

## LONDON BOROUGH OF TOWER HAMLETS

## RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.35 P.M. ON TUESDAY, 5 JANUARY 2016

C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**Members Present:**

Mayor John Biggs	
Councillor Shiria Khatun	(Deputy Mayor and Cabinet Member for Community Safety)
Councillor Rachael Saunders	(Deputy Mayor and Cabinet Member for Education & Children's Services)
Councillor Rachel Blake	(Cabinet Member for Strategic Development)
Councillor Asma Begum	(Cabinet Member for Culture)
Councillor David Edgar	(Cabinet Member for Resources)
Councillor Ayas Miah	(Cabinet Member for Environment)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Health & Adult Services)

**Other Councillors Present:**

Councillor Dave Chesterton	
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor John Pierce	

**Officers Present:**

Luke Addams	(Interim Director of Adult's Services)
Katherine Ball	(Senior Accountant, Development & Renewal)
Andy Bamber	(Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture)
Dr Somen Banerjee	(Director of Public Health, LBTH)
Simon Baxter	(Acting Service Head, Public Realm, Communities Localities & Culture)
Kate Bingham	(Service Head, Children's and Adults Resources)
Melanie Clay	(Director, Law Probity and Governance)
Zena Cooke	(Corporate Director, Resources)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
Tony Evans	(Senior Business Executive)
Chris Holme	(Service Head, Resources & Economic Development)
Gulam Hussain	(Strategy, Policy and Performance Officer)
Paul Leeson	(Finance Manager, Development & Renewal)
Chris Lovitt	(Associate Director of Public Health)
Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)

Kelly Powell	(Acting Head of Communications)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Karen Sugars	(Interim Service Head, Commissioning and Health)
Monsur Uddin	(Political Advisor to the Mayor)
Keith Burns	(Programme Director Special Projects, Commissioning & Health, Education Social Care & Wellbeing)
Abdul J. Khan	(Sustainable Development Manager, Strategy Innovation & Sustainability, Development and Renewal)
Matthew Pullen	Major Project Development
Jonathan Taylor	(Sustainable Development Team Leader)
Ruth Ebaretonbofa-Morah	(Head of Financial Planning & Development)
Ekbal Hussain	(Financial Planning Manager, Chief Executive's and Resources)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

### **AGENDA ORDER**

During the meeting the Mayor agreed to vary the order of the agenda such that Item 5.16 (Tower Hamlets Cycle Strategy) was moved up the agenda to be taken straight after Item 5.12 (Commissioning of adult social care and supported housing contracts). For clarity, the decision sheet is presented in the order the items appear on the agenda.

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Sirajul Islam (Statutory Deputy Mayor and Cabinet Member for Housing Management and Performance)
- Councillor Joshua Peck (Cabinet Member for Work and Economic Growth)
- Will Tuckley (Chief Executive)
- Aman Dalvi (Corporate Director, Development and Renewal)
- Stephen Halsey (Corporate Director, Communities, Localities and Culture)
- Debbie Jones (Interim Corporate Director, Children's Services)

### **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillors Rachael Saunders (Deputy Mayor and Cabinet Member for Education and Children's Services) and Ayas Miah (Cabinet Member for Environment) declared Disclosable Pecuniary Interests in agenda item 5.9 (Extended Payment Support Options to Leaseholders for Repayment of Major Works Recharges) as they were Leaseholders. They would withdraw from the room for the duration of the debate on that item.

### **3. UNRESTRICTED MINUTES**

#### **RESOLVED**

1. That the unrestricted minutes of the Cabinet meeting held on 1 December 2015 be approved and signed by the Chair as a correct record of proceedings subject to the following amendments:
  - a. Item 5.3 (Neighbourhood Planning – Approving Area and Forum Applications) – Recommendation 2 be changed to ‘To approve in principle the designation of a Neighbourhood Planning Forum for the Isle of Dogs application subject to clarification of the boundaries of the Neighbourhood Planning Area. Decisions to be taken on the Forum and Area Boundary at the earliest opportunity.
  - b. Item 5.5 (Future Commissioning arrangements for domiciliary care services previously commissioned from Majlish Homecare Services) paragraph two to be amended to make it clear that options C to F were also rejected as they were not practical or feasible in the current circumstances as well as not being value for money.

### **4. OVERVIEW & SCRUTINY COMMITTEE**

#### **4.1 Chair's Advice of Key Issues or Questions**

Pre-Decision Scrutiny Questions were submitted in relation to Agenda Item 5.7 (Six Monthly Strategic Performance Monitoring Report). The questions were considered along with the report itself later on the agenda.

