

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 6.30 P.M. ON MONDAY, 16 DECEMBER 2019

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

Members Present:

Councillor James King (Chair)	
Councillor Sufia Alam (Vice-Chair)	(Scrutiny Lead for Children and Education)
Councillor Dipa Das	– (Scrutiny Lead for Housing & Regeneration)
Councillor Marc Francis	
Councillor Tarik Khan	– (Scrutiny Lead for Resources & Finance)
Councillor Bex White	– (Scrutiny Lead for Community Safety & Environment)
Councillor Andrew Wood	

Co-opted Members Present:

Halima Islam	– Co-optee
James Wilson	– Co-optee
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Other Councillors Present:

Councillor Asma Begum	- Deputy Mayor and Cabinet Member for Community Safety and Equalities
Councillor Amina Ali	- Cabinet Member for Adults, Health and Wellbeing
Councillor Danny Hassell	- Cabinet Member for Children, Schools and Young People
Councillor Candida Ronald	- Cabinet Member for Resources and the Voluntary Sector

Apologies:

Councillor Kahar Chowdhury	– Scrutiny Lead for Health & Adults
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Officers Present:

Kevin Bartle	– (Interim Divisional Director of Finance, Procurement and Audit)
Adam Boey	– (Senior Strategy & Policy Manager -

Sharon Godman	Corporate) – (Divisional Director, Strategy, Policy and Performance)
Debbie Jones	– (Corporate Director, Children and Culture)
Neville Murton	– Corporate Director of Resources
Denise Radley	– (Corporate Director, Health, Adults & Community)
Zoe Folley	– (Committee Officer, Governance)

The agenda order was changed to consider item 9, Verbal Updates from Scrutiny Leads and Item 8.1, Budget Scrutiny, as the first main items of business.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interest were received at the meeting.

Councillor Andrew Wood declared a Non - DPI in agenda item 6.7 of the Cabinet agenda regarding the Isle of Dogs Neighbourhood Plan-Validation of Submission. This was on the basis that Council Wood is a Member of the Isle of Dogs Neighbourhood Planning Forum.

2. UNRESTRICTED MINUTES

The Chair **Moved** and it was:

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 25 November 2019 were confirmed as a correct record and the Chair was authorised to sign them accordingly.

3. REQUESTS TO SUBMIT PETITIONS

Nil items

4. FORTHCOMING DECISIONS

Noted

5. UNRESTRICTED REPORTS 'CALLED IN'

Nil items

6. SCRUTINY SPOTLIGHT

6.1 Challenge Session Report - Working in genuine partnership with seldom-heard residents to make our communities safer

Councillor Bex White, (Scrutiny Lead for Environment and Community Safety) gave a presentation on the report and recommendations regarding engagement with hard to reach groups. Asma Begum, Deputy Mayor and Cabinet Member for Community Safety and Equalities) was also present.

Councillor White was pleased to report that the Challenge Session was well attended and followed a revised format. The session looked at a number of issues including: awareness of the TH Ward Panel meetings and the barriers to participation at these meetings. The sessions were resident led and had formulated 11 recommendations and it was aimed to deliver these within existing resources. There had been a late submission from the Toynbee Hall, and most of the survey findings agreed with the recommendations of the report.

Cllr Begum advised that there were two recommendations for the Council to carry out, relating to communications and publicity – and that work had already been undertaken in these areas, including Member seminars. The Executive accepted these recommendations and were committed to carrying them out. It was also noted that the Borough Commander for Tower Hamlets and Hackney is to attend the Overview and Scrutiny Committee meeting on 13 January 2020 and it was felt this invite should be extended to the SNB Chair for Tower Hamlets.

In response, a Committee Member expressed the view that the issues identified in the report remained a problem such as late notification of meetings. It was also felt that it was important to get a better understanding of what's happening at Ward Panel meetings, such as the frequency of meetings and who was attending, to review if they were realistically achieving their aims.

