

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 4 September 2007 at 7.30 p.m.

A G E N D A

VENUE

M71, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Marc Francis Vice-Chair: Councillor Alexander Heslop	
Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Peter Golds Councillor Ahmed Hussain Councillor Oliur Rahman Councillor Mohammed Abdus Salique Councillor Salim Ullah	Councillor Louise Alexander, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Shahed Ali, (Designated Deputy representing Councillors Ahmed Hussain and Oliur Rahman) Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Rania Khan, (Designated Deputy representing Councillor Ahmed Hussain) Councillor Abjol Miah, (Designated Deputy representing Councillor Ahmed Hussain) Councillor M. Mamun Rashid, (Designated Deputy representing Councillor Oliur Rahman) Councillor A A Sardar, (Designated Deputy representing Councillors Marc Francis, Alibor Choudhury, Alex Heslop, Mohammed Abdus Salique and Salim Ullah)

Councillor Bill Turner, (Designated Deputy representing Councillors Marc Francis, Alibor Choudhury, Alex heslop, Mohammed Abdus Salique and Salim Ullah)

[Note: The quorum for this body is 4 voting Members].

Co-opted Members:

- | | |
|-----------------|--|
| Mr D McLaughlin | – Roman Catholic Diocese of Westminster Representative |
| Mr H Mueenuddin | – Muslim Community Representative |

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Mark Redhead, Democratic Services, Tel: 020 7364 4877, E-mail: mark.redhead@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 4 September 2007

7.30 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 195 to 198 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Service Head, Democratic Services on behalf of the Monitoring Officer.

3. UNRESTRICTED MINUTES

1 - 10

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 31 July 2007.

4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting.

5. REQUESTS FOR DEPUTATIONS

To be notified at the meeting.

6. SECTION ONE REPORTS 'CALLED IN'

There were no Section One reports 'called in' from the meeting of Cabinet held on 1 August 2007.

7. SCRUTINY SPOTLIGHT: CLEANER, SAFER, GREENER

The Lead Member: Cleaner, Safer, Greener, Councillor Abdal Ullah; accompanied by Borough Commander, Jerry Savill; Andy Bamber, Service Head: Community Safety and Alex Cosgrave, Director of Environment and Culture; will report on the Council's strategy and implementation in this policy area, with particular focus on promoting recycling and addressing anti-social behaviour.

(Time allocated: 60 minutes)

8. SCRUTINY MANAGEMENT

8.1 VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated: 15 minutes).

9. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

(Time allocated: 15 minutes).

10. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

11. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the

following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

12. EXEMPT MINUTES

11 - 14

To confirm as a correct record of the proceedings the exempt minutes of the meeting of the Overview and Scrutiny Committee held on 31 July 2007.

13. SECTION TWO REPORTS 'CALLED IN'

There were no Section Two reports 'called in' from the meeting of Cabinet held on 1 August 2007.

14. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS

There are no papers going to Cabinet under Section Two.

15. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 31 JULY 2007

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Marc Francis (Chair)
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Peter Golds
Councillor Alexander Heslop
Councillor Ahmed Hussain
Councillor Mohammed Abdus Salique
Councillor Salim Ullah
Councillor Shahed Ali (In place of Councillor Oliur Rahman)

Other Councillors Present:

Co-opted Members Present:

Mr H Mueenuddin – Muslim Community Representative

Guests Present:

Councillor Joshua Peck – (Lead Member, Resources and Performance)

Officers Present:

Suki Binjal – (Interim Head of Non-Contentious Team, Legal Services)
Ian Brown – (Interim Service Head, Property Services)
Michael Carr – (Scrutiny Policy Officer)
Alan Finch – (Chief Finance Officer)
Afazul Hoque – (Acting Scrutiny Policy Manager)
Michael Keating – (Service Head, Scrutiny and Equalities)
Emma Peters – (Corporate Director, Development & Renewal)
Alan Steward – (Interim Service Head, Strategy and Performance)
Claire Symonds – (Service Head, Customer Access)
Mark Redhead – (Democratic Services)
John Williams – (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Oliur Rahman for whom Councillor Shahed Ali was deputising. Councillor Rahman attended for part of the meeting in order to present the call-in under agenda item 15.1.

Apologies were also received from Sara Williams, Assistant Chief Executive.

2. DECLARATIONS OF INTEREST

The following declaration of interest was made:

- Councillor Shahed Ali declared a personal interest in items 6.1 and 15.1 as the Former Bishop Challoner School site was in the ward he represented; he also lived in the ward.

