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CABINET, 09/01/2013

SECTION

**Section One & Two**

Aman Dalvi

Corporate Director

Development & Renewal,

2<sup>nd</sup> Floor,

Mulberry Place

**LONDON BOROUGH OF TOWER HAMLE**

**RECORD OF THE DECISIONS OF THE CAE**

**HELD AT 5.34 P.M. ON WEDNESDAY, 9 JANUA**

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

**Members Present:**

Mayor Lutfur Rahman

Councillor Ohid Ahmed (Deputy Mayor)

Councillor Rofique U Ahmed

Councillor Abdul Asad

Councillor Alibor Choudhury

Councillor Shafiqul Haque

Councillor Rabina Khan

Councillor Oliur Rahman

(Deputy Mayor)

(Cabinet Member for Regeneration)

(Cabinet Member for Health and Wellbeing)

(Cabinet Member for Resources)

(Cabinet Member for Jobs and Skills)

(Cabinet Member for Housing)

(Cabinet Member for Children's Services)

**Other Councillors Present:**

Councillor Kabir Ahmed

Councillor Stephanie Eaton

Councillor Marc Francis

Councillor Carlo Gibbs

Councillor Peter Golds

Councillor Md. Maium Miah

Councillor Ann Jackson

Councillor Gulam Robbani

(Executive Advisor to the Mayor and Cabinet)

(Leader of the Conservative Group)

(Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)

(Chair, Overview & Scrutiny Committee)

**Officers Present:**

Stephen Adams

Katherine Ball

Sarah Barr

Robin Beattie

Anne Canning

– (Finance and Resources Manager, Communities Localities & Culture)

– (Senior Accountant, Development & Renewal)

– (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)

– (Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture)

– (Service Head Learning & Achievement, Children's Services)

|                    |   |
|--------------------|---|
| Isobel Cattermole  | – (Acting Corporate Director, Children, Schools & Families and Adult Health and Wellbeing)                    |
| Deborah Cohen      | – (Service Head, Commissioning and Strategy, Adults Health and Wellbeing)                                     |
| John Coker         | – (Strategic Housing Manager, Development & Renewal)  |
| Aman Dalvi         | – (Corporate Director, Development & Renewal)   |
| Emily Fieran-Reed  | – (Head of Community Safety Partnership, Domestic Violence & Hate Crime)                                      |
| Isabella Freeman   | – (Assistant Chief Executive - Legal Services, Chief Executive's)   |
| Stephen Halsey     | – (Corporate Director Communities, Localities & Culture and Interim Head of Paid Service)                     |
| Chris Holme        | – (Service Head Resources, Development & Renewal)   |
| Numan Hussain      | – (Political Advisor to the Mayor, Executive Mayor's Office, Chief Executive's)                               |
| Ellie Kuper-Thomas | – (Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's) |
| Paul Leeson        | – (Finance Manager, Development & Renewal)  |
| Andy Mace          | – (Development Manager, Major Project Development, Development & Renewal)                                     |
| Jackie Odunoye     | – (Head of Strategy, Innovation & Sustainability, Development & Renewal)                                      |
| Takki Sulaiman     | – (Service Head Communications, Chief Executive's)  |
| Ann Sutcliffe      | – (Service Head Strategic Property, Development and Renewal)  |
| Claire Symonds     | – (Service Head, Customer Access and ICT)   |
| Chris Lovitt       | – (Associate Director of Public Health)   |
| Helen Mitchell     | – (HRA Accountant)  |

The following is a record of those decisions taken by the Cabinet at their meeting held on Wednesday 9 January 2013.

**Most decisions may be ‘called in’**, by the Assistant Chief Executive, for scrutiny by the Overview and Scrutiny Committee to be held on **Tuesday 5 February 2013** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 18 January 2013**. Such requests should be made to John Williams, Service Head Democratic Services-Tel 020 7364 4204.

**The request to “call in” a decision must comply with the requirements set out in the Council’s Constitution** (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rules 16.2 and 16.3). This sets out the time-scale for “call in”, those persons who may “call in” and those details the request must contain.

**The Council's Constitution** (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rule 16.4) **sets out those decisions that may not be “called in”** for further consideration by the Overview and Scrutiny Committee.

Report authors will be advised by Democratic Services if any decision in respect of an item they have placed on the agenda has been “called in”.

