

OVERVIEW & SCRUTINY COMMITTEE

Wednesday, 26 October 2016 at 6.00 p.m., Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

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For further information including the Membership of this body and public information, see the main agenda.

3. UNRESTRICTED MINUTES

All Wards

1 - 12

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee that was held the on 28th September, 2016.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 6.00 P.M. ON WEDNESDAY, 28 SEPTEMBER 2016

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

Members Present:

Councillor John Pierce (Chair)	
Councillor Abdul Mukit MBE (Vice-Chair)	
Councillor Amina Ali	
Councillor Abdul Asad	Scrutiny Lead for Communities, Localities & Culture
Councillor Julia Dockerill*	Scrutiny Lead for Children's Services
Councillor Helal Uddin	
Councillor Clare Harrison	Scrutiny Lead for Adult Health and Wellbeing
Councillor Ohid Ahmed	

Co-opted Members Present:

Victoria Ekubia	(Roman Catholic Church Representative)
Dr Phillip Rice	(Church of England Representative)

Other Councillors Present:

Mayor John Biggs
Councillor David Edgar
Councillor Shiria Khatun

Apologies:

Councillor Mahbub Alam
Councillor Oliur Rahman

Officers Present:

Janet Fasan	Head of Legal (Operations)
Shazia Ghani	Head of Community Safety
Christine McInnes	(Service Head, Education and Partnerships, Children's Services)
David Tolley	(Head of Environmental Health and Trading Standards, Safer Communities, Communities Localities & Culture)
Mark Bursnell	Senior Strategy, Policy & Performance Officer
Kevin Kewin	Interim Service Head, Corporate Strategy and Equality

Zena Cooke

Corporate Director of Resources

*Present for part of the meeting only

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mahbub Alam and Councillor Oliur Rahman. It was also noted that Councillor Ohid Ahmed would be substituting for Councillor Mahbub Alam at tonight's meeting.

In addition, the Committee:

- I. Was reminded that if a Member was unable to attend then arrangements should be made for a deputy to be in attendance; and
- II. Noted that Councillor Julia Dockerill would be absent for part of the meeting as she would be attending the Strategic Development Committee for a specific item.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

The Committee noted that:

1. There were no declarations of disclosable pecuniary interest; and
2. Members would only have to declare such an interest if they were a specific reference in a report e.g. If there was a reference in the Review of Grants Scrutiny Sub-Committee and work programme report to a specific grant.

3. UNRESTRICTED MINUTES

The Committee received the minutes of the last meeting as a result of considering the draft:

1. **Councillor Clare Harrisson** indicated that she had been making reference to the fact that Southwark had undertaken a review of their procurement procedures and **not** that Southwark had brought the cleaning contract back in-house.
2. **Councillor Ohid Ahmed** drew Members attention to the following points:

That he had at the last meeting raised the issue of amendments to the minutes from the 21st July, 2016 where Councillor Mukhir MBE and Councillor Abdul Asad's comments had not been included. Accordingly, he formally requested that these comments in relation to those minutes in relation to the Youth Service be included and copies circulated to the Committee.

In addition, Councillor Ahmed expressed concern that the draft minutes from 1st September had not incorporated a summarised version of the Presentation from the Borough Commander Sue Williams, about Policing and Crime matters with particular reference to electoral fraud and the Police Services response including the letter from Assistant Commissioner Helen King to the Editor of the Telegraph.

As a result of a full and wide ranging discussion on the above the Chair **Moved** and it was:-

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 1st September be approved as a correct record of the proceedings subject to the following amendment. Which was to be inserted for clarity and in response to the questions raised regarding electoral fraud in Tower Hamlets?

12.1 Crime and Disorder Spotlight – Presentation

- Received an update from the Borough Commander Sue Williams about Policing and Crime matters in relation to electoral fraud and the Police Services response including the letter from Assistant Commissioner Helen King to Katharine Viner the Editor of the Telegraph.

4. UNRESTRICTED REPORTS 'CALLED IN'

Nil Items

5. REQUESTS TO SUBMIT PETITIONS

Nil Items

6. SCRUTINY SPOTLIGHT

Nil Items

7. OVERVIEW & SCRUTINY COMMITTEE QUERY AND ACTION LOG 2016/17

The Committee received and noted an update on the outstanding actions. As a result of discussions on the Log it was agreed that consideration should be given to the setting up of a shared drive accessible to all the Committee Membership.

8. FORTHCOMING DECISIONS

The Committee received and noted the published list of forthcoming decisions that provided the Scrutiny Leads with a list of those issues that they needed to follow up with the Portfolio Lead Members and Directorates. In particular the Committee noted with interest that that Cabinet are to consider a report on Commercial Events in Parks. This report will set out current management arrangements for the Victoria Park Commercial Event Concession contract and how these arrangements link into and support the Council's Medium Term Financial Strategy (MTFS). Furthermore, it will identify additional management and Executive oversight measures introduced to further mitigate impacts on local residents for the 2016 event season. It was noted that this would be an issue that would fall within the portfolio of the Scrutiny Lead for Communities, Localities & Culture.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee undertook a pre-decision scrutiny of those unrestricted cabinet papers. This is summarised as follows:

Item 5.3 Waste Management Services- Delivery Options (contract extension)

1. Regarding the proposed extension of the current Waste Management Contract, what action is being considered to increase user engagement in order to achieve better outcomes by extending the contract?

RESPONSE (Received since the meeting)

One of the key reasons for the extension is to enable the Council to engage with residents, and ensure we provide a fit for purpose service that meets their needs. The service will need to be redesigned, and it is important that engagement is a key element of this process. Therefore the extension will provide time to ensure effective engagement takes place.

2. What assurances can be given that the performance for all the main environmental services (waste collection, street cleansing, etc.) included in the Contract will improve as a result of the proposed extension?

RESPONSE (Received since the meeting)

These are key front line services, and it always a challenge to meet the increasing expectations from our residents and businesses. The current contract would have been developed 15 years ago, therefore is no longer fit for purpose. There will be substantial growth in the Borough over the next 10 years, therefore a redesign is necessary. Through this process we will have a service fit for the future, therefore achieve the expected improvements required.

3. What opportunities will be provided for all Members, including those on the Overview and Scrutiny Committee and the sub-committees, to get involved in the extension process?

RESPONSE (Received since the meeting)

It is important that all Members are involved in the process of redesigning the service, and will be invited to attend workshops to ensure they are engaged throughout the process.

Item 5.9 Contract Forward Plan-Quarter 3 (2016/17)

4. When the Greenwich Leisure Limited contract expires in 2018, will there be a thorough retendering process to ensure the Council achieves best value from the next contract?

RESPONSE (Received since the meeting)

The Council is currently in negotiation with GLL to extend the existing leisure management contract beyond the 2019 expiry date. Any retendering process will take into account a new contract expiry date determined with GLL as part of the contract extension process.

5. As part of the specification for the contract, and given the Council's new focus on Outcome Based Budgeting, will broader health indicators be considered for inclusion into the procurement Process?

RESPONSE (Received since the meeting)

Yes. The current national policy context has sport/leisure provision closely aligned with public health outcomes. Subsequently, it is anticipated that the procurement process will involve an output based contract specification which would address this issue by including broader health indicator targets. However, it should be noted that any specification would be subject to changes to national and local policy at the time of procurement.

6. Can assurances be given that if there are significant savings achieved from the leisure services contract, these will not be at the expense of employee terms and conditions- given Tower Hamlets is a London Living Wage Council.

RESPONSE (Received since the meeting)

It is expected that the implementation of the London Living Wage would be a specification requirement for any new contract. However, under normal circumstances the operator absorbs these costs within their financial plan and this may result in increased costs for the contract overall. Due to the complex procurement process and negotiation involved in any contract, it is not possible to make assurances at this stage, however the Council will endeavour to ensure the London Living Wage is implemented.

