

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.33 P.M. ON TUESDAY, 6 SEPTEMBER 2016

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

Members Present:

Mayor John Biggs	
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing Management & Performance)
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 Joshua Peck	(Cabinet Member for Work & Economic Growth)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Health & Adult Services)

Other Councillors Present:

Councillor Peter Golds	(Leader of the Conservative Group)
Councillor John Pierce	
Councillor Andrew Wood	

Officers Present:

Peter Robbins	Head of Mayor's office
Karen Badgerly	(External Funding & Commissioning Manager, Strategy Partnership & Performance, Children, Schools & Families)
Kate Bingham	(Service Head, Children's and Adults Resources)
Andreas Christophorou	(Service Head, Communications & Marketing)
Zena Cooke	(Corporate Director, Resources)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
Aman Dalvi	(Corporate Director, Development & Renewal)
Kevin Kewin	(Interim Service Head, Corporate Strategy and Equality)
Martin Ling	Housing Policy Manager
Mark Norman	(Legal Advisor)
Jackie Odunoye	Service Head, Strategy, Regeneration & Sustainability, Development and Renewal
Roy Ormsby	(Service Head, Public Realm, Communities Localities and Culture)

Kelly Powell	(Acting Deputy Service Head of Communications)
Matthew Pullen	Major Project Development
Denise Radley	(Director of Adults' Services)
Ann Sutcliffe	(Service Head Corporate Property and Capital Delivery, Development and Renewal)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Development and Renewal)
Will Tuckley	(Chief Executive)
Matthew Mannion	(Committee Services Manager, Democratic Services, Law, Probity and Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Melanie Clay (Corporate Director, Law, Probity and Governance) – Mark Noman (Legal Advisor) was deputising.
- Debbie Jones (Corporate Director, Children's Services) – Kate Bingham (Service Head, Resources) was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no Declarations of Disclosable Pecuniary Interest, however, Councillor Amy Whitelock Gibbs reported for transparency that her partner was involved in the Friends of Bow Primary School group who were making a submission to Cabinet on Agenda Item 5.7 (Planning for School Places 2016/17).

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 26 July 2016 be approved and signed by the Chair as a correct record of proceedings.

4. OVERVIEW & SCRUTINY COMMITTEE

4.1 Chair's Advice of Key Issues or Questions

Pre-Scrutiny Questions were submitted by the Overview and Scrutiny Committee on Agenda Items 5.1 (Medium Term Financial Strategy 2017/20) and 5.5 (Procurement of Cleaning and Associated Services Contract).

They were considered when those items were taken.

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Medium Term Financial Strategy 2017 - 2020

The Pre-Decision Scrutiny Questions and responses were noted.

DECISION

1. To endorse the Council's Outcomes Based Budgeting approach to prioritising resources and the move to a rolling multi-year Medium Term Financial Strategy from 2017-18 to 2019-2020.
2. To note the issues and actions set out in this report which are informing the development of the Council's MTFs for 2017 – 2020.
3. To note the timescales and next steps for reviewing and consulting on budget proposals;

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

(Service Head, Finance and Procurement (N. Murton))

Reasons for the decision

The Council is under a duty to set a balanced and sustainable budget and maintain adequate reserves such that it can deliver its statutory responsibilities and priorities.

A Medium Term Financial Strategy (MTFS) covering the entirety of the resources available to the Council is considered to be the best way that resource prioritisation and allocation decisions can be considered and agreed in a way that provides a stable and considered approach to service delivery and takes into account relevant risks and uncertainty.

Alternative options

Whilst the Council will adopt a number of approaches to the identification of measures aimed at delivering its MTFs there is no alternative other than to set a legal and balanced budget and agree its Council Tax before the statutory deadline.

The Council could continue with the current approach of agreeing proposals on an annual basis but this does not support a strategic approach which allows for proposals to be managed and implemented over a longer period of time leading to evidenced based policy decisions and better overall outcomes.

5.2 Best Value Action Plan Update, September 2016

DECISION

1. To agree the 6 monthly update prior to submission to the Secretary of State.

Action by:

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

(Acting Service Head, Corporate Strategy and Equalities (K. Kewin))

Reasons for the decision

The Council is required to monitor these plans to comply with Secretary of State Directions.

Alternative options

The Council is required to comply with Secretary of State Directions.

The actions within the plans have been the subject of consultation with a range of parties, and the Commissioners, which has considered alternative options.

5.3 Boroughwide 20mph Limit

The Mayor amended the recommendations and then agreed them.