#### **4.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee**

Nil items.

### **5. UNRESTRICTED REPORTS FOR CONSIDERATION**

#### **5.1 General Fund Revenue and Capital Budget and Medium Term Financial Plan 2016/17**

An amended Appendix 9 to the report was tabled. A number of amendments to the budget proposals were agreed (set out below) but these did not alter the text of the decisions at this stage.

- The proposal to save £93k by Reducing or Stopping Sunday Idea Store opening will not be progressed.
- The proposal to reduce the corporate match funding budget by £246k will also not be progressed.
- And the saving of £241k from the Review Day Services for Older People will only be progressed once suitable alternative to current provision has been found for any service users affected.

**DECISION**

1. To agree a General Fund Revenue Budget of **£358.774m** for 2016-17.
2. To accept the proposed increase to Council tax (Band D) of 3.99% in 2016-17 and thereby agree Council Tax (Band D) at £920.85 for the new financial year.
3. To agree to propose the items listed below for public consultation and consideration by the Overview and Scrutiny Committee in accordance with the Budget and Policy Framework. A further report will then be submitted to the next Cabinet meeting in February detailing the results of consultations and feedback from Overview and Scrutiny committee; inviting Cabinet to recommend a Budget Requirement and Council Tax for 2016-17 to Full Council.
4. To note the following matters:

**Budget Consultation**

The outcome of consultation with residents and Overview and Scrutiny Committee on savings proposals as detailed in section 3.12 and Appendix 9.

**Funding**

The funding available for 2016-17 and the indications and forecasts for future years set out in Section 3.4.

**Base Budget 2016-17**

The Base Budget for 2016-17 as £350.346m as detailed in Appendix 1.

**Growth and Inflation**

The risks identified from potential growth and inflation commitments arising in 2016-17 and future years and as set out in Section 3.5 and in Appendix 3.

**General Fund Revenue Budget for 2016-17 and Medium Term Financial Plan 2016-17 to 2019-20**

The initial budget proposal and Council Tax for 2016-17 together with the Medium Term Financial Plan set out in Appendix 1.

**Savings**

New savings items to be included in the budget for 2016-17 and the strategic approach for future savings to be delivered are set out in Section 3.6, Appendix 4.1 and 4.2 of the report.

**Capital Programme**

The capital programme to 2018-19; including the proposed revisions to the current programme as set out in section 3.10 and detailed in Appendices 8.1, 8.2 & 8.3, and the proposed refresh of the council's capital strategy during 2016-17.

To adopt a capital estimate for Communities, Localities & Culture TFL LIP schemes (2016-17) totalling £2.487m & S106 schemes totalling £0.276m as detailed in Appendices 8.1 & 8.2.

**Dedicated Schools Grant**

The position with regards to the Dedicated Schools Grant as set out in Section 3.8 and Appendices 6.1 & 6.2.

**Housing Revenue Account**

The position with regards to the Housing Revenue Account as set out in Section 3.9 and Appendix 7.

**Financial Risks: Reserves and Contingencies**

The strategic budget risks and opportunities as set out in Section 3.7 and Appendix 5.2.

**Reserves and Balances**

New schemes being funded from general fund reserves in 2016-17.

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

**Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Interim Service Head, Finance and Procurement (B. Scarr))

**Reasons for the decision**

The council is under an obligation to set a balanced budget for the forthcoming year and to set a Council Tax for the next financial year by 11th March 2016 at the latest. The setting of the budget is a decision reserved for Full Council. The council's Budget and Policy Framework requires that a draft budget is issued for consultation with the Overview & Scrutiny Committee following this meeting.

The announcements that have been made about Government funding for the council require a robust and timely response to enable a balanced budget to be set.

**Alternative options**

The council is required to respond to the budget reductions in Government funding of local authorities and to set an affordable Council Tax and a balanced budget, while meeting its duties to provide local services. This limits the options available to Members. Nevertheless, the council can determine its priorities in terms of the services it seeks to preserve and protect where possible, and to a limited extent the services it aims to improve further, during the period of continuing budget reductions.

**5.2 Council Tax Base 2016/17**

**DECISION**

1. To approve, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, that the amount calculated by the London Borough of Tower Hamlets as its Council Tax Base for the year 2016/17 shall be 83,493.

**Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

**Reasons for the decision**

The scheme for calculation of council tax established under the Local Government Finance Act 1992 requires local authorities to agree their Council Tax Base and to notify it to the preceptors (GLA) by 31st January 2016.

If the tax base is not agreed and notified to the Preceptor by 31st January 2016, this may prejudice the calculation of Council Tax for 2016/17.

