

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.05 P.M. ON TUESDAY, 2 OCTOBER 2012

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

Members Present:

Councillor Ann Jackson (Chair)
Councillor Stephanie Eaton
Councillor Sirajul Islam
Councillor Rachael Saunders (Vice-Chair)
Councillor Helal Uddin

Councillor Peter Golds

Co-opted Members Present:

Canon Michael Ainsworth – (Church of England Diocese Representative)
Memory Kampiyawo – (Parent Governor Representative)

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Officers Present:

Ali Ahmed – (Third Sector Strategy Officer, Third Sector Team, Development & Renewal)
Nasim Ahmed – (Programme Manager Third Sector & External Funding, Development & Renewal)
Sarah Barr – (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)
Matthew Mannion – (Committee Services Manager, Democratic Services, Chief Executive's)
Chris Naylor – (Corporate Director Resources)
Louise Russell – (Service Head Corporate Strategy and Equalities, Chief Executive's)
Claire Symonds – (Service Head, Customer Access and ICT)
Angus Taylor – (Principal Committee Officer, Democratic Services, Chief Executive's)

COUNCILLOR ANN JACKSON (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Tim Archer (Scrutiny Lead Chief Executive's), for whom Councillor Peter Golds was deputising.
- Councillor Amy Whitelock (Scrutiny Lead Children Schools and Families).
- Reverend James Olanipekun (proposed co-opted member).
- Chris Holme, Service Head Resources, Development and Renewal Directorate for whom Nasim Ahmed, Programme Manager Third Sector & External Funding, Development and Renewal was deputising.

Noted

2. DECLARATIONS OF INTEREST

Councillor Helal Uddin declared an interest in Agenda item 6.2 "Voluntary and Community Sector Strategy Consultation Document". The declaration of interest was made on the basis that the report content related to the Voluntary and Community Sector and Councillor Uddin was employed by a voluntary organisation in the Borough.

Noted.

3. UNRESTRICTED MINUTES

The Chair, in referring to the minutes of the previous OSC meeting (September 2012) commented that she had not received any further information on the number of electoral fraud cases referred to the Police and their process for these, nor some of the other information requested. Recalling that 42 of 43 prosecutions brought by the Authority for elections in 2011/12 related to failure to return voter registration forms; details of the 43rd prosecution were again requested. Mr Galpin, Head of Legal Services – Community, to endeavour to provide this and any other information not yet provided.

The Chair **Moved** and it was:-

Resolved

That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee, held on 4th September 2012, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

Action by:

Angus Taylor, Principal Committee Officer

4. REQUESTS TO SUBMIT PETITIONS

There were no petitions.

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet on 5th September 2012 had been “called in”.

6. REPORTS FOR CONSIDERATION

6.1 Future Sourcing - Update on the First Six Months

Chris Naylor, Corporate Director Resources and Claire Symonds, Service Head Customer Access and ICT, gave a detailed Powerpoint presentation providing the OSC with a progress update on the first six months of the Future Sourcing contract with the Council's strategic partner Agilisys. The slides were also **Tabled**, a copy of which would be interleaved with the minutes.

Key points were highlighted as follows:

- The key objectives of the agreement with Agilisys in May 2012 and the principles underpinning the partnership.
- The priorities for and achievements during the 6 month transition period.
- Progress on projects and objectives for the next key step: Datacentre move.
- Outcome of customer satisfaction surveys.
- Update on the Mayor's priorities.
- A further iteration of the presentation to the OSC would follow in 6 months.

A discussion followed which focused on clarification/ assurance being sought and given on the following points:-

- The potential for technical and commercial failure on the part of Agilisys and safeguards in place to mitigate the risk to the Council in such an event.
- As to whether the Council was protected against fraud in the context of novation of ICT contracts to Agilisys and consequent devolvement of procurement.
- Performance against targets and the strength of monitoring arrangements in the initial months of the contract.
- In the context of Council staff transferring to Agilisys for the lifetime of the 7 year contract and the associated no compulsory redundancy guarantee, the arrangements in place to support those staff that were not successful in the move (promoted/ moved organisation).
- With reference to the principles of partnership, evidence of partnership working and Agilisys “not doing it to” the Council.

- Service improvement to be delivered through better data management and how this would be achieved.
- The target amount and gearing of savings to be achieved from the strategic partnership with Agilisys, how these were to be achieved and whether further savings were anticipated.

The Chair **Moved** and it was:-

Resolved

That the progress update made in the presentation be noted.

6.2 Voluntary and Community Sector Strategy Consultation

Tabled paper, a copy of which would be interleaved with the minutes: consultation events to be held in the community.

