

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 6.35 P.M. ON MONDAY, 23 JULY 2018

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

Members Present:

Councillor Abdal Ullah (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Sufia Alam – Lead for Children's Services
Councillor Mufeedah Bustin –
Councillor Kahar Chowdhury – Lead for Health, Adults and
Community
Councillor Dipa Das – Lead for Place
Councillor James King
Councillor Kyrsten Perry
Councillor Mohammed Pappu – Lead for Governance
Councillor Bex White
Councillor Andrew Wood

Co-opted Members Present:

Khoyrul Shaheed – Muslim Faith Community
Ahmed Hussain – Parent Governors
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Other Councillors Present:

Councillor Danny Hassell

Apologies:

Joanna Hannan – Representative of Diocese of
Westminster
Dr Phillip Rice – Church of England Representative
Fatiha Kassouri – Parent Governors
Neil Cunningham – Parent Governors

Officers Present:

Stephen Ashley – Independent Chair of the Local
Safeguarding Children's Board
Elizabeth Bailey – Senior Strategy, Policy and
Performance Officer
Janet Fasan – (Divisional Director, Legal)

Afazul Hoque	– (Head Corporate Strategy & Policy)
Nancy Meehan	– (Interim Divisional Director, Children's Social Care)
Neville Murton	– (Divisional Director, Finance, Procurement & Audit)
David Tolley	– (Head of Environmental Health and Trading Standards)
Brian Snary	– Financial Accountant – Resources
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1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

The Committee noted that with reference to agenda item 10 the Pre-Decision Scrutiny of the Cabinet agenda should there be any formal discussion on the Cabinet report regarding Supporting the Local Economy - Proposed criteria for granting Business Rate relief (Cabinet Item 6.6 refers) then the following Members indicated that they would have to declare an interest:

- Councillor Abdal Ullah – Trustee of a Borough charity;
- Councillor Mufeedah Bustin – Employed by a Borough charity;
- Councillor Bex White - Employed by a Borough charity;
- Councillor Kahar Chowdhury – Member of a Borough charity; and
- Co-Opted Member - Khoyrul Shaheed – Member of a Borough charity.

2. UNRESTRICTED MINUTES

2.1 Minutes of the meeting held on 25th June, 2018

It was agreed to defer consideration of these minutes until the next meeting.

2.2 Minutes of the meeting held on 11th July, 2018

It was agreed to defer consideration of these minutes until the next meeting.

3. REQUESTS TO SUBMIT PETITIONS

The Committee were advised that no requests to submit petitions had been submitted for tonight's meeting.

4. OVERVIEW & SCRUTINY COMMITTEE QUERY AND ACTION LOG 2018/19

The Committee received and noted the Query and Action Log 2018/19.

5. CHAIRS UPDATE

The Chair reminded the Committee that a copy of the Call in Criteria had been circulated to assist Members and going forward consideration would be given to the Cabinets Forward Plan.

6. UNRESTRICTED REPORTS 'CALLED IN'

The Committee was reminded that a decision had been made by the Mayor in Cabinet on Wednesday, 27 June 2018 regarding the need to 'secure the future of early years services – local authority day nurseries' and that this had been "called in" under the Overview and Scrutiny Committee Procedure Rules of the Council's Constitution. A summary of the main points of the discussion is outlined as follows:

The Committee:

- Noted that the Cabinet Report had been published on Friday, 22nd June, 2018 before the Mayor in Cabinet made his decision on Wednesday, 27th June, 2018. Those Members that had called in the report had expressed their concerns that there had been insufficient time to (i) consider the report in full, (ii) carry out appropriate due diligence on a key decision and (iii) explore alternative options available;
- Indicated that a report should only be published less than five clear days in advance of a meeting if the Chair was satisfied that it is was not possible to delay consideration until a later meeting;
- Indicated that it was important going forward that the guidance/terms of reference/protocols for the Call In process should be reviewed to ensure it is fit for purpose;
- including the time period for convening such a meeting; and
- Agreed the importance of agreeing a consensus at the meeting.

7. SCRUTINY SPOTLIGHT

7.1 Children's Social Care: Progress Update

The Committee received and noted a presentation from Councillor Danny Hassell the Cabinet Member for Children, Schools and Young People and Nancy Meehan the Interim Divisional Director, Children's Social Care that provided an update since the last Ofsted visit and the preparations being made for future visits on 15th and 16th August, 2018. The main points of the discussion are summarised below.