**Any decision not “called in” for scrutiny can be implemented on Monday 21 January 2013.**

**Any decision ‘called in’ for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 5 February 2013, can be implemented the following day, Wednesday 6 February 2013.**

**Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 5 February 2013, will be referred back to the Mayor in Cabinet for further consideration on Wednesday 6 February 2013.**

### **MR L. RAHMAN (MAYOR) IN THE CHAIR**

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

Apologies for absence were received on behalf of:

- Councillor Rania Khan (Cabinet Member for Culture)
- Councillor Shahed Ali (Cabinet Member for Environment)

**Action by:**

**ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)**  
(Committee Services Manager, Democratic Services, Chief Executive's (M. Mannion))

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

No pecuniary interests were declared however Councillor Shafiqul Haque noted in relation to Item 6.1 that he was a leaseholder but that it was not a Pecuniary Interest and so he would take part in the discussion of that item.

#### **3. UNRESTRICTED MINUTES**

The unrestricted minutes of the ordinary meeting of the Cabinet held on 5 December 2012 were presented for information.

**4. PETITIONS**

No petitions were received.

**5. OVERVIEW & SCRUTINY COMMITTEE**

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

**Decision**

Pre-decision scrutiny questions on Agenda Items 6.3 (Disposals Programme), 71 (Future Commissioning Arrangements and 8.1 (Bonner Primary School) were **Tabled** and noted.

**Reasons for the decision**

**Alternative options**

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

Nil items.

**6. A GREAT PLACE TO LIVE**

**6.1 Payment Support Options to Leaseholders for Repayment of Decent Homes/Major Works Recharges**

**Decision**

1. To adopt the Payment options detailed at Appendix 1
2. To authorise the Corporate Director Development and Renewal in consultation with Assistant Chief Executive (Legal), to enter into all necessary documents to implement the decisions made in respect of this report.

**Action by:**

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

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

(Housing Partnerships Manager (J. Kiwanuka)

(Leasehold Manager (B. Whiteside)

**Reasons for the decision**

Offering a discount for early payment encourages leaseholders, where possible to settle their charges quickly. Non- resident and resident leaseholders will be given an opportunity to benefit from the discount for a timely payment. It is envisaged that this approach will lead to improved cash-flows and lower recovery costs. This outcome is particularly important as it would reduce the risk of a funding shortfall for the Decent Homes programme which is partly dependant on income from leaseholders.

The current policy, offers interest-free periods to all non-resident leaseholders, exposes the council to a potential risk of losing up to £7.9 million as evidenced in the financial impact assessment Appendix 2. Restricting interest-free periods to those who need them mitigates the risk. The restriction is equitable and justifiable as the converse would amount to subsidising leaseholders' businesses.

Interest-free payments can legitimately be offered to resident leaseholders to assist in collecting the charges in the shortest time possible from leaseholders where they are unable to pay the full cost quickly. This can be done in the interest of the Council and the tax payers generally under the general power of competence to minimise the risk of debt recovery and possible write-off.

The current interest rate for extended payment options longer than the initial 3 years is 8.895%. The 8.895% interest was based on the cost to the council of borrowing several years ago which has changed significantly. The proposed new rate of 5.34% is 0.5% above the current cost of borrowing, the 0.5% designed to cover the management of the debt during the repayment period. Offering this rate of interest will be cost neutral to the Council but will assist those leaseholders facing financial difficulties.

**Alternative options**

**No early payment discount** – Not offering this option may result in income being received over a longer period with a consequence of increasing the likelihood for bad debt, and damaging relationship between Council & leaseholders, particularly through debt management and recovery actions. The early payment discounts are intended to help raise the much needed income quickly to fund the decent homes programme. This also offers non-resident leaseholders a financial incentive to pay the charges without delay.

**Continuing to offer every leaseholder deferred payment** - This option would put the council in the position where it was effectively subsidising businesses from the public purse which shouldn't be the case..

**Offering repayment terms over more than five years** – some Registered Providers offer loans in the form of a mortgage secured on the property. However, adopting this option would result in the council having a mortgage portfolio to manage, a position it is currently trying to run down. The option also has the effect of the Council building long term indebtedness to

leaseholders especially as further works may well be undertaken before the loan for the decent homes works is repaid.

**Longer repayment periods** - Extending repayment over long periods whilst may be seen as being beneficial to leaseholders the converse may be true. Particularly, as it is likely that over a 10 year repayment period the landlord will have to undertake further work either through additional repairs or planned maintenance programmes which will result in further bills for the leaseholder. Effectively, this approach will have the implication of building indebtedness rather than assisting leaseholders in the long run.

