

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 6 November 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 T Bennett	– Church of England London Diocese Representative
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: John Williams, Democratic Services, Tel: 020 7364 4205, E-mail: JohnS.williams@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 6 November 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 - 14
	To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 2 October 2007.	
4.	REQUESTS TO SUBMIT PETITIONS	
	To be notified at the meeting.	
5.	REQUESTS FOR DEPUTATIONS	
	To be advised at the meeting.	
6.	SECTION ONE REPORTS 'CALLED IN'	
6 .1	Housing Investment Strategy – Establishment of Tower Hamlets Homes	15 - 30
	Please note that in order to save on printing costs, the appendices to the Cabinet report have been circulated to Members on CD rather than with the agenda. The appendices can also be emailed if requested. If you would like a paper copy of the documentation, please contact the clerk.	
	(Time allocated: 30 minutes).	
6 .2	Residential Care for Older People in Tower Hamlets	31 - 40
	(Time allocated: 30 minutes).	
7.	SCRUTINY SPOTLIGHT: DEPUTY LEADER	
	The Deputy Leader of the Council, Councillor Sirajul Islam, will attend to report on his portfolio.	
	(Time allocated: 30 minutes).	
8.	PERFORMANCE MANAGEMENT	
8 .1	Complaints - six month report	41 - 64
	(Time allocated: 15 minutes).	
9.	BUDGET AND POLICY FRAMEWORK	
9 .1	Licensing Authority Policy Statement	65 - 142
	(Time allocated: 10 minutes).	

9 .2 Community Plan Refresh

143 - 148

(Time allocated: 10 minutes).

10. SCRUTINY MONITORING AND MANAGEMENT

10 .1 Appointment to the London-wide Joint Overview and Scrutiny Committee

Report to follow.

(Time allocated: 5 minutes).

10 .2 Overview and Scrutiny Tracking Report

149 - 172

(Time allocated: 10 minutes).

10 .3 Verbal updates from Scrutiny Leads

(Time allocated: 5 minutes each).

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

(Time allocated: 15 minutes).

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

13. 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.

14. SECTION TWO REPORTS 'CALLED IN'

There were no Section Two reports 'called in' from the meeting of Cabinet held on 3 October 2007.

15. **PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS**
16. **ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT**

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.30 P.M. ON TUESDAY, 2 OCTOBER 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 Alexander Heslop (Vice-Chair)
Councillor Ahmed Hussain
Councillor Salim Ullah

Other Councillors Present:

Councillor Denise Jones
Councillor Joshua Peck
Councillor Abdal Ullah

Co-opted Members Present:

Mr Terry Bennett – Church of England Diocese Representative

Guests Present:

Mr Hugh Barnard and Mr Andrew Coles – Tower Hamlets Leaseholders Association

Officers Present:

Suki Binjal – (Legal Services)
Alex Cosgrave – (Corporate Director, Environment and Culture)
Afazul Hoque – (Acting Scrutiny Policy Manager, Scrutiny and Equalities)
Jebin Syeda – Scrutiny Policy Officer
Michael Keating – (Service Head, Scrutiny & Equalities)
Maureen McEleney – (Director of Housing Management)
Beverley McKenzie – (Members Support Manager, Democratic Services)
Emma Peters – (Corporate Director, Development and Renewal)
Sara Williams – (Assistant Chief Executive)
Shanara Matin – Scrutiny Policy Officer
Mark Redhead – (Democratic Services)

1. MEMBERSHIP

The Chair welcomed Mr Terry Bennett to the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Golds, Salique, Rahman, and Bawden (due to attend for the scrutiny spotlight).

3. DECLARATIONS OF INTEREST

Ms Sara Williams reported on the extant interpretation of the new Members' Code of Conduct, which meant that all Cabinet members in attendance at Overview and Scrutiny Committee meetings were deemed to have a prejudicial interest when Cabinet business was being discussed. As such, Cabinet Members could attend the meeting to present to the Committee and answer questions, but were required to be excluded during the discussion and decision-making process undertaken by the Committee.

There was a general feeling amongst Members that while this interpretation might be in line with the written requirements of the Code, it was disappointing that Cabinet Members could not be present at least during the Committee's discussions, as a means of promoting a greater understanding by Cabinet of the Committee's views and perspectives. It was hoped that advice could be sought which might facilitate a more enlightened approach to the scrutiny process. Officers present undertook to investigate potential solutions to the concerns expressed by Members.