DECISION

1. To agree that the 20mph speed limit Experimental Order is made permanent subject to Leamouth Road and Leamouth Roundabout being omitted from the traffic order and reverting to 30mph.
2. To agree that the roads listed in 5.10 be prioritised for additional traffic calming to reinforce the 20 mph speed limit.
3. To note that further work will continue to review road safety throughout the borough in order to target ongoing traffic calming work to those areas most in need of improvements.
4. To note that further awareness and education programmes will be delivered to build awareness and ownership of the 20 mph limit.

Action by:

CHIEF EXECUTIVE AND ACTING CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE (W. TUCKLEY)

(Head of Engineering (M. Cooper))

(Acting Team Leader Design (Road Safety and Cycling) (T. Rawlings))

Reasons for the decision

A decision on whether to make the experimental 20mph borough speed limit permanent or not, in its current or modified form, must be taken before the experimental traffic order expires in October 2016.

Alternative options

The alternative options available for Cabinet are :

- To agree the speed limit in full as it has operated experimentally since April 2015.
- To reduce the extent of the speed limit by removing some roads from the traffic order and reverting to 30 mph on those prescribed roads.
- To remove the 20 mph limit entirely from those impacted by the experimental order (which would not however affect the 85% of residential roads previously included in 20 mph zones).
- In addition Cabinet may identify specific roads where additional traffic calming could be introduced to reinforce the 20 mph speed limit. Cabinet may not however extend the scope of the limit at this stage.

5.4 Social Impact Bond Pan-London Care Impact Partnership**DECISION**

1. To authorise the Corporate Director of Children's Services to act as the lead commissioner for the Pan-London Care Impact Partnership.
2. To authorise the Corporate Director of Children's Services to enter into a contract with the Social Impact Bond provider to support young people and their families in Tower Hamlets.
3. Following consultation with the Corporate Director for Children's Services, authorise the Service Head - Legal Services to execute all necessary contract documents in respect of the awards of the Pan-London Care Impact Partnership and an outcomes based contract on behalf of Tower Hamlets.

Action by:

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

(Service Head, Resources (K. Bingham))

Reasons for the decision

Tower Hamlets has a particularly high proportion of adolescents who enter the care system, suffering poor outcomes and with a high financial cost. The average unit cost per week for a child in care for two years is £1,529. The Council identified the need to look at preventative work to avoid care entry for adolescents as part of its analysis of financial pressures in children and adults services. In May 2014 the Greater London Authority (GLA) brought together a group of London boroughs to consider opportunities for collaboration to

improve outcomes for adolescents on the edge of care. The aim of the project was to introduce a range of evidence-based “edge of care/ in-care” interventions across London and establish a more flexible outcomes-based commissioning model that can scale up across London over time by using a tariff based on reduced care entry/reduced care costs.

In the context of rising numbers of Looked after Children (LAC) and significant budgetary pressures for all local authorities, the GLA commissioned Social Finance to work with the six London Boroughs to explore the opportunity of using a “pay for outcomes” approach to enable London Boroughs to access specialist services that prevent or reduce care entry for vulnerable young people. This development project was funded by the Big Lottery and Cabinet Office Commissioning Better Outcomes Fund. It provided the opportunity to apply for further funding from the Big Lottery Fund which would subsidise the Boroughs’ payments for positive outcomes should the services be commissioned.

The Pan-London edge of care services platform will be supported by social investment. Social investment would fund the setup and delivery of specialist intensive prevention services – Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT) – that are currently hard to access for London Boroughs on a stand-alone basis. The platform will set up and subcontract the services and each Borough will access the capacity that would meet its local needs. In almost all London Boroughs, the local need falls substantially short of the capacity of a full service team.

It is envisaged that each Borough will commit to an outcomes contract with the central platform, therefore avoiding complex co-commissioning agreements. It is anticipated that Boroughs will agree a minimum volume expectation of eligible cases that will be referred to the services, with the platform bearing co-ordination, capacity and implementation risk.

Alternative options

The Social Impact Bond provides investment, that would not otherwise be available, to address social problems and fund preventative interventions. As such, this project presents an opportunity to provide support to reduce the strain on acute services.

It would not be financially viable for Tower Hamlets to commission either MST or FFT in isolation. We would be unable to generate the level of referrals required to meet designated caseload set out within the models licence. The Pan-London Care Impact Partnerships provides economies of scale that will attract high quality providers across London.

The project will be subsidised by a grant provided by the Big Lottery Fund. This will contribute to 14.8% of our outcomes payments. This funding would not be available outside of the Pan-London programme.

5.5 Procurement of Cleaning and Associated Services Contract

The Pre-Decision Scrutiny Questions and responses were noted.