Nasim Ahmed, Programme Manager Third Sector & External Funding, introduced, and highlighted key points, in the report which informed the OSC of current work to refresh the Tower Hamlets Third Sector Strategy (2009-2011) and presented the initial draft of the resulting Voluntary and Community Sector (VCS) Strategy for consultation, prior to adoption by the Tower Hamlets Partnership. Ali Ahmed, Third Sector Strategy Officer, was also in attendance to answer questions from the OSC.

A comprehensive discussion followed which focused on the following points:-

- Consideration that an aim of the Strategy should be that each person in Tower Hamlets had equal access to services provided regardless of where they lived. Data in the Strategy [Appx 1/page 19] indicated where different VCS organisations were based, but mapping catchment for service provision would be more relevant: which people were being provided with services and where. Particularly as the map of VCS HQ's showed a skew to the west of the borough.
- Consideration also that the Strategy should aim to build capacity where there was need, and this required a mapping of need in the borough. Such capacity building would support the Strategy's objective of enhancing resilience and financial sustainability for the VCS. Clarification was sought and given as to the consideration given when developing the Strategy to linkage with the Mainstream Grants Programme in this context.
- Consideration that community organisations should define their own rules, set their own priorities and alliances and the emphasis on TH Partnership structures, and activist Community Champions in particular, was overly prescriptive and would not achieve the desired change. Ali Ahmed responded that the Strategy tried to use the mechanisms of the TH Partnership but gave an assurance that Council Officers would not dictate the agenda.

- Commented that the Council had devotedly developed a strategy defined by LAP areas to ensure that services were decentralised and provided on the doorstep. The Strategy should aim to ensure that established VCS organisations (VCSOs) operating in the LAPs with good track records of performance continued to be supported
- Commented that the importance placed on communication, transparency, impartiality and receptivity to the concerns of VCSOs would be key to the success of the Strategy.
- Clarification sought and given as to the consideration given to linkage between the VCS Strategy and the Council's Asset Management Strategy, in the context of VCSOs seeking premises to operate from.
- Consideration that given the impact of funding constraint on VCSOs the Strategy should make an assessment of the challenges and problems they faced and suggest ways to find solutions. VCSOs were multi-sized and therefore the issues they faced as a group were complex. How would the Strategy provide support to them across the piece?
- Commented that a number of VCSOs in Tower Hamlets were cutting edge, and the Strategy should aim to provide support for them to move to a national level and market their expertise with a view to raising income.
- Consideration that the Strategy's reference to forging stronger links with Canary Wharf was inappropriate, given the significant resources/ efforts it already made for the community. Nasim Ahmed responded that this was not a reference to Canary Wharf Limited, but to large corporate organisations based there. It was important to capture their good work under 1 umbrella but also ensuring that this delivered what the community wanted and not what the corporates thought it wanted. Discussion followed on the value of corporate days to assist the community, in which the positives and negatives were explored.
- Consideration that the geographical distribution of planned consultation events [tabled paper] was unequal, some venues were physically inaccessible (examples on the Isle of Dogs and North of Bow Road E3 given). Also the timing of events was not inclusive of all the community. Accordingly clarification sought and given as to the rationale and decision making for this.
- Comment that a number of different approaches to the VCS had been taken in the past which had not worked so it was essential this time to ensure the Strategy was a success; particularly in the context of reducing resources available to support the VCS and increasing demand for its services. Consideration that what was proposed did not appear significantly different to before, and accordingly clarification was sought and given as to the perceived differences in the Strategy/ approach. The Chair emphasised the importance of having a clear objective for the people of Tower Hamlets in mind when developing the Strategy: How could the community be linked to the Council, and what were the desired benefits for Tower Hamlets?
- Consideration that the activities of the VCS were complex and consideration must be given to partnership working to deliver these.

- Consideration that there was a clear linkage to the Enterprise Strategy and examining how to support local businesses. It was important to engage with the business community on this and the methodology used in the roll out of the “Business Connectors” initiative at Canary Wharf merited examination in developing the VCS Strategy.
- Clarification sought and given as whether registered providers had been consulted.
- Noted that consultation was ongoing to the end of November 2012.

The Chair **Moved** and it was:-

Resolved

1. That the contents of the report, and draft VCS Strategy attached at Appendix 1, be noted; and
2. That Officers be requested to take account of the OSC comments and suggestions to strengthen the VCS Strategy.

Action by:

Nasim Ahmed, Programme Manager Third Sector & External Funding
Chris Holme, Service Head Resources, Development and Renewal

6.3 Briefing note - Executive Arrangements

David Galpin, Head of Legal Services - Community, introduced, and highlighted key points, in the briefing note which:

- Informed the OSC of: new Government regulations for Executive Decisions (effective from 10 September 2012) which replaced existing Access to Information and other Executive Decision making requirements.
- Outlined the current understanding of changes in requirements/provisions and what actions were being taken by the Council to comply. Also highlighted that the interpretation of the regulations was currently the subject of a dialogue between stakeholders and the DCLG.