Item 5 .10 Medium Term Financial Strategy 2017 – 2020

7. Regarding the financial planning for the authority over the next three years Members of the Committee:
 - Noted that the Council's Medium Term Financial Strategy (MTFS) covering the period to 2019-20 was approved in February 2016. Government and grant funding is forecast to continue to fall, reflecting the on-going government austerity measures. The current projections suggest that the unfunded budget gap will be approximately £58m for the period to the end of 2019-20;
 - Noted that £153k income is due from the Cabinet Office in relation to reimbursement for previous elections' expenditure. The income had not been received yet and that the officers are currently following up with the Cabinet Office;
 - Noted that the use of General Fund Balances of £23.4m included a contribution of £20m towards the refurbishment of the new Civic Centre in Whitechapel, together with the balance of £3.4m being provided for general support to the budget;
 - Noted that the Communications service is being reviewed following changes to the East End Life publication there is a significant risk of budget pressure within the service for 2016-17 due to the expected loss of income. This the Committee was informed was is currently being reviewed and monitored and management action to address the budget pressure is being identified; and
 - Requested that they be provided with the dates and times on the public consultation of the Strategy so Committee Members could attend these events.

10. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items

11. UNRESTRICTED REPORTS FOR CONSIDERATION

11.1 Overview and Scrutiny Toolkit 2016/17

Councillor John Pierce introduced the report which explained that the purpose of the overview and scrutiny toolkit is to provide all those interested parties involved in scrutiny (such as councillors, officers, stakeholders and local people) with advice, guidance and practical examples of how overview and scrutiny works at Tower Hamlets Council and the positive impact it can have on enhancing the way the Council conducts its business. The toolkit has been informed by the experience of scrutiny in Tower Hamlets and constructive examples of what has achieved by other local authorities.

In addition, the toolkit identifies a good practice approach on how to develop and implement effective scrutiny. This included the selection of topics, managing the work programme, and using different types of scrutiny to best fit the topic being scrutinised. The toolkit also sets out the key roles played by councillors and officers in the scrutiny process and identifies the tools needed to carry out effective scrutiny. The toolkit will be refreshed annually to reflect lessons learnt over the year and good practice from other local authorities that can be applied to the Council's approach.

As a result of discussions on the above the Chair Moved and it was:-

RESOLVED

To welcome that report and that a summary of the document be provided for public consumption including details on the structure of the Council's decision making process.

11.2 Delivering the Prevent Duty: Promoting Safeguarding in Tower Hamlets Scrutiny Review Report

Councillor Shiria Khatun the Lead Member for Community Safety introduced the report which informed the Committee that in 2015, the Government's Counter-Terrorism and Security Act introduced a duty on councils to prevent people from being drawn into terrorism or violent extremism. Right-wing or left-wing, religious or secular, nationalist or internationalist, all forms of terrorism or violent extremism come under the 'Prevent Duty' as they all seek to challenge our way of life and undermine cohesion in our communities.

Tower Hamlets it was noted was a priority area under the duty and hence why on behalf of local residents, it was important to understand what the Council and its partners are doing to deter people away from terrorism and violent extremism. The Council has strong reputation for its work in this area, particularly in the way it has embedded the required safeguarding mechanism under the duty into its existing safeguarding arrangements.

This report makes 13 recommendations on how the Council and our partners can add value to what is already happening under the 'Prevent Duty'. Our recommendations cover three themes of:

1. Safeguarding young people;
2. Promoting cohesion in Tower Hamlets; and
3. Developing leadership around Prevent.

These recommendations had been developed following discussions over five sessions. Three additional co-opted members, Sarah Castro, Rob Faure-Walker and Dr Farid Panjwani, participated in the review bringing their academic knowledge, hands on experience of working with communities on cohesion and understanding of the impact of counter-terrorism policies on communities to the discussions.

