applicants must have been ordinarily resident in the London Borough of Tower Hamlets for 3 years preceding the start of the course which is defined as the:-

- 1st September
- 1st January
- 1st April
- 1<sup>st</sup> July

preceding the start of the course.

3.5.2 Applicants who have been resident in Tower Hamlets wholly or mainly to undertake a full-time course of education during any part of the three years preceding the start of the course will not be accepted as meeting the Tower Hamlets residence requirement.

3.5.3 The following are exempted from the Tower Hamlets three years residence requirement:-

- applicants who live in the Borough and hold full refugee status,
- applicants living in the Borough who had previously lived outside Tower Hamlets through being in the public care of Tower Hamlets Council,
- applicants who have been away during this period and whose parents have maintained a home in the Borough throughout the three years (e.g. students, returnees from extended visits abroad).

3.5.4 Despite living outside the Borough of Tower Hamlets, a young person can apply for a Mayor's Higher Education Award for a first designated course where they commence the course by the age of 21 where Tower Hamlets Council, through Leaving Care remains the corporate parent to the young person, who is designated as a 'former relevant child'.

### **3.6 Approved courses**

3.6.1 Awards will be considered for a first full-time undergraduate course of higher education designated under the Education Student Finance Regulations as attracting student finance.

3.6.3 Exceptionally, an award will be considered for a first designated part-time course where a student cannot study a designated full-time course because



of the effects of a disability.

- 3.6.4 A first undergraduate course will include any designated two year undergraduate course such as an HND or Foundation Degree, any degree course and any other undergraduate course designated under the Education Student Finance Regulations.
- 3.6.5 Post Graduate Course of Education are excluded from consideration.
- 3.6.6 A student will be eligible for consideration where:
- 3.6.7
- having taken the first year of a designated course, they have abandoned the first course and are starting a new designated course in the first year for which they will receive a fee loan from Student Finance England, or
- 3.6.8
- having taken a two year course such as a Foundation Degree, they have gained entry to a degree course for which they will receive a fee loan from Student Finance England.

### **3.7 Receipt of support from the Education (Student Support) Regulations**

- 3.7.1 To be eligible to be considered for a Mayor's Higher Education Award, an applicant must be found by Student Finance England to be eligible to the following support under the Student Finance Regulations:
- a fees loan and
  - a full maintenance grant or special support grant that has not been reduced by means testing.
- 3.7.2 In the event that a young person who is designated as a 'former relevant child' of Tower Hamlets Council has to apply for student finance in Scotland, Wales or Northern Ireland, they will be required to receive the full fees support and full maintenance grant applicable to the part of the British Islands in which they live. Applications for an Mayor's Higher Education Awards of this nature will be considered individually.

## **4 Deadline for the receipt of forms**

- 4.1 An application must be received by 5pm on Tuesday 30<sup>th</sup> September 2014 for a course starting at any point in the period 1<sup>st</sup> September 2014 to 31<sup>st</sup> August 2015.

Late applications will only be considered where fewer than 400 eligible applications have been received. Where a late application is allowed it will be placed at the end of the group of students to be considered

- 4.2 Applications will not be considered for retrospective academic years.

## **5 Number and value of the award**

- 5.1 400 Mayor's Higher Education Awards will be made.

- 5.2 The Mayor's Higher Education Award will be £1,500 per individual taking a full-time course to be delivered in two instalments of £750, one in the second term of the first year of the course and the other in the second term of the second year of the course.
- 5.3 Where the designated course supported is only one year long the award will consist of a single payment of £750.
- 5.4 Where an award is made for a part-time course, the award will consist of £750 paid in two instalments of £375 one in the second term of the first year of the course and the other in the second term of the second year of the course.

## **6 Consideration of applications**

- 6.1 Where there are more applications received than awards available, applications will be ranked in the following order of precedent.
- i Young people who were in public care where Tower Hamlets Council is the corporate parent through its responsibility to a 'former relevant child'.
  - ii Young people having had a statement of Special Educational Needs up to the ages of 16 and leaving school, or 19 and leaving sixth form..
  - iii Single parents who have a child living with them.
  - iv Teenage parents who have a child living with them.
  - v Disable young people in receipt of Disability Living Allowance.
  - vi Young people living alone and in receipt of income support in their own right.
  - vii Young people living with their partner or in a family where the sole income is from benefits, ranked in descending age order, i.e. with preference given to the youngest.
  - viii Young people living with their partner or in a family where the income is partly made up of benefits (other than universal benefits such as Child Benefit or Child Tax Credit), ranked in descending age order, i.e. with preference given to the youngest.
  - ix Family income includes that of the applicant's partner, their parents, their parents' partners or their carers in the event that they do not live with their parents or partner.
  - x In the event that a tie-breaker must be implemented, consideration will be given to all the circumstances of the families involved.
  - xi Where the ranked list of eligible students is more than 400 long, awards will be offered to the first 400 and where those awards cannot be taken up, will be offered to the next applicant on the list until the number of awards is exhausted.
  - xii Any late applications allowed will be set in chronological order and will be the last priority.

## **7 Withdrawal from a course**

- 7.1 An offer of an award will be cancelled where the applicant withdraws from a course before the payment of the award has been made or where the applicant is obliged by the authorities of the higher education institution concerned to leave the course for any reason.

## **8 Transferring or starting a new course before the end of the award**

- 8.1 The second instalment of the award will be made where the student has transferred to, or started a new course of an equivalent or higher level than the course for which the award was originally given, e.g. HND to degree or degree to degree.

## **9 Repayment of overpayments**

- 9.1 Where a student receives funds from the Mayor's Higher Education Award and is overpaid for any reason, the LA will seek reimbursement of the overpayment.

## **10 Appeals**


- 10.1 Applicants refused support can make a written appeal. Appeals must be received by the Section administering the scheme within 21 days of the date on the letter refusing support, or they will be ruled as out of time.
- 10.2 Applicants that are ineligible for a Mayor's Education Award and appeal against that decision will be considered to see whether they merit support exceptionally. In these cases the following factors will be taken into account
- medical and social factors;
  - family circumstances;
  - qualifications gained;
  - funding available from other sources, both public and private;
  - commitment to a chosen career;
  - any other information put forward.
- 10.3 Appeals will be decided by an Appeals Panel chaired by the Head of Secondary Learning and Achievement. The Appeals Panel will make any recommendation to allow an appeal to the Lead Member who will make a final decision on the case.

## **11 Verification of information**

- 11.1 Documentary evidence will be sought as necessary to prove any aspect of the information supplied on an application form for a Mayor's Higher Education Award. This will include a document from confirming the applicant's entitlement to a fee loan and full living cost grant

**12 Cash Limits**

- 12.1 The budget for 16-19 FE awards is cash limited. Therefore, the Directorate reserves the right to refuse any application made under this policy on the grounds that sufficient funds are not available.**

|  |   |
|--|---|
| <p><b>Cabinet</b><br/>9 July 2014</p>  | <br><b>TOWER HAMLETS</b> |
| <p><b>Report of:</b> Robert McCulloch-Graham - Corporate Director Education, Social Care and Wellbeing</p> | <p><b>Classification:</b><br/>Unrestricted</p>  |
| <p><b>2014/17 Education, Social Care and Wellbeing Capital Programme</b></p>                               |   |

|                             |   |
|-----------------------------|---|
| <b>Lead Member</b>          | Cllr Gulam Robbani, Cabinet Member for Children’s Services<br>Cllr Abdul Asad, Cabinet Member for Adults Services |
| <b>Wards affected</b>       | All   |
| <b>Community Plan Theme</b> | A Prosperous Community  |
| <b>Key Decision?</b>        | Yes   |

**Executive Summary**

This report advises Cabinet on the 2014/17 Education, Social Care and Wellbeing (ESCW) Capital Programme and seeks various approvals as set out in the report.

**Recommendations:**

The Mayor in Cabinet is recommended to:

1. 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. 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. 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. Approve the adoption of a capital contribution of £250,000 to supplement the Disabled Facilities Grant allocation (paragraph 3.8);
5. Note the remaining projects within the Primary Capital Programme (PCP) schemes as shown in Appendix D (paragraph 3.10);

6. Note the Primary School Expansion Programme as detailed in Appendix E (paragraph 3.12) ;
7. Approve the adoption of a capital estimate of £4.5m for the provision of additional 6<sup>th</sup> form accommodation at Stepney Green School (paragraph 3.17);
8. Approve the adoption of a capital estimate of £290,000 for the works at Marners School to provide the satellite classes for Phoenix School (paragraph 3.21);
9. 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. 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. Note progress with creating early education provision and further consultation with providers as shown in Appendix D (paragraph 3.30);.
12. 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

## **1. REASONS FOR THE DECISIONS**

- 1.1 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.

## **2. ALTERNATIVE OPTIONS**

- 2.1 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.

## **3. DETAILS OF REPORT**

### **3.1 Allocations and Funding**

- 3.2 In the February 2014 Report to Cabinet on the Council's capital position, Members were advised on the ESCW capital programme for 2013/14 to 2016/17, based upon the anticipated out-turn for 2013/14. The commitments and funding for 2013/14 to 2016/17 amounted to £76.650m. .