**Provision of discretionary loans** – Some Local Authorities (LAs) and other Registered Providers (RPs) offer long term loans through mortgages at local authority mortgage rates and subject to equity in the property. However, this option would be challenging to adopt because to act as a lender on such a scale, the Council would have to fund the loans from its capital resources. The resultant mortgage portfolio would also need managing with future resource implications for managing such a service. Consequently, the Council would need to exercise extreme care not to contravene the Financial Services Authority regulations on financial advice and may have to apply for a Consumer Credit Licence.

## 6.2 Procurement of Decent Homes Contractors and Consultants Years 3 4 and 5

### Decision

1. To authorise the Mayor to award the DH works contracts to the contractors and consultants listed in 2.1.1 – 2.1.3 once the results of the leaseholder consultation have been considered,
  - 1.1 Lot 1 Contractors (**Internal Works only**)
    - **Chigwell (Shepherds Bush) Ltd**
    - **RR Richardson LTD**
  - 1.2 Lot 2 Contractors (**Internal and External Works**)
    - **Apollo Property Services Group LTD**
    - **Axis Europe PLC and**
    - **Breyer Group PLC**
  - 1.3 Lot 2 Consultants (**Internal and External Works**) **Framework of 6 consultants with the first 3 administering the 2013/14 DH works programme annual mini competition thereafter:**
    - **Mace Group**
    - **John Rowan and Partners LLP**
    - **Pellings LLP**
    - **Frankham Consultancy Group Limited**
    - **Bailey Garner LLP**
    - **Potter Raper Partnerships**
2. To authorise the Assistant Chief Executive (Legal), to enter into all necessary documents to implement the decisions made in respect of this report.

3. To adopt an initial capital estimate of £71 million in respect of the 2013/14 and 2014/15 DH Programme, profiled as 2013/14: £25million and 2014/15: £46 million, in order to enter into the contracts. The details of the programme of works will be subject to a separate report.

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

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

(Housing Partnerships Manager (J. Kiwanuka)

(Decent Homes Procurement Project Manager THH (J. Mack)

**Reasons for the decision**

Cabinet in June 2011 agreed, for the longer term planning, to secure an OJEU procured and leasehold compliant framework to deliver the capital investment need in the future.

In July 2012 the Council entered into contract with the GLA for the DH Backlog funding. Under the Agreement the Council is contracted to deliver pre-agreed annual targets of DH in order to access the DH Backlog funding. The DH Contractor and Consultant procurement is critical to delivering the DH targets and securing the GLA funding. Therefore, it is vital that contractors are appointed to allow adequate time for procured resources to bed in and mobilise for a start on site at the beginning of the next Financial Year.

Additionally, the Council aims to ensure that its localism agenda is enshrined in its contracting processes by according apprenticeships and utilising local contractors and labour with view to stimulate the local economy. The OJEU procured Contractors have offered to contractually agree to deliver a raft of local benefits including apprenticeships, local labour and use local contractors, which will help stimulate the local economy, and allow local people to acquire relevant skills to enter employment.

**Alternative options**

Cabinet in June and September 2011 considered and agreed the method of procuring capital investment for the delivery of the DH Programme in 2013-16. It was agreed by Cabinet that for the longer term planning, to secure an OJEU procured and leasehold compliant framework to deliver the capital investment need in the future. The procurement method and process adopted including the results of the procurement exercise detailed within this report are an implementation of the fore mentioned Cabinet decisions.

**6.3 Disposals Programme****Decision**

1. To note the contents of this report:
2. To agree to the disposal of part of Southern Grove;

3. To authorise officers to secure a planning brief for site at part of Southern Grove;
4. Following consultation with the Mayor and Lead Member for Resources, authorise the Director of Development and Renewal, in conjunction with the Assistant Chief Executive Legal Services, to accept the best tender return for the site on conclusion of the marketing exercise; and ,
5. To authorise officers to appoint external agents to support the marketing of the site.

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

(Service Head – Strategic Property and Capital Delivery (A. Sutcliffe))

**Reasons for the decision**

It is important at a time of reducing funding and budgets in the public sector, to ensure that efficiencies are driven through the running and/or disposals of our assets to reduce revenue costs.

To continue to review and rationalise council assets, to reduce the Councils operational portfolio to the minimum.

That the site disposal will generate for the council significant capital receipts, for which can be directed to the Mayor's priorities on housing, education and infrastructure projects.

The development of the site will also, alongside the generation of a capital receipt, will bring forward social and affordable housing along with the potential for other community facilities.