3. UNRESTRICTED MINUTES

The Chair **MOVED** and it was

RESOLVED

That the Section 1 Minutes of the meeting of the Overview and Scrutiny Committee held on Tuesday, 3rd July, 2007 be confirmed as a correct record and the Chair be authorised to sign them accordingly.

4. REQUESTS TO SUBMIT PETITIONS

There were no requests to submit petitions.

5. REQUESTS FOR DEPUTATIONS

There were no requests for declarations.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 REPORT CALLED IN - Disposal of Former Bishop Challoner School Site – Christian Street and Adjoining Playing Fields

The Chair **MOVED** and it was

RESOLVED

That the discussion under this item would take place at the conclusion of the unrestricted session, in order to facilitate more coherent debate of both this item and item 15.1 (however, for ease of reference the deliberations of the Committee are set out below in the order detailed in the Agenda).

Councillor Peter Golds **MOVED** that the restricted business be re-designated as unrestricted as he felt that most of the information restricted was in the

public domain. The Legal Services Officer advised that this would be inappropriate as the item contained exempt information: the motion was duly withdrawn.

Councillor Shahed Ali wished it to be minuted that he was the only Councillor present from the affected ward.

The Chair advised Members that the scope of the unrestricted debate was to cover only the issue of the disposal of open space. Further clarification was later provided by Legal Services that the issue related to an s.123 notice and that debate should focus on the objections received regarding the disposal.

Councillor Stephanie Eaton for the call-in members outlined the unrestricted aspects of the call in. Members then debated the issue at some length, in particular questioning the adequacy of the consultation exercise carried out by the Council concerning the proposed configuration of the retained open space.

ADJOURNMENT

At 9.00pm the Chair adjourned the meeting.

At 9.17pm the meeting resumed consideration of the item.

Councillor Joshua Peck, Lead Member for Performance and Resources, accompanied by Ms Emma Peters, Corporate Director, Development and Renewal, responded to the points made. He confirmed that open space would be provided as early on in the re-development as was possible and that a map of the area had been made available for inspection in accordance with normal procedure. Further consultation would take place as part of the planning process.

There was extensive debate over the future of the football pitch, being part of the disposed land, with a strong feeling that a pitch of substantially comparable size should be retained. Members were advised that the proposed deal brought a wide range of benefits to the area, that the total amount of open space on the site would be the same size (if not configuration) as now, and that provision of a multi-use sports pitch facility was an integral part of the agreement.

Taking into account advice provided by Legal Services, Councillor Eaton withdrew the call-in under both this item, 6.1, and item 15.1, but hoped that it could inform the debate in section two of proceedings. Councillor Eaton requested that her comments made in respect of concerns about the adequacy of the consultation exercise; the clarity of questions posed in the consultation; and the inherent difficulties for the Committee in exercising scrutiny due to the complexity of this issue be minuted.

The Chair **MOVED** and it was

RESOLVED that

The alternative course of action proposed in the call in be considered in the discussion in section two.

7. SCRUTINY SPOTLIGHT: FINANCE AND RESOURCES

Councillor Joshua Peck, Lead Member for Performance and Resources, accompanied by Mr Alan Finch, Chief Financial Officer, were present for this item.

The Lead Member considered that Performance Management was very effective in Tower Hamlets; it was noted that the Council had achieved a 3* CPA rating and that further improvements were anticipated. It was reported that 2006-07 had seen improvements in 60% of Performance Indicators, measured against challenging targets.

Councillor Peck provided an overview of achievements in, for example, education, recycling, Council Tax collection and crime reduction. He stated the Administration's intent to implement more strategic procurement policies and make better use of Council assets to support the achievement of Council objectives.

Members were invited to pose questions to the Lead Member, which covered recycling contracts and section 106 agreements; the use of benchmarking by the Council; the obstacles preventing achievement of 4* status; crime and touting; and the impact of means-testing on home care provision.

The Lead Member responded to the points raised and together with Mr Finch undertook to respond in writing to some of the more detailed issues, for example in respect of recycling contracts and the impact of means testing. On benchmarking, it was reported that the Council used this widely as a means of performance management; Members were invited to write to Councillor Peck if they required detail of specific measures.

It was reported that a significant obstacle to achieving 4* status was the environment grading of 2, which required improvement. In respect of addressing crime, it was reported that a number of initiatives had been put in place including a good behaviour zone in Brick Lane, a safe school zone, and anti-social behaviour initiatives on a number of estates.