**Alternative options**

The recommendations contained within this report are made in line with the statutory requirements outlined in sections 1.1 and 1.2 of this report; therefore the Council is not presented with alternative options is setting it's Council Tax Base.

**5.3 Local Council Tax Reduction Scheme 2016/17****DECISION**

1. To recommend to Full Council that it approves the continuation of the current Local Council Tax Reduction Scheme for 2016/17 which will retain the same level of support to all working age Council Tax payers on a low income.
2. To recommend to Full Council that it agrees that the extension of the scheme is for one year only, to be reviewed alongside the impact of the Government's proposed welfare reform changes and an options review for the future of LCTRS during 2016.

**Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Head of Benefits Services (S. Hill))

**Reasons for the decision**

To seek approval for the continuation of the current Local Council Tax Reduction Scheme for a further year into 2016/17.

**Alternative options**

None.

**5.4 Fees and Charges 2016/17****DECISION**

1. To approve the revised fees and charges for **Communities, Localities and Culture** as set out in **Appendix 1** with effect from 1<sup>st</sup> April 2016.
2. To approve the new Pre-application charges for **Development and Renewal** as set out in **Appendix 2** with effect from 5<sup>th</sup> January 2016.

3. To approve the revised fees and charges for **Development and Renewal** as set out in **Appendix 2** with effect from 1<sup>st</sup> April 2016.
4. To approve the revised fees and charges for **Adults' Services** as set out in **Appendix 3** with effect from 1<sup>st</sup> April 2016.
5. To approve the revised fees and charges for **Children's Services** as set out in **Appendix 4** with effect from 1<sup>st</sup> April 2016.
6. To approve the revised fees and charges for **Law, Probity and Governance** as set out in **Appendix 5** with effect from 1<sup>st</sup> April 2016.
7. To note the revised **Statutory** fees and charges as set out in **Appendix 6** with effect from 1<sup>st</sup> April 2016.
8. To note the revised **Licensing charges** in **Appendix 7** which have been approved by the Licensing Committee on 6<sup>th</sup> October 2015, with effect from 1<sup>st</sup> November 2015.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Interim Service Head, Finance and Procurement (B. Scarr))

**Reasons for the decision**

Fees and charges are reviewed annually as part of the Council's financial and business planning process. This ensures that they are set at the appropriate level for the prevailing economic conditions and represents good practice in terms of the Council's aim to provide value for money.

**Alternative options**

Whilst the changes to fees and charges recommended in the report follow a review of existing charges by each directorate, other alternatives can be adopted by Members if they so wish. The financial impact of any alternatives will need to be reflected in the Council's Medium Term Financial Plan (MTFP).

**5.5 Housing Revenue Account Rent Setting Report**

An updated report was tabled.

**DECISION**

1. To note that, under section 21 of the Welfare Reform and Work Bill (which is at Committee Stage in the House of Lords), the Authority must implement a rent reduction of 1% for each of the next four years, starting in 2016/17, and consequently to agree an average weekly rent reduction of 1% to take effect from the first rent week of April 2016.
2. To agree that the element of the rental charge that relates to communal electricity will be removed from the rent (de-pooled) and will be added to the tenanted service charge.

3. To agree that the average weekly tenanted service charge will increase by £0.10 from the first rent week in April 2016, after applying the de-pooling adjustment of communal energy charges referred to in Recommendation 2.
4. To note the risks to the Housing Revenue Account, (HRA) detailed in sections 6 to 8, and note that an updated medium-term financial strategy will be developed for the HRA in response to the various government policies that will have a substantial impact on the HRA.
5. To note that the HRA budget will be presented to Cabinet in February 2016.

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

(Service Head, Resources D&amp;R (C. Holme)

(Finance Manager D&amp;R (P. Leeson)

(Senior Accountant D&amp;R (K. Ball)

**Reasons for the decision**

The Council must prepare proposals in January and February each year relating to income from rents and other charges, and expenditure in relation to management and maintenance of its housing stock. A decision is required with regard to rents and service charges in January in order that statutory notice can be given to tenants prior to implementation from the first rent week of 2016/17.

**Alternative options**

Section 21 of the Welfare Reform and Work Bill (which is at Committee stage the House of Lords) requires that, from April 2016, social rents are to be cut by 1% for four years. As this requirement is to be enshrined in legislation, if the Authority did not comply, it would risk the possibility of a legal challenge.

**5.6 Corporate Revenue and Capital Budget Monitoring Q2 2015/16****DECISION**

1. To note the Council's revenue and capital financial performance compared to budget for 2015/16 as detailed in Sections 3 to 6 and Appendices 1-4 of this report.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Chief Accountant (K. Miles)

**Reasons for the decision**

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



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

### **Alternative options**

The Council reports its anticipated annual outturn position against budget for both revenue and capital net spend. It also reports its strategic performance.

