


<b>Individual Mayoral Decision Proforma</b>  Decision Log No: 139	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Will Tuckley, Acting Corporate Director - Communities, Localities & Culture	<b>Classification:</b> Unrestricted
<b>Draped Seated Woman - process for relocation to Tower Hamlets</b>	

<b>Is this a Key Decision?</b>	<b>Yes</b>
<b>Decision Notice Publication Date:</b>	2 <sup>nd</sup> November 2016
<b>General Exception or Urgency Notice published?</b>	<b>Not required</b>
<b>Restrictions:</b>	n/a
<b>Reason for seeking an Individual Mayoral Decision:</b>	In order to formally commence the process of returning the Henry Moore sculpture Draped Seated Woman to London immediately.

## EXECUTIVE SUMMARY

This report sets out the recommended approach to implementing the Mayor's manifesto pledge to bring the Henry Moore sculpture "Draped Seated Woman" (locally known as "Old Flo") back to Tower Hamlets. Following the election, the Mayor set up a cross-party working group, chaired by the Cabinet Member for Culture. The working group assessed the different options available to the Mayor. The report seeks formal approval for officers to progress the implementation of the preferred option.

Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

## DECISION

### Recommendations:

The Mayor is recommended to:

1. Authorise the procurement of a contract for *Hosting of Draped Seated Woman (Old Flo) by Henry Moore* in line with the contract approach set out in this report for a term of five years;
2. Note that following completion of the procurement process, a contract award report will be brought to Cabinet.

**APPROVALS**

**1. (If applicable) Corporate Director proposing the decision or his/her deputy**

I approve the attached report and proposed decision above for submission to the Mayor.

Signed  Date 30/11/16

**2. Chief Finance Officer or his/her deputy**

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 30/11/16

**3. Monitoring Officer or his/her deputy**

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-


(a) has been published in advance on the Council's Forward Plan OR  
~~(b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.~~

Signed  Date 30/11/16

**4. Mayor**

I agree the decision proposed in the recommendations above for the reasons set out in paragraph 1.1 in the attached report.

Signed  Date 01/12/16

<b>Individual Mayoral Decision Proforma</b>  Decision Log No: 140	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director, Law Probity and Governance and Deputy Monitoring Officer	<b>Classification:</b> Unrestricted
<b>New Grants Procedure</b>	

<b>Is this a Key Decision?</b>	<b>No</b>
<b>Decision Notice Publication Date:</b>	<b>Not required</b>
<b>General Exception or Urgency Notice published?</b>	<b>Not required</b>
<b>Restrictions:</b>	<b>None</b>
<b>Reason for seeking an Individual Mayoral Decision:</b>	This is the Mayor's decision to amend his Executive Scheme of Delegation

### EXECUTIVE SUMMARY

The Council's Constitution provides that all executive functions of the Council except those reserved to DCLG Commissioners by the Directions of 17 December 2014 are vested in the Mayor. One of those functions reserved to DCLG relates to grants. As the potential withdrawal of the Directions in respect of grants is predicated on decisions in relation to grants being taken by the Mayor in a public meeting then this is achieved by the Mayor setting up a Sub-Committee of Cabinet, namely the Grants Determination Sub-Committee. The Membership of this Sub-Committee is the Mayor and three (3) other Executive Members (to be appointed) or their nominees. The quorum of this Sub-Committee is three (3) and specific Terms of Reference agreed.

Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

**DECISION**

1. The Mayor appoints a Grants Determination Sub-Committee and the Mayor has delegated the functions of this Sub-Committee to be carried out by the Sub-Committee collectively;
2. The Mayor updates his Executive Scheme of Delegation, namely paragraph 6.2 to note that the Mayor has appointed a Grants Determination Sub-Committee (see Appendix 1 of the attached report);
3. The Mayor agrees the Terms of Reference for the Grants Determination Sub-Committee as contained in Appendix 2 of the attached report; and
4. The Mayor gives formal notification to the Monitoring Officer of the above changes and requests that the Monitoring Officer reports this to full Council advising as to any Constitutional changes that may be required.

**APPROVALS**

1. **(If applicable) Corporate Director proposing the decision or his/her deputy**

I approve the attached report and proposed decision above for submission to the Mayor.

Signed  Date 30/11/16

2. **Chief Finance Officer or his/her deputy**

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 30/11/16

3. **Monitoring Officer or his/her deputy**


I have been consulted on the content of the attached report which includes my comments.

Signed  Date 1/12/16

4. **Mayor**

I agree the decision proposed in paragraph above for the reasons set out in paragraph 1 in the attached report.