A discussion followed which focused on the following points:-

- Consideration that guidance on the regulations from the Secretary of State for CLG was clear: where there remained a good reason for confidentiality it would continue eg ongoing commercial negotiations or a need for individual anonymity, as with cases of children’s social care; and this was quite appropriate. The intended openness behind the new regulations was welcomed and an aspiration expressed that the new regulatory regime would end what appeared to some, based on the examples cited, to be a culture of secrecy at LBTH.

- Clarification sought and given as to why a revised copy of the Council's Constitution had not been circulated/ published subsequent to revisions made at full Council in January 2012.
- Consideration that the new requirements relating to a 28 day notice period for key decisions would still not work unless there was disciplined forward planning and adherence to the original determination on when such a decision should be made. This was felt not to be the case with the LBTH Forward Plan currently. Nor would the new requirements work if there remained a "get out clause" on grounds of urgency where the decision making was just late: there appeared to be many cases where the Executive delayed decisions and Scrutiny Members were then told the decision must be made immediately eg Mainstream Grant allocations. Consideration also that unfair pressure was placed on the OSC Chair to agree such matters needed urgent Cabinet consideration, and there was a case for the OSC to "push back" on such poor decision making.
- The Chair commented that she had raised the issue of a poor decision making process in relation to the Council's response to consultation on the Thames Tideway Tunnel. She had been informed the matter was urgent due to Thames Water not providing information on time but upon enquiry this was shown not to be the case. Such cases would now be a factor in her usage of new provisions to request further information/ documents; and if similar cases arose the ability to "sign off" on key decisions would be problematic, as she would need to scrutinise the justification for urgency more robustly.
- Commented that the new regulations to publish details of officer decision making looked overly bureaucratic.

The Chair **Moved** and it was:-

Resolved

That the contents of the report be noted.

6.4 Co-options to Overview and Scrutiny Committee and update on OSC Membership

Angus Taylor, Principal Committee Officer, briefly introduced the report and summarised the key points it contained.

The Chair advised that since the September OSC Councillor Fozol Miah had not contacted her about taking up the appointment as Scrutiny Lead Member for Communities Localities & Culture. Given the delay in setting up scrutiny working groups, she was prepared to defer consideration of the matter for a further month; however if members of the Respect Group were unable to take up the appointment by the date of the next OSC meeting, a general invitation for nominations would be made.

The Chair then **Moved** and it was: -

Resolved

1. That the current position in relation to the co-option of representatives in respect of education matters, as set out at paragraphs 3.1 to 3.5 of the report, be noted;
2. That the revised details associated with OSC membership, as set out at paragraphs 4.1 to 4.2 of the report, be noted;
3. That the further co-option of representatives in respect of education matters, as set out at paragraph 3.5 of the report, be agreed; and
4. That, subsequent to agreement of resolution 3 above, the final current membership of the OSC, as set out in Appendix 2 to the report, be noted.

Action by:

Angus Taylor, Principal Committee Officer

7. VERBAL UPDATES FROM SCRUTINY LEADS

Councillor Peter Golds reported that Councillor Tim Archer (Scrutiny Lead Chief Executive's) had commenced work on strands of a review which would include a paper on the role/ function of a Chief Executive in a local authority generally, but with particular focus on the Mayoral model of governance.

The Chair advised that there had been a delay in setting up scrutiny working groups and then **Moved**, and it was: -

Resolved

That the verbal update be noted.

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

No pre-decision questions submitted to Mayor in Cabinet [3 October 2012].

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

Sarah Barr advised that the places allocated to LBTH on the Centre for Public Scrutiny training session of 17 October at the LB of Westminster was slightly oversubscribed. The Chair proposed and it was agreed that on this occasion the places be taken by herself, Councillor Rachael Saunders and Ms Memory Kampiyawo.

Concern was expressed regarding the report “Mayor’s Strategic MainStream Grant Programme”, proposed for consideration by the Mayor in Cabinet the next day; and clarification sought and given as to whether the OSC Chair had given consent to this being considered, given it’s late circulation. It was noted that there was no Equality Impact Assessment of the proposals, no mapping of the geographical distribution of proposed grant/ services, no comparative information between grant received in 2012/12 and that proposed for 2013/14. The full Council had agreed an increase in the budget allocation for MSG but it appeared this was to be cut by £100,000 and organisations dealing with welfare benefit advice impacted, at a time when they were most needed given Government Welfare Reform.

10. 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.

11. EXEMPT/ CONFIDENTIAL MINUTES

Nil items.

12. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items.

13. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL CABINET PAPERS

Nil items.

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

Nil items.

The meeting ended at 9.20 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee