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

## **5.7 Six Monthly Strategic Performance Monitoring Report**

### **DECISION**

1. To review and note progress in delivering the Strategic Plan at the 6 month stage (appendix 1 to the report); and
2. To review and note the performance of the Strategic Measures at the 6 month stage (appendix 2 to the report)

### **Action by:**

**DIRECTOR, LAW, PROBITY AND GOVERNANCE (M. CLAY)**

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

### **Reasons for the decision**

This monitoring report details the Council's progress in delivering activities within the Strategic Plan and performance for Strategic Measures at the six month stage.

The Mayor in Cabinet is asked to:

- Review progress in delivering the Strategic Plan at the 6 month stage (appendix 1); and
- Review the performance of the Strategic Measures at the 6 month stage (appendix 2)

### **Alternative options**

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

**5.8 Children's & Adults Services Capital Programme****DECISION**

1. To note the contents of the report and the out-turn for the 2014/15 Education, Social Care & Wellbeing (ESCW) Capital Programme as detailed in Appendix A and proposed allocation of the funding available in 2016/17 as set out in Appendix B (paragraph 3.2);
2. To note the 2015/16 capital condition and improvement programme schemes in schools and service premises as shown in Appendix C (Schools and Children's Services) and Appendix F (Adult Services) (paragraph 3.4);
3. To approve the adoption of capital estimates for the 2016/17 capital condition and improvement programme schemes in schools and service premises as shown in Appendix D and authorise expenditure (paragraph 3.5 );
4. To note the completed projects within the Primary Capital Programme (PCP) in Appendix E and approve the increase in the final cost for the works at Malmesbury Primary School (paragraph 3.9);
5. To note the School Expansion Programme as detailed in Appendix G and approve the revised capital allocation for the expansion works at Woolmore Primary and Stepney Green schools (paragraph 3.11);
6. To approve of the adoption of a capital estimate for fees of £1.00m to develop the design for the proposed new secondary school at the London Dock site (paragraph 3.15);
7. To note progress with the development of further expansion projects and 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 3.19);
8. To approve the adoption of a capital estimate of £300,000 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 3.20) ;
9. To note progress with creating early education provision and further consultation with providers as shown in Appendix E (paragraph 3.22);
10. To approve the adoption of a capital estimate for expenditure of s. 106 contributions on improvements to health infrastructure for the

Maximising existing health infrastructure project of £2,603,358 (paragraph 3.24);

11. To approve of a capital estimate for expenditure of s. 106 contributions on improvements to health infrastructure for the fit out works to William Cotton Place of £3,193,000 (paragraph 3.24);
12. To agree that Council approved Frameworks be used, where appropriate, to deliver the various projects within the approved programmes;
13. To agree that the Corporate Director of Children's Services or the Director of Adults Services (as applicable), in respect of all proposed tenders referred to in this report, be authorised to agree tenders for projects within the approved programmes and capital estimate;
14. To agree that any scheme exceeding the approved budget, the Corporate Director of Children's Services or the Director of Adults Services (as applicable) to be authorised to prepare and carry out a Bill of Reductions where relevant to ensure expenditure is contained within the agreed costs.

**Action by:**

**INTERIM CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)**

(Head of Building Development (P. Watson)

(Capital and Asset Management Manager (C. Coughlan)

**Reasons for the decision**

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

**Alternative options**

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

**5.9 Extended Payment Support Options to Leaseholders for Repayment of Major Works Recharges**

**DECISION**

1. To adopt the revised Leasehold Repayment Support Options 1-6 detailed at **Appendix A** to the report, and agree that this will

supersede the previous Leasehold Support Options adopted by Cabinet on 9<sup>th</sup> January 2013 – Appendix **B** to the report.

2. To note that the Council has received additional Decent Homes Backlog Grant funding of £13.27 million for the 2015-16 financial year. This will result in additional net Housing Revenue Account capital resources estimated at £12.21 million after applying the statutory leasehold cap (see paragraph 3.7).
3. To authorise the Corporate Director - Development and Renewal following consultation with Corporate Director Law, Probity and Governance and Monitoring Officer (or their nominee), to enter into all necessary documents to implement the decisions made.

**Action by:**

**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**

(Service Head, Strategy, Regeneration and Sustainability (J. Odunoye)

(Housing Partnerships Manager (J. Kiwanuka)

**Reasons for the decision**

The council recognises that recharges of major works costs represent a significant financial burden to leaseholders and that paying the charges, particularly in a lump-sum may cause difficulties.

It is the council's responsibility to recover costs incurred on major works undertaken on leasehold properties by recharging the leaseholders concerned. However, as the council is committed to maintaining the standard of its asset portfolio, an increasing number of leaseholders are likely to be presented with charges for their share of the costs. It makes sense, therefore to offer assistance to leaseholders in meeting their major works bills.

Offering extended payment periods is still common practice with local authorities (LAs). LBTH's leasehold payment support arrangements are flexible and overall offer longer repayment periods.

The council intends to charge leaseholders fairly, but at the same time needs to maintain the fabric of its housing stock, and the financial integrity of its HRA capital programme, including the Decent Homes programme.

**Alternative options**

The council could decide not to offer additional options to leaseholders to repay the cost of major works, and the Decent Homes Programme. However, this would conflict with the council's aim of supporting its tenants/leaseholders during these challenging financial times. This course of action could cause financial difficulties for some leaseholders.

The increase in the variety and flexibility of repayment options should reduce the risk to the council of non-payment and lessen the costs of both debt

recovery, and leaseholder queries regarding major works invoices, re-charges and other enquiries.

The enhanced repayment terms options in this report are comprehensive and attempt to balance the impact on leaseholders with the HRA's overall financial requirements, including cash flow issues.

## **5.10 Implementation of a New Infrastructure Delivery Framework**

### **DECISION**

1. To approve the formation of the decision-making structure as proposed in this document for adoption from the 1<sup>st</sup> April 2016. More specifically:
  - The formation of an officer level group, the Infrastructure Delivery Steering Group, chaired by the Corporate Director of Development and Renewal;
  - The formation of a board level group, the Infrastructure Delivery Board, chaired by the Mayor which will refer relevant matters to Cabinet via the Cabinet Pre-Agenda Planning Meeting. The relevant matters will not be referred to the Directorate Management Team, the Corporate Management Team or the Mayor's Advisory Board as required under the current Cabinet process.
2. To approve the formation of an evidence base to support decision-making. This evidence base will be finalised and submitted for approval by the IDB and Cabinet once the IDF is implemented;

#### **Action by:**

**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**

(Service Head Planning and Building Control (O. Whalley))

#### **Reasons for the decision**

There are several reasons for the implementation of a new Infrastructure Delivery Framework:

1. To ensure that decisions relating to the expenditure of the Community Infrastructure Levy (CIL) and Section 106 (S106) funding are the subject of appropriate oversight;
2. To ensure that relevant decisions are appropriately transparent and comply with the aims of the Mayor's Transparency Protocol;
3. To ensure that the delivery of infrastructure in the borough accords with the Council's Best Value objectives;

4. To ensure that the allocation of funding is undertaken on an objective basis and that decisions are as best informed as possible.

### **Alternative options**

There are two notable alternative options in respect of how to allocate S106 and the local CIL to fund infrastructure projects:

Alternative Option 1: Delegate authority onto PCOP to allocate local CIL in addition to its existing remit to allocate S106

PCOP already allocates S106 funding to infrastructure projects. Its remit could be widened to include the allocation of local CIL.

This option is not considered appropriate as it does not ensure the same levels of transparency or oversight as the proposal set out in this report.

Alternative Option 2: Form a new officer level group which would recommend matters, including projects, for approval at a board level group, removing the need to revert to Cabinet

This option would be similar to the proposed option except that projects would be approved at the board level group, chaired by the Mayor and not be referred to Cabinet for approval.

This option is not considered appropriate as it does not ensure the same levels of transparency or oversight as the proposal set out in this report.

## **5.11 Carbon Offset Solutions Study**

### **DECISION**

1. To approve the Carbon Offset Solutions Study for adoption.
2. To note the monies secured to date.
3. To note the council's approach in managing the funds and delivering projects.

### **Action by:**

**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**  
(Sustainable Development Team Leader (J Taylor))

### **Reasons for the decision**

The approval of the Study will provide an adopted approach to the council manage the carbon offsetting contributions. This is important to ensure that planning obligations are appropriately collected and that the council has in place a transparent approach to project selection and prioritisation.

The approval of the study will provide clarity on how funds are to be allocated and demonstrate the council's commitment to delivering carbon reduction projects.

The Wood Wharf outline planning permission (PA/13/02966) details the carbon offsetting contributions are to be applied in accordance with the 'carbon offsetting guidance' (Schedule 12; para 1.5 of the S106). In the absence of any adopted carbon offsetting guidance the developer would pay the contribution into an escrow account and have control of the finances. It is therefore important to have adopted guidance in place to ensure contributions and projects are administered by the council.