- 3.3 The carry forward for 2013/14 is expected to be £30.580m(see Appendix A), from the total Resources available of £46.299m. This together with the confirmed funding,including the allocations in paragraph 3.4, makes the total amount available for 2014/15 to 2016/17, excluding BSF, of £68.214m (Appendix B).

- 3.4 In January 2014, the government confirmed the Capital Maintenance grants for 2014-15for building related works to schools. The allocation for community schools in Tower Hamlets is £3.095m. This is in addition to the Basic Need capital grant for 2014 to 2017, amounting to £29.547m. The government has also announced a capital allocation for works at schools to accommodate the universal infant free school meals to be introduced in September 2014. The allocation for community schools in Tower Hamlets is £591,373.

### **3.5 Capital Condition and Improvement Projects 2014/15**

- 3.6 The projects at schools and other premises that have been included within the programme are listed in Appendix C. Projects are included on the basis that they are necessary to rectify serious building or supply faults to ensure safe and continued operation of premises by users, to meet statutory requirements eg. accessibility, fire protection, etc. or service improvements.

- 3.7 A sum of £100,000 per annum has been allocated in previous years to provide items of equipment and assistive technology to support people with care needs in their own homes. It is recommended that this sum is allocated for 2014/15. This is funded from the Adults Personal Social Services capital grant.
- 3.8 Members agreed in previous years to supplement the Disabled Facilities Grant allocation with an annual contribution from the Adults Personal Social Services capital grant to create a total budget of £1 million. In 2013/14 this contribution amounted to £250,000 and the same amount is recommended for 2014/15.
- 3.9 Projects for the use of the remaining unallocated funding are being developed and formal approval will be requested in due course.

### **3.10 Primary Capital Programme (PCP)**

- 3.11 The PCP has been completed. The remaining projects are where final accounts are being agreed and the expected costs are listed in Appendix D.

### **3.12 Primary School Expansion Projects (Appendix E)**

- 3.13 In 2013 Cabinet approved funding for a number of projects within the Primary School Expansion programme amounting to £76.17m. The Final Accounts for Culloden and Wellington Schools have been agreed and the works at Cayley Primary have now been completed. The works at the Bethnal Green Centre and Bonner (Mile End) Primary are nearing completion.
- 3.14 The expansion works at Stebon and Woolmore Primary Schools are progressing well and are on programme. Reception classes at both schools are due to open in September 2014. The development of the scheme for Olga Primary is also progressing and is due to commence on site in early 2015.
- 3.15 The scheme to expand St Paul's Way Trust School with 2 Forms of Entry primary provision is progressing. Two Reception classes are due to start in temporary accommodation in September 2014, whilst the works to build the permanent accommodation are carried out.

### **3.16 Other School Places**

#### **3.17 Stepney Green School 6<sup>th</sup> Form**

- 3.18 The School has added a 6<sup>th</sup> form from September 2013. The number of students enrolled in the 6<sup>th</sup> form is anticipated to build up to 180. The school does not have sufficient capacity in its existing buildings to accommodate all the 6<sup>th</sup> form students. At the time that it was proposed to add the 6<sup>th</sup> form, it was anticipated that adjacent off-site space would be available to accommodate the majority of the students. However, this has not been possible and so options have been considered to provide a new 6<sup>th</sup> form block on the school site.



- 3.19 A proposal has been developed to provide a new block on 3 floors which will provide the additional teaching spaces as well as space for independent study. The design seeks to limit the loss of the overall recreation space at the school. Planning permission will be sought with the aim to complete the new accommodation for September 2016.
- 3.20 It is recommended that a capital estimate of £4.5m is adopted to provide the additional 6<sup>th</sup> form accommodation. This will be funded from the available s. 106 contributions which have been received for improvements to education facilities in the borough.
- 3.21 Satellite classes for Phoenix School**
- 3.22 Phoenix School is the only special school in the borough which caters for students with ASD (autistic spectrum disorder). Many children with ASD attend mainstream schools but there are those for whom mainstream schools are not appropriate and who need a special school place. Phoenix School is operating at capacity and has recently added a 6<sup>th</sup> form.
- 3.23 In order to provide some additional capacity, a proposal has been developed in partnership with local schools to provide Phoenix satellite classes at Marner School and Bow School from September 2014. Pupils in these classes will be on the roll of Phoenix School and be taught by Phoenix staff. It is proposed to create 2 classes for up to 16 pupils in total. The students will benefit from some opportunities in the mainstream school as well as being taught in their own groups. This arrangement will also benefit the host schools and the pupils with ASD they have on roll.
- 3.24 Bow School is relocating to its new accommodation from summer 2014 and so has sufficient space at this stage to accommodate the additional pupils. At Marner School some accommodation alterations are required to provide sufficient space. This includes some internal alterations and the provision of two temporary classroom units which will be subject to planning approval.
- 3.25 It is recommended that a capital estimate of £290,000 is adopted for the works at Marner School. This will be funded from the Basic Need allocation for extra school places.
- 3.26 Project Development and Provision for Temporary Accommodation**
- 3.27 There is a need to continue with development of a number of proposals to provide additional capacity. Feasibility studies will continue to be undertaken to develop the programme. It is recommended that a sum of £750,000 is included in the programme to fund the feasibility studies and scheme development. Schemes will then be brought back to Cabinet for approval to implement.
- 3.28 In the short term it may be necessary to identify suitable school sites to locate the additional pupils until major works have been completed to provide the

places needed in the longer term. It is recommended that a sum of £300,000 is included in the programme as a financial provision.

3.29 With both the above allocations, where funds are not required they will be included in the main programme for re-allocation.

### 3.30 Early Education Provision

3.31 The projects that have already been approved as part of the provision are listed in Appendix D. Consultation is taking place with 20 providers to develop further provision and formal approval will be requested in due course.

### 3.32 Swanlea School - Crossrail

3.33 It was reported to Cabinet in June 2011 that a sum of £350,000 had been received from Crossrail for the specific compensation for the loss of part of the school site, including the premises manager's house. It was agreed that this sum should be specifically earmarked for the school until proposals for its use were agreed.

3.34 A capital estimate of £250,000 has been adopted by the Corporate Director's delegated action towards the provision of additional 6th form accommodation on the school site. It is now recommended that the balance remaining of the total sum should be adopted as a capital estimate of £100,000 to fund improvements for the 6th form at the school.

## 4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 The Education Social Care and Wellbeing capital budget of £76.650m, agreed at Cabinet on 5<sup>th</sup> February 2014 reflected the profiled position based on spending to the end of quarter 3 2013/14 and expected government grants known at that point in time. This report now provides an update on the budget to reflect the quarter 4 2013/14 spending, known government grants for 2014/17 and any further changes either affecting the profile of spend or the priorities.

4.2 Table 1 below explains how the capital budget of £68.214m in Appendix B has moved from the figure agreed by Cabinet in February 2014 of £76.650m and Table 2 makes the same comparison for the resources in the programme.

**Table 1: Explanation of Movement in ESCW Capital Programme budget 2014/15-2016/17 from 5<sup>th</sup> February 2014**

| Programme         | Component  | £m            |
|-------------------|--|---------------|
| Overall           | ESCW capital budget as per Cabinet 5 <sup>th</sup> February 2014                                   | <b>76.650</b> |
| Basic Need        | Revised Additional carry forward after confirmation of final outturn                               | 0.739         |
| Targetted Capital | Targetted capital of £4.23m for St Paul's Way Trust expansion project. Amount received in 2013/14. | 1.179         |
| Sure Start        | Balance of grant   | 0.021         |
| Swanlea Crossrail | Unallocated income   | 0.014         |

|  |  |               |
|--|--|---------------|
| LHC  | London Housing Consortium rebate           | 0.065         |
| Osmani/BMX track grants  | Balance of grant                           | 0.076         |
| Adult PSS Capital  | Unallocated balance                        | 0.618         |
| S106   | Unallocated Developer's Contribution       | 4.256         |
| Youth Service  | Unallocated Accommodation Strategy balance | 0.007         |
| Non-School Condition   | Unallocated balance                        | 0.020         |
| Swanlea Crossrail  | To be allocated to school.                 | 0.350         |
| Matched Funding  | Unallocated balance                        | 0.105         |
| Balance of New Funding   | See Table 2                                | 2.686         |
| <b>ESCW capital budget 2014/15-2016/17 as per this report (Appendix B)</b> |  | <b>68.214</b> |

**Table 2: Explanation of Movement in funding of ESCW Capital budget 2014/15-2016/17 from 5<sup>th</sup> February 2014**

| <b>Funding</b>   |  | <b>£m</b>     |       |
|--|--|---------------|-------|
| ESCW funding as per Cabinet 5 <sup>th</sup> February 2014                  |  | <b>34.947</b> |       |
|  | Add: Carry forward of resources based on 2013/14 outturn                   | 30.581        |       |
|  | Add: Additional actual Capital Maintenance grant                           | 0.095         |       |
|  | Add: Infant Free Schools Meals Grant                                       | 0.591         |       |
|  | Add: Balance of Targetted Capital for St Paul's Way Trust Expansion Scheme | 3.051         |       |
|  | Add: School Contributions  | 0.546         |       |
|  | Less: Balance of grant for Adult Services for future years                 | -1.597        |       |
|  | Balance of New Funding   |               | 2.686 |
| <b>ESCW capital budget 2014/15-2016/17 as per this report (Appendix B)</b> |  | <b>68.214</b> |       |

## **5. LEGALCOMMENTS**

- 5.1. The Financial Regulations set a threshold of £250,000, above which Executive approval is required for a capital estimate. The Financial Procedures supplement this requirement. In accordance with Financial Procedure FP 3.3, senior managers are required to proceed with projects only when there is a capital estimate adopted and adequate capital resources have been identified. Where the estimate is over £250,000 the approval of the adoption of that capital estimate must be sought from the Executive.
- 5.2. The proposed projects appear capable of being carried out within the Council's statutory functions. In this regard –
- The Council has a duty under the Education 1996 to secure that sufficient schools are available for Tower Hamlets. The Council has a duty under the School Standards and Framework Act 1998 to make premises available as part of its duty to maintain schools.