The Chair **Moved** and it was:

RESOLVED:

1. To note the report and agree the recommendations identified by the Scrutiny Lead for Environment and Community Safety within the report.

7. UNRESTRICTED REPORTS FOR CONSIDERATION

7.1 Budget Scrutiny

The Chair introduced this item and welcomed the participants to the meeting.

Children and Culture Directorate

Councillor Danny Hassell,(Cabinet Member for Children, Schools and Young People) and Debbie Jones (Corporate Director, Children and Culture) gave a presentation on the budget for 2019-20 for the directorate.

Councillor Hassell drew attention to the increasing levels of demand for children's services (in the context of government cuts) and the need for additional resources to continue the improvement journey' following Ofsted finding in respect of Children's Social Care. The over spend consisted of:

- Children's Social Care (£2.9 m)
- Special Educational Needs (£1.7 m)
- Youth and Commissioning (£1.5m)
- Children's Resources (£1.3m)
- Sport and Leisure (£0.6m)

Some of the key issues highlighted included: the rise in the number of complex placements, including mother and baby assessment; additional pressures on the Leaving Care Services following changes in legislation and new responsibilities for Unaccompanied Asylum Seekers amongst other issues.

To address the issues, a recovery plan had been put together to achieve further savings and efficiencies.

The activities highlighted included:

- Funding for additional social work posts to ensure case-loads remained low, and good quality decision making.
- Action to convert agency staff to permanent Social Work staff
- Preparation of a recovery plan for SEND services to reduce the historic overspend on the High Needs Funding Block.
- Submission to the Cabinet in February 2019 of measures to address the over spend in Contracted Services.
- The Committee were also advised that the Council had recruited newly qualified social workers to work alongside experienced staff with a focus on encouraging retention. The salaries were competitive
- The Committee sought clarification of the term 'right sizing the budget' for Children's Social Care' and ways of speeding up the recruitment of permanent social workers
- The Committee heard about the level of funding invested into the service in 2016/17, (the Ofsted Improvement Budget), and the funding

decisions thereafter to address the needs of the service and continue to deliver service improvements. This was what was meant by 'right sizing the budget'

In response to the presentation, the following points were raised and noted:

- The Committee asked further questions about the post Ofsted budget funding decisions, especially the decision to rebase the budget. The view was expressed that these decisions were not anticipated by the Committee. This was important given the impact it has had on the overall budget. In view of this, assurances were sought about the measures to ensure the overspend was effectively managed.
- The Committee were reminded of the continuing pressures on the service, as set out in the presentation. A detailed assessment had been carried out of the budget requirements, in light of these factors. It was also emphasised that the bench marking data showed that the Council fell below other London Borough's in terms of the number of agency staff.
- In view of the above, it was requested that further details be provided of the areas that needed more investment.
- The service would be bringing forward proposals on discretionary spending.

Health Adults and Community Directorate.

The Chair welcomed to the meeting Councillor Anima Ali, (Cabinet Member for Adults, Health and Wellbeing) and Denise Radley (Corporate Director, Health, Adults & Community).

Councillor Ali advised of the £4.1 m overspend at the end of the second quarter for this year and the pressures on the budget in Adults Social Care from the increased costs of care services and forecast costs in Direct Payments.

She assured the Committee that most of the savings identified for this year of £3.4 m were on track to be delivered (£2.6m at the end of quarter 2)

Progress continued to be made in addressing the 'red and amber rated' areas of slippage relating to:

- helping people with Learning Disabilities live independently (red)
- improving employment support for Adults with Disabilities (red)
- Day Opportunities provision (amber)

A recovery plan had also been prepared to mitigate the issues and identify further efficiencies.

The Committee sought assurances about the recovery plan and costs of home care compared to other Council's.

In response to questions, it was noted that the measures included:

- Adopting a 'strength and assets based approach', –with a focus on providing personalised services.
- potentially using ring- fenced Public Health Grant Funding to support Adults Social Care.
- Reducing the use of agency staff.
- Reviewing high-cost care packages.
- Reviewing benchmarking data for Adult Social Care with a view to reducing the costs of care in the Borough.