### **Alternative options**

An alternative option would be not to have a Study, however, this would not deliver any of the stated benefits of adopting the study and the proposals for carbon offsetting could be questioned through a lack of transparency and confidence in the council to spend the contributions.

## **5.12 Commissioning of adult social care and supported housing contracts**

### **DECISION**

1. To authorise the initiation of tender processes and subsequent awarding of contracts, subject to best value considerations being met by bids received, in respect of the adult social care and supported housing services listed in paragraph 3.2 of this report;
2. To delegate authority to the Acting Director of Adults' Services following consultation with the Corporate Director of Law Probity and Governance and Monitoring Officer the power to decide to enter into all necessary agreements and undertake any other ancillary matter to give effect to the decision referred to in recommendation 1;
3. To authorise contractual terms of sixty months for each of the contracts to be let for the services listed in paragraph 3.2 of this report, that being an initial term of thirty-six months with the option to extend this initial term by two periods of twelve months each.
4. To authorise the direct award of contracts to existing providers of these services listed in paragraph 3.3 of this report for the duration identified for each service in order to ensure continuity of service provision to residents while new contracts are procured and let;
5. To delegate authority to the Acting Director of Adults' Services following consultation with the Corporate Director of Law Probity and Governance and Monitoring Officer the power to decide to enter into all necessary agreements and undertake any other ancillary matter to give effect to the decision referred to in recommendation 4;

6. To delegate authority to the Acting Director of Adults' Services following consultation with the Cabinet Member for Health and Adult Services, the Corporate Director of Law Probity and Governance and Monitoring Officer the power to exercise the contractual extension clauses contained in contracts for the social care and supported housing services listed in paragraph 3.6 of this report subject to being satisfied with performance and value for money.

**Action by:**

**ACTING CORPORATE DIRECTOR, ADULTS' SERVICES (L. ADDAMS.**  
(Acting Service Head, Commissioning and Health (K. Sugars)

**Reasons for the decision**

To provide authority to undertake competitive procurement exercises in order to identify suitable providers to which contracts for the provision of the relevant services can be awarded.

To enable the direct award of contracts for the provision of the relevant services to cover the period until new competitively procured contracts are awarded with the aim of ensuring continuity of service to vulnerable residents in the interim.

To delegate to the Interim Director of Adults' Services the authority currently reserved to the Mayor in relation to the authorisation to extend existing contracts by the duration allowable under the terms of the contract. This authority to be exercised in consultation with the Cabinet Member for Health and Adult Services.

**Alternative options**

It is essential that the required procurement processes be undertaken in order to ensure that the Council is compliant with relevant European Union competition law as well as the Best Value duty in respect of the services to be procured. There is no identified reasonable alternative, therefore, to authorising the initiation of said procurement processes.

It is equally essential that the services to be procured are maintained in the interim until such time as new contracts are awarded and mobilised. This interim position will ensure continuity of services to the vulnerable residents to whom these services are provided. There is no identified reasonable alternative, therefore, to the proposed direct of award of contracts for a term sufficient to maintain continuity of service until the new contracts are awarded and mobilised.

Approval to let contracts for a term of sixty months is sought in respect of the services listed in paragraph 3.2 of this report. The initial term being thirty-six months with the option to extend for two further twelve month periods. This term is judged to provide the optimum combination of Best Value and service continuity. It is open to the Mayor in Cabinet, however, to vary the proposed term either for all contracts, or for specific individual contracts.



The report seeks the delegation of authority to the Acting Director of Adults' Services to award contracts following the conclusion of the required procurement processes. It is open to the Mayor in Cabinet to alternatively instruct that all, or specific, contract award recommendations are referred back to Cabinet for decision or be made by Individual Mayoral Decision.

The report also seeks the delegation of authority to the Acting Director of Adults' Services to extend existing contracts by a term allowable under the original contract. It is open to the Mayor in Cabinet to alternatively instruct that the existing authority not be delegated and that all, or specific, such extensions be referred back to the Cabinet for decision or be made by Individual Mayoral Decision.