The main point of the discussion maybe summarised as follows:

The Committee:

- Noted how the Prevent programme has been developed to address the challenges facing our society **e.g.** How to constructively channel the anger and discontent that some feel about the society in which they live;
- Agreed that consideration needs to be given to looking at the layers of identity within communities and what it means to be British in the 21st Century; recognising the contribution made to our society by all the communities that make up modern Britain;
- Noted there needs to be a holistic examination of the pathways people take to extremism and that this needs to be considered across the local partnerships and within the Council;
- Agreed that how the issue of extremism is debated (**Inc** through the media) and discussed needs to be considered within the context of all communities; faiths and ideologies and not focus just on our young people; group or community so as to address racism and hate crime;
- Noted that Home Office is enabling LBTH and its partners to safeguard the local communities both young and old from all forms of extremism;
- Agreed that young people need to see that they have a voice in this process and that their views are valued and contributions welcomed;
- Agreed on the need to address how to manage the social media in terms of both its positive and negatives uses **e.g.** Need to develop a narrative around this; provide help and support to families; citizenship and address online grooming; provide training and support for schools governing bodies and those responsible for the management of other educational settings.

As a result of a full and wide ranging discussion on the above the Chair Moved and it was:-

RESOLVED to:

1. Agree the draft report and the recommendations; and
2. Authorise the Service Head Corporate Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the Chair of the Overview and Scrutiny Committee.

11.3 Strategic Performance Monitoring

The Mayor John Biggs presented the report which outlined how the Council uses a basket of performance measures to track whether it is delivering on its priorities which is supported by key strategic activities as outlined in the Strategic Plan. The report outlines the Council's performance at the quarter 1 (to June 2016) stage.

Accordingly, the Committee reviewed the progress in delivering the strategic measures at the quarter 1 stage and final outturns and commentary for 2015/16. The main points of the discussion maybe outlined as follows:

The Committee:

- Expressed concern regarding the increase in both short term and long term absence over recent years. It was noted that a programme has commenced to address the rise and manage sickness absence back to the previously lower rates. The approach would to focus on Clear policies; consistently applied return to work meetings; Management confidence in medical referrals; Focused attention on teams with higher absence rates; and a positive employee wellbeing environment. This programme and the progress would be closely monitored by the Corporate Management Team.
- Wanted consideration to be given to the impact on the teams who have to manage increased workloads because colleagues are absent;
- Asked that in future reports be drafted so that they are easier to interpret in black and white;
- Felt that more support was needed in supporting those people who find it hard to access the jobs market both for the private and public sectors;
- Noted that there is a downward travel in terms of Waste Dataflow nationally and not just within LBTH or London. However, despite this downward trend LBTH is still recognised as one of the best performing recyclers of dry recyclables in inner London. Tower Hamlets has the challenge of high density housing with 86% high rise properties with limited space for recycling receptacles. There is also low participation in the recycling of green waste due to the proportion of high rise housing within the borough. Also new legislation covering Materials Recovery Facility (MRF) operations and the quality of recyclable materials produced by MRFs are making operators more vigilant about the quality of the recyclable material they are receiving from local authorities, which has impacted on performance. The Committee therefore supported the use of more resources to address the direction of travel and to promote positive attitudes towards recycling by in LBTH;
- Noted that the Council continues to work with local Registered Providers to look at recycling points and centres on estates as well as rebranding communications to give clear messages on what can and cannot be recycled.
- Noted that the Council will work with developers in the long term to incorporate innovative general waste and recycling waste management systems.
- Noted that quarter 1 figures will be submitted to the Waste Data Flow system in September and a provisional figure published; a final figure is anticipated at the end of October 2016;
- Noted that Tower Hamlets had a strong track record of housing delivery and continues to provide among the highest numbers of affordable homes in the country **e.g.** Whilst the property market will impact upon the supply of affordable housing in 2015 there had been more completions than in previous years. Therefore, whilst there had been a shortfall it is anticipated that the end of year total will be within the target range; and
- Noted that consideration was needed as to how best to reduce the gap between Borough rate and employment rate for BME residents. In particular the Committee wished to see consideration given to a more detailed breakdown of the numbers in employment for the various groups (**e.g.** women and graduates) including whether skilled or unskilled work.