The Committee:

- Noted that quality assessments are subject to regular audits and dip samples and that there is an individual officer responsible to oversee each case;
- Was reminded of the Ofsted Judgement on the Council collectively but they had been highly impressed by what has been achieved since the Judgement and the Council had come together collectively to make a really decisive turnaround which is a credit to both the elected Members and the officers;

- Commented that the appointment Nancy Meehan as the Interim Divisional Director, Children's Social Care had made a massive difference to the journey that the Council is now on. However, wanted to receive more details as to where the Council expected to be in the short and longer term;
- Noted that the Cabinet Member for Children, Schools and Young People had been impressed by the way that LBTH as an organisation had come together to work on the changes required;
- Was informed that whilst Ofsted had seen the changes the aim was for LBTH to be rated as good especially around leadership/management so as to ensure the positive direction of travel would continue;
- Noted that the Mayor; Councillor Hassell and the Chief Executive had attended training on the restorative approach to child protection which had outlined the mechanism to address harm in a way that brings together the people affected and how it afforded them the opportunity to make it better and in particular to make the children safe;
- Commented that with regard to the retention of social workers had consideration been given to how other agencies had retained and developed Mental Health Social Worker/General Practitioners;
- Noted that LBTH was considering the offer for social workers at Year 2 and Year 4 as these milestones are considered that when social workers are most likely to consider leaving the authority;
- Noted that the Cabinet Member was happy to consider best practice regarding the recent local recruitment/retention campaigns aimed at Mental Health Social Worker and General Practitioners **e.g.** as a model upon which to base a recruitment campaign for all children's services;
- Noted that LBTH carries out case reviews at the 3; 6 and 9 month period to ensure that the required targets are hit on a sustained and regular basis;
- Noted that there is now a regular reporting up of the relevant data and it is clearer in the minds of both the managers and staff what needs to be done. Whilst there is robust and regular oversight of the process and staff know clearly what is required of them;
- Noted that maintaining the chronology of case records is now a requirement, which means that the children do not have to re-tell their story as they transit through the system. Whilst the dip sampling makes possible an effective oversight of this process and regular scheduled meetings with first line managers every 2 months is also being developed;
- Noted that whilst progress has been made there is still more work to be done. Although there have been changes in culture so that staff and their management see why (i) they have to follow a process for the good of the child and (ii) why have to do interventions at certain situation times and in certain ways.

7.2 Independent Chair of the Local Children's Safeguarding Board [LCSB]

The Committee received and noted a presentation from Steve Ashley the Independent Chair of the LCSB who provided an independent view on

progress in Children's Safeguarding. The main points of the discussion are summarised below.

- Noted that there would be a 15-month transition period to replace outgoing local safeguarding children boards (LSCBs) with new arrangements i.e. the Department for Education had stated that the new regulations will be put in place by May 2018, with local authorities being required to have their new arrangements in place by September 2019.
- Noted that Sir Alan Wood had recommended a number of changes to the safeguarding system as part of his review of LSCBs in 2016;
- Noted on the back of those recommendations the current system is set to be replaced with a new way of investigating child deaths;
- Noted that the Local Children Safeguarding Boards (LCSBs) would be replaced with three local safeguarding partners (i) Police Service Borough Commander; (ii) Chief Executive Officer of the Clinical Commissioning Group (CCG) and (iii) the Borough's Chief Executive;
- Noted that there was a need to have a focus upon the Early Help to support a child, young person or their family early in the life of a problem, as soon as such as situation emerges. Which the Committee was informed can be required at any stage in a child's life from pre-birth to adulthood, and applies to any problem or need that the family cannot deal with or meet on their own;
- Noted the Steve Ashley had established an Executive Board with a small group of senior people who were able to make decisions (i) Police Service Borough Commander; (ii) Chief Executive Officer of the Clinical Commissioning Group (CCG); (iii) the Borough's Chief Executive and (iv) the Corporate Director of Children's Services with a streamlined focused process to hold people to account;
- Noted the importance of having designated senior officers to identify where the potential issues were and that they can take the staff with them to address the issues in a focused way;
- Noted the Department for Education (DfE) statutory guidance outlines what organisations and agencies who have functions relating to children must and should do to safeguard and promote the welfare of all children and young people under the age of 18;
- Noted that Steve Ashley was happy to assist the OSC in any way he can including the running of workshops; and
- Noted that Councils cannot keep on spending in the current way given the budgetary pressures and that LBTH has done well to establish a separate fund to get the Council through to where it needs to be within the next 18 months' time then to consider if it is sustainable for the longer term.

The Chair thanked Steve Ashley for his presentation and agreed to invite him back to deliver a session with the Lead Member on safeguarding.