**Alternative options**

The council has considered the option of developing the site directly, but the funding to deliver this as an option is not available.

**6.4 Poplar Baths and Dame Colet House - Tender results report and recommendation****Decision**

1. To note this report and that there is a further report to be considered in the Part II Exempt section of the meeting.

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



(Service Head – Strategic Property and Capital Delivery (A. Sutcliffe))

### **Reasons for the decision**

Cabinet agreed on 6<sup>th</sup> July 2011 that officers should develop a proposal for Poplar Baths and Dame Colet House for procurement and implementation. The decision was made to achieve the following:

- That the retained Poplar Baths be refurbished and remodelled, retaining the heritage features of the building
- Provision of a minimum of a 100 additional new build homes adjacent to Poplar Baths and on the Dame Colet House sites
- Provision of a new build youth facility on the existing Haileybury Centre site

Cabinet further agreed on 4<sup>th</sup> July 2012 that officers should proceed with their recommended shortlist of two bidders through final dialogue and invite final tenders.

This report provides feedback on the ITSFT submissions, and the recommendation to proceed to conclusion of the tendering process and appointment of the preferred bidder as set out in the original OJEU notice.

### **Alternative options**

The final business case attached in the Part 2 Exempt Report details the alternate options assessment undertaken around delivery.

## **7. A PROSPEROUS COMMUNITY**

### **7.1 Future Commissioning Arrangements for Public Health Services**

#### **Decision**

- 1 To approve the commencement of competitive tender processes for the following contracts:
  - (See section 1a of the spread sheet appended to the report); (Please note contracts will not be awarded if insufficient funding is allocated by the DoH and the matter will be brought back to the Mayor)
2. To approve the extension, for up to 12 months, and subsequent procurement during 2013/14, of the following contracts:
  - (See section 1b of the spread sheet appended to the report)
3. To approve the procurement, during 2013/14 of the following contracts scheduled to expire on 31 March 2014:
  - (See section 1c of the spread sheet appended to the report);

4. To note the contracts currently held by the NHS where the services are already provided by the Council. These will become directly provided services from 01 April 2013, and therefore no further commissioning is required:
  - (See section 1d of the spread sheet appended to the report);
5. To note the contracts which the NHS will not maintain beyond 31 March 2013 and will be decommissioned by the PCT. Therefore no commissioning activity is required by the Council:
  - (See section 1e of the spread sheet appended to the report);
6. To approve the transfer of responsibility to the Council for the elements of the current contracts with Barts Health NHS Trust and the East London Foundation Trust (ELFT) which pertain to services delivered to residents of Tower Hamlets and note that the Barts contract expires on 31 March 2014 and the ELFT contract on 30<sup>th</sup> June 2014. The services currently provided to Tower Hamlets residents under these contracts are:
  - (See section 2a of the spread sheet appended to the report);
7. To note the intention to work with the Tower Hamlets Clinical Commissioning Group, neighbouring Councils and their respective Clinical Commissioning Groups who have an interest in the contracts with the Barts Health NHS Trust during 2013/14 to determine longer term commissioning arrangements which balance local flexibility and priorities with a prudent approach to risk sharing;
8. To delegate authority to the Corporate Director responsible for the functions being exercised in the contracts in accordance with the Council's constitution in consultation with the Cabinet Member for Health and Wellbeing and Assistant Chief Executive (Legal Services), and subject to final approval by the Mayor, to enter into various agreements to give effect to the recommendations detailed above and also to enter an agreement with the Tower Hamlets Clinical Commissioning Group for the management of contractual arrangements with GPs and Pharmacists currently delivered under NHS Local Enhanced Services arrangements or direct employment contracts with the NHS, for the period 1 April 2013 to 31 March 2014. This is subject always to establishing adequate funding and satisfactory terms that protect the Council and deliver local objectives and or other appropriate providers. In particular the services currently provided to Tower Hamlets residents under these Local Enhanced Services arrangements are:
  - (See sections 2c and 2e of the spread sheet appended to the report);
9. To approve the proposed joint commissioning arrangements for the commissioning of sexual health services with the Commissioning Support Unit (who will commission health services on behalf of the Tower Hamlets Clinical Commissioning Group) acting as lead commissioner. The services currently provided to Tower Hamlets residents that fall within the remit of the proposed joint commissioning arrangements are:
  - (See sections 2b and 2d of the spread sheet appended to the report)
10. To delegate authority to the Corporate Director responsible for the functions being exercised in the contracts in consultation with the Cabinet Member for Health and Wellbeing and other relevant Lead Member(s) and chief officer(s), and the Assistant Chief Executive (Legal Services), and subject to final approval by the Mayor, to

approve the award of contracts to the most economically advantageous tenderers following the completion of the procurement processes referred to in recommendations 2, 3 and 4 above subject always to the establishment of appropriate terms and appropriate measures to safeguard local priorities.

