

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.30 P.M. ON WEDNESDAY, 14 MARCH 2012

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

Members Present:

Mayor Lutfur Rahman	
Councillor Ohid Ahmed (Deputy Mayor)	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Stephanie Eaton	
Councillor Marc Francis	
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Joshua Peck	(Leader of the Labour Group)
Councillor Rachael Saunders	

Officers Present:

Aman Dalvi	– (Interim Chief Executive)
Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families)
Stephen Cody	– (Interim Corporate Director Adults Health & Wellbeing)
Isabella Freeman	– (Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture)
Chris Naylor	– (Corporate Director Resources)
Sarah Barr	– (Senior Strategy Policy and Performance Officer,

Michael Bell	– One Tower Hamlets, Chief Executive's (Strategic Planning Manager, Strategic Planning, Planning & Building Control, Development & Renewal)
Kate Bingham	– (Acting Service Head Resources, Children Schools & Families)
Deborah Cohen	– (Service Head, Commissioning and Strategy, Adults Health and Wellbeing)
Peter Hayday	– (Interim Service Head, Financial Services, Risk and Accountability)
Chris Holme	– (Service Head Resources, Development & Renewal)
Abid Hussain	– (Third Sector & External Funding Manager, Strategy and Performance)
Numan Hussain	– (Political Advisor to the Mayor)
Shazia Hussain	– (Service Head Localisation, Communities Localities & Culture)
Kevin Kewin	– (Service Manager, Strategy Policy & Performance, One Tower Hamlets, Chief Executive's)
Helen Smith	– (Consultation and Engagement Officer)
Takki Sulaiman	– (Service Head Communications, Chief Executive's)
Paul Thorogood	– (Service Head Resources, Adults Health and Wellbeing)
Louise Fleming	– (Senior Committee Officer, Democratic Services)
Alan Ingram	– (Democratic Services)

The following is a record of those decisions taken by the Cabinet at its meeting held on Wednesday 14th March 2012.

Most decisions may be 'called in', by the Assistant Chief Executive, for scrutiny by the Overview and Scrutiny Committee to be held on **Tuesday 3rd April 2012** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 23rd March 2012**. 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 26th March 2012.

Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 3rd April 2012, can be implemented the following day, Wednesday 4th April 2012.

Any decision ‘called in’ for scrutiny and supported by the Overview and Scrutiny Committee will be referred back to the Cabinet for further consideration on Wednesday 4th April 2012.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

Councillor Ann Jackson declared a personal interest in Agenda item 9.1 “Completion of the Supporting People Joint Framework Agreement” (CAB 083/112). The declaration of interest was made on the basis that the report contained recommendations relating to an organisation which employed a member of Councillor Jackson’s family.

Councillor A. Asad declared a prejudicial interest in Agenda item 7.1 “Youth Service Delivery” (CAB 079/112). The declaration of interest was made on the basis that the report contained recommendations relating to Youth Service provision and Councillor Asad was employed by a youth service provider.

Councillor O. Ahmed declared a personal interest in Agenda item 7.1 “Youth Service Delivery” (CAB 080/112). The declaration of interest was made on the basis that the Councillor had received communication from residents relating to the recommendations in the report.

Councillor Rabina Khan declared a personal interest in Agenda item 7.2 “Grouped Schools and Mulberry School PFI Contracts – Progress Report” (CAB 081/112). The declaration of interest was made on the basis that the Councillor was a school governor at Mulberry School.

Noted.

**Action by:
ASSISTANT CHIEF EXECUTIVE - LEGAL SERVICES (I. FREEMAN)**

Senior Committee Officer, Democratic Services, Chief Executive's (L. Fleming)

3. UNRESTRICTED MINUTES

Decision

That the unrestricted minutes of the ordinary meeting of the Cabinet held on 8th February 2012 be approved as a correct record of the proceedings.

Action by:

ASSISTANT CHIEF EXECUTIVE - LEGAL SERVICES (I. FREEMAN)

Senior Committee Officer, Democratic Services, Chief Executive's, (L. Fleming)

4. PETITIONS

Nil items.

5. OVERVIEW & SCRUTINY COMMITTEE

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

A sheet arising from the Overview and Scrutiny Committee held on 6th March 2012 **Tabled** by the Chair of the Overview and Scrutiny Committee detailing key issues or questions relating to unrestricted business to be considered (pre-scrutiny questions).

Decision

That the comments of the Overview and Scrutiny Committee in relation to Agenda Items 7.1 "Youth Service Delivery"; 9.2 "Domiciliary care Services (Commissioned) Contract Award" and 10.1 "Future Sourcing Preferred Bidder Report" be noted; and that these be given consideration during the Cabinet deliberation of the items of business to which the comments relate.