- The Council is also subject to duties under the Health and Safety at Work etc Act 1974 to ensure so far as is reasonably practicable the health and safety of staff, pupils, visitors and volunteers on school premises.
  - The Council is required to provide community care services within the meaning given in the National Health Service and Community Care Act 1990, which may include the provision of services to persons with learning disabilities. The availability of suitable premises may be a necessary part of that service delivery.
  - The Council administers the disabled facilities grant scheme under Part 1 of the Housing Grants, Construction and Regeneration Act 1996. The Secretary of State makes a contribution to the expenditure incurred, but there is no barrier to a further allocation being made by the Council if the cost of the scheme exceeds the government contribution, provided there is sufficient budget.
- 5.3. It will be for officers to ensure that individual commitments are carried out in accordance with legal requirements.
- 5.4. This report relates only to the approval of the relevant capital estimate and does not approve any subsequent contract award. Procurement for the various projects will need to be carried out in accordance with the Council's Procurement Procedures and, where relevant, the Public Contract Regulations 2006. Compliance with the procurement procedures should assist the Council to comply with its duty as a best value authority 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" (section 3 of the Local Government Act 1999). The relevant internal procedure in accordance with the Council's Procurement Procedures and the Financial Regulations will be dependent upon the value of each individual contract.
- 5.5. To the extent that any of the funding for projects referred to in the report is provided from ring-fenced grants, officers will need to ensure that grant conditions are complied with.
- 5.6. Before adopting the capital estimates, 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. Information is contained in section 9 of the report relevant to these considerations and further equality analysis will be required as part of the delivery of nominated projects. Where the prospective contracts for works will cause a significant change to any service provision then appropriate levels of consultation must occur in accordance with the Local Government Act 1999 and the Equality Act 2010.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. The implementation of the ESCW capital programme is part of the LA's strategy to improve achievement by improving the teaching and learning

environment. Strategies to raise educational attainment, including improving quality of school buildings, support students moving into employment.

- 6.2. The expansion of schools under the capital programme is necessary to ensure the Council meets its legal obligation to secure sufficient schools for Tower Hamlets, but will also promote equality of opportunity for children and young people (including within the meaning of the Equality Act 2010). Equality considerations will be further taken into account in the planning, procurement and delivery of individual projects.
- 6.3. Expenditure in relation to adults services premises aims to ensure the quality of the provision. Funding of adaptations in the home and equipment to support people with disabilities aims to improve individuals' mobility and sustain their care.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 The proposed capital works aim to improve and preserve the quality of the building stock. Sustainability considerations are applied as far as possible to design and materials used. Major projects included are expected to obtain a minimum rating of Very Good in the BREEAM Assessment.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. The individual projects will be closely monitored to ensure that programmes are completed on time and within the budget provision.

## **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 There are no specific implications arising.

## **10. EFFICIENCY STATEMENT**

- 10.1 The capital works identified in the report will seek to improve energy efficiency and reduce ongoing maintenance.

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### **Linked Reports, Appendices and Background Documents**

#### **Appendices**

Appendix A - ESCW Capital Out-Turn 2013/14

Appendix B - Proposed Allocation of Funds 2014/15 to 2016/17

Appendix C - ESCW Condition and Improvement Programmes

Appendix D - Primary Capital Programme

Appendix E - School Expansion Programme

#### **Background Documents**

- None

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## Appendix A

### Out-turn 2013/14

|   | Resources     | Commitments   | Carry Fwd     |
|---|---------------|---------------|---------------|
| <b>Supported Borrowing (SB)</b>   |               |               |               |
| Other ICT   | 0.654         | 0.654         | 0             |
| <b>Grants</b>   |               |               |               |
| Capital Maintenance   | 10.748        | 0.578         | 10.170        |
| Basic Need/New Pupil Places   | 23.804        | 11.624        | 12.180        |
| Targetted Basic Need Grant  | 1.179         | 0.000         | 1.179         |
| Harnessing Technology   | 0.021         | 0.000         | 0.021         |
| *Sure Start   | 0.027         | 0.000         | 0.027         |
| *Short Breaks   | 0.126         | 0.126         | 0             |
| Modernisation   | 0.285         | 0.230         | 0.055         |
| *Swanlea Crossrail Contribution   | 0.014         | 0.000         | 0.014         |
| London Housing Consortium Rebate  | 0.065         | 0.065         | 0             |
| Osmani and BMX Track Grants   | 0.082         | 0.082         | 0             |
| Early Education Provision (2 Year Olds)                                       | 1.207         | 0.094         | 1.113         |
| Mental Health Single Capital Pot (SCPC) -<br>Previously SCE (R)               | 0.035         | 0.035         | 0.000         |
| Adult Personal Social Services Capital Grant                                  | 1.514         | 0.030         | 1.484         |
|   | <b>39.761</b> | <b>13.518</b> | <b>26.243</b> |
| <b>Developers Contribution (S106)</b>   |               |               |               |
| Bishop Challenor  | 0.850         | 0             | 0.850         |
| Various   | 3.406         | 1.034         | 2.372         |
|   | <b>4.256</b>  | <b>1.034</b>  | <b>3.222</b>  |
| <b>Local Priorities Programme (LPP)</b>                                       |               |               |               |
| *Youth Service Accommodation  | 0.007         | 0.000         | 0.007         |
| *Bishop Challoner Community Facilities  | 0.600         | 0.000         | 0.600         |
| *Non-School Condition & Statutory   | 0.220         | 0.100         | 0.120         |
| *Swanlea - Crossrail Contribution   | 0.350         | 0.000         | 0.350         |
|   | <b>1.177</b>  | <b>0.100</b>  | <b>1.077</b>  |
| <b>RCCO</b>   |               |               |               |
| *Unapplied Children's Services Grant within<br>the Early Intervention Reserve | 1.105         | 1.067         | 0.038         |
|   | <b>1.105</b>  | <b>1.067</b>  | <b>0.038</b>  |
| <b>Total:</b>   | <b>46.299</b> | <b>15.719</b> | <b>30.580</b> |
| *Other commitments included in Appendix B                                     | 2.006         |               |               |