11. To delegate authority to the Corporate Director responsible for the functions being exercised in the contracts to undertake and to enter into all appropriate arrangements relating to Equality Impact Assessments and consideration of the Public Sector Equality Duty in accordance with the Equality Act 2010 prior to any decisions being taken on commissioning or de-commissioning of services .

**Action by:**

**INTERIM CORPORATE DIRECTOR CHILDREN, SCHOOLS AND FAMILIES  
(I. CATTERMOLE)**

(Service Head: Commissioning and Strategy (D. Cohen)

**Reasons for the decision**

To ensure continuity of provision for public health services delivered under contracts which the Council will become responsible for, as a consequence of the enactment of the Health and Social Care Act 2012, from 01 April 2013 and which contribute to maintaining and improving the health of the population of Tower Hamlets.

The Council's Constitution, and the scheme of delegation to officers contained therein, do not currently incorporate the public health functions that will transfer to the Council from 01 April 2013. Up until the transfer date it is necessary, therefore, to seek Cabinet approval for all of the contracts relating to the discharge of those functions irrespective of value.

There are a number of drug / alcohol contracts (set out in section 1.b of the appended spread sheet) which are currently scheduled to expire on 31 March 2013. In order to provide sufficient time to plan a redesign of the treatment pathway for drug and alcohol services, to revise service specifications to reflect the planned redesign, and to undertake competitive procurement processes existing services will need to be maintained for a period of up to twelve months from the current expiry date.

**Alternative options**

The Mayor in Cabinet could require officers to consider alternative approaches to, or timescales for, the procurement plans set out in this report. This option is not recommended as it would lead to delays in the award of new contracts that may lead to discontinuity of service delivery.

The Mayor in Cabinet could instruct that specific contracts not be reproced. It should be noted, however, that officers have worked closely with public health colleagues, over an extended period of time, to determine the benefits for health and wellbeing in the population of the borough of each of the

services that it is recommended here be reprocurd. For this reason this alternative option is not recommended.

The Mayor in Cabinet could instruct that specific contracts, and / or contracts above a particular value are brought back to Cabinet for the contract award decision to be made, in preference to delegating authority to award those contracts to officers. However care needs to be taken to ensure delay in award does not impact on service delivery

The Mayor in Cabinet could choose not to extend the contracts managed by the Drug and Alcohol Action Team and instruct that notices of termination be issued to existing providers. This alternative option is not recommended as it would leave a particularly vulnerable group of residents of the borough at risk of significant deterioration in their health and wellbeing, and of increasing levels of crime.

## **8. A SAFE AND COHESIVE COMMUNITY**

### **8.1 Bonner Primary School - Proposed Extension**

#### **Decision**

1. To note the contents of this report;
2. To agree that statutory proposals should be published for the enlargement of Bonner Primary School to admit 120 pupils in each year from September 2013.
3. To authorise the Acting Corporate Director Children Schools and Families, after consulting with the Mayor, Cabinet Member for Children's Services and the Assistant Chief Executive (Legal Services), to negotiate and agree such terms (including, in either case, the payment of appropriate financial compensation), as will enable the proposed extension to Bonner Primary School either to share the PDC with the University until 2018, or for the University to vacate those parts of the PDC which it occupies and move into alternative premises.
4. To authorise the Acting Corporate Director Children Schools and Families, after consulting with the Mayor, Cabinet Member for Children's Services and the Assistant Chief Executive (Legal Services) to negotiate and agree with the University such terms for the University's continued occupation of the PDC as will enable the University to continue to enjoy its current use of the PDC in a manner which is consonant with the University's reasonable expectations including (without prejudice to the generality of the foregoing), teaching both undergraduate and post-graduate students in an environment not inimical to academic study.

5. To authorise the Acting Corporate Director Children Schools and Families after consulting with the Mayor, Cabinet Member for Children's Services and the Assistant Chief Executive (Legal Services) to take such steps as are necessary in the planning and design process to ensure that the Council is enabled fully to comply with its legal obligations relating to the safeguarding of children.