DECISION

1. To authorise the re-procurement and subsequent awarding of a cleaning and associated services contract for a term of five years with the option to extend for a further year based on service provision, subject to best value considerations being satisfied
2. To authorise a two month extension to the existing contract arrangement to enable the re-procured contract to commence on 3 July 2017.
3. To note that funding for the procurement exercise is through the General Fund revenue accounts across the various Council services
4. To delegate authority to the Corporate Director of Development and Renewal following consultation with the Lead Member to enter into all necessary agreements to give effect to the decisions in recommendations 1 and 2
5. To authorise the Service Head – Legal Services after consultation with the Corporate Director of Development and Renewal to execute and enter into all necessary agreements

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Interim Head of Facilities Management (S. Raishbrook))

Reasons for the decision

Tower Hamlets is both an employer and a service provider. As an employer, the council's Corporate Property & Capital Delivery Service provides accommodation for over 5,000 employees across a number of administrative buildings. As a provider of services the Corporate Property & Capital Delivery Service supports a range of departments and stakeholders who operate from the council's estate.

The council has a statutory requirement to provide a safe clean working environment for employees, a commitment to maintain its assets and an obligation to stakeholders to provide cleaning services for buildings for which the Corporate Property & Capital Delivery Service is responsible. These cleaning services are needed to be adaptive to different forms of building use and service provision, as well as being able to respond to changes in such provision.

The project to reprocure the new contract is slightly delayed due to a lack of available resources being available at the required time. While the

development of the new specification has now commenced, the time now available to publish, evaluate, award and mobilise this service will require a short-term contract extension of two months to 29 June 2017.

Alternative options

The council could require each department to individually procure and manage a cleaning and associated services contract for the buildings and facilities they occupy and use. However, this would likely result in increased overall costs with a lack of accountability for services with an increased risk of compliance failures due to a lack of management control. It will also fail to secure the economies of scale that could be achieved with one overall council-wide contract.

5.6 Housing Strategy 2016 - 2021

DECISION

1. To approve the draft Housing Strategy and attached appendices for consultation.
2. To note the responses to the 1st stage consultation.
3. To note the arrangements for the second stage consultation.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Housing Strategy Manager (M. Ling))

Reasons for the decision

To take forward the development of the Housing Strategy within the agreed timetable.

Alternative options

The Mayor could decide not to take forward an overarching Housing Strategy but produce statutory documents and other stand-alone housing policies.

5.7 Planning for School Places - 2016/17 Review

The Mayor amended the recommendations and then agreed them.

DECISION

1. To note the contents of this report and the progress made in meeting the need for additional places;
2. To note that proposals for specific schemes will be subject to separate consultation and procedures and Cabinet decisions;
3. To agree that the initial consultation on the specification for the new Bromley Hall Primary School and Bow Primary School should proceed.

Action by:
CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)
(Head of Building Development (P. Watson))

Reasons for the decision

The Council has a statutory duty to provide and plan for school places. The report sets out the 2016 projections of need and proposals to meet the need.

Planning for school places has to be kept under review to ensure there are proposals to meet the projected need which can be implemented in time to meet the need. The rising trend of need continues although with variations from year to year.

The Council (also referred to in the report as the local authority or "LA") has proposals in place to meet the need and these can require long term planning to implement. Decisions are required in time so that the programme of providing places can continue and have certainty to meet the need. Where decisions are not made in time, there may be a need for additional short term measures to ensure children can be offered a school place. These measures, such as bulge classes, can be difficult to implement and are not a sustainable approach to providing places. Such measures can be used for primary places but will not be suitable for secondary schools

Alternative options

The Council has to comply with its duty to provide school places. Some of the need for places is being met by the establishment of free schools which are decided by the Secretary of State. However, the majority of proposals for new places will be initiated by the Council. This report includes options for the programme of meeting need for places.

Where the Council has not made sufficient plans to ensure permanent places are available when needed, short term proposals may be needed which may be less cost-effective by reliance on temporary buildings.

5.8 Report of the Overview and Scrutiny Committee: Improving disabled and ethnic minority staff representation at the senior manager (LP07+) level

DECISION

1. To note the challenge session report.
2. To approve the proposed action plan in response to the recommendations.

Action by:
CORPORATE DIRECTOR, RESOURCES (Z. COOKE)
(Acting Service Head, Corporate Strategy and Equalities (K. Kewin))
(Interim Service Head, HR and Workforce Development (S Young))

Reasons for the decision

Councillor Maium Miah, the Overview and Scrutiny Lead for Resources 2015/16 has initiated and completed a scrutiny challenge session on the council's efforts to have a diverse senior management. The resulting report (appendix 1) provides 6 recommendations. HR the service responsible for this area have provided an action plan in response to the recommendations. Cabinet are asked to approve the accompanying action plan.