## Appendix B

### Proposed Allocation of Funds 2014/15 to 2016/17

| Programme                               | Capital Budgets (£m) |              |              |              |              |               |               |               | Capital Funding (£m) |          |              |              |              |              |               |
|---|----------------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|----------------------|----------|--------------|--------------|--------------|--------------|---------------|
|   | 2014/5               | Q1           | Q2           | Q3           | Q4           | 2015/6        | 2016/7        | Total         | G                    | SB       | RCCO         | SC           | S106         | LPP          | Total         |
| Condition & Improvement (Appx C)        | 1.269                |              | 0.051        | 0.595        | 0.623        |               |               | 1.269         | 1.269                |          |              |              |              |              | 1.269         |
| Primary School Expansion (Appx E)       | 17.420               | 4.607        | 5.714        | 4.035        | 3.064        | 14.200        | 7.330         | 38.950        | 36.032               |          |              | 0.546        | 2.372        |              | 38.950        |
| Primary Capital Programme (Appx D)      | 0.097                |              | 0.097        |              |              |               |               | 0.097         | 0.097                |          |              |              |              |              | 0.097         |
| Early Education Provision               | 1.113                |              | 0.104        | 0.500        | 0.509        |               |               | 1.113         | 1.113                |          |              |              |              |              | 1.113         |
| Adult Services Programme (Appx C)       | 2.288                |              | 0.225        | 1.114        | 0.949        |               |               | 2.288         | 2.288                |          |              |              |              |              | 2.288         |
| Other Commitments (*Appx A)             | 2.006                | 1.156        |              |              | 0.850        |               |               | 2.006         | 0.041                |          | 0.038        |              | 0.850        | 1.077        | 2.006         |
| Uncommitted Balance                     | 0.751                | 0.100        | 0.150        | 0.200        | 0.300        | 12.901        | 8.840         | 22.491        | 22.491               |          |              |              |              |              | 22.491        |
| <b>Total Allocations</b>                | <b>24.944</b>        | <b>5.863</b> | <b>6.341</b> | <b>6.444</b> | <b>6.295</b> | <b>27.101</b> | <b>16.170</b> | <b>68.214</b> | <b>63.331</b>        | <b>0</b> | <b>0.038</b> | <b>0.546</b> | <b>3.222</b> | <b>1.077</b> | <b>68.214</b> |
| <b>Funded By:</b>                       |                      |              |              |              |              |               |               |               |                      |          |              |              |              |              |               |
| Carry Forward (see Appendix A:)         |                      |              |              |              |              |               |               |               | 26.243               |          | 0.038        |              | 3.222        | 1.077        | 30.580        |
| 2014/7 DfE Basic Need                   |                      |              |              |              |              |               |               |               | 29.547               |          |              |              |              |              | 29.547        |
| 2014/5 DfE Capital Maintenance          |                      |              |              |              |              |               |               |               | 3.095                |          |              |              |              |              | 3.095         |
| 2014/5 Infant Free School Meals Capital |                      |              |              |              |              |               |               |               | 0.591                |          |              |              |              |              | 0.591         |
| 2014/5 Targetted Capital                |                      |              |              |              |              |               |               |               | 3.051                |          |              |              |              |              | 3.051         |
| School Contributions                    |                      |              |              |              |              |               |               |               |                      |          |              | 0.546        |              |              | 0.546         |
| Developers' Contribution                |                      |              |              |              |              |               |               |               |                      |          |              |              |              |              | 0.000         |
| 2014/15 Adults PS Capital Allocation    |                      |              |              |              |              |               |               |               | 0.804                |          |              |              |              |              | 0.804         |
| <b>Funding by Year</b>                  |                      |              |              |              |              |               |               |               |                      |          |              |              |              |              |               |
| Grant (G)                               | 22.107               | 5.863        | 6.341        | 6.224        | 3.678        | 25.055        | 16.170        | 63.331        |                      |          |              |              |              |              |               |
| Supported Borrowing (SB)                | 0.000                |              |              |              |              | 0.00          | 0.00          | 0.000         |                      |          |              |              |              |              |               |
| Developers Contribution (S106)          | 1.722                |              |              |              | 1.722        | 1.500         | 0.000         | 3.222         |                      |          |              |              |              |              |               |
| Local Priorities Programme (LPP)        | 1.077                |              |              | 0.220        | 0.857        | 0.000         | 0.000         | 1.077         |                      |          |              |              |              |              |               |
| School Contribution (SC)                | 0                    |              |              |              |              | 0.546         | 0.000         | 0.546         |                      |          |              |              |              |              |               |
| RCCO                                    | 0.038                |              |              |              | 0.038        | 0.000         | 0.000         | 0.038         |                      |          |              |              |              |              |               |
| <b>Total Funding</b>                    | <b>24.944</b>        | <b>5.863</b> | <b>6.341</b> | <b>6.444</b> | <b>6.295</b> | <b>27.101</b> | <b>16.170</b> | <b>68.214</b> | <b>63.331</b>        | <b>0</b> | <b>0.038</b> | <b>0.546</b> | <b>3.222</b> | <b>1.077</b> | <b>68.214</b> |

G Grant; SB Supported Borrowing; RCCO Revenue Contribution to Capital; SC School Contributions; S106 Developers' Contributions; LPP Local Programme Priorities



## Appendix C

## ESCW Condition &amp; Improvement Projects

| Premises   | Works   | Initial Allocation | 2014/2015    | Q1           | Q2           | Q3           | Q4           |
|--|---|--------------------|--------------|--------------|--------------|--------------|--------------|
| <b>2014/15 Programme (Schools and Children Services)</b> |   |                    |              |              |              |              |              |
| Canon Barnett Primary                                    | Accessibility Works   | 0.025              | 0.025        | 0.000        | 0.000        | 0.015        | 0.010        |
| Bangabandhu Primary                                      | Lightning Protection  | 0.025              | 0.025        | 0.000        | 0.000        | 0.015        | 0.010        |
| Blue Gate J&I  | Replace water heaters   | 0.030              | 0.030        | 0.000        | 0.000        | 0.015        | 0.015        |
| Bonner (ME) Primary                                      | Roofing works   | 0.011              | 0.011        | 0.000        | 0.011        | 0.000        | 0.000        |
| Cubitt Town Junior                                       | Relocate demountable classroom  | 0.055              | 0.055        | 0.000        | 0.000        | 0.030        | 0.025        |
| Cubitt Town Junior                                       | Structural works to parapet walls phase 1   | 0.050              | 0.050        | 0.000        | 0.000        | 0.025        | 0.025        |
| Cubitt Town Junior                                       | Create Fire Escape Staircase  | 0.035              | 0.035        | 0.000        | 0.000        | 0.020        | 0.015        |
| George Green's   | Recover pool roof   | 0.075              | 0.075        | 0.000        | 0.000        | 0.050        | 0.025        |
| Gorsefield   | Security works  | 0.058              | 0.058        | 0.000        | 0.040        | 0.018        | 0.000        |
| Hague Primary  | Roofing works   | 0.090              | 0.090        | 0.000        | 0.000        | 0.050        | 0.040        |
| Hermitage Primary  | Improvements to Early Years classrooms  | 0.020              | 0.020        | 0.000        | 0.000        | 0.010        | 0.010        |
| John Scurr Primary                                       | Heating pipework replacement  | 0.150              | 0.150        | 0.000        | 0.000        | 0.075        | 0.075        |
| Kobi Nazrul Primary                                      | Refurbish lift  | 0.025              | 0.025        | 0.000        | 0.000        | 0.000        | 0.025        |
| Tredegar Centre  | Boiler replacement  | 0.055              | 0.055        | 0.000        | 0.000        | 0.030        | 0.025        |
| Tommy Flowers PRU  | Roofing Works   | 0.055              | 0.055        | 0.000        | 0.000        | 0.030        | 0.025        |
| Swanlea  | Fire Protection Works - Phase 1   | 0.200              | 0.200        | 0.000        | 0.000        | 0.072        | 0.128        |
| Statutory Requirements                                   | To support schools in providing physical access for staff and pupils, urgent health and | 0.210              | 0.210        | 0.000        | 0.000        | 0.090        | 0.120        |
|  | <b>School Total</b>   | <b>1.169</b>       | <b>1.169</b> | <b>0.000</b> | <b>0.051</b> | <b>0.545</b> | <b>0.573</b> |
| <b>Non-Schools</b>                                       |   |                    |              |              |              |              |              |
| Statutory Requirements                                   | Works required to meet statutory requirements   | 0.100              | 0.100        | 0.000        | 0.000        | 0.050        | 0.050        |
|  | <b>Non-Schools Total</b>  | <b>0.100</b>       | <b>0.100</b> | <b>0.000</b> | <b>0.000</b> | <b>0.050</b> | <b>0.050</b> |
|  | <b>Total Condition &amp; Improvements</b>   | <b>1.269</b>       | <b>1.269</b> | <b>0.000</b> | <b>0.051</b> | <b>0.595</b> | <b>0.623</b> |
| <b>Adult Services</b>                                    |   |                    |              |              |              |              |              |
| Equipment  | Equipment and ssisted technoolgy  | 0.212              | 0.212        | 0.000        | 0.025        | 0.042        | 0.145        |
| Aids & Adaptation  | Supplement Disabled Facilities Grant  | 0.250              | 0.250        | 0.000        | 0.100        | 0.100        | 0.050        |
| Ronald Street  | Modernising Learning Service  | 0.370              | 0.370        | 0.000        | 0.100        | 0.170        | 0.100        |
| Ronald Street  | Fire alarm  | 0.054              | 0.054        | 0.000        | 0.000        | 0.054        | 0.000        |
| Ronald Street  | Heating replacement   | 0.054              | 0.054        | 0.000        | 0.000        | 0.054        | 0.000        |
| Antill Road  | Heating replacement   | 0.060              | 0.060        | 0.000        | 0.000        | 0.060        | 0.000        |
| Pritchards Road  | Replace hot and cold water pipework   | 0.040              | 0.040        | 0.000        | 0.000        | 0.020        | 0.020        |
| e-Market   | Implementation costs  | 0.074              | 0.074        | 0.000        | 0.000        | 0.040        | 0.034        |
| Balance  | Projects to be developed  | 1.174              | 1.174        | 0.000        | 0.000        | 0.574        | 0.600        |
|  | <b>Adult Services Total</b>   | <b>2.288</b>       | <b>2.288</b> | <b>0.000</b> | <b>0.225</b> | <b>1.114</b> | <b>0.949</b> |