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

Senior Committee Officer, Democratic Services, Chief Executive's, (L. Fleming)

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

Reference from the Overview and Scrutiny Committee held on 6th March 2012 **Tabled** by the Chair of the Overview and Scrutiny Committee.

Response from the Corporate Director Communities Localities and Culture to the reference from the Overview and Scrutiny Committee held on 6th March 2012, **Tabled**.

Decision

1. That the comments/advice/recommendations of the Overview and Scrutiny Committee as detailed in the Tabled Reference be noted; and
2. That the provisional decision of the Mayor/Cabinet made on 8th February 2012, in relation to New Partnership Structures (CAB 075/112) be reaffirmed.

Action by:

CORPORATE DIRECTOR COMMUNITIES LOCALITIES AND CULTURE (S. HALSEY)

Service Head Localisation, Communities Localities and Culture (S. Hussain)

6. A GREAT PLACE TO LIVE

6.1 Statement of Community Involvement Revision (CAB 079/112)

Decision

1. That the amendments to the Statement of Community Involvement, as set out in Appendix 1 to the report be agreed, and also be the subject of a 6 week period of public consultation to be carried out with a view to subsequent adoption by Cabinet; and
2. That the Director of Development and Renewal be authorised to make any appropriate and necessary minor amendments to the Statement of Community Involvement prior to consultation.

Action by:

INTERIM CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (J. ODUNOYE)

Head of Planning & Building Control (Owen Whalley)

Consultation and Engagement Officer, Plan Making (Helen Smith)

7. A PROSPEROUS COMMUNITY

7.1 Youth Service Delivery (CAB 080/112)

Decision

1. That the youth service be brought back in-house, and the location of both the Youth Service and Community Languages Service be considered.
2. That the opportunity offered by an in-house system to align the service more closely to community safety, health and leisure services within the council be taken, strengthening the ties to the partnership and push for localisation.
3. That the service's compliance with the national MI system is retained; and
4. That the management of the service is transferred to CLC.

Action by:

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

Service Head: Youth and Community Learning (Mary Durkin)

7.2 Grouped Schools and Mulberry School PFI Contracts - Progress Report (CAB 081/112)

Decision

1. Agreed that the Mayor was satisfied that this matter was urgent as defined in the Authority's Constitution (Part 4 Rules of Procedure, Section 4.2 Access to Information Procedure Rules, Rule 6 Items of Business, sub paragraphs 6.3 and 6.5. It was necessary for the Cabinet to consider the further feedback contained in the supplemental report to allow them to have a full view of the outcomes from the consultations with the 24 PFI schools.
2. That the contents of this report be noted.
3. That the plan of aiming for a surplus in the Grouped Schools PFI contract account of £10m to allow for additional inflationary and other unforeseen cost pressures arising in the last 16 years of the contract be endorsed.
4. That the principal on-going revenue costs of the PFI contracts, after taking account of PFI grant and the contributions of stakeholders, should be met from the Dedicated Schools Grant be endorsed; and

5. That the basis of indexation to be used in reviewing annually each participating school's contribution to the Grouped Schools PFI contract be the annual prevailing retail price index for the November prior to the financial year plus 1.2% (**RPI +1.2%**) be agreed.

Action by:

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

Head of Building Development, Children Schools and Families (Pat Watson)
Interim Head of Finance, Children Schools and Families (David Tully)

7.3 Main Stream Grants Commissioning 2012/15 and Governance Arrangements (CAB 082/112)

Decision

1. That the financial considerations and budgets as set out in paragraphs 6.4 & 6.5 be noted and agree the way forward;
2. That the commissioning timetable as set out in paragraph 6.12 be agreed and its implementation be approved;
3. That the grant eligibility criteria as set out in paragraph 6.13 be agreed;
4. That the appraisal and monitoring arrangements as set out in paragraphs 6.13 to 6.17 be agreed;
5. That the 'top-slicing' be agreed, with effect from 1st April 2012, and agree the guidance for use of those funds as described in paragraphs 6.18 & 6.19;
6. That the Third Sector Grants Governance arrangements as set out in paragraphs 6.20 to 6.24 be agreed;
7. That the Third Sector and External Funding Team undertake an audit of current Third Sector Funding programmes as set out in paragraph 4.25 be agreed; and
8. That the arrangements with current service providers be extended for a period of three months commencing 1st July 2012 be agreed.

Action by:

ACTING CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (J. ODUNOYE)

Strategy and Performance (Abid Hussain)

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Completion of the Supporting People Joint Framework Agreement (CAB 083/112)

Decision

That the contract approval to the Supporting People Joint Framework Agreement be approved.