Councillor Alexander Heslop declared a personal interest in item 6.1, a deputation led by Mr Hugh Barnard from the Tower Hamlets Leaseholders Association, which concerned Cabinet agenda item 10.1 – "Leaseholders and Customer Care – Responses to Recommendations of the Scrutiny Working Group", on the grounds that he was a leaseholder in Tower Hamlets.

4. UNRESTRICTED MINUTES

The Minutes of the Meeting held on 4 September 2007 were confirmed as a true and accurate record.

5. REQUESTS TO SUBMIT PETITIONS

There were no requests to submit petitions.

6. REQUESTS FOR DEPUTATIONS

6.1 Deputation from Mr Hugh Barnard in respect of agenda item 11 (pre-decision scrutiny of Section One Cabinet Papers)

The Committee received a deputation led by Mr Hugh Barnard from the Tower Hamlets Leaseholders Association, which concerned Cabinet agenda item 10.1 – “Leaseholders and Customer Care – Responses to Recommendations of the Scrutiny Working Group”.

Mr Barnard provided a brief background paper on the issues raised by the deputation, which was tabled; the deputation focussed on areas where they wished to see further action taken by the Council. After presenting the deputation, Councillors asked several questions of Mr Barnard and also Mr Andrew Coles, who was in attendance.

In response to questioning, deputation members confirmed that they had been content with the scrutiny working group’s terms of reference but felt that the recommendations did not go far enough in respect of responding to leaseholder concerns.

The Chair reminded those present that the report of the Scrutiny Working Group had been presented to Overview and Scrutiny and that a response by way of an action plan was on the Cabinet agenda for the following evening. He reassured the deputation that the Committee would continue to monitor, and act in response to, the Cabinet’s activities in this broad area, and deliver accountability.

The deputation expressed disappointment that the Scrutiny Working Group had not recommended a re-introduction of the capping of major works charges; Committee members requested clarification, asking whether the deputation would prefer the Council to fund a subsidy from the Housing Revenue Account, or alternatively seek central government subsidy for this purpose. The deputation was concerned that the problems faced by leaseholders as a result of the removal of capping were being ignored; it was suggested that a direct approach to Ministers would be a possible way forward as a similar approach had been successful ten years previously and that the HRA be used as a source of funding for a cap.

There was extensive discussion concerning management charges; and the model used to deconstruct such charges. Furthermore, the delegation felt that rather than use the Leasehold Valuation Tribunal, the Council should seek increased direct involvement of stakeholders in the decision-making process.

The Chair thanked the delegation for attending the meeting and reassured its members that the Scrutiny Working Group report was a starting point rather than an end point.

7. SECTION ONE REPORTS 'CALLED IN'

7.1 Call in: Waste Disposal Contract - The Way Forward (Cabinet Report 045/078)

The Chair invited the Assistant Chief Executive, Sara Williams, to outline the process to be followed for the call-in.

Councillor Stephanie Eaton temporarily stood down as a Member of the Committee in order to present the call-in to the meeting. In introducing the issue, Councillor Eaton highlighted that a key concern prompting the call-in was the proposal that waste be sent to landfill, considered to be the least desirable option for disposal. Councillor Eaton welcomed the Officer's written response which had outlined the rationale for pursuing the proposed course of action and which had indicated openness to alternatives. She went on to report that she had made some initial inquiries of relevant stakeholders and was confident that an alternative to landfill could be found. It was felt that there was a lack of joined-up thinking around the matter.

Committee members put a number of questions to Councillor Eaton concerning the use of Fish Island; querying the suggestion that EU procurement rules be circumvented; and in respect of seeking alternative disposal options outside the Borough.

The Lead Member, Cleaner, Safer Greener, Councillor Abdal Ullah, accompanied by the Corporate Director, Environment and Culture, Alex Cosgrave, responded to the presentation, confirming that it was presently not possible for the Council to join the East London Waste Authority (ELWA) or to pass Tower Hamlets waste to ELWA for disposal; primary legislation being needed to amend this restriction.

Councillor Ullah agreed that the Council's first priority was to minimise waste and stated that he shared Councillor Eaton's view that landfill is the least preferred option for disposal. He reported that the Council was in discussions about a new waste management facility with a range of stakeholders. Alex Cosgrave addressed some of the technical issues raised, re-iterating that the Council could not legally pass its waste to ELWA at present. She reported that it might be possible to contract with Shanks Group plc, and that this had been investigated, but that there was no guarantee that there would be sufficient capacity available. It was confirmed that the Council was obliged to designate a waste site within the Borough, on conclusion of due planning process.