## Appendix D

### Primary Capital Programme (PCP) Projects


| Premises                                | Works   | Allocation<br>£m | Previous<br>Spend £m | 2014/<br>2015 | Q1           | Q2           | Q3           | Q4           |
|---|---|------------------|----------------------|---------------|--------------|--------------|--------------|--------------|
| <b>Primary Capital Programme</b>        |   |                  |                      |               |              |              |              |              |
| Canon Barnett Primary                   | Refurbishment, remodel ground floor and planned maintenance | 1.060            | 1.058                | 0.000         | 0.000        | 0.000        | 0.000        | 0.000        |
| Malmesbury Primary                      | Remodel and planned maintenance                             | 1.390            | 1.271                | 0.017         | 0.000        | 0.017        | 0.000        | 0.000        |
| Stebon Primary                          | Refurbishment, extension and planned maintenance            | 1.070            | 1.093                | 0.080         | 0.000        | 0.080        | 0.000        | 0.000        |
| Elizabeth Selby Infants                 | Refurbishment, extension and planned maintenance            | 1.230            | 1.229                | 0.000         | 0.000        | 0.000        | 0.000        | 0.000        |
| Smithy Street Primary                   | Refurbishment, extension and planned maintenance            | 1.880            | 1.882                | 0.000         | 0.000        | 0.000        | 0.000        | 0.000        |
| <b>Primary Capital Programme Total:</b> |   | <b>6.630</b>     | <b>6.533</b>         | <b>0.097</b>  | <b>0.000</b> | <b>0.097</b> | <b>0.000</b> | <b>0.000</b> |
| <b>Early Education Provision</b>        |   |                  |                      |               |              |              |              |              |
| Global Kids Mile End                    | Adaptations to provide 72 funded two year olds places.      | 0.044            | 0.042                | 0.002         | 0.000        | 0.002        | 0.000        | 0.000        |
| Winterton House Nursery                 | Adaptations to provide 140 funded two year olds places.     | 0.154            | 0.052                | 0.102         | 0.000        | 0.102        | 0.000        | 0.000        |
| Balance                                 | Projects to be developed                                    | 1.009            | 0.000                | 1.009         | 0.000        | 0.000        | 0.500        | 0.509        |
| <b>Total:</b>                           |   | <b>1.207</b>     | <b>0.094</b>         | <b>1.113</b>  | <b>0.000</b> | <b>0.104</b> | <b>0.500</b> | <b>0.509</b> |

**Appendix E**

## School Expansion Programme

| Premises                           | Initial Allocation<br>£m | Previous Spend<br>£m | 2014/2015<br>£m | Q1           | Q2           | Q3           | Q4           | 2015/16<br>£m | 2016/17<br>£m | Revised Allocation<br>£m |
|------------------------------------|--------------------------|----------------------|-----------------|--------------|--------------|--------------|--------------|---------------|---------------|--------------------------|
| Arnhem Wharf                       | 4.900                    | 4.830                | 0.070           | 0.020        | 0.030        | 0.020        | 0.000        | 0.000         | 0.000         | 4.900                    |
| Bethnal Green Centre Refurbishment | 2.300                    | 2.356                | 0.174           | 0.034        | 0.035        | 0.030        | 0.075        | 0.000         | 0.000         | 2.530                    |
| Bonner                             | 5.300                    | 4.526                | 0.774           | 0.600        | 0.174        | 0.000        | 0.000        | 0.000         | 0.000         | 5.300                    |
| Cayley                             | 5.800                    | 5.383                | 0.417           | 0.020        | 0.050        | 0.150        | 0.197        | 0.000         | 0.000         | 5.800                    |
| Marnier                            | 7.160                    | 7.140                | 0.020           | 0.015        | 0.000        | 0.000        | 0.005        | 0.000         | 0.000         | 7.160                    |
| Phoenix - Satellite classrooms     | 0.290                    | 0.000                | 0.290           | 0.000        | 0.000        | 0.100        | 0.190        | 0.000         | 0.000         | 0.290                    |
| Olga                               | 10.700                   | 0.400                | 1.200           | 0.100        | 0.200        | 0.400        | 0.500        | 5.100         | 4.000         | 10.700                   |
| Seven Mills                        | 0.760                    | 0.000                | 0.760           | 0.000        | 0.200        | 0.300        | 0.260        | 0.000         | 0.000         | 0.760                    |
| St Paul's Way Trust                | 9.730                    | 0.000                | 1.500           | 0.200        | 0.300        | 0.400        | 0.600        | 4.900         | 3.330         | 9.730                    |
| Stebon                             | 5.500                    | 1.348                | 4.152           | 1.118        | 1.825        | 0.935        | 0.274        | 0.000         | 0.000         | 5.500                    |
| Stepney 6th Form                   | 4.500                    | 0.000                | 0.800           | 0.000        | 0.100        | 0.400        | 0.300        | 3.700         | 0.000         | 4.500                    |
| Woolmore                           | 10.500                   | 3.687                | 6.313           | 2.400        | 2.500        | 1.000        | 0.413        | 0.500         | 0.000         | 10.500                   |
|                                    |                          |                      |                 |              |              |              |              |               |               |                          |
|                                    |                          |                      |                 |              |              |              |              |               |               |                          |
| Sub Total:                         | <b>67.440</b>            | <b>29.670</b>        | <b>16.470</b>   | <b>4.507</b> | <b>5.414</b> | <b>3.735</b> | <b>2.814</b> | <b>14.200</b> | <b>7.330</b>  | <b>67.670</b>            |
| Provision of Bulge Classes         | 0.200                    | 0.000                | 0.200           | 0.000        | 0.100        | 0.100        | 0.000        | 0.000         | 0.000         | 0.200                    |
| Scheme Development                 | 0.750                    | 0.000                | 0.750           | 0.100        | 0.200        | 0.200        | 0.250        | 0.000         | 0.000         | 0.750                    |
| Sub Total:                         | <b>0.950</b>             | <b>0.000</b>         | <b>0.950</b>    | <b>0.100</b> | <b>0.300</b> | <b>0.300</b> | <b>0.250</b> | <b>0.000</b>  | <b>0.000</b>  | <b>0.950</b>             |
|                                    |                          |                      |                 |              |              |              |              |               |               |                          |
| <b>Totals</b>                      | <b>68.390</b>            | <b>29.670</b>        | <b>17.420</b>   | <b>4.607</b> | <b>5.714</b> | <b>4.035</b> | <b>3.064</b> | <b>14.200</b> | <b>7.330</b>  | <b>68.620</b>            |
|                                    |                          |                      |                 |              |              |              |              |               |               |                          |

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|   |   |
|---|---|
| <p><b>Cabinet</b><br/>9 July 2014</p>   | <br><b>TOWER HAMLETS</b> |
| <p><b>Report of:</b> Robert McCulloch-Graham,<br/>Corporate Director for Education, Social Care<br/>and Wellbeing</p> | <p><b>Classification:</b><br/>Unrestricted</p>  |
| <p><b>Contract Award – AHWB4378: Extra Care Sheltered Housing.</b></p>  |   |

|                             |   |
|-----------------------------|---|
| <b>Lead Member</b>          | <b>Cllr Abdul Asad, Cabinet Member for Adult Services</b> |
| <b>Wards affected</b>       | All Wards   |
| <b>Community Plan Theme</b> | <b>A Healthy and Supportive Community</b>                 |
| <b>Key Decision?</b>        | <b>Yes</b>  |

### Executive Summary

- 1.1 The Council has, during 2013/14, undertaken a competitive procurement exercise to identify a suitable provider to support vulnerable adults in four Extra Care Sheltered Housing (ECSH) schemes: Coopers Court, Donnybrook Court, Duncan Court and Sonali Gardens. The focus of this service is on maximising independence for those adults meeting Fair Access to Care (FAC) eligibility criteria. When the intention to undertake this procurement process was reported to the Mayor in Cabinet it was resolved that the contract award proposal be reported back to the Mayor in Cabinet for decision.
  
- 1.2 Following the completion of the procurement process approval is sought to proceed to award of contract. It is recommended that the contract be awarded to the bidder that submitted the most economically advantageous tender. The tender exercise has 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.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. 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. 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. Authorise the Service Head - Legal Services to execute all necessary contract documents to implement this decision.
  
4. Authorise a four month extension (see 1.2 below) of the current contract in order for mobilisation of the new contract (including TUPE issues where applicable) to be executed.

- 1.1 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.
- 1.2 The request for the outcome of the procurement process was due before Cabinet on 5<sup>th</sup> 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.

## **2. ALTERNATIVE OPTIONS**

- 2.1 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.

## **3. DETAILS OF REPORT**

- 3.1 Following the completion of a competitive process undertaken in line with the Council's Financial Regulations and Procurement Rules, a service provider has been identified as having submitted the most economically advantageous tender for the provision of care and housing related support at the four ECSH schemes and it is proposed therefore that a contract be awarded to this provider.
- 3.2 ECSH seeks to maintain older people in their community, who may otherwise be at risk of entering institutional care. It combines dignity, privacy and independence with having your own tenancy and own front door, but with the security and level of care provided by an on-site personal care and support team 24 hours a day.
- 3.3 This service is for 161 units of ECSH across the four schemes.
- 3.4 The contract value will be for a minimum of four core hours per tenant with some flexibility around staff hours. Individuals will then have the

option of using a personal budget to commission assessed additional hours from the on-site provider or a different service provider of their choice.