### **5.13 Future commissioning arrangements for domiciliary care services previously commissioned from Majlish Homecare Services**

#### **DECISION**

1. To agree that the domiciliary care services previously provided by Majlish Homecare Services, and currently directly provided by the Council, be included in the scope of the domiciliary care services tender to be advertised in January 2016;
2. To authorise the Acting Director of Adults' Services following consultation with the Director of Law, Probity and Governance and Monitoring Officer to enter into any necessary negotiations and other processes required by the Transfer of Undertakings (Protection of Employment) Regulations regarding the transfer of any persons deemed to be employees employed by the Council for the provision of the service as at the date of transfer, to those providers from whom services are subsequently commissioned.
3. To authorise the Acting Director of Adults' Services following consultation with the Corporate Director of Resources, Director of Law Probity and Governance and Monitoring Officer to enter into all necessary negotiations with a view to reach agreement with workers in the service in respect of any continuous period of employment proposed to be offered to them by the Council until such time as the tender process is complete and any employees are transferred to new employers.
4. To note the intention that the tender process referred to in recommendation 1 above is the means by which a range of contractual requirements will be introduced with the express aim of improving the terms and conditions of individuals who will be employed to deliver the service by the successful bidders in line with the Mayoral commitment to explore how to introduce the Ethical Care Charter into domiciliary care services in the borough.

**Action by:****ACTING DIRECTOR, ADULT'S SERVICES (L. ADDAMS)**

(Acting Service Head, Commissioning and Health (K. Sugars))

**Reasons for the decision**

To ensure that the domiciliary care services previously provided by MHS continue to be commissioned in a way that provides Best Value to the Council and is fully compliant with relevant EU Competition law.

**Alternative options**

The options appraisal undertaken to support identification of the Best Value option is attached to this report as Appendix 1. The two options considered are listed along with the relative strengths and weaknesses of each option. The analysis of strengths and weaknesses was based on a range of factors including impact on service users and staff, impact on the council and deliverability.

The Mayor in Cabinet considered, on 1 December 2015, a range of six options for the future delivery of the services previously provided by MHS. Following that consideration four options were set aside, leaving two in respect of which further detailed analysis was requested to be undertaken. The option recommended in this report is informed by that further detailed analysis.

The Mayor in Cabinet could, however, choose to seek additional analysis of any of the previously considered options and/or require further consideration of additional options proposed by the Mayor or Cabinet. While this option is open to the Mayor it is not recommended in the interests of providing clarity and certainty for service users and for workers in the service.

**5.14 Collaborative Agreement on Sexual Health****DECISION**

1. To agree that the London Borough of Tower Hamlets can join the London Sexual Health Transformation Project and the supporting east London commissioning with delegations that will enable the work to be taken forward.
2. To delegate authority to the Director of Public Health to approve the Council's participation in the pan-London agreements on cross charging, lead commissioning and integrated sexual health tariff.
3. To approve the Council's participation in a pan London procurement for a web-based system to include a 'front-end' portal, joined up partner notification and home/self-sampling. This will include the council being named in a Prior Indicative Notice (PIN) and Official Journal of European Union Notice (OJEU).

4. To approve the Council's participation in sub-regional arrangements for commissioning and procurement of Genitourinary Medicine (GUM) and Contraception and Sexual Health Service (CaSH) Services.
5. To delegate authority to award contracts, as set out in the recommendations 2. to 4. above, to the Director of Public Health following consultation with the Head of the Legal Services, Chief Financial Officer and the Portfolio Holders for Finance and Health and Well Being.

**Action by:****ACTING DIRECTOR, ADULT'S SERVICES (L. ADDAMS)**

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

**Reasons for the decision**

As part of the transfer of public health responsibilities the council is mandated to provide for the testing and treatment of sexually transmitted infections and provision of contraceptive services.

To discharge this mandate and address the high levels of sexual health needs the council commissions three tiers of sexual health services across primary care, community services (CaSH) and specialist Genitourinary Medicine (GUM) services.

Since 2013 London councils have been working together to improve the sexual health of local residents through aligning approaches to the commissioning of Genitourinary Medicine (GUM) services. Although the number of attendances has continued to increase, up by 14% since 2013, a collaborative approach to commissioning has averted costs of £2.5m through securing improved financial terms compared to the national tariff.

HIV and sexual health are key issues of public health importance both in Tower Hamlets and across the capital. The need for sexual health services in Tower Hamlets and London is significantly higher than the England average, and has risen significantly in recent years.

There are significant variations in access and activity across London boroughs, with high numbers of residents from across London accessing services in central London.

Given London's complex pattern of open access services, there are important advantages for London boroughs to transform and commission services together and implement an integrated sexual health tariff.

The need to respond to current and future financial challenges and ensure best use of resources available. If recent trends in activity levels continue, the financial sustainability of the current format of GUM services will come under substantial pressure.

**Alternative options**

Not to enter into a collaborative agreement with other London councils and to commission services separately from other councils.