Committee members then asked a number of questions of the Lead Member and Ms Cosgrave, concerning using a combination of technologies for waste management on Fish Island; the reasons for a potentially delayed decision leading to a restriction of disposal options; and whether primary legislation lifting a restriction on collaboration with ELWA was likely. Responses were provided, confirming that a number of technologies for waste disposal were being investigated, stating that several disposal sites were going to become unavailable for use in the short term and outlining that long term solutions continued to be investigated as primary legislation was unlikely at the present time.

In discussion, Committee members felt that the decisions had been thoroughly investigated, and agreed that there was no viable alternative to the course being pursued by Cabinet.

RESOLVED

That the alternative course of action proposed in the call-in would not be pursued and no referral would be made to Cabinet.

8. SCRUTINY SPOTLIGHT: DEVELOPMENT AND HOUSING

Councillor Rupert Bawden, Lead Member for Development and Housing had tendered apologies for this meeting.

In Councillor Bawden's absence, Emma Peters, Corporate Director, Development and Renewal and Maureen McEleney, Director of Housing Management, provided the Committee with an overview of their respective work programmes. In support of their verbal reports, two papers were tabled which provided further detail of the issues under consideration – "D&R and Housing Performance Report" and a document outlining present challenges.

Ms Peters reported that Place-Making and Place-Shaping were key to the current agenda and that the private sector was taking an increased role in place-shaping. In respect of providing more affordable homes, Ms Peters reported that more family homes were being brought forward alongside innovative proposals for low cost housing, which had helped improve the trajectory towards meeting housing targets.

Ms Peters went on to report on the transport initiatives impacting on the Borough, including Crossrail; the development of a new Blackwall Reach DLR station so that it was carbon neutral; and talks taking place on a possible tram network in the area.

Ms McEleney expanded on points made in respect of housing. She reported that overcrowding remained a key issue and that a wide range of initiatives were being pursued to help address this. New supply was providing small dwellings to assist those on the waiting list as well as family homes. Turning to the wider strategic agenda, the Committee was informed that the Council was seeking to respond to the issues set out in the Hills Report and taking part in discussions on the Mayor of London's draft housing strategy, which aimed to progress pan-London access to housing.

Achieving 2* status was considered a key priority and a number of performance indicators were showing progress but much more needs to be done; Value for Money was also a consideration. It was also re-iterated that the financial stake in estates held by leaseholders was recognised and that the involvement of tenants and leaseholders in delivering services was crucial.

Councillors put a range of questions to Officers. These included the Lead Member's role in shaping Council policies; monitoring of the proposed ALMO's performance and the timescale for recruitment of a Chief Executive for the ALMO in relation to Audit Commission reviews; the Ocean estate; the route of the proposed tram network; strategies to improve attainment of social housing targets; community participation in decision-making; access to social housing on the basis of waiting time; the importance of offering residents housing near the schools attended by their children and the Housing Revenue Account balances.

The responses provided commended the Lead Member for his diligence and his commitment to understanding and impacting on a fast-moving and complex policy area; reported that the appointment of a Chief Executive for the ALMO would be a matter for the Council and the Shadow Board of Tower Hamlets Homes; informed the Committee that a report on the Ocean estate was to go to Cabinet in early 2008; undertook to provide a copy of the proposed tram route to members; suggested that improved attainment of targets would be met through a strengthened negotiating position and by co-operating with the Mayor of London on social housing programmes; and reported that community involvement has been strengthened through front-loading the consultation processes inherent in the master-plans. It was also confirmed that waiting time alone was not a sufficient criterion to determine access to housing under the current legislation; that the choice based lettings system meant that proximity to schools was a measure that residents would take into account when bidding for properties; and the current standing of the HRA balances were discussed.

Further questions were posed on average re-let times and the relative position of the Council in relation to other Boroughs on this measure; the current obstacles to the Council achieving 2* status; progress towards the target of 80% of affordable housing being social housing; achieving higher availability of social rented housing through private suppliers and methods of private sector benchmarking. In addition a number of questions were raised on leasehold issues including the £10,000 cap.

In response it was reported that the Council's average re-let time was currently in the middle of the range of values for London Boroughs; that a gap analysis had been carried out to facilitate the achievement of 2* status, which would also be assisted by the forthcoming mock inspection; that the Council was aiming for as many family-sized units of social housing as possible within the overall stock, including new supply and re-supply; that the expansion of social rented housing and estate renewal was being researched and that the "Red Book" was one of the means by which the Council was kept informed of developments in the private sector. It was also reported that the Council did operate a cap on leaseholder major works charges for those in financial hardship but that there was not a blanket cap.