- 3.5 Prior to the tender being advertised the contracting strategy and tender process were approved by the Competition Board through the Tollgate process and by Cabinet through inclusion on the relevant Quarterly Contracts Forward Plan.
- 3.6 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 Questionnaire was designed to ensure that bidders were subject to due diligence and that only those with the requisite qualifications, experience and financial standing were invited to tender. The questions asked at the PQQ, 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.
- 3.7 A market warming event, attended by 21 organisations was held prior to submission of Pre-Qualification Questionnaires. The purpose of this event was to brief providers on service expectations and Council priorities including those identified in the Procurement Policy Imperatives.
- 3.8 The tender opportunities were advertised on the Council's tender portal and East End Life. Local providers were notified via email and by the Tower Hamlets Council for Voluntary Services (CVS).
- 3.9 23 providers returned Pre-Qualification Questionnaires where provider organisations were asked to respond to a series of searching questions related to their experience, understanding and skills in the provision of care to vulnerable adults.
- 3.10 11 organisations were invited to tender, and seven providers tendered, responding to a series of probing questions and submitting a price. Reflecting the high calibre of responses, five organisations were asked to proceed to the final stage presentation.
- 3.11 The annual contact value was advertised as between £480,000 - £520,000. The recommended provider came within this range at £499,784 pa.
- 3.12 The recommended provider has evidenced, through their tender submission that they will be able to deliver a high quality service to residents of the borough while also adding value in line with the Council's Procurement Policy Imperatives and the Social Value Act 2012.
- 3.13 The tender which is the subject of this report has been evaluated on a Most Economically Advantageous basis, with quality (including as evidenced at presentation stage) given a weighting of 60% in the evaluation and price 40%. Evaluation of the quality submissions was undertaken by a panel of experienced managers consisting of an operational services Team Manager, Service Manager- Strategic Commissioning and Service Manager - Supporting People and the Strategic Commissioning Manager -

Accommodation Solutions.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The proposed contract does not affect the current unit price of service provision (currently £14.19 pw and will remain the same under this contract). As such it does not offer any financial saving on the current extra care sheltered housing budget if the demand were to stay the same. This indicates that the focus of the tender has been on securing quality of service within the current unit price we are paying.
- 4.2 The potential savings due to this contract will be visible if there is a shift of client packages from other expensive service types such as residential and nursing into the community living offered by extra care sheltered housing. Such savings could be cashable ones if the existing clients are being transferred or will qualify as cost avoidance if new client packages are placed within the extra care sheltered housing from the start.
- 4.3 This contract is not expected to reduce the demand for extra care sheltered housing. On the contrary, its aim is to encourage the use of the service as an alternative to other expensive service types.
- 4.4 The following table shows the 13/14 outturn position for Extra Care Sheltered Housing (including all six providers).

| <b>13/14 Budget<br/>£'000</b> | <b>13/14 Outturn<br/>£'000</b> | <b>13/14 Overspend<br/>£'000</b> |
|-------------------------------|--------------------------------|----------------------------------|
| 1,359                         | 1,722                          | 363                              |

- 4.5 The contract value stipulates a minimum demand of four hours per service user (core hours) in order to qualify for the service, which would suggest a contract value in the region of £0.5m. The actual demand, however, will be much higher which is the case for the 13/14 outturn position (please see table).

#### **5. LEGAL COMMENTS**

- 5.1 Under section 29 of the National Assistance Act 1948 and section 2 of the Chronically Sick and Disabled Persons Act 1970 the Council has a duty to provide adults in its area in need of care and support with support services to meet their assessed needs. The Council has a duty under section 47 of the NHS & Community Care Act 1990 to assess people with chronic ill health or disabilities who appear to need community care services, and to decide on the basis of that assessment whether it is necessary for the Council to arrange or provide services to meet any identified need. The decision about whether someone is eligible for help from the Council is to be based on an evaluation of the risk to a person's independence posed by their needs and circumstances, following a community care assessment.
- 5.2 The current legislation will be replaced when the relevant sections of the Care Act 2014 come into effect (in accordance with the timetable set out in Regulations to be released shortly). Section 1 of the Care Act places a general duty on the Council in exercising its functions, to promote an



individual's well-being relating to their physical and mental health, emotional well-being and personal dignity. The Care Act 2014 replaces the existing duties in respect of assessing and meeting an individual's eligible care needs. Section 8 provides that those eligible needs may be met in a number of ways, including care and support at home or in the community, and by providing the service itself, arranging another provider to provide the service, or direct payments.

- 5.3 The procurement route that has been followed and an award of a contract to each of the winning bidders would satisfy the Council's procurement duties both under European and domestic law, particularly the requirements of the Public Contracts Regulations 2006, and also under the Council's internal procedures.
- 5.4 The Mayor and Cabinet are requested to allow a four month extension of the existing contracts in order that the new service providers may mobilise the new contracts prior to commencement. This carries a risk of offending the Public Contracts Regulations 2006 and European procurement law. However, the extension is considered to be appropriate, as it is purely for practical reasons and is not intended to avoid competition. The new contracts are intended to commence within the specified timeframe and following a compliant procurement.
- 5.5 When deciding whether to award 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 (the public sector equality duty). Prior to making changes in service delivery, the Council must ensure that proper consultation occurs in accordance with its public sector equality duty and its best value duty under the Local Government Act 1999. There is information contained in the report relevant to these considerations.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The tenants of the four schemes have been consulted about the new the model of care, whereby tenants will be able to take up cash personal budgets to meet their needs. This has been through visits to all the schemes and all tenants have been individually written to and kept informed of the process of the re-procurement.
- 6.2 The above tender was advertised on the basis that the London Living Wage be paid as a minimum to all employees delivering the service under contract in furtherance of the Council's anti-poverty strategy.
- 6.3 The contract monitoring undertaken in respect of the contract 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 specification for the service to be contracted for stipulates a requirement to provide the service in a way that takes proper account of the nine protected characteristics and the evaluation process for the tender tested specific aspects of this requirement.
- 6.4 The Procurement questions were further designed to ensure commitment from bidders (including the successful bidder) to engage with people in opportunities for

apprenticeships and volunteering, thus providing continuity for local employment. This will be monitored through Key Performance Indicators.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1. The contractual terms and conditions and service specification for the service 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 the service 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. The tender exercise 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 The service to be contracted is designed to meet the community care needs of specific groups of residents. It does 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.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**


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

#### **Appendices**

- NONE

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

- NONE

|  |   |
|--|---|
| <b>Cabinet</b><br>9 July 2014                  | <br><b>TOWER HAMLETS</b> |
| <b>Report of:</b> Corporate Director Resources | <b>Classification:</b><br>Unrestricted  |
| Exercise of Corporate Directors' Discretions   |   |

|                             |   |
|-----------------------------|---|
| <b>Lead Member</b>          | Councillor Alibor Choudhury, Cabinet Member Resources |
| <b>Wards affected</b>       | All   |
| <b>Community Plan Theme</b> | One Tower Hamlets                                     |
| <b>Key Decision?</b>        | No  |

## Executive Summary

This report sets out the exercise of Corporate Directors' discretions under Financial Regulation B8 which stipulates that such actions be the subject of a noting report to Cabinet if they involve expenditure between £0.100 million and £0.250 million.

## Recommendations:

The Mayor in Cabinet is recommended to:

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

### 1. REASONS FOR THE DECISIONS

- 1.1 Financial Regulations requires that regular reports be submitted to Council/Committee setting out financial decisions taken under Financial Regulation B8.
- 1.2 The regular reporting of Corporate Director's Discretions should assist in ensuring that Members are able to scrutinise officer decisions.

### 2. ALTERNATIVE OPTIONS

- 2.1 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.

- 2.2 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.

### **3. DETAILS OF REPORT**

- 3.1 Regulation B8 sets out the Cabinet Reporting Thresholds for specific financial transactions.
- 3.2 Financial Regulation B8 sets out the reporting thresholds for the following financial transactions: -  
Virements  
Capital Estimates  
Waiving Competition Requirements for Contracts and Orders (Subject to EU threshold)  
Capital Overspends  
Settlement Of Uninsured Claims
- 3.3 Under Financial Regulation B8, if the transaction involves a sum between £0.100 million and £0.250 million it can be authorised by the Corporate Director under the scheme of delegation but must also be the subject of a noting report to the next available Cabinet.
- 3.4 Appendix 1 sets out the exercises of Corporate Directors' discretions, under the stipulations in 2.2 above, that have taken place since the previous Cabinet

### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The comments of the Chief Financial Officer have been incorporated into the report and Appendix.