Alternative options

Cabinet may decide to all accept all the recommendations or only some of the recommendations.

5.9 Promoting a shared responsibility and removing barriers to improved recycling in the borough - scrutiny report**DECISION**

1. To consider this report of the scrutiny working group and agree the action plan in response to the review recommendations.

Action by:

**CHIEF EXECUTIVE AND ACTING CORPORATE DIRECTOR,
COMMUNITIES, LOCALITIES AND CULTURE (W. TUCKLEY)**
(Corporate Strategy and Equalities Officer (V. Allen))

Reasons for the decision

This report submits the report and recommendations of the challenge session on promoting a shared responsibility and removing barriers to improved recycling in the borough by the Overview and Scrutiny Committee (OSC), and the action plan for implementation.

The challenge session took place on 19th January 2016 as a result of concerns amongst some Members that the council and its partners were not doing all that they could to support residents to improve their recycling habits. Waste and recycling is a key service for local authorities and dealing with waste represents a significant expense for the council at a time continuous decline in council resources. Sending recyclable material to landfill and other waste facilities is both expensive and damaging to the environment. The Council's waste treatment and disposal costs could be reduced by an estimated £500,000 per year by increasing the amount of waste that is recycled and by reducing the levels of contamination in the recyclable waste that is collected which could help limit the impact of public sector cuts.

Whilst it is recognised that the Council is one of the best performing recyclers of dry recyclates in London it faces a particularly difficult and costly operational environment in relation to high rise food waste collection and severely limited operational opportunities to increase green waste recycling given the lack of private gardens. Notwithstanding this there was a concern that the borough's overall recycling rate is well below the London and England

average, and significantly below the EU's 50 percent recycling target for the country by 2020.

Ensuring residents increase the amount of waste they recycle whilst reducing the amount of recycling that is contaminated is key to achieving the Councils' sustainability objectives as well as the savings identified above. Whilst there are well researched barriers to recycling which create a real challenge, the Council must nevertheless find ways to promote a sense of accountability amongst residents, landlords and landowners.

The aim of the challenge session was therefore to explore ways in which the Council and its partners could influence residents to increase the amount of recycling and to 'recycle right'; and how social housing landlords and landowners can work together to facilitate this.

Alternative options

To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable. A timetable for delivering the recommendations has also been agreed by Officers at the most senior levels of the organisation. The action plan is outlined in Appendix Two.

To agree some, but not all recommendations. As outlined above all of the recommendations are achievable at little additional cost to the organisation. Although the Scrutiny Review Group is confident all the recommendations will be addressed, there may be reasons for not accepting all of them.

5.10 Corporate Directors Decisions

DECISION

1. To note the Corporate Directors' decisions set out in Appendix 1.

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

(Accountant – Financial Planning (A. Kadir))

Reasons for the decision

Financial Regulations require that regular reports be submitted to Cabinet setting out financial decisions taken under Financial Regulation B10.

The regular reporting of Corporate Directors' Decisions should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

5.11 Adoption of Revised Regulation 123 List and Planning Obligations Supplementary Planning Document (SPD)

The Mayor agreed the reasons for urgency as set out in the report.

DECISION

1. To approve the adoption of the revised Regulation 123 List and Planning Obligations SPD (as set out in Appendix A and B to the report).
2. To formally withdraw the previous Regulation 123 List adopted by the Council on 25th February 2015.
3. To formally revoke the Planning Obligations SPD adopted by the Council on 11th January 2012.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)

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

Reasons for the decision

The proposed documents set out the Council's approach to securing and spending CIL and S106 resources and the relationship between both types of funding. The Planning Obligations SPD explains the Council's approach to infrastructure provision in general and explains which mechanisms will be used to mitigate the impact of development and to secure specific types of infrastructure.

Alternative options

Do Nothing and Retain Current Planning Obligations SPD

Failure to proceed with a revised Regulation 123 List and Planning Obligations SPD could mean that the Council does not have a sufficiently up to date foundation upon which to continue to apply S106 obligations within the limitations set out in the CIL Regulations.

Without a revised Regulation 123 list and Planning Obligations SPD the Council would continue operating under those already in place, however there would be a potential lack of clarity between the use of CIL and S106 obligations. The revised documents are considered to provide more certainty to the development industry which also benefits the Council in negotiations.

The Council's capacity to secure S106 obligations which mitigate the impact of a particular development, and defend planning appeals where this is an issue, would be more limited and negotiations would be more protracted.

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 7.17 p.m.

Mayor John Biggs