9. PERFORMANCE MANAGEMENT

9.1 Tower Hamlets Index

Councillor Joshua Peck, Lead Member for Resources and Performance, attended to introduce an update on the achievement of Tower Hamlets Index Performance Indicators (PIs).

Councillor Peck highlighted the increased number of PIs that were designated “green” under the traffic light system, as compared with last year. He also wished to draw the Committee’s attention to the 25% drop in the number of 16-18 year olds not in education, employment or training from the previous year’s figures.

Councillors commented on the report. It was noted that a joined up approach was required to tackle the issue of graduate unemployment in the Borough. In response Councillor Peck recognised under-performance on this measure, but in mitigation stressed that the Borough remained in the top quartile relative to other Boroughs and additionally this under-performance was a consequence of the stretching targets that had been set in recognition of the issue’s importance.

Mr Terry Bennett requested clarification on the number of unauthorised absences from school, SP 405a and SP405b, as it was felt that much of this could be attributed to the taking of extended holidays. He asked whether the data gathered could identify this phenomenon and provide a further level of drilled data on this matter. Councillor Peck agreed to write with clarification on this point.

9.2 Members Enquiries

The Assistant Chief Executive, Sara Williams, accompanied by Beverley McKenzie, Members Support Manager, introduced the report and answered Committee Members’ questions. Ms Williams highlighted in particular the modified and improved performance indicator for closing queries; and the report on the progress of service improvement work, which was not progressing as quickly as had been hoped due to IT issues, the trajectory was positive.

Members asked about the casework management software that was being used presently and requested an update on when a new package would be implemented. Questions were also posed about RSL queries taking variable amounts of time to be completed: it was asked whether all RSLs had now signed up to the members’ enquiries protocol.

In response it was reported that the use of the new software packages by other Councils was being monitored. Ms McKenzie agreed to circulate data on the RSL performance in responding to Members’ Enquiries.

Councillor Heslop asked what the difference was between enquiries and complaints. It was confirmed that for an enquiry to be logged as a complaint,

the person complaining was required to complain directly about the Council service received.

Questions were also asked about acknowledgements, standard formatting of responses and any potential links being made with the PCT.

10. SCRUTINY MANAGEMENT

10.1 Verbal updates from Scrutiny Leads

Councillor Alibor Choudhury (Creating and Sharing Prosperity), reported that he had met with stakeholders and had determined that the review would focus on evaluation of the Neighbourhood Renewal Fund, how it is used to deliver local priorities and any lessons that could be learned. It was hoped that a scoping document could be made available to the next meeting.

Councillor Alexander Heslop (Living Well), reported on his review of choice-based letting, informing the Committee that seven meetings had been scheduled to begin in mid-October, focussing on medical assessments and also the needs of the elderly and disabled.

Councillor Stephanie Eaton (Chair of Health Scrutiny Panel), reported that her work would focus on tobacco cessation. She had prepared a written briefing which she asked to be circulated to members.

Councillor Ahmed Hussain (Learning, Achievement and Leisure) reported that there was nothing further to report since the last meeting and that work was to commence in short course.

Councillor Salim Ullah (Living Safely) had provided the Chair with a brief written report on Anti-Social Behaviour being the focus of the review; a draft scoping report had been prepared and meeting dates would be reported to the next meeting of the Committee.

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

The Committee considered thoroughly the proposed questions to submit to Cabinet and agreed that the following should be referred:

Agenda Item 6.1 – Revisions to Environment & Culture Directorate Capital Programme 2007/2008 (CAB 056/078)

1. What were the planning applications from which section 106 monies have been taken to fund the construction of the bridge between Meath Gardens and Mile End Park?

2. What consultation has been undertaken so far with local residents about the desirability of a bridge between Meath Gardens and Mile End Park?
3. What financial contribution is the Thames Gateway London Partnership expected to make to the cost of the Cambridge Heath station access project?
4. What will happen if the funding from Suttons Wharf North is delayed or is not forthcoming? What degree of delay would mean that the Council's own contribution is at risk of needing to be increased? Is this project affected by delays in the capital receipts for the Local Priorities Programme being achieved?