As a result of discussions on the above the Chair Moved and it was:-

RESOLVED to note the progress in delivering the strategic measures at quarter 1 and the final outturns and commentary for 2015/16.

11.4 Community Safety Partnership Plan 2013-16 Year 4 (2016/17)

Councillor Shiria Khatun the Lead Member for Community Safety introduced the report that set out the Community Safety Partnership's (CSP) reviewed CSP Plan 2013-16 for the final year of its 4 year term 2016/17.

It was noted that the CSP:

1. Has an annual duty to review its Community Safety Partnership Plan known as a Crime and Disorder Reduction Strategy under the Crime and Disorder Act and should do this based on its annual Strategic Assessment. Under the Council Constitution, this Crime and Disorder Reduction Strategy, known here as the Community Safety Partnership Plan must be approved by Full Council as the Council is statutorily obliged to adopt one; and
2. Plan 2013-16 revised for Year 4 (2016/17) has been reviewed by the CSP Subgroup Chairs and agency leads from the responsible authorities (statutory partners), prior to discussion and approval by the CSP on 18th July 2016. The CSP has reviewed its priorities for the final year of the current Plan and is presenting the revised Plan to the Councils Executive to agree its progression to Full Council as required by the constitution for adoption.

The main points of the discussion may be summarised as follows:

The Committee:

- Noted that whilst future priorities will be tied to those of the MOPAC (Mayor's Office for Policing and Crime) the Partnership will be listening closely to residents; identify best practice and aim to had fewer priorities but with better outcomes;
- Noted that there has been an increase in the numbers of reported incidences of Domestic Violence (DV) as women are now more confident to come forward to report such crimes;
- Noted that since the EU referendum whilst there had been an increase in the incidences of hate these had been of a verbal and not physical kind. In addition, more is being done to address hate crime e.g. encouraging more residents to become Hate Crime Champions; more work is being undertaken so as to obtain on such crimes; heightening awareness of the facilities to report such crimes; funding of specialist DV Court Workers;
- Was impressed with the work being undertaken to address such crimes;
- Wanted more to be done to facilitate the exchange of expertise and experience, to promote good practice and to help identify successful strategies for addressing issues of crime prevention and community safety in the Night Time Economy. Including involving partner agencies e.g. Registered Housing Providers and Neighbour Local Authorities. In response it was noted that the scoping paper in this issue was nearing completion;
- Wanted assurances that all was being done to address the incidence of knife crime;
- Noted that LBTH has funded MPS officers to mitigate the incidences of crime and each of the Boroughs Wards has a Community Safety Action Plan in

place to address such crimes **e.g.** The recent successes on the Aberfeldy Estate and Accredited Tower Hamlets Enforcement Officers (THEO) who work with the Police Community Support Officers (PCSO) on community safety matters and establish a dialogue and to support residents in the efforts to address community safety matters in their neighbourhoods;

- Noted that LBTH has 6 Police Officers who currently work with the THEO's to address evidence based crimes **e.g.** Anti-Social Behaviour;
- Noted that with regards to the Registered Housing Providers and Drug Misuse the CSP is working to address the cause and effect (Inc Treatment and Crimes associated with such misuse);
- Noted that it is recognised that the use of the 101 number has not proved to be effective as intended and is accordingly to be reviewed.

As a result of discussions on the above the Chair Moved and it was:-

RESOLVED to note the report and the points raised above.