### **5. LEGAL COMMENTS**

- 5.1 The report sets out the individual exercises of Directors' Discretions as required by Financial Regulations.
- 5.2 The legal implications of each of the individual decisions would have been provided as part of the decision making process. These will be recorded on the "Record of Corporate Directors' Actions" maintained by Directorates
- 5.3 The procedure for recording and reporting Corporate Director's Actions has recently been revised and strengthened. All proposed actions where the value exceeds £100,000 are now required to be agreed with the Mayor prior to officer's sign off and approval. The revised procedure came into effect in December 2011.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 This report is concerned with the notification of officers' discretions under Standing Orders and has no direct One Tower Hamlets implications. To the extent that there are One Tower Hamlets Considerations arising from the individual actions, these would have been addressed in the records of each action.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 There are no Sustainable Action for A Greener Environment implications arising from this report.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. The risks associated with each of the Corporate Directors' discretions as set out in Appendix 1 would have been identified and evaluated as an integral part of the process, which lead to the decision.

## **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 There are no Crime and Disorder Reduction Implications arising from this report.

## **10. EFFICIENCY STATEMENT**

- 10.1 The works referred to in the report will be procured in line with established practices, taking account of best value.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- Appendix 1 – Exercise of Corporate Directors' Discretions under Financial Regulation B8

#### **Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000**

#### **List of "Background Papers" used in the preparation of this report**

- Record of Corporate Director's actions

#### **Officer contact details for documents:**

- Stephen Adams, Finance Business Partner, (CLC) Communities, Localities & Culture Directorate, Ext 5212
- David Tully, Finance Business Partner, (ESCW) Education, Social Care & Well Being Directorate, Ext 4960

**Originating Officers and Contact Details**

| <b>Name</b>             | <b>Title</b>                      | <b>Contact for information</b> |
|-------------------------|-----------------------------------|--------------------------------|
| Ruth Ebaretonbofa-Morah | Deputy Financial Planning Manager | Ext 1698                       |

## Appendix 1: Exercise of Corporate Directors Discretions under Financial Regulation B8

| Corporate Director                      | Amount   | Description of Exercise of Discretion   | Justification for Action  | Contractor's Name and Address (incl. postcode)  | Contact   |
|---|----------|---|---|---|---|
| Communities, Localities & Culture 13 26 | £241,667 | Adoption of capital estimate for Gunmakers Lane public realm improvement scheme. This approval is in excess of the noting report threshold of £100k.  | Allocation of Section 106 resources to upgrade footway and carriage way and improve street lighting in accordance with the Planning agreement | J B Riney Ltd<br>455 Wick Lane<br>London E3 2TB | Elise Boon,<br>Transportation & Highways<br>(X6832) |
| Communities, Localities & Culture 13 28 | £175,000 | Adoption of capital estimate for Dace Road cycle/pedestrian improvement scheme. This approval is in excess of the noting report threshold of £100k.   | Confirmation of external funding from Olympic Park Transport & Environmental Management (OPTEMS)  | J B Riney Ltd<br>455 Wick Lane<br>London E3 2TB | Elise Boon,<br>Transportation & Highways<br>(X6832) |
| Communities, Localities & Culture 13 29 | £215,000 | Adoption of capital estimate for Monier Road cycle/pedestrian improvement scheme. This approval is in excess of the noting report threshold of £100k. | Confirmation of external funding from Olympic Park Transport & Environmental Management (OPTEMS)  | J B Riney Ltd<br>455 Wick Lane<br>London E3 2TB | Elise Boon,<br>Transportation & Highways<br>(X6832) |

|  |          |   |   |   |   |
|--|----------|---|---|---|---|
| Communities, Localities & Culture 13 33  | £115,900 | Adoption of capital estimate and waiver of financial regulations for John Orwell Floodlighting. This approval is in excess of the noting report threshold of £100k. | Confirmation of external funding from Sport England and acceptance of the procurement process stipulated by the funder under the terms and conditions of the grant award. | SJB Floodlighting Ltd<br>The Robins,<br>Birches Walk<br>Chelmsford CM2<br>8TZ   | Andrew Meads<br>Sports &<br>Physical<br>Activities<br>(X3159) |
| Communities, Localities & Culture 13 34  | £105,395 | Waiver of financial regulations for the Cycle training. This approval is in excess of the noting threshold of £100k   | In order to provide service continuity for five months, pending the new contract to be let in September 2014 and align with the academic year.                            | Bikeworks<br>138-140<br>Cambridge<br>Heath Road<br>London E1 5QJ<br>Maze<br>Partnership<br>Unit 6 Myrdle<br>Street<br>London E1 1HL | John Rymell<br>Transportation<br>& Highways<br>(X6918)        |
| Education Social Care and Wellbeing /479 | £200,000 | Adoption of Capital Estimate for improvements to office and entrance at Marion Richardson Primary School  | Half of the cost of the project is to be funded by the school and they needed to proceed with plans for the project.  | N/A   | Calvin<br>Coughlan<br>(x4414)                                 |
| Education Social Care and Wellbeing /481 | £153,556 | Waiving of financial regulations in awarding a Public Health contract for "Well London".  | The nature of the market for the services to be provided has been investigated and has demonstrated that only a single source of supply is available.                     | Poplar Harca,<br>167a East India<br>Dock Road,<br>London E14 0EA  | Tim Madelin<br>(x7388)  |




|   |          |  |   |  |                         |
|---|----------|--|---|--|-------------------------|
| Education<br>Social Care<br>and Wellbeing<br>/495 | £249,701 | Waiving of financial regulations in awarding a Supporting People three-month contract extension for support at Booth House Hostel.                                       | In order to provide service continuity, pending the outcomes of a “mini-competition” exercise.  | The Salvation Army,<br>Territorial Headquarters<br>101 Newington Causeway<br>London<br>SE1 6BN                     | Paul Wishart<br>(x7028) |
| Education<br>Social Care<br>and Wellbeing<br>/536 | £145,236 | Waiving of financial regulations in awarding a Supporting People six-month contract extension for part of the Accommodation Based Mental Health Service at Teresa House. | In order to provide service continuity, pending the resolution of issues which have delayed the competitive tendering process for this service. | Genesis Housing Association,<br>Atelier House, 64<br>Pratt Street<br>London, NW1<br>0DL                            | Karl Henson<br>(x7025)  |
| Education<br>Social Care<br>and Wellbeing<br>/537 | £182,654 | Waiving of financial regulations in awarding a Supporting People 4 month contract extension for provision at Dellow Hostel.  | In order to provide service continuity, pending the outcomes of a “mini-competition” exercise.  | Providence Row Housing Association,<br>Providence Row<br>The Dellow Centre<br>82 Wentworth Street<br>London E1 7SA | Paul Wishart<br>(x7028) |
| Education<br>Social Care<br>and Wellbeing<br>/538 | £141,414 | Waiving of financial regulations in awarding a Supporting People six-month contract extension for part of the Accommodation  | In order to provide service continuity, pending the resolution of issues which have delayed the competitive tendering                           | Genesis Housing Association,<br>Atelier House, 64<br>Pratt Street<br>London, NW1                                   | Karl Henson<br>(x7025)  |

|  |          |   |   |  |                                 |
|--|----------|---|---|--|---------------------------------|
|  |          | Based Mental Health Service at Hamlets Way.   | process for this service.   | ODL  |                                 |
| Education Social Care and Wellbeing /548 | £180,000 | Adoption of Capital Estimate for Occupational Therapy Demonstration Suite at Pritchard Road Centre.                     | To allow plans for this initiative funded from Adults Personal Social Services Grant to progress.   | N/A  | Calvin Coughlan (x4414)         |
| Education Social Care and Wellbeing /549 | £230,000 | Adoption of Capital Estimate for the additional costs of refurbishment works at the Bethnal Green Centre.               | To progress plans to address the condition and structural issues which were identified since the works commenced and areas of the building have been exposed. | N/A  | Calvin Coughlan (x4414)         |
| Education Social Care and Wellbeing /550 | £143,000 | Waiving of financial regulations in awarding a one-year Public Health contract for the UNICEF Baby Friendly Initiative. | The nature of the market for the services to be provided has been investigated and has demonstrated that only a single source of supply is available.         | Bart's Health NHS Trust,<br>The Royal London Hospital<br>Whitechapel Road<br>Whitechapel<br>London<br>E1 1BB | Esther Trenchard-Mabere (x7389) |
| Education Social Care and Wellbeing /463 | £240,000 | Adoption of Capital Estimate for improvements to office and entrance at Swanlea School                                  | To allow the school's plans to spend its Crossrail compensation.  | N/A  | Calvin Coughlan (x4414)         |

|   |          |   |   |   |                   |
|---|----------|---|---|---|-------------------|
| Education<br>Social Care<br>and Wellbeing<br>ESCW/482 | £170,000 | Decision to award a grant to<br>an external organisation. | Provision of 71% of costs of<br>capital works to create 2<br>year old education places at<br>Lincoln Hall Playgroup | Lincoln Hall<br>Playgroup, Fern<br>Street, E3 3PR | Jo Green<br>x4844 |
|---|----------|---|---|---|-------------------|

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|---|---|
| <b>Cabinet</b><br>9 July 2014   | <br><b>TOWER HAMLETS</b> |
| <b>Report of:</b> Service Head, Democratic Services, John S. Williams | <b>Classification:</b><br>Unrestricted  |
| <b>Cabinet Terms of Reference and Membership</b>                      |   |

|                               |   |
|-------------------------------|---|
| <b>Lead Member</b>            | <b>Mayor Lutfur Rahman</b>                  |
| <b>Originating Officer(s)</b> | Matthew Mannion, Committee Services Manager |
| <b>Wards affected</b>         | All Wards                                   |
| <b>Community Plan Theme</b>   | <b>One Tower Hamlets</b>                    |
| <b>Key Decision?</b>          | No  |

### Executive Summary

This report sets out for information the Mayor's appointments to Cabinet and the Cabinet Terms of Reference.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. To note the report.