Agenda Item 7.1 – Housing Investment Strategy – Establishment of Tower Hamlets Homes (CAB 057/078)

1. What is the total number of residents surveyed (Para 5.2.7)? Can the script of questions asked and supporting information be provided to members?
2. If the consultation ratio figures are true and accurate in point 5.2.8 of this document; then what is stopping the council engaging in a full debate and ballot procedure as requested by residents of these estates.
3. Will the Cabinet consider amendments to the Management Agreement to ensure that the Council reinstate / revert full control and retain all services & assets to the Council if there is a failure by the ALMO and also if the ALMO fails to gain 2 stars through its inspection ratings then the council will terminate its contract and retain full control of the assets and services.
4. Has any consideration been given to the recruitment of the CEO of Tower Hamlets Homes? Can we ensure the post is advertised widely to attract candidates from other areas including BME communities? In anticipation of the Audit Commission Inspection in November 2008, can the post of CEO be recruited to ASAP to ensure whoever gets the post has enough time to make necessary changes resulting from the Mock Inspection that is due to take place in March 2008?
5. What contingency plans are in place, should the Audit Commission Inspection in November 2008 not result in at least a 2 star rating?
6. How many members have been appointed to the shadow Board of Tower Hamlets Homes, what is the length of term of members and when will these appointments be completed? Would LBTH or the THH Board determine the method of selection of future Board members?
7. When does Housing Services expect to be notified of DCLG's decision on its section 27 application to transfer the management of LBTH homes to Tower Hamlets Homes?

8. Given that the ALMO is essentially a separate business, why is there uncertainty over the arrangements by which the Council will support the ALMO with infrastructure such as accommodation and equipment? When will the decision be taken about whether to grant/sublet/assign a lease to the ALMO for the use of Jack Dash House or other premises? When the decision is taken to grant, sublet or lease accommodation, IT equipment and furniture to the ALMO, will this be on commercial terms? If not, will a reduction in the management fee be negotiated to reflect the commercial advantage such a benefit will provide?
9. What will be the staffing capacity of the Client Team within LBTH, who will be responsible for monitoring the ALMO? Is there an organisational chart for the Client Team and the Staff of Tower Hamlets Homes?

Agenda Item 7.2 – Residential Care for Older People within Tower Hamlets: Proposed Commissioning arrangements at Pat Shaw House and Peter Shore Court (CAB 058/078)

1. According to the officers' calculation we only placed 39 people in residential homes during the financial year 2006/07, then why do we need to block contract 69 beds? Will the Cabinet consider the following:
2. Can the Cabinet outline the methodology used to assess future demand and advise about the impact of the changes to the Local Government funding formula?
3. Given the high level of out of borough placements, it seems counter-intuitive that we also have a high level of voids. Please explain and also confirm how many void beds in LBTH are made available to non-LBTH residents? Are out of borough placements more expensive than in borough placements? Why has a review of out of Borough placements not been undertaken since March 2005?

Agenda Item 8.1 – Rich Mix Cultural Centre (CAB 059/078)

1. According to the report the Rich Mix Cultural Foundation now owns the freehold of the property. Could RMCF fund itself without the council support and with the new proposed agreement can the Council cease paying the £100K a year till 2009?
2. According to 6.2 of the report the Council's £3.6M is protected by a legal charge and debentures on the centre's total assets; if all fails (according to 5.4.1 of the document) the Council can recover this money. But according to the new proposed agreement what are the chances for the Council to lose the £3.6M in the future and is the London Development Agency's proposed amendments to the inter-creditor agreement also likely to result in LBTH being unlikely to recoup its £3.6 million investment in the event of Rich Mix being wound up?

3. Given the centre's financial crisis can further information be provided about:
 - How far below projection has the footfall of Rich Mix been for the first six months;
 - Estimated cost of LBTH officer time in relation to the involvement with the Rich Mix Cultural Centre
 - How many people were required to attend to ensure that the successful Kidzone and Winter's Tales events were financially viable?
 - Will they consider down sizing their highest-paid 5% of employees?
 - Including Council's contribution how much revenue support is being provided to Rich Mix annually to 2009
4. If the extra £1.4 million funding is secured from the LDA, when is it likely that the capital fit-out will be completed?

Agenda Item 9.1 – Manorfield Primary School – Proposed Expansion (CAB 060/078)

1. Can the officers give the Cabinet more robust figures to make a better decision i.e "X" amount of pupil would require "Y" amount of play area; this will help better understand consistency and adequacy and what is the gross and net loss of playing space for the school if the proposals are implemented?
2. Are the building works subject to planning approval and would the new design and build attract and allow the local communities to use the facility at its maximum especially after hours and on weekends?
3. What type of proposed management arrangements will be put in place to manage the use of the place space when the increase in student numbers is implemented in every year group?
4. Does the Cabinet feel that the decision to expand Manorfield School with resultant loss of playing space has been taken on the basis that it is more cost-effective to expand this school (and regrettably reduce the amenities) than to build a new school?