**Action by:**

**INTERIM CORPORATE DIRECTOR CHILDREN, SCHOOLS AND FAMILIES  
(I. CATTERMOLE)**

(Head of Building Development (P. Watson))

**Reasons for the decision**

Proposals have been developed to expand Bonner Primary School to assist in the LA's programme to provide primary school places to meet growing local need. Initial consultation on the proposals has been held. Cabinet is asked to consider the proposed expansion, the response to the initial consultation and the recommendation that statutory proposals for the expansion should be published. The publication of statutory proposals is required in order to implement this change to the school.

Although decisions were taken on the PDC in September of this year, by the Mayor in Cabinet, the University has since issued court proceedings against the Council, seeking judicial review of those decisions and alleging that they were invalid.

Without making any concessions as to whether there is any basis for the legal proceedings, it is considered sensible that the decisions should be considered afresh and that explicit consideration should be given to the University's concerns.

**Alternative options**

In order to meet the rising need for school places, the Council has implemented a number of school expansion projects and continues to develop further schemes to meet need. Longer term development plans for the borough include proposals for new primary schools. However, further expansion proposals are needed to keep pace with the need, so taking no action would leave the Council at risk of being unable to discharge its statutory functions. The options for expansion have been considered having regard to the factors set out in paragraphs 6.6 to 6.24 of the report.

**9. A HEALTHY AND SUPPORTIVE COMMUNITY**

**9.1 Violence Against Women and Girls Plan**

**Decision**

1. To agree the Violence Against Women and Girls Plan as set out in Appendix 1.
2. To consider the equality analysis in Appendix 2.
3. To note that the Violence Against Women and Girls Plan has been prepared with the Council's major partners to be the appropriate detailed service and partnership framework for addressing all forms of violence against women and girls within the Borough.

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

(Head of Community Safety (E. Fieran-Reed)  
(Domestic Violence & Hate Crime Manager (S Narayan)

**Reasons for the decision**

Addressing violence against women & girls is already recognised as a priority area regionally, nationally & internationally. The UN declaration on the Elimination of Violence Against Women was adopted by the General Assembly in 1993. This was followed by a resolution of intensification of efforts to eliminate all forms of violence against women in 2009.

In 2010, the Mayor of London published 'The Way Forward', a London-wide plan aimed to end all forms of violence against women in the capital. In 2011 the coalition government published its 'Call to end violence against women & girls' which outlines the responsibility of local authorities to co-ordinate their response to VAWG issues.

The Mayor of Tower Hamlets has been proactive in supporting work in this area and it forms part of the Mayors priority to drive down violent crime in the Borough. Tower Hamlets VAWG Plan takes a pro-active partnership approach to addressing this problem and makes a strong statement about the Council's commitment to safeguarding adults & children & pursuing gender equality.

**Alternative options**

*Do not have a VAWG Plan.* This would result in fragmented service planning between partners, duplication, lack of focus and inefficient use of scarce resources by all of the key partners engaged in reducing violence against women and girls.

*Do not agree this plan but ask for a different plan with different priorities.* This plan has been prepared in close consultation with all of the Council's major partners engaged in reducing violence against women and girls. As such it represents a shared platform of joint priorities that best reflect the way to maximise cross sector and organisation impact. The Plan has been based on established Council priorities to date and such a decision would cause significant delay to the process of joint planning and the achievement of more effective outputs for the Women and Girls at risk in the Borough.

## 10. ONE TOWER HAMLETS

### 10.1 Housing Revenue Account First Budget and Rent Setting Report - 2013/14

#### Decision

1. To agree that the Authority will continue to follow rent restructuring guidelines, and that therefore, the average 2013/14 weekly rent increase for tenanted Council dwellings will be £4.39 and the average weekly tenanted service charge increase will be £0.25 from the first rent week in April 2013.
2. To note that the HRA budget will be presented to Cabinet for approval in February 2013.

#### Action by:

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

(Service Head - Resources (C. Holme)

(Finance Manager (P. Leeson)

(Senior Accountant, D&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 1st April implementation.

#### Alternative options

The Council is not obliged to follow national rent policy, but any rent increase below that assumed in the business plan would put at risk the Council's ability to fund the future capital programme. Mayor and Cabinet can determine to increase rents either above or below that recommended; the financial consequences of either decision are set out in section 9 of this report.

### 10.2 Council Tax Base Report

#### Decision

1. To consider and agree that:
  - in relation to second homes, furnished empty properties, properties undergoing refurbishment, and new properties, the Council can charge up to 100% of the full Council Tax payable;

- for properties empty for more than 2 years, a levy of 1.5 times the full Council Tax payable be charged; and
  - agree the policy on “Section 13a Council Tax Reductions”
2. 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 2013/14 shall be 71,531 including the technical changes.