Action by

**CORPORATE DIRECTOR ADULTS HEALTH AND WELLBEING (S. CODY)
Service Head, Commissioning and Strategy (Deborah Cohen)**

9.2 Domiciliary Care Services (Commissioned) Contract Award (CAB 084/112)

Decision

1. That the award of block contracts, for a three-year period from the date of contract award, for the provision of Domiciliary Care services be approved.
2. That the award of contracts, for a one-year period from the date of contract award, for inclusion on the Council's Preferred Provider Framework for the provision of Domiciliary Care Services be approved:
3. That it be noted that whilst this is a part B service for the purposes of the relevant European Union and UK Legislation on competition, good practice dictates that contract award cannot be confirmed until conclusion of a standstill period, which is 10 days from the date that the intention to award contracts is communicated to bidders to allow for settling challenges from unsuccessful bidders.

Action by:

CORPORATE DIRECTOR OF ADULTS HEALTH AND WELLBEING (S. CODY)

Service Head Commissioning and Strategy (Deborah Cohen)

9.3 Small Grants for Mental Health Service User Led Group 2012-13 (CAB 085/112)**Decision**

That the proposed allocation of small grants to individual user led groups in 2012/13 as detailed in Appendix One be approved.

Action by:

CORPORATE DIRECTOR OF ADULTS HEALTH & WELLBEING (S. CODY)
Service Head, Commissioning & Strategy (Deborah Cohen)

10. ONE TOWER HAMLETS**10.1 Future Sourcing Preferred Bidder Report (CAB 086/112) - To Follow**

Item withdrawn by the Corporate Director, Resources.

10.2 Contracts Forward Plan (CAB 087/112)**Decision**

1. That the contract summary at Appendix 1 be considered, 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; and
2. That the relevant Corporate Director who holds the budget for the service area to award the contract or contracts be authorised and, following consultation with the Assistant Chief Executive (Legal Services), to arrange for the execution of all necessary contract documents.

Action by:

CORPORATE DIRECTOR: RESOURCES (C. NAYLOR)
Service Head Procurement and Corporate Programmes (Hugh Sharkey)

10.3 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Quarter 3 2011/12 (Month 9) Report to end of December 2011 (CAB 088/112)**Decision**

1. That the Quarter 3 2011/12 performance be reviewed and noted; and

2. That the Council's financial position as detailed in sections 3 and 4 and Appendices 1-4 of this report be noted.

Action by:

CORPORATE DIRECTOR RESOURCES (C. NAYLOR)

Service Head Financial Services, Risk & Accountability (Peter Hayday)

Service Head One Tower Hamlets (Michael Keating)

10.4 Proposed amendments to Communities Localities and Culture Directorate Budgets (CAB 090/112) - To Follow

Item deferred until the meeting of the Cabinet on 4th April 2012.

10.5 Consideration of the Reprogramming of the New Homes Bonus funded element of Decent Homes Programme (CAB 091/112) - To Follow

Item deferred until the meeting of the Cabinet on 4th April 2012.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Exercise of Corporate Directors' Discretions (CAB 089/112)

Decision

That the exercise of Corporate Directors' discretions as set out in Appendix be noted.

Action by:

CORPORATE DIRECTOR RESOURCES (C. NAYLOR)

Chief Financial Strategy Officer (Oladapo Shonola)

Finance Officer (Lisa Stone)

12.2 Domiciliary Care Update (CAB 092/112) - To Follow

Item deferred until the meeting of the Cabinet on 4th April 2012.

13. EXCLUSION OF THE PRESS AND PUBLIC

Decision

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 21.1. “Completion of the Supporting People Joint Framework Agreement – Exempt Addendum Report” 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 bidders and the Council.
 - Agenda item Agenda item 21.2 “Domiciliary Care Contract Award (Addendum Report)” 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 bidders and 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 21.1. “Completion of the Supporting People Joint Framework Agreement – Exempt Addendum Report” 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 bidders and the Council.
 - Agenda item Agenda item 21.2 “Domiciliary Care Contract Award (Addendum Report)” 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 bidders and the Council.

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

SUMMARY OF EXEMPT PROCEEDINGS

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

15. OVERVIEW & SCRUTINY COMMITTEE

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

Nil items.

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

Nil items.

16. A GREAT PLACE TO LIVE

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

Nil items.

20. ONE TOWER HAMLETS

20.1 Future Sourcing Preferred Bidder Report - Exempt Confidential Appendix to Unrestricted Report (CAB 093/112) - To Follow

Item withdrawn.

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

21.1 Completion of the Supporting People Joint Framework Agreement - Addendum Report

Special Reasons for Urgency agreed

Decision

Recommendations Agreed.

21.2 Domiciliary Care Contract Award (Addendum Report)

Special Reasons for Urgency agreed

Decision

Recommendations Agreed.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.45 p.m.

**Aman Dalvi
INTERIM CHIEF EXECUTIVE**