## 1. REASONS FOR THE DECISIONS

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

## 2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to a noting report.

## 3. DETAILS OF REPORT

- 3.1 It is traditional at the first meeting following the first Annual General Meeting of a new administration to set out the membership and terms of reference of the Council's meetings and committees.

### Membership

- 3.2 The Mayor informed the Annual General Meeting that the Membership of Cabinet would consist of himself and nine Councillors as set out below along with their portfolios.

| Name                    | Portfolio  | Portfolio Details  |
|-------------------------|--|--|
| Mayor Lutfur Rahman     | Mayor  |  |
| Councillor Oliur Rahman | Deputy Mayor and Cabinet Member for Economic Development (Jobs, Skills & Enterprise) | <ul style="list-style-type: none"><li>• Employment Strategy</li><li>• Employment Partnerships (including JCP)</li><li>• Economic Development</li><li>• Enterprise</li><li>• Skills Improvement</li><li>• Lifelong Learning</li><li>• Employment Initiatives</li><li>• Volunteering &amp; Training</li><li>• Support for Local Businesses</li></ul> |
| Councillor Ohid Ahmed   | Cabinet Member for Community Safety  | <ul style="list-style-type: none"><li>• Community Safety Service</li><li>• THEOs &amp; Enforcement</li><li>• Crime Prevention</li><li>• Anti-Social Behaviour</li><li>• Drugs &amp; Alcohol Crime</li><li>• Licensing Policy &amp; Strategy</li><li>• Trading Standards</li><li>• Public Safety</li></ul>  |
| Councillor Abdul Asad   | Cabinet Member for Adult Services  | <ul style="list-style-type: none"><li>• Adult Social Care</li><li>• Older People</li><li>• Adults with Disabilities</li></ul>  |

| Name                        | Portfolio                                | Portfolio Details  |
|-----------------------------|--|--|
|                             |  | <ul style="list-style-type: none"> <li>• Supporting People</li> <li>• Health Services &amp; The Health and Wellbeing Board</li> <li>• Mental Health</li> <li>• Carers</li> <li>• Public Health</li> </ul>  |
| Councillor Gulam Robbani    | Cabinet Member for Children's Services   | <ul style="list-style-type: none"> <li>• Early years, learning and play</li> <li>• Young People &amp; Learning</li> <li>• Children's Centres</li> <li>• Schools, Improvement &amp; Building Schools for the Future</li> <li>• Further &amp; Higher Education</li> <li>• Youth Services &amp; Community Learning</li> <li>• Youth Offending &amp; Justice</li> <li>• Children with Disabilities &amp; Special Needs</li> <li>• Children's Social Care</li> <li>• Looked-after Children &amp; Child Protection</li> </ul>                            |
| Councillor Alibor Choudhury | Cabinet Member for Resources             | <ul style="list-style-type: none"> <li>• Finance, Budget Development &amp; Monitoring</li> <li>• Asset Strategy, Capital Delivery &amp; Property Services</li> <li>• Procurement &amp; Corporate Programmes</li> <li>• Value for Money</li> <li>• Revenue Services</li> <li>• ICT</li> <li>• Risk Management</li> </ul>  |
| Councillor Rabina Khan      | Cabinet Member for Housing & Development | <ul style="list-style-type: none"> <li>• Housing Strategy</li> <li>• Housing Management &amp; Decent Homes</li> <li>• Homelessness &amp; Housing Advice Service</li> <li>• Tower Hamlets Homes &amp; Registered Providers</li> <li>• Private Sector Housing</li> <li>• Local Development Framework &amp; Development Plan</li> <li>• Regeneration Strategy &amp; Sustainability</li> <li>• Planning Service, Building Control and Enforcement</li> <li>• Major Projects including Whitechapel Vision</li> <li>• Welfare Reform Response</li> </ul> |
| Councillor Shahed Ali       | Cabinet Member for Clean & Green         | <ul style="list-style-type: none"> <li>• Environmental Health &amp; Protection</li> <li>• Street Management &amp; Cleanliness</li> <li>• Waste Management &amp; Recycling</li> <li>• Parking Services</li> <li>• Transport Services</li> </ul>   |

| Name                      | Portfolio   | Portfolio Details  |
|---------------------------|---|--|
|                           |   | <ul style="list-style-type: none"> <li>• Highways</li> <li>• Road Safety &amp; Cycling</li> <li>• The Council's Environmental Impact</li> </ul>  |
| Councillor Shafiqul Haque | Cabinet Member for Culture                        | <ul style="list-style-type: none"> <li>• Arts &amp; Events</li> <li>• Creative Industries</li> <li>• Idea Stores &amp; Libraries</li> <li>• Museums &amp; Heritage</li> <li>• Parks &amp; Open Spaces</li> <li>• Leisure</li> <li>• Sports &amp; Physical Activity</li> </ul>  |
| Councillor Aminur Khan    | Cabinet Member for Policy, Strategy & Performance | <ul style="list-style-type: none"> <li>• Strategy and Performance</li> <li>• Strategic Partnerships</li> <li>• Tower Hamlets Partnerships, Mayor's Priorities &amp; Community Plan</li> <li>• Equalities, One Tower Hamlets &amp; Workforce to Reflect the Community</li> <li>• Member Learning &amp; Development</li> <li>• Co-ordination of Policy Development &amp; Implementation</li> <li>• Localisation &amp; Service Integration</li> </ul> |

3.3 Full details of the Executive procedures are published in the Council's Constitution but the following summarises some of the key points.

### **Cabinet Meetings, Procedures and Papers**

3.4 Cabinet meetings are usually arranged monthly throughout the year, starting at 5:30pm. Meeting dates, agendas, reports, minutes and deadlines for the submission of petitions are available on the Council website through [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee).

3.5 In accordance with the Constitution, the quorum of the Cabinet is 3 Members.

3.6 The public are welcome to attend Cabinet meetings and to ask questions or submit petitions related to subjects listed on the Cabinet agenda. Petitions must be submitted by (noon) four working days before the meeting (usually Thursday) whilst questions can be submitted before 5pm the day before the meeting to the clerk of the meeting as detailed on the front of the agenda.

3.7 As well as being published on the website, a few copies of the Cabinet papers are available at the meeting itself. In addition, agendas for all Council meetings can be downloaded using the free Mod.Gov Apple and Android tablet app.

### **Decision Making and Delegation**



- 3.8 In accordance with the Constitution (Part 4.4 'Executive Procedure Rules'), the Mayor can take decision at Cabinet meetings or as Individual Mayoral Executive Decisions. All these decisions are published on the website.
- 3.9 To date the Mayor has not delegated any decision-making powers to the Executive acting collectively or individually. The Mayor may also, in accordance with Part 4.4 of the Constitution appoint committees of the Executive to take certain decisions. None have been appointed at this time.
- 3.10 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out in Parts 3 and 8 of the Council's Constitution.

#### **Notice of Decisions and the Forward Plan**

- 3.11 Forthcoming decision notices are published on the council's website for all Key and most Non-Key Decisions that are to be put before the Mayor and Cabinet. Decision notices are published as soon as possible after they are notified and, in addition, the Forward Plan of decisions is published once a month to collate all decision notices into a single document. In normal circumstances there should be at least 28 calendar days' notice that a decision is to be taken.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1. None in relation to this report.

#### **5. LEGAL COMMENTS**

- 5.1. None in relation to this report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. None in relation to this report.

#### **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 None in relation to this report.

#### **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. None in relation to this report.

#### **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 None in relation to this report.

#### **10. EFFICIENCY STATEMENT**

- 10.1 None in relation to this report.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – Cabinet Terms of Reference

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

- None

### 3.4 THE EXECUTIVE

#### 3.4.1 Cabinet

| <b>Membership:</b> The Mayor and at least two and not more than nine other Executive Councillors appointed by the Mayor.  |  |
|---|--|
| <b>Functions</b>  | <b>Delegation of Functions</b>   |
| <ol style="list-style-type: none"><li>1. To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.</li><li>2. In relation to any Executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.</li><li>3. To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework.</li></ol> | Chief Officers and other officers authorised by them have the delegated authority as set out in paragraph 3.2 above and 3.5 below. |
| <b>Quorum:</b> Three Members of the Cabinet   |  |

**The Cabinet may establish Sub-Committees to discharge functions on its behalf but any Cabinet Sub-Committee may only include Cabinet Members.**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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