**Action by:****SECTION 151 OFFICER, SERVICE HEAD – FINANCIAL SERVICES, RISK & ACCOUNTABILITY (A. FINCH)**

(Head of Revenue Services (R. Jones))

**Reasons for the decision**

To provide a simplified Council Tax policy and promote occupation of empty properties

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 2013.

If the tax base is not agreed and notified to the Preceptor by 31st January 2013, this may prejudice the calculation of Council Tax for 2013/14.

**Alternative options**

The Council is obliged to consider the Government’s technical reforms and agree its response to them.

The recommendations contained within this report are made in line with the statutory requirements outlined in sections 3.2 and 3.3 of this report; and the alternative options in setting its Council Tax Base.

**10.3 General Fund Capital and Revenue Budgets and Medium Term Financial Plan 2013/14-2015-16****Decision**

1. To agree to propose the items listed below for public consultation and consideration by the Overview & Scrutiny Committee in accordance with the Budget and Policy Framework (Section 15). A further report will then be submitted to the next Cabinet meeting in February detailing the results of consultations and inviting the Cabinet to recommend a budget Requirement and Council Tax for 2013-14 to Full Council.

**a. Funding**



The funding available for 2013-14 and the indications and forecasts for future years (section 8) and note the introduction of the new local government funding system (Appendix 2).

**b. Base Budget 2013-14**

The Base Budget for 2013-14 as £293.865m as detailed in Appendix 2.

**c. Growth and Inflation**

The risks identified from potential inflation and committed growth arising in 2013-14 and future years and as set out in Section 9 and in Appendix 3.

**d. General Fund Revenue Budget and Medium Term Financial Plan 2013-14 to 2015-16**

The initial budget proposal and Council Tax for 2013-14 together with the Medium Term Financial Plan set out in Appendix 1 and the savings targets arising.

**e. Savings**

Savings items proposed to be included in budgets for 2013-14 and future years set out in Section 10 and in Appendices 4 and 5.

**f. Capital Programme**

The capital programme to 2014-15, including the proposed revisions to the current programme as set out in section 14 and detailed in Appendix 9.

**g. Dedicated Schools Grant**

The position with regard to Dedicated Schools Grant as set out in section 12 and Appendix 7.

**h. Housing Revenue Account**

The position with regard to the Housing Revenue Account as set out in section 13 and Appendix 8.

**i. Financial Risks: Reserves and Contingencies**

Advice on strategic budget risks and opportunities as set out in section 11 and Appendices 6.1, 6.2 and 6.3.

**j. Reserves and Balances**

The position in relation to reserves as set out in the report and further detailed in Appendices 6.1 and 6.3, and officers' advice on the strategy for general reserves at 8.40.

**Action by:**

**SECTION 151 OFFICER, SERVICE HEAD – FINANCIAL SERVICES, RISK & ACCOUNTABILITY (A. FINCH)**

**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 7th March 2013. The setting of the budget is a decision reserved for Council. The Council's Budget and Policy Framework requires that a draft budget is issued for consultation with the Overview & Scrutiny Committee at this meeting to allow for due process.

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

**Alternative options**

The authority is bound to respond to the cuts to 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 authority 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 cuts.

#### **10.4 London Borough of Tower Hamlets Council Tax Support Scheme**

**Decision**

1. To agree the proposed Council Tax Support scheme as the replacement to Council Tax Benefit from April 2013. (The draft scheme is published on the Council's website)
2. To note the results of the public consultation on the Council Tax Support scheme.
3. To note that the scheme will need to be agreed by full Council.
4. To note that adoption of the scheme will enable the council to apply for part of a £100m DCLG transition grant.

**Action by:**

**SECTION 151 OFFICER, SERVICE HEAD – FINANCIAL SERVICES, RISK & ACCOUNTABILITY (A. FINCH)**

(Claire Symonds – (Service Head Customer Access & ICT)  
(Steve Hill – (Head of Benefits Services)

### **Reasons for the decision**

The Council is obliged to agree a local Council Tax Support scheme to replace the national Council Tax Benefit Scheme which will be abolished in April 2013. Since Cabinet's decision on the 25<sup>th</sup> July, the Council Tax Support scheme for Tower Hamlets has been designed and developed, and consultation in accordance with the requirements currently indicated in the Local Government Finance Bill 2010-2012 has taken place. This report updates Members on the progress made and sets out the decisions that are now required.