**5.15 Unpaid Carers Scrutiny Challenge Session Report & Action Plan****DECISION**

1. To note the scrutiny challenge session report as agreed by the Health Scrutiny Panel on 9<sup>th</sup> September 2015 (**Appendix 1 to the report**) and agree the action plan in response to the review recommendations. (**Appendix 2 to the report**).

**Action by:**

**ACTING CORPORATE DIRECTOR, ADULT'S SERVICES (L. ADDAMS)**

**Reasons for the decision**

Unpaid carers provide crucial support to vulnerable residents in Tower Hamlets. The Care Act 2014 made it a legal requirement for the council to assess unpaid carers who may be impacted by their caring role.

The Health Scrutiny Panel undertook a challenge session in May 2015 looking at how the council was implementing this legislation. This report presents the report and action plan responding to the recommendations which Cabinet is required to consider.

**Alternative options**

To take no action. This is not recommended as the recommendations from the scrutiny challenge session aim to allow carers continue with their caring role. The development of a new Carers Plan allows the council to develop a new strategy to support carers.

To agree some, but not all recommendations. All of the recommendations are achievable within existing resources as outlined in the action plan.

**5.16 Tower Hamlets Cycle Strategy****DECISION**

1. To approve the attached document as the Council's Cycle Strategy 2015-2025.

**Action by:**

**CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)**

(Head of Engineering (M. Cooper))

**Reasons for the decision**

The Council's Cycle Strategy, "Cycling Connections" ([http://www.towerhamlets.gov.uk/lgnl/transport\\_and\\_streets/cycling/cycling\\_connections\\_strategy.aspx](http://www.towerhamlets.gov.uk/lgnl/transport_and_streets/cycling/cycling_connections_strategy.aspx)) was produced in 2009, to cover a 10 year period and although it was a forward thinking plan for its time, it now requires a refresh to take account of the major step changes in investment in Cycling in London and which have been created by the Mayor for London's Cycling Vision for which we have been a leading borough in respect of early adoption and implementation.

In the 2014 national election campaign the London Cycling Campaign (LCC) ran a very successful campaign called "Space for Cycling" which made a specific request for one particular improvement in cycling for each ward in London. As a result a motion was put to Full Council in 2014, listing these local Ward Asks and Council resolved, amongst other things to :

- Call on the Mayor and relevant Cabinet Member, following consultation with Ward Councillors, to bring a plan to the September Council meeting detailing the budget feasibility and impact of each of the specific ward based "asks" as set out above and that this plan should include potential options for implementation.
- Following the aforementioned report from the Mayor, that Councillors should consult with residents and cycling campaigners in their wards to prioritise and agree a course of action to best deliver the strategic aims of each pledge.

In regular meetings between Council officers and Tower Hamlets Wheelers, the local branch of the LCC, it was agreed that this motion was best served by the development of a Cycle Strategy offering an opportunity for stakeholder engagement and wider public consultation on the understanding that this would deliver higher levels of commitment and potential outcomes albeit it would take longer to develop.

Subsequently, Overview & Scrutiny Committee held a challenge session in January 2015 looking into the issue of cycle safety and made several recommendations for future action. The final report agreed by Cabinet on 3rd November 2015 specifically recommended that "the council produces an enhanced plan for cycling in Tower Hamlets to ensure that the borough is at the forefront of this agenda."

This report outlines the strategy developed in response to these recommendations.

**Alternative options**

Do nothing – not considered to be appropriate given the pressures identified above and the need to ensure coherence and quality in the delivery of cycling improvements.

A more radical cycling strategy prioritising cycling over other road user needs. This is not considered to be appropriate as there are many conflicting road user requirements competing for limited road space throughout the borough and these need to be pragmatically balanced to achieve safety and efficiency of movement for as many people as possible in ways which minimise disruption to the local environment.

## **5.17 List of Mayor's Individual Executive Decisions**

### **DECISION**

1. To note the Individual Mayoral Decisions set out in Appendix 1.

#### **Action by:**

**COMMITTEE SERVICES MANAGER (M. MANNION)**

#### **Reasons for the decision**

This is a noting report to aid transparency.

The reasons each decision were taken are set out in their specific reports.

#### **Alternative options**

The alternative option would be to not produce this report, but that would not aid transparency of decision making.

## **6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

## **7. EXCLUSION OF THE PRESS AND PUBLIC**

Nil items.

## **8. EXEMPT / CONFIDENTIAL MINUTES**

Nil items.

## **9. OVERVIEW & SCRUTINY COMMITTEE**

### **9.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

Nil items.

### **9.2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee**

Nil items.

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

Nil items.

The meeting ended at 7.30 p.m.

MAYOR JOHN BIGGS