

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 6.35 P.M. ON MONDAY, 30 SEPTEMBER 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Jahed Choudhury	Chair
Councillor Suluk Ahmed	Scrutiny Lead for Community Safety
Councillor Ahmodur Khan	Scrutiny Lead for Resources
Councillor Abdul Mannan	Scrutiny Lead for Children and Education
Councillor Bellal Uddin	Scrutiny Lead for Adults and Health Services
Councillor Asma Islam	
Councillor Amy Lee	
Councillor James King	
Councillor Nathalie Bienfait	Scrutiny Lead for Environment and the Climate Emergency

Members In Attendance Virtually:

Councillor Amina Ali

Other Councillors Present in Person:

Councillor Gulam Kibria	(Cabinet Member for Health, Wellbeing and Social Care)
Choudhury	
Councillor Sirajul Islam	

Co-optees Present in Person:

Jahid Ahmed
Halima Islam

Officers Present in Person:

Afazul Hoque	(Head of Corporate Strategy & Policy)
Juliet Alilionwu	Service Head - Ageing Well - Integrated Comm & Strat, Policy & Improv
Jill Bayley	(Head of Legal Safeguarding)
Noorjahan Begum	Senior Commissioning Manager - Integrated Comm & Strat, Policy & Improv
Andy Grant	(Interim Programme Director of Procurement)
Julie Lorraine	(Corporate Director Resources)
Warwick Tomsett	Joint Director, Integrated Commissioning
Joel West	(Democratic Services Team Leader (Committee))

Officers In Attendance Virtually:

Georgia Chimbani (Corporate Director, Health and Adult Social Care)

1. APOLOGIES FOR ABSENCE

There were none.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST AND OTHER INTERESTS

There were none.

3. UNRESTRICTED REPORTS 'CALLED IN'

3.1 Call-In of Domiciliary Care Service Contract award - unrestricted aspects

Call-In Members' Presentation

Councillor Sirajul Islam presented the reasons for call-in and proposed alternative course of action on behalf of the call-in members, and added that he and the other call in members were troubled by the apparent haste and secrecy surrounding the Mayor in Cabinet decision on 11 September.

Following questions from Committee members, Councillor Sirajul Islam stated he could not recall a similar instance of a report presented to Cabinet with as little notice: the report in question was published a matter of hours prior to the Cabinet meeting start.

Lead Member's presentation

Councillor Gulam Kibria Choudhury, Cabinet Member for Health, Wellbeing and Social Care, supported by Georgia Chimbani, Corporate Director Health and Adult Social Care, set out the context of the Cabinet Decision and reviewed the key elements of the decision, reflecting that:

- The decision was of critical importance to ensure continuity of and quality of care for the borough's most vulnerable residents.
- Executive Members had no direct role in the selection and award process, but had set out the framework and principles underlying the procurement process. Officers had proposed a recommendation for the award of contracts which the Mayor had accepted.
- Julie Lorraine, Corporate Director Resources, provided more detail on the procurement process. Julie explained that the award decision didn't need to come to Cabinet and could have been taken as an individual Mayoral decision, but the Mayor had opted for Cabinet consideration to maximise transparency.
- Whilst regrettably the report could not be presented to OSC in advance of Mayoral decision, there would always be occasions, like this, where the urgency of a matter required exceptions to be made to normal governance and oversight arrangements.

Following questions from Committee members, Councillor Gulam Kibria Choudhury, Georgia, Julie and supporting officers provided more details on:

- The reason for the lateness and urgency. Whilst officers had been preparing for the report to be presented to 11 September Cabinet, Georgia began at the Council on 2 September 2024. Upon learning of the upcoming decision and report, Georgia wanted to obtain additional detail, background and assurance on the reasons for urgency before she was content to let the report proceed. The date of agreement reached to move forward and make the award was 11 September.
- The rationale behind the commissioning approach including increasing the number of providers. The procurement process began in July 2023. The new approach was scrutinised at this time by the Health and Adults Scrutiny Sub Committee.
- The Lead Member confirmed he had received regular updates on the procurement process. He indicated he had full trust in the officers and their recommendations, and he was comfortable with the process to bring the report for decision by the Mayor on 11 September without first consulting OSC.
- Explained the requirements for CQC registration by providers in LBTH. Officers were content that adequate controls and mechanisms were in place to ensure the quality of services from all providers could be monitored and assessed.
- Explained that the Council remains a signatory to the Unison Ethical Care Charter. The procurement award was compliant with the charter.

Note from Chair on his agreement for the Domiciliary Care Contract award decision to be taken under the Special Urgency Provision

At this point, the Chair asked the Committee to note that he felt he was given insufficient information regarding the Cabinet report prior to informing officers that he agreed that it was urgent and could not reasonably be deferred. He asked members to note that he was not directly informed that the contract award was approximately £190 million and was not provided with a copy of the full unrestricted report.

4. EXCLUSION OF THE PRESS AND PUBLIC

The Committee indicated it wished to go into private session to consider the confidential aspects of the Cabinet report and appendices. However, members indicated they would prefer to resume the public part of the meeting prior to voting on the call in. Therefore the exclusion of press and public motion as set out in the agenda was amended and resolved as follows:

The Chair **Moved** and it was:-

RESOLVED:

1. That in accordance with 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 for an indefinite period (and upon expiry of which the Committee would indicate

to any waiting members of press or public) on the grounds that discussion in this period would reveal information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972, paragraphs 3 and 5.

5. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

5.1 Call-In of Domiciliary Care Service Contract award - exempt aspects

Call-In Members' Presentation

Councillor Sirajul Islam did not wish to add any matters to his earlier points that would require disclosure of exempt information.

Lead Member's presentation

Councillor Gulam Kibria Choudhury, Cabinet Member for Health, Wellbeing and Social Care, supported by Georgia Chimbani, Corporate Director Health and Adult Social Care and Julie Lorraine, Corporate Director Resources, explained the issues underlying the need for an urgent decision on 11 September.

Following questions from Committee members, Councillor Gulam Kibria Choudhury, Georgia, Julie and supporting officers provided more details on some of the issues discussed.

Consideration of the Call In

After hearing from the Call-in Member and the Lead Member, the Committee considered the following issues and concerns:

- Some Members indicated they were reassured by the responses given by the Lead Member and Officers to the concerns raised in the call in regarding the Unison Ethical Care Charter status and the CQC rating applicability to successful suppliers.
- Some Members felt the question of why the Overview and Scrutiny Committee meeting the day before Cabinet, on 10 September 2024, had not been informed of the decision had not been satisfactorily answered. Members noted that the Lead Member had confirmed he had received regular updates on the procurement; some members recalled attending several Audit Committee meetings earlier in the year to discuss related matters. Members indicated that, as officers and the executive were apparently conscious of the upcoming decision for some time, they could not understand why OSC had not been informed of the contract award until the day of the Cabinet meeting.

DECISION

The Committee RESOLVED that:

1. No further action would be taken on the call in.

The meeting ended at 8.45 p.m.

Chair, Councillor Jahed Choudhury
Overview & Scrutiny Committee