8. BUDGET AND POLICY FRAMEWORK

8.1 Financial Outlook and Review 2008/09 - 2010/11

Councillor Joshua Peck, Lead Member for Performance and Resources, and Mr Alan Finch, Chief Financial Officer, were also present for this item.

In presenting the report, the Lead Member highlighted that investment had been targeted on previously identified key priorities; that performance had

improved; and that the Borough had the fifth lowest Council Tax in London and that it was hoped to maintain and improve on this position.

Councillor Peck went on to report that the financial outlook for 2008-09 was more challenging than in previous years, noting in particular the rising cost pressures in social care provision, nursing and waste management. It was observed that while funding available was likely to increase by 1%, a strong focus on priorities and a more rigorous approach to making efficiency savings would be necessary. The meeting was informed that these issues would be reported to cabinet the following evening.

In responding to the presentation, Members congratulated the authors on preparing such a clear report. Questions were put regarding lobbying for additional funds for schools; how the outlined savings had been calculated; and how to ensure appropriate inclusion of voluntary sector partners in the budget setting process. In a further question concerning future support for Democratic Services, a case for maintaining levels of investment was put, for Councillors to continue to meet the representational needs of the Borough.

Councillor Peck responded, outlining that the lobbying mechanisms to be used in requesting additional funds would follow standard practice; that potential savings had been identified in consultation with Officers; and that inclusion of the third sector in budgetary planning was to be maintained and improved. The spend on Democratic Services was acknowledged as being comparatively high relative to other Boroughs, but it was felt it represented a good investment in terms of value for money.

The Committee's attention was drawn to the likely negative effects of government proposals to remove damping mechanisms in the Formula Grant Distribution, which if implemented would require the Council to find a further £3 million per year. The Committee felt strongly that these proposals should be resisted.

The Chair **MOVED** and it was

RESOLVED

That the Committee should submit comments to Cabinet on the report as detailed below:

- That the Committee supports the inclusion of third sector grants / service level agreements in the base budget for the purposes of calculating savings targets;
- The proposed removal of "damping" provisions to the Formula Grant should be resisted through strong lobbying;
- In respect of the future resourcing for Democratic Services, the Committee acknowledged that LBTH spend on these services was higher than some other boroughs but in view of the specific issues facing Tower Hamlets, the Committee felt that the Borough needs to continue providing the best possible support services for Councillors to

enable them to fulfil their dual responsibilities as Ward Councillors and Committee members;

- Overview and Scrutiny members looked forward to continued involvement in the Council budget setting process;
- That the Committee welcomed the assurance from the Lead Member on the involvement of the third sector and voluntary agencies in the budget consultation process.

9. PERFORMANCE MONITORING

9.1 Tower Hamlets Index Monitoring Report

Councillor Peck provided a status report on the Tower Hamlets Index. Achievement of objectives was strong, with 17 of the performance indicators being on track to meet their end of year target. Particularly strong performance had been recorded in providing residential care for older people (SP211). It was anticipated that there would need to be more ambitious targets set in future regarding employment and training (SP306-10), to reflect the priority given to this by the government and its view that local authorities should act as a key driver of job creation.

The Chair noted that there was a £5.1m operating surplus on the Housing Revenue Account and queried whether this was viewed favourably. Councillor Peck felt that it was positive in direction but accepted that there was a need to ensure that all available funds were applied to housing provision.

The Chair **MOVED** and it was

RESOLVED

That the report be noted.

9.2 Corporate Complaints and Social Care Annual Report

The report was introduced by Claire Symonds, Service Head of Customer Access. It was observed that the report was positive, showing a reduction in stage two complaints and improvements made to response times, as well as a reduction in complaints going to the Local Government Ombudsman.

Members posed a number of questions about the report, requesting clarification on various data, including parking, adult social care and housing subsidies.

Members queried what counted as a complaint, as Councillors felt that many residents' concerns were addressed informally without going to a formal process. In response it was reported that what constituted a complaint was defined, but it was also acknowledged that matters dealt with informally were harder to record and monitor.

Members highlighted the need for transparency in seeking feedback on Council services, both negative and positive.

The Chair requested that in future reports the figures on Housing complaints additionally be presented on a per capita basis, in order to reflect the ratio of complaints to Council-managed housing stock.