8. UNRESTRICTED REPORTS FOR CONSIDERATION

At this point the Vice-Chair Councillor Marc Francis took the chair for the remainder of the meeting.

8.1 Statement of Licensing Policy 2018 - 2023

The Committee received and noted a presentation from David Tolley Head of Trading Standards and Environmental Health on report that outlined the Council's review of the Statement of Licensing Policy. The main points of the discussion on this report maybe summarised as follows:

The Committee

- Noted that the reviewed Statement of Licensing Policy will ultimately go to full Council for adoption;
- Was informed that the Policy enables the administration by the Council of licences under the Licensing Act 2003;
- Observed that the purpose of the Policy is to define how the responsibilities under the Act are going to be exercised and administered;
- Noted that the statutory consultation requirements does consist of (i) the Chief Officer of Police for the Licensing Authority area; (ii) the Fire Authority for the area; (iii) those persons as the Licensing Authority consider to be representative of holders of existing licences; (iv) persons that the Licensing Authority considers to be representative of holders of existing clubs; (v) persons that the Licensing Authority considers to be representative of businesses and residents in its area; and (vi) Director of Public Health.
- Noted that with regard to the Boroughs Sexual Entertainment Venues (SEV's) and violence against young women and girls the Councils aim is to limit the number of venues to nil;
- Noted that in recent years LBTH have moved from 11 to 5 SEV's premises with 6 licenses, these premises are entitled to trade although they have to operate under certain conditions and they have to apply for these license annually and if considered it is inappropriate to continue to operate from those premises **e.g.** the demographic have change in an area from mainly commercial to residential then it would potentially no longer be appropriate for them to continue operate from that venue;
- Noted that with regard to all licence holders they should consider how they operate and test purposes of these businesses are carried out;
- Noted with regard to vulnerable adults **e.g.** street drinkers the aim is to cut down the level of off premises sales and monitor the compliance of these premises in this regard;
- Noted that Street drinkers are offered advice and support into treatment services to help them address their addictions, move out of the 'street lifestyle'; and

- Noted that residents and businesses had in the Brick Lane and Shoreditch East areas had expressed concern at issues that were detrimental to the quality of life which had resulted in the Council introducing Public Spaces Protection Orders (PSPO). However, these PSPO's it was noted have it seems displaced those issues into other areas and some feel that the PSPO's have not had the anticipated impact.

8.2 Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance

The Committee received and noted a report presented by David Knight The Principal Committee Services Officer that set out the Terms of Reference, Membership, Quorum and Dates of meetings of the Overview & Scrutiny Committee (OSC) for the Municipal Year 2018/19. The report also set out suggested protocols and guidance to facilitate the conduct of the Committee's business and thereby meet its statutory and constitutional requirements. A summary of the discussions is set out below:

The Committee noted that:

- The adoption of the protocols and guidance set out in Appendix 1 will assist in the effective and efficient functioning of the OSC and therefore reduce the risk of poor delivery of the Council's Overview and Scrutiny function. However, the intention was to undertake a review of the protocols and guidance to ensure they were fit for purpose;
- At the Annual General Meeting of the full Council held on 23 May 2018, the Authority had approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members to these bodies. However, the Committee indicated that it would wish to see what could be done to improve the gender balance;
- It wished to give consideration to defining the roles of Members within the committee structure; and
- It wanted to seek clarity on the Call In process and that officers were working on a flow chart that explained how it works and why e.g. including a protocol for the submission of pre decision scrutiny questions to ensure that they are informing the Mayors Decision making process.

The Chair Moved and it was:-

RESOLVED to:

1. Note its current Terms of Reference, Membership, Quorum, and Dates of future meetings, as set out at Appendices 1, 2 and 3 to this report;
2. Agree the start time for scheduled OSC meetings during the remainder of the Municipal Year 2018/19 as 6:30 p.m.;
3. Agree to adopt the protocols as set out at Appendix 4 to this report;
4. Note the intention to undertake a review of the protocols and guidance to ensure they were fit for purpose; and

5. Note the guidance to facilitate the conduct of OSC business, in line with those statutory and constitutional requirements, as set out at Appendix 4 to this report.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee received and noted those questions to be presented at Cabinet by the Chair in relation to unrestricted business on the agenda – **See Appendix 1**