Agenda Item 10.1 – Leaseholders and Customer Care – Responses to the Recommendations of Scrutiny Working Group (CAB 061/ 078)

1. Recommendation 1 of the report suggests using "existing mechanisms" to scrutinise leaseholder issues, including the Borough Wide Compact group. Is the Cabinet aware that this body was recently, unexpectedly and without notice to the members, disbanded?
2. Recommendation 4 - What is the timetable for estate inspections for the remainder of 2007/08?

3. Recommendation 7 - Why has Housing Services decided against sending leaseholders and tenants copies of the caretaking and horticultural maintenance schedules for their blocks and instead rely on the provision of this on making this information available at Local Housing Offices and on the LBTH website?
4. Recommendation 8 - What is the timetable for leaseholder open days for the remainder of 2007/08?

Agenda Item 10.3 – Treasury Management Outturn Report 2006/07 (CAB 064/078)

The interest rate on the Council's external borrowing seems high at 7.95%. Can the Cabinet outline the effect that restructuring the debt would have on the Housing Revenue Account and the proposals for reducing the cost of borrowing? There seems to be a slight inconsistency in that the report says at 8.5 there is limited scope to alter historic rates of debt, but 8.13 suggests there are some options available, please explain?

Agenda Item 10.4 – Local Government Funding Formula Changes – Consultation (CAB 064/078)

If our population is falling surely it is not unreasonable to reduce funding. What are we trying to argue in Appendix A, 1.7 bullet point 3?

It was agreed that the Chair would ask for the Committee's questions to Cabinet to be recorded in the Cabinet Minutes.

It was **MOVED** and duly

RESOLVED that

The appropriate authorities would be requested to commence Cabinet meetings at 6.00pm rather than 5.30pm, to enable attendance of more non-member Councillors.

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

There was no business under this item.

13. EXCLUSION OF THE PRESS AND PUBLIC

There was no business under this item.

14. SECTION TWO REPORTS 'CALLED IN'

There was no business under this item.

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

There was no business under this item.

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

There was no business under this item.

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Agenda Item 6.1

Committee OVERVIEW AND SCRUTINY	Date 6 November 2007	Classification Unrestricted	Report No.	Agenda Item No.
Report of: ASSISTANT CHIEF EXECUTIVE		REPORT "CALLED IN" – Housing Investment Strategy - Establishment of Tower Hamlets Homes (CAB 057/078)		
Originating Officer(s): Mark Redhead		Ward(s) affected: All		

1. SUMMARY

- 1.1 The attached report of the Director of Housing Management, Maureen McEleney, was considered by the Cabinet on 3 October, 2007 but has been "Called In" for further consideration by Councillors Dulal Uddin, Abjol Miah, MA Munim, Lutfa Begum, Rania Khan and Oliur Rahman in accordance with the provisions of Part 4 of the Council's Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet's provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

Cabinet report (CAB57/078)

Name and telephone number of holder
and address where open to inspection

Mark Redhead
020 7364 4877

3. BACKGROUND

- 3.1 The attached report of the Director of Housing Management, Maureen McEleney, was considered by the Cabinet on 3 October, 2007 but has been “Called In” for further consideration by Councillors Dulal Uddin, Abjol Miah, MA Munim, Lutfa Begum, Rania Khan and Oliur Rahman in accordance with the provisions of Part 4 of the Council’s Constitution
- 3.2 The Cabinet after considering the attached report provisionally agreed:-
- a. That the submission of the application to transfer the management of LBTH homes to Tower Hamlets Homes, to the Department for Communities and Local Government, under the provisions of Section 27 of the Housing Act 1985 (Section 27 application detailed at Appendix 1 to the report [CAB 057/078] included in the compact disc circulated in conjunction with the agenda), be approved;
 - b. That the Management Agreement, summarised at Appendix 2A to the report (CAB 057/078), as prescribed by the Department for Communities and Local Government, be used for Tower Hamlets Homes, as adapted to suit local circumstance, (Management Agreement detailed at Appendix 2B to the report included in the compact disc circulated in conjunction with the agenda);
 - c. That, subject to (a) below, the Delivery Plan of Tower Hamlets Homes summarised at Appendix 3A to the report (CAB 057/078) (Delivery Plan of Tower Hamlets Homes detailed at Appendix 3B to the report included in the compact disc circulated in conjunction with the agenda), be approved;
 - (a) Deletion of words “diverse communities” and insertion of words “diverse community”.
 - d. That the Memorandum and Articles of Association of Tower Hamlets Homes, as prescribed by the Department for Communities and Local Government, (Memorandum and Articles of Association of Tower Hamlets Homes detailed at Appendix 4A to the report [CAB 057/078] included in the compact disc circulated in conjunction with the agenda), be approved; and.
 - e. That the Assistant Chief Executive (Legal) be authorised, after consultation with the Leader of the Council and Lead Member Development and Housing, to make any appropriate and necessary amendments to the Section 27 Application, Management Agreement, Delivery Plan and Memorandum and Articles of Association of Tower Hamlets Homes, referred to in resolutions 1 to 4 above, required prior to agreement by Department for Communities and Local Government.