11.5 Gambling Policy 2016 -2019

Councillor Shiria Khatun the Lead Member for Community Safety introduced the report, this document informed the Committee that as a Licensing Authority LBTH must review the existing Gambling Policy and adopt a new policy by November 2016, as one of the responsibilities it has to administer 'high street' licences under the Gambling Act 2005. The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered. This is highly prescribed and limited by statute and subject to agreement the Policy will be presented Cabinet and then to Full Council for adoption under the provisions set out by the Council's Constitution.

Accordingly, the policy is before the Committee for comment and the main points of the discussion may be summarised as follows:

- Noted with regards to gambling LBTH are monitoring the age of those persons going into local betting shops through test purchases;
- Noted that work is being undertaken with health colleagues to addresses the causes and implications of gambling (**Inc** online) on local residents. Accordingly, the Committee asked for a briefing paper on what support was available locally for residents;
- Noted that a licence is required to operate a Fruit Machine on a premises' **e.g.** In convenience stores and newsagents;
- Noted that the Bishop of St. Albans is intending to put forward a private member bill on this issue; and
- Noted that the CSP are mindful also of the links between DV and gambling.

As a result of discussions on the above the Chair Moved and it was:-

RESOLVED to note the report and the points raised above.

11.6 Review of Grants Scrutiny Sub-Committee and work programme report

The Committee noted that Grants Best Value Action Plan had been developed to address the findings of the Best Value (BV) Inspection. A key Best Value action being to review arrangements, post Commissioners, for future executive decision-

making. The Grants Scrutiny Sub-Committee (GSSC) was established in April 2016 to provide cross party pre-decision scrutiny as part of revised governance arrangements.

In addition, the Committee was reminded that a report to Overview and Scrutiny Committee, from the Corporate Director, Resources, to establish the GSSC had also recommended that a report be presented within three months of the first meeting, to review the work of the Sub-Committee, identifying whether changes are needed to its composition and Terms of Reference. This report therefore sets out the findings of the review of the operation of the Grants Scrutiny Sub-Committee.

The main points of the discussion may be summarised as follows:

The Committee:

- There are five Members on the GSSC, made up of Members of the OSC. It is important there is cross-party cooperation on this Committee because of its vital role in the grants process to ensure that an objective, fair and transparent approach is taken;
- The Independent Group reiterated their concerns about their level of representation (one Member) on the Sub-Committee. Instead they repeated their view that as the largest opposition group on the Council they should have two Members on this Committee;
- Noted that the GSSC terms of reference identify the Chair of OSC as the Chair of the GSSC. In addition, OSC noted that in recent months, there had been a number of significant changes to Overview and Scrutiny, including the establishment of a Housing Scrutiny Sub-Committee and the development of an ambitious work programme for 2016/17. The Council's lead Directorate for Grants is Resources. Given both the existing significant responsibilities of the Chair of OSC, and the potential benefit of aligning the Grants Scrutiny Lead Portfolio with the relevant Directorate, the report proposed that Chair of GSSC should be the Scrutiny Lead Member for Resources;
- That at its meeting on 4th April 2016, it had agreed to the establishment of the GSSC which will act as the cross party member forum that will scrutinise the proposed award of grants prior to their consideration at Commissioners Decision Making Meetings. The OSC had also agreed that a report be presented to the Committee in 3 months to review the work of the GSSC and whether changes need to be made to its terms of reference or composition; and
- That Group Leaders should ensure their Members who are appointed to this and all other Scrutiny Committees attend the meetings or send deputies.

As a result of discussions on the above the Chair Moved and it was:-

RESOLVED to agree the revised Terms of Reference for the Grants Scrutiny Sub-Committee as set out in the report.

12. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

13. EXCLUSION OF THE PRESS AND PUBLIC

The agenda circulated contained no exempt/ confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

14. EXEMPT/ CONFIDENTIAL MINUTES

Nil Items

15. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil Items

16. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

Nil Items

**17. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR
CONSIDERS URGENT**

Nil Items

The meeting ended at 9.30 p.m.

**Chair, Councillor John Pierce
Overview & Scrutiny Committee**