10. VERBAL UPDATES FROM SCRUTINY LEADS

1. **Councillor Dipa Das Scrutiny Lead for Housing** advised the Committee that at the last meeting the Housing Scrutiny Committee had received presentations from Susmita Sen, Chief Executive of Tower Hamlets Homes and from Mark Baigent, Interim Divisional Director for Housing and Regeneration. In addition, there had been a private workshop between Members to set the forward plan for the Committee's work for the year;
2. **Councillor Kahar Chowdhury Scrutiny Lead for Health, Adults & Community** advised the Committee that at the last meeting the Sub-Committee had considered its Work Programme for the forth coming year and the Chair had had a meeting with Denise Radley (Corporate Director, Health, Adults & Community) on the scrutiny of health issues in the Borough; and
3. **Councillor Marc Francis Scrutiny Lead for Resources** advised the Committee that the Grants Sub-Committee had had its first meeting on 6th June, 2018 and had considered a range of issues including the scrutiny of budgetary matters such as the MTFS and CTRS. In addition, there would be a session at the end of August on the consultation regarding the CTRS.

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

Nil items

12. EXCLUSION OF THE PRESS AND PUBLIC

As 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.

13. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

14. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items

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

Nil items

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

Nil items

The meeting ended at 9.15 p.m.

**Chair, Councillor Abdal Ullah
Overview & Scrutiny Committee**

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Overview and Scrutiny Committee meeting 23 July 2018 - Pre-decision Questions for Cabinet on 25 July 2019

Agenda Item – 6.3 – Anti-idling designation in LBTH	
Questions	Response
What is the cost of rolling out the proposals? (E.g. marketing of scheme; training officers)	There is no specialised training required for officers. A procedure note for officers has been drafted – no additional enforcement costs, publicity being funded via the ‘gold campaign’ Breathe Clean.
What evidence is there from other boroughs that an anti-idling scheme is more effective than other schemes at cutting emissions? (E.g. promoting stopping engines at traffic lights)	No objective evidence only anecdotal. Unnecessary vehicle engine idling is a concern to residents. The ability to issue FPN will reassure residents that the Council takes this matter seriously. Over 50% Nitrogen Dioxide emissions in LBTH comes from transport sources, any measures to reduce this is a positive. The government in its recent Clean Air strategy consultation has held up anti-idling initiatives by some local authorities as examples of good initiatives to reduce air pollution.
If enforcement will be carried out within the existing enforcement revenue budget, is there currently extra capacity within the relevant service area team, and if not, what will the Council enforce less as a result of this additional work?	This work can be absorbed into existing system for issuing FPNs as it is anticipated that only a few FPNs will be issued. Other London boroughs that already enforce the regulations do not issue any FPNs as drivers comply with the request to turn engine off. They do however consider that, the ability to issue FPN adds weight to the request to turn off engine and therefore increases the level of cooperation. Enforcement will be targeted around schools and idling hotspots locations in the borough.

Agenda Item – 6.4 – Supporting the Local Economy - Social Value Framework	
Questions	Response
<p>Is it cabinet’s opinion that this framework directly creates additional social value that might not have been created at all without the framework, or does it simply increase the extent to which pre-existing social value is accounted for in the procurement process? Can we be confident that this won’t simply be a paper exercise by those bidding for contracts to list what would have happened anyway?</p>	<p>The Framework will help to broaden the scope of social value benefits that are better aligned to council’s strategic plan priorities and these will be formally quantified as a monetary value.</p> <p>The wider social value benefits secured are a contractual obligation and the development of the toolkit and training for officers will ensure a consistent approach to monitoring and reporting on the delivery and impact of the community benefits secured for local community.</p>
Agenda Item – 6.5 – Local Council Tax Reduction Scheme	
Questions	Response
<p>Why has the Mayor decided to use Section 13A of the Local Government Finance Act 1992 to help disabled non-dependents and other claimants in financial difficulty instead of establishing a dedicated Hardship Fund as was indicated at the Cabinet meeting in January 2017?</p>	<p>The report to Cabinet in January 2017 stated the following:</p> <p>“In order to recognise that there may be a number of people adversely affected by both changes to the LCTRS and other changes to the welfare system the Mayor has asked that an earmarked Tacking Poverty Reserve be created as mitigation against the overall effects associated with welfare changes. Dependent on the options chosen and therefore an assessment of the number of people affected and the potential risks, a sum of up to £5m has been provided in the Tacking Poverty Reserve; this sum will be reviewed and finalised in the February report</p>