The Committee asked questions about the following issues:

- The high costs of the home care compared to other boroughs. It was noted that the Council was an Ethical Care Borough and had a high number of complex cases – this increased costs. The cost of in-borough care was an issue (as showed by benchmarking). This was due to the relatively low number of residents in private care in the Borough. It was expected that the new strength-based approach should help reduce the level of support needed and maximise independence.
- The Committee also asked questions about progress with promoting in Borough care for Adults with learning difficulties. It was noted that the reasons for this related to a lack of placements in the Borough and also issues arising from the transitions from children services and managing expectations. The Council were carrying out a lot of work around this and had made progress.
- Members sought clarity on the nature of the day care provision savings and progress with this. In response to these questions, Members noted details of the work to maximise day care opportunities within budget and the next steps in terms of the procurement process. The Committee asked for a breakdown of the day care savings opportunities to identify what had been achieved.

Medium Term Financial Strategy Savings (MTFS)

Councillor Candida Ronald, (Cabinet Member for Resources and the Voluntary Sector), along with Neville Murton (Corporate Director of Resources), and Kevin Bartle (Interim Divisional Director Finance, Procurement & Audit), gave a presentation on the delivery of MTFS savings

In particular they provided an overview of the MTFS process and the challenges around the process, especially in view of the uncertainties around the future government funding.

To improve the process, it was proposed to introduce a new more robust evidenced based challenge process to ensure savings were deliverable.

In response:

- The Committee asked about responsibility for ‘undeliverable savings’
- The Committee stressed the need to avoid such issues happening again and for proper scrutiny of the savings to ensure they were feasible, by if necessary, the Committee if they were delayed.
- It was noted that ultimately responsibility for slippages rested with the Corporate Directors and budget holders. Officers carried out a lot of testing of the proposals in assessing whether they are feasible. Nevertheless it was proposed to introduce the new challenge process, to ensure the savings identified could be delivered and the proposals were evidence based.
- In response to further questions, the Committee noted the possibility of greater shorter term planning due to the uncertainties over future government funding.
- It was also noted that the slippages had a significant impact on reserves, as it could potentially require drawing down money from earmarked reserves.
- A Member requested that the Committee receive the recommendations on last year’s budget before the 13 January 2020 Budget Scrutiny Committee meeting so Members could review progress.
- The Chair noted that the Committee, in scrutinising the budget, should look at demand, the way priorities were set and whether savings were deliverable.

8. VERBAL UPDATES FROM SCRUTINY LEADS

Cllr Alam, Scrutiny Lead for Children and Education, reported that the next meeting of the Scrutiny Sub-Committee would to be held on 17 December 2019. Items on the agenda included: a presentation on Youth Service Provision for Girls and Children’s Social Care Early Help. The Sub-Committee would also receive an update on the Victoria Park 1 O’clock club. Since the last OSC, she has had regular meetings with Divisional Directors and the Lead Members about budget issues.

Cllr Khan, Scrutiny Lead for Resources & Finance provided an update on the 27 November 2019 Challenge Session that looked at the issue of premises charges and the Community Benefit Rent Reduction Scheme. He intended to bring the recommendations to the Committee in January 2020.

Cllr White - Scrutiny Lead for Community Safety & Environment referred to the Challenge Session report considered earlier. In addition, she advised of her work with officers and the Lead Member in preparing for the budget and reminded the Committee about the Borough Commander’s attendance at the next Committee meeting.

Cllr Das, Scrutiny Lead for Housing & Regeneration advised that the Sub-Committee last met on 26 November 2019 at which the Sub-Committee looked at the Council’s emergency planning procedures, in light of the delays

in responding to a gas leak. The Sub-Committee also considered Area Based Delivery Plans with the Mayor and the London Living Wage. The next meeting in January will be looking at housing policy including, ways of increasing the delivery of housing and a high density living.

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 attached as appendices to these minutes.

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

The Committee noted information circulated to the Committee regarding the scrutiny of Key Decisions from the Council's Constitution. It was requested that Committee should further consideration to this.

11. 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.

12. EXEMPT/ CONFIDENTIAL MINUTES

No items.

13. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

No items

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

No items

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

No items

The meeting ended at 8.10 p.m.

Chair, Councillor James King
Overview & Scrutiny Committee

Item 6.1 Budget Consultation Outcome 2020-21	
Questions	Response
<p>1. Question A few years there was a discussion about a new strategy document about income generation and specifically whether we would buy assets to generate a return to re-invest into services. What happened to that strategy document?</p>	<p>There have been a number of relevant activities undertaken following an initial scope to develop an income generation strategy approach. In particular a detailed report was received from the Council’s strategic partner in 2017 identifying, from comparator information, the extent to which fees and charges could be reviewed and this has been shared with directorate leads and informed subsequent Fees and Charges reports. In addition a phase 2 report on developing an Income Generation Strategy was received in August 2019.</p> <p>These documents now form part of the discussions taking place through the Commercialisation Board which is chaired by a Corporate Director.</p> <p>However, the opportunities to generate income through the purchase of assets to generate a return is subject to further control following concerns from the government over Councils borrowing to invest in such schemes; these concerns also precipitated the recent increase in the rate of the PWLB which was designed to discourage such speculative activity.</p>

Item 6.2 Community Languages Service Review- Options Paper	
Questions	Response
<p>1. Question What languages are currently being taught in state schools in Tower Hamlets at primary and secondary school level?</p>	<p>From research the following languages are taught in secondary schools in Tower Hamlets; Arabic, Modern Greek, Persian, Chinese (Mandarin/Cantonese), Russian, Portuguese, Latin, Bengali, French, German, Italian, Spanish, Turkish, Urdu.</p> <p>We do not hold this information in relation to primary schools</p>
<p>2. Question What percentage of the population in Tower Hamlets speaks Arabic as their home or community language?</p>	<p>According to the 2011 census 0.6% of the population speak Arabic. This amounts to 1,386 people. This is the most recent data available.</p>
<p>3. Question Review of the Community Language Service: Option 3 is proposing to close the service; however it does not appear to be proposing to entirely defund it (the proposal mentions a £600k saving against its £645k budget). What will the residual £45k be used for?</p>	<p>The remaining funding will be used to support providers to obtain a quality mark for their classes, such as from the NRCSE (National Resource Centre for Supplementary Education) or other similar recognised quality accreditation for the voluntary sector.</p>
Item 6.3 Tower Hamlets Transport Strategy 2019-2041	
Questions	Response
<p>1. Question The report makes reference in Paragraph 3.7 to a higher rate of response to the online consultation from those who are already active/sustainable travellers, however it is not clear what is being implied by this?</p>	<p>The purpose of Paragraph 3.7 is to inform the reader of the differing samples, by main mode of travel between the online and residents phone surveys. As Appendix C states, the online survey's respondents are self-selected, although the phone surveys samples were chosen to be reflective of those in the borough.</p>