The local Council Tax Support scheme needs to be submitted to DCLG by 31st January 2013.

### **Alternative options**

The Council is required by law to put in place a council tax reduction scheme by 31 January 2013. If it does not do so, then the Government's default scheme will apply in Tower Hamlets. The default scheme is set out in the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 and is publicly available.

The Council has limited discretion as to the contents of its council tax reduction scheme, as the scheme must contain the matters required by the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. The chief area of discretion relates to non-pensioners, in respect of whom a means-based approach is proposed as set out in the report.

It is also proposed, for reasons set out in the report, that the scheme is framed so as to permit the Council not to pass on the Government's 10% reduction in funding.

An alternative approach would be possible, but may require further consultation and analysis.

## **10.5 Contracts Forward Plan Q3**

### **Decision**

1. To consider the contract summary at Appendix 1, and identify those contracts about which specific reports – relating either to contracting strategy or to contract award – should be brought before Cabinet prior to contract award by the appropriate Chief Officer for the service area;

2. To authorise the relevant Corporate Director who holds the budget for the service area to award the contract or contracts following consultation with the Assistant Chief Executive (Legal Services) on the relevant terms and conditions of contract with the exception of the Domiciliary Care Framework Contract (AHWB 4396) which was deferred; and
3. To authorise the Assistant Chief Executive (Legal Services) to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.

**Reasons for the decision**

The Council's Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of the Constitution that "The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Cabinet in accordance with the Procurement Procedures". This report fulfils these requirements for contracts to be let during the period Q4 of the Financial Year and beyond.

**Alternative options**

As bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity, no alternative proposals are being made.

**10.6 Procurement Plan****Decision**

1. To note the Procurement Policy Priorities.

**Reasons for the decision**

The way the Council sets about procuring works, goods and services is important to achieving compliance with legislation, delivering and demonstrating value for money and delivering its policy priorities.

**Alternative options**

The approach of public sector organisations to procurement is primarily governed by UK and EU law and the need to find substantial savings over the forthcoming period. Within that, the authority can set its own priorities in relation to the lawful objectives it sets out to achieve through its procurement processes.

**11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT****12. UNRESTRICTED REPORTS FOR INFORMATION****12.1 Exercise of Corporate Directors' Discretions****Decision**

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

**Reasons for the decision**

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

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

**Alternative options**

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

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

**13. EXCLUSION OF THE PRESS AND PUBLIC**

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

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
- Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the

excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

- Agenda item 16.1. "Poplar Baths and Dame Colet House – Tender results report and recommendation" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

(b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:

- Agenda item 16.1. "Poplar Baths and Dame Colet House – Tender results report and recommendation" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

#### **14. EXEMPT / CONFIDENTIAL MINUTES**

Nil items.

#### **15. OVERVIEW & SCRUTINY COMMITTEE**

##### **15.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.**

Nil items.

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

Nil items.

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

##### **16.1 Poplar Baths and Dame Colet House - Tender results report and recommendation**

**Decision**

1. To agree to the recommendation of the procurement evaluation panel to appoint bidder 1 as preferred bidder;
2. To authorise officers to proceed with the final stage of procurement in finalising the Development Agreement;
3. In consultation with the Mayor and the Cabinet Members for Housing and Resources, to nominate Bidder 2 as a reserve and to call upon this reserve Bidder if finalisation of the Development Agreement with the preferred bidder does not proceed as authorised;
4. To authorise the Director of Community Localities and Culture and the Assistant Chief Executive Legal in conjunction to finalise the Development Agreement terms in accordance with the bid and following consultation with the Mayor and the Lead Member for Resources to complete the Development Agreement and ancillary documents;
5. To adopt a capital estimate to the value of £36m for the development of the Poplar Baths and Dame Colet sites in order to make provision for the eventuality of the reserve bidder being required; and
6. To confirm that funding requirements as outlined in the Part 2 report will be available to meet the potential Development Agreement costs subject to entering into the Development Agreement.

**Action by:**

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

(Service Head – Strategic Property and Capital Delivery (A. Sutcliffe))

**17. A PROSPEROUS COMMUNITY**

Nil items.

**18. A SAFE AND COHESIVE COMMUNITY**

Nil items.

**19. A HEALTHY AND SUPPORTIVE COMMUNITY**

Nil items.

**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 7.25 p.m.

**Isabella Freeman  
ASSISTANT CHIEF EXECUTIVE (Legal Services)**