The Chair **MOVED** and it was

RESOLVED

That the report be noted.

10. SCRUTINY MANAGEMENT

10.1 Overview and Scrutiny Work Programme 2007/08

Mr Michael Keating, Head of Scrutiny and Equalities, introduced the work programme.

The Chair asked when the Cabinet Action Plans compiled in response to the previous year's scrutiny reports would be available. It was confirmed that the first action plan would be considered at October's Cabinet meeting.

The Chair **MOVED** and it was

RESOLVED

That the work programme be finalised by the Head of Scrutiny and Equalities after consultation with the Chair.

11. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

The Chair **MOVED** and it was

RESOLVED

That the following questions be submitted to Cabinet for consideration:

Agenda Item 7.1 – Award for Contract for Taxi, Coach and Minibus Provision for Children with Special Educational Needs and Adults with Care Plan (CAB 037/078)

Can the Cabinet confirm if the award of the contract was based on a submission of facts and figures on user numbers and the average cost for each client? Also will Clients be asked to make a small contribution to this?

Can the Cabinet seek assurance from the successful contractors that their staff are qualified to work with vulnerable people?

Agenda Item 8.2 - Blackwell Reach Regeneration Project – Draft Development Framework (CAB 039/078)

What is the condition of the council rented homes in Anderson House, Makrow Walk and Woolmore Street, and what is the cost of bringing those properties up to the Decent Homes Standard?

Can the Cabinet provide a copy of the stock condition survey detailing the works needed on Robin Hood Gardens and the individual cost of each element?

Where the flats in Robin Hood Gardens built to Parker Morris standards, and if any of the replacement social housing would be likely to achieve the same standards?

Can the Cabinet provide a map showing which parts of Blackwall reach are owned by (a) LBTH, (b) English Partnerships and (c) private ownership?

Which hotel group LBTH and English Partnerships have had discussions with regarding the viability of a hotel on the Blackwall Reach site?

What research LBTH has on the number of local residents employed at hotels south of Aspen Way and elsewhere on the Isle of Dogs?

Agenda Item 8.3 – Priorities and Arrangements for Mainstream Grants 2008/09 (CAB 040/078)

Can the Cabinet provide a detailed breakdown by (a) organisation and (b) LAP area of the Mainstream Grants Budget in 2006/07, the projected outturn in 2007/08, and of the funding already committed for 2008/09?

In paragraph 5.6, why does the proposed change in funding period necessitate a commitment at this stage of £400,000 for 2009/10?

Agenda Item 11.1 – Local Priorities Capital Programme 2007/08 (CAB 043/078)

Can the Cabinet provide a detailed breakdown of the source of all capital receipts since May 2002?

What financial advantage LBTH obtains by allowing capital receipts on asset disposals to be phased over more than one financial year?

12. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS CONSIDERED TO BE URGENT

There was no urgent business considered.

13. EXCLUSION OF THE PRESS AND PUBLIC

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

RESOLVED

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

SUMMARY OF EXEMPT PROCEEDINGS

14. RESTRICTED MINUTES

The Chair **MOVED** and it was

RESOLVED

That subject to the following amendments, the Section 2 restricted minutes of the meeting of the Overview and Scrutiny Committee held on Tuesday, 3 July, 2007 be confirmed as a correct record and the Chair be authorised to sign them accordingly:-

Councillor Shahed Ali requested that it be noted that he was the sole Councillor from his ward present at the 3 July meeting.

15. SECTION TWO REPORTS 'CALLED IN'

15.1 REPORT CALLED IN - Disposal of Former Bishop Challoner School Site – Christian Street and Adjoining Playing Fields

Councillor Oliur Rahman for the call-in members outlined the detail of the second call-in.

There followed extensive debate amongst members. Councillor Josh Peck, Lead Member for Performance and Resources, responded to the points made.

In summarising the discussions and suggesting ways forward, the Chair felt that the Cabinet could have benefited from considering more information in coming to its decision.

The Chair **MOVED** and it was

RESOLVED

That the meeting be extended under rule 9 of the Council's procedure rules.

The Chair proposed to refer the issue back to Cabinet with a new recommended alternative course of action which reflected the outcome of the discussions held.

RESOLVED

That the issue be referred back to Cabinet for its further consideration together with the new recommended alternative course of action agreed by the Overview and Scrutiny Committee.

16. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS

There were no Section Two reports to consider.

17. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS CONSIDERED URGENT

There was no other Section Two business considered urgent.

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