4. THE “CALL IN” REQUISITION

The reasons advanced in the “Call In” requisition are set out below:

a)

The Council has previously told tenants repeatedly that an ALMO would not work in Tower Hamlets- see Housing Choice FACTS no 4
Council commissioned PriceWaterhouse Cooper to do two very expensive reports both saying ALMO was not suitable to address the housing needs of Tower Hamlets.

Setting up an ALMO is no guarantee of extra money. It still depends on achieving a ‘two star’ inspection rating. Several ALMOs (e.g Nottingham, Wolverhampton, Hackney) have not met this standard or have to be re-inspected (at further cost). Others have been forced to abandon plans due to delays in funding and local objections

ALMOs involve the establishment of a new organisation and start up costs alone will be £millions. ALMOs are not keen to say exactly how much (accountability?), but the Ashford ALMO admitted £2 million in start-up costs; Hackney £1.4 million (£400,000 over budget)

Current proposed changes to the Housing management service are out to formal consultation. If in light of objections from trade unions, tenants and leaseholders the proposals are rejected, the proposed transfer will have to be reevaluated. Experienced housing staff say the proposals would be unsustainable, and fear that the ALMO is being ‘set up to fail’

b)

The ALMO bid for Tower Hamlets is for less money than needed to bring all homes and estates up to a decent standard. This means failure to meet the Decent Homes 2010 commitment.

Without enough money, who and what gets left out? What happens when it runs out – will some estates be hived off from the ALMO to become an RSL, opening the door to private development all over estates?

Council report talks about ‘ALMO-plus’ – working with ‘partners’ and ‘stakeholders’ (and they don’t mean tenants!). This would bring in by side door what tenants rejected in voting against transfer to RSLs by the front door.

c)

In view of the bitter contention created by the Council’s Housing Choice policies in recent years, we must ensure the fullest and most comprehensive consultation on such a key decision

Tenants and leaseholders have consistently called for a full debate and ballot on the proposal to create an ALMO in Tower Hamlets. This call has been supported by most councillors individually. It is supported by the Council’s formal consultative body, the Boroughwide Compact Group (which officers moved to disband last month).

It is highly likely in this context that the claims of resident support for the ALMO will be challenged. It would be prudent to hold an informed ballot, with due notice as for a local election.

d)

The ALMO proposal potentially leaves elected councillors with responsibility but no power to control how housing is run.

One important measure to address this, would be to clarify that in case of failing to gain extra funding, and/or at the end of the ALMO contract, management and control will revert back to LBTH.

Arms Length Management Organisations (ALMOs) must be seen in the context of overall government policy which is under review, with an explicit role for Local Authorities to develop new means of funding existing and new build council housing. ALMOs are one of the three investment options for the future of council housing (and meeting the Decent Homes standard) backed by the government i.e. stock transfer to RSLs, Private Finance Initiatives (PFI) and ALMO. We support investment in directly managed and owned council housing, as the cheapest and most efficient way to direct public investment prudentially to provide housing for those not served by the private housing market.

5. ALTERNATIVE COURSE OF ACTION

5.1 In accordance with the Committee's procedures, the "Call In" Members have provided an alternative course of action for consideration:-

Members agree to a formal full ballot, with due notice (as for a local election) and debate conducted on agreed terms as proposed by the House of Commons Council Housing Group report

To address fears of two-stage privatisation, the proposed Management Agreement be amended (see "termination" (Appendix 2A p35 original Cabinet report) to delete "The councilthose services or" and continue after "continued services" to "terminateagreement" and add thereafter, "will reinstate/ revert full control and retain all services & assets to the council"

And to add additional line:

If the ALMO fails to gain 2 stars by 2008 through its inspection ratings then the council will terminate its contract and retain full control of the assets and services.

6. CONSIDERATION OF THE "CALL IN"

6.1 The following procedure is to be followed for consideration of the "Call In".

- (a) Presentation of the "Call In" by one of the "Call In" Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.

(c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 6 June, 2007, the “Call In” Members are not allowed to participate in the general debate.