	<p>recommending the budget to Full Council once the outcome from the LCTRS and other associated changes are known.”</p> <p>The Tackling Poverty Reserve was established to address a wide range of poverty related issues, rather than being limited to reducing the amount of council tax to be paid by those affected by the changes to the LCTRS. S13A of the Local Government Finance Act 1992 is specifically designed to act as a hardship fund to make discretionary hardship awards in the form of a council tax discount. It is also part of the council tax collection fund so is not a general fund revenue budget funded from reserves.</p>
Which other London boroughs use the Minimum Income Floor to calculate entitlement to Council Tax Support for self-employed claimants?	This information is not readily available and would require resourcing to establish and confirm the individual scheme arrangements in place within each London LA.
Which other London Boroughs apply the Conservative Government’s two-child limit on allowances in their Local Council Tax Reduction Scheme?	This information is not readily available and would require resourcing to establish and confirm the individual scheme arrangements in place within each London LA.
Further to the discussion about the CTRS Hardship Fund in Cabinet in January 2017, how many non-CTRS households have been granted relief from Council Tax by Section 13A of the Local Government Finance Act 1992?	<p>In 2017/18 there were 52 non CTRS cases awarded a discount under S13A.</p> <p>In 2018/19 there have been 56 non CTRS cases awarded a discount under S13A.</p> <p>All of the above cases were self-employed.</p>

Agenda Item – 6.6 – Supporting the Local Economy -Proposed criteria for granting Business Rate relief	
Questions	Response
Has any consideration been given to providing charities examples of how they can measure the monetary value of the tangible benefits of their services?	One of the key criteria is to ensure there is a benefit provided to local residents. This has not been translated into a measurement of the monetary value of that benefit as this may be difficult for some charities to calculate and may lead to inconsistency. If this is something that is raised as part of the consultation as something that would be considered useful we will consider how it may be possible, but it would not determine eligibility for rate relief.
Agenda Item – 6.7 – Site at 20 Alton Street	
Questions	Response
(para 3.6) How does this promote social well-being when the future use of the site will be by only one small part of the community (approximately 20% of Lansbury ward)? How will the Council ensure the new site is accessible by the whole community?	We understand that the group purchasing the site intend to offer a range of activities which will not necessarily be confined to the Lansbury Ward. The organisation is purchasing a long lease from the Council which will not only govern the relationship between the council and occupiers but will facilitate and permit sharing of the facility with other community groups through local hiring arrangements
(para 2.2) How is it protected under Town Planning for Community Use? The site is not protected in the Local Plan and no protection is shown on the Councils planning policy map. It is D1 space but to change it to another use simply requires planning approval which the Council has routinely done elsewhere?	Policy DM8 of the development plan protects and seeks to maintain D1 use of properties in the Borough. Additionally the lease includes user restrictions which strictly prohibit other non D1 use.
(para 6.4) What compensation is required to sell for residential purposes on an unrestricted freehold basis? How would this materially affect the value?	The informal view of planning colleagues is that the site is unlikely to be suitable for residential development. However if the purchasers of the long lease later wanted to develop the site for an alternative use outside

	of D1 then they could only do so if the Council provides its explicit agreement to vary the user restriction – for which we would seek to extract the additional value..
How was the value of this site determined?	The value was determined by an independent valuer for restrictive use of the site as a community facility and within D1 use.
Agenda Item – 6.10a – Quarterly Budget Monitoring Report	
Questions	Response
<p>Housing Revenue Account (HRA) 4 has this sentence <i>The Council has agreed an arrangement with the GLA to extend the period over which these right to buy receipts can be held and applied</i> I thought the Treasury were responsible for RTB receipts and that after 3 years if not spent had to be automatically returned to the Treasury? Is this sentence correct? How long can the GLA extend the period?</p>	RTB receipts unspent by boroughs within 3 years are paid to Treasury. Treasury then transfer to the GLA. The GLA offer is to ring-fence them for the borough for a further 3 years.
<p>Annex 2 Proposed Feasibility Studies - Does not include any of the studies etc. requested in the GLA Isle of Dogs and South Poplar Opportunity Area Planning Framework. Will these be added later?</p>	The feasibility studies are to identify solutions to ensure best use of council-owned assets in the general fund.
<p>Annex 4 Housing Capital Programme Phase 2 New Schemes 2017-2024 Adds up to 288 new homes by March 2023 but the Tower Hamlets Strategic Plan 2018-21 item 6.1b says "We are well on our way to delivering 1,000 new council homes with a further 1,000 in the pipeline". But if the pipeline is only 288 is there not a disconnect already? Is there another pipeline of projects?</p>	The new build programme is only part of the programme for the delivery of 1,000 new council homes which includes purchase of s106 properties, buy-backs of former council homes and delivery of modular homes and conversion of former community buildings for temporary accommodation. A similar number of new homes are in the phase 3 pipeline for which the consultation process will start early next year. The first 351 new council homes in phase 1, approved last year, are included in the 1,000 homes