<p>2. Question Are we to take that their submissions are less representative and hence to be weighted down, or rather that their submissions potentially carry additional weight in they are from people who have already adopted the behaviours sought in the strategy? This should be clarified as it's important that we are transparent in how data is interpreted in consultations, particularly where support for Outcome 2 was lower (though still positive) than for our other outcomes.</p>	<p>No submissions in any of the surveys have been weighted up or down. As above, the phone surveys' results are regarded as more representative of the borough population.</p> <p>We received 1,200 responses to the online survey and acknowledge the significant interest in the issues and support for the strategy from the residents.</p>
<p>3. Question In the strategy document itself, on Page 43, mention is made of securing parking for carers. This section of the equalities impact form is left blank. Does the Council plan specific initiatives on parking for carers?</p>	<p>The reference to carers on Page 43 of the draft strategy that refers to the Council's Travel Assistance Policy and the Blue Badge Scheme which enables carers to transport disabled children and adults as well as older people with mobility needs through the provision of a direct payment or the Blue Badge Scheme.</p> <p>There are no separate plans for parking for carers other than through these existing schemes.</p> <p>The Council equalities impact form will be updated accordingly to reflect the impact on carers.</p>
<p>4. Newham Council in September 2019 released a document called the Lea River park area, proposed crossings and bridges. It shows 8 new bridges between Tower Hamlets and Newham across the Lea river I cannot find these mentioned anywhere in our Transport Strategy only the new South Dock Bridge Question Have we informed Newham Council that these bridges are not part of our transport strategy to 2041?</p>	<p>Officers are engaged with Newham Council on the proposed crossings connecting the two boroughs. Such detail will be taken forward in the appropriate planning documents including the East of Borough Area Action Plan.</p>

<p>5. Question Outcome 5 refers to replacing all diesel vehicles in the Council's fleet with electric, hybrid and cleaner vehicles. As part of its climate emergency declaration, the Council is committed to being a zero emissions organisation by 2025 - how is having hybrid vehicles (and 'cleaner' ones - a vague term that may include petrol or CNG) compatible with this objective?</p>	<p>The purpose of this measure is to commit the Council to procuring the cleanest vehicles available for the purpose they service over the lifetime of the strategy. The phrasing recognises that currently, zero tailpipe emission vehicles are not currently available for all vehicle classes involved in support Council operations.</p> <p>Other measures contained in the Transport Strategy such as Liveable Streets and tree planting will help to offset any residual greenhouse gas emissions from the Council's fleet to 2025. The Council will also maintain oversight of its goal to being a zero emissions organisation toward 2025</p>
<p>Item 7.1 Angela Court</p>	<p>Response</p>
<p>Following legal advice given to Mulberry Housing Society, it was not deemed to be on acceptable financial terms and an alternative funding arrangement has therefore been sought.</p>	
<p>1. Question: What were the unacceptable financial terms referred to?</p>	<p>The financial terms related to the price (premium and rent), a share of any surplus income and grant conditions.</p>
<p>2. Question: Are there are any other developments being considered by Mulberry currently?</p>	<p>The Council is in negotiations for the purchase of other section 106 schemes and consideration will be given to the role of Mulberry Housing Society (MHS) in relation to those schemes.</p>
<p>3. Question: What is the future of Mulberry Housing Society now?</p>	<p>Provision of affordable housing is one of the key priorities for the Council. Due to restrictions within the financial operating environment, the Council set up MHS in 2017 as a vehicle to deliver affordable homes via grants of Right to Buy receipts and via borrowing. Since then the</p>

	<p>Government has removed the borrowing cap and councils are able to borrow to fund the provision of affordable homes.</p> <p>This has the potential to affect the rationale for local authority housing vehicles set up before the restrictions were removed. They could be seen to be competing against council house building programmes and, given the austerity measures that councils are facing, there could be duplication of effort and wasted resources in managing and funding delivery vehicles alongside in-house provision.</p> <p>The role of housing companies in meeting housing need should be kept under review.</p>
<p>4. Question: Paragraph 6.7 says as the cost floor is lower than the discounted sale price, it is ignored and the sale must be at the discounted sale price (market value less RTB discount), preventing tenants obtaining the properties at significantly reduced prices”</p> <p>This is unclear; it is clear that after 3 years of occupation Right to Buy kicks in but can this section be made clearer please, what does significantly reduced prices mean?</p>	<p>The Right to Buy does apply to these properties. However, there was concern that as the Council had paid a reduced price for the accommodation (the cost floor) and if it were to then apply a RTB discount upon receipt of an application that this might mean that properties would be selling significantly below the normal discounted rate.</p> <p>Upon checking the rules potential purchasers will accrue discount in the same way as they usually do using a market valuation for the property rather than the cost floor.</p> <p>This point is included in the report for the avoidance of doubt.</p>