Signed  Date 1/12/16

<b>Individual Mayoral Decision</b>  Decision Log No: <u>  141  </u>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Zena Cooke, Director of Resources	<b>Classification:</b> Unrestricted
<b>Microsoft Enterprise Licensing – Renewal of Contract R4176</b>	

<b>Is this a Key Decision?</b>	Yes
<b>Decision Notice Publication Date:</b>	7 <sup>th</sup> December 2016
<b>General Exception or Urgency Notice published?</b>	Yes. Due to the reasons set out in the report, the decision has had to be taken under urgency provisions. The Chair of Overview and Scrutiny has been consulted and agreed to preclude the report from the Council's Call-In provisions.
<b>Restrictions:</b>	None

## EXECUTIVE SUMMARY

The Council's framework agreement from Crown Commercial Services (CCS) called PSA09 for its Microsoft Enterprise Agreement (EA) is due to expire on 31<sup>st</sup> March 2017. The Council cannot renew this and would need to have a new agreement in place after this date, following a procurement process. The current agreement allows the Council to use Microsoft software for its Outlook email, servers and desktops and the Council has also procured Visio and Project licences.

### Timescale, Recent Price Hike and Urgency

Whilst the current agreement ends on 31<sup>st</sup> March 2017, following Brexit Microsoft announced a price increase of between 15% to 22% for its agreement. However, if the Council can renew its EA before the end of 2016 (i.e. by 9<sup>th</sup> December 2016), it will insulate itself from this price rise.

### Recommendations

The Mayor is recommended to:

Delegate to the Corporate Director of Resources the authority to award the contract for a term of 36 months to the most competitive supplier on Kent County Council's Pro 5 Framework Software Products and Associated Services Y17003 following competition run by procurement.

## **Full Details of the Decision Sought, Including Reasons and Options**

Quotes from Kent's framework suppliers and Agilisys on an indicative specification offer best value compared to the CCS Framework. Award of contracts needs to be done in the week commencing 5th December 2016 and an order will need to be raised for renewal before 9th December to avoid the up to 22% price increase.

In addition to running a competition on the Pro 5 framework on an indicative specification, the Council sought prices from Crown Commercial Services.

Prices from CCS framework were at least £75K more expensive over 3 years than the lower bidder on the Kent framework. With reseller margins on the CCS framework, the actual difference would be even greater than £75k, hence the CCS option would not be best value.

The Agilisys quote would attract up to a 5% margin. Whilst the Agilisys quote on the indicative specification was more expensive than Kent's framework, Agilisys will be given another opportunity to quote at the same time as Kent framework bidders on a revised specification and asked to specify their margins to allow a like for like comparison.

## **Chief Finance Officer Comments**

The estimated annual cost of £550k can be funded through existing provision for software licences within centrally held ICT budgets. The potential exposure to the risk associated with the impending price increases is estimated to be between £100k-£123k.

## **Legal Comments**

The Council has power to enter into a contract for the provision of this product which arises by virtue of section 111 of the Local Government Act 1972, providing the power enabling the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The Council has the enabling power(s) to initiate a procurement exercise for the Services and award any subsequent contracts pursuant to that competition.

The estimated value of the contract is circa £1.650 million (£550k per annum) making this an executive decision requiring Mayoral approval giving the relevant Corporate Director the delegated authority to award the contract.

## **DECISION**

Award the contract for a term of 36 months to the most competitive supplier on Kent County Council's Pro 5 Framework following competition run by procurement.

**APPROVALS**

1. **(If applicable) Corporate Director proposing the decision or his/her deputy**

I approve the attached report and proposed decision above for submission to the Mayor.

Signed  ..... Date 7/12/16 .....

2. **Chief Finance Officer or his/her deputy**

I have been consulted on the content of the attached report which includes my comments.

Signed  ..... Date 7/12/16 .....

3. **Monitoring Officer or his/her deputy**

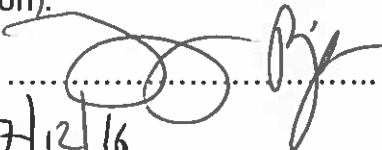
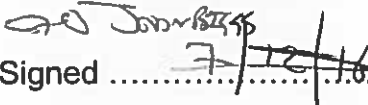
I have been consulted on the content of the attached report which includes my comments.

I confirm that this decision is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed  ..... Date 07/12/16 .....

4. **Mayor**

I agree the decision proposed above for the reasons set out in paragraphs 2.1, 3 and 4 in the attached report (Individual Mayoral Decision).

Name  ..... Signed  .....  
Date 7/12/16 .....

Name ..... Signed .....

Date .....