6.2 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decisions, or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

7. RECOMMENDATION

7.1 That the Committee consider the contents of the attached report, review the Cabinet’s provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

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Committee	Date	Classification	Report No:	Agenda No:
Cabinet	3 rd October 2007	Unrestricted	CAB 057/078	
Report of: Director of Housing Management		Title: Housing Investment Strategy – Establishment of Tower Hamlets Homes		
Author: Maureen McEleney		Wards affected: All		

1. Summary

- 1.1 This report sets out progress in establishing an Arms Length Management Organisation (ALMO) called Tower Hamlets Homes (THH) following the Cabinet decision of the 7th February 2007.
- 1.2 As part of the process it is now necessary to seek DCLG approval for the transfer of the management of LBTH homes to Tower Hamlets Homes. The management agreement and delivery plan have been attached as summaries with the full documents issued on CD to all Councillors including the S27 application and the memorandum and articles of association.

2. Recommendations

Cabinet is recommended to:

- 2.1 Approve the submission of the application to transfer the management of LBTH homes to Tower Hamlets Homes to the Department for Communities and Local Government, under the provisions of Section 27 of the Housing Act 1985 (Section 27 application set out at Appendix 1 which is included in the accompanying disc).
- 2.2 Agree that the Management Agreement, summarised at Appendix 2A, as prescribed by the Department for Communities and Local Government be used for Tower Hamlets Homes as adapted to suit local circumstance (Management Agreement set out at Appendix 2B which is included in the accompanying disc).
- 2.3 Approve the Delivery Plan of Tower Hamlets Homes which is summarised at Appendix 3A (and included as Appendix 3B in the accompanying disc).
- 2.4 Approve the Memorandum and Articles of Association of Tower Hamlets Homes, as prescribed by the Department for Communities and Local Government (as set out at Appendix 4A which is included in the accompanying disc).

- 2.5 Authorise the Assistant Chief Executive (Legal) after consultation with the Leader of the Council and Lead Member Development and Housing to make any appropriate and necessary amendments to the Section 27 Application, Management Agreement, Delivery Plan and Memorandum and Articles of Association of Tower Hamlets Homes, referred to in recommendations 2.1 to 2.4 above, required prior to agreement by DCLG.

**LOCAL GOVERNMENT ACT 1972 SECTION 100D (AS AMENDED)
LIST OF BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT**

Brief description of "back ground papers"

Decent Homes – Addendum Report Item 7.1A Cabinet Report 2nd August 2006
Housing Investment Strategy Item 7.1 Cabinet Report 7th February 2007

Name and telephone number of holder
and address where open to inspection.

Maureen McEleney ext. 7134

3. BACKGROUND

- 3.1 In August 2006, Cabinet considered a report on the delivery of Decent Homes in the Borough and agreed to submit a bid for funding to the Government's Decent Homes Programme for an Arms Length Management Organisation and to receive a further report on the funding opportunities for investment in the housing stock.
- 3.2 A further report on the Housing Investment Strategy was considered by Cabinet in February 2007 which set out the options available and recommended the setting up of an ALMO for stock which remained with the Council as well as regeneration proposals for key estates and opportunities to generate new affordable homes for rent and ownership.
- 3.3 This report sets out the progress made in the establishment of the ALMO (to be called Tower Hamlets Homes (THH)) and the proposed arrangements between the Council and THH.
- 3.4 This report also sets out the proposed application under Section 27 of the Housing Act 1985 to transfer the management of the Councils homes to THH subject to approval by the Secretary of State, DCLG.
- 3.5 The Section 27 application includes the proposed Management Agreement which is based on the standard agreement published by DCLG, between THH and the Council and the Delivery plan of THH which shows how it will manage the homes and improve service delivery.
- 3.6 Tower Hamlets Homes will manage the properties in accordance with the management agreement on behalf of the Council. The Council will oversee the work of THH and will regularly review performance against the delivery plan to ensure targets are met.
- 3.7 The Council remains the landlord of all properties managed by Tower Hamlets Homes and the secure tenancies and leases of residents are unaffected. The Council retains responsibility for rent setting and housing strategy and policy.
- 3.8 Housing policy is unaffected by the establishment of Tower Hamlets Homes and will continue to be set by the Council including lettings, Anti Social Behaviour and leaseholder policies.

4. PROGRESS ON THE ESTABLISHMENT OF TOWER HAMLETS HOMES

- 4.1 Work has been ongoing to develop the proposed arrangements between the Council and THH and other regeneration vehicles.
- 4.2 This has involved looking at key areas of finance, procurement, ICT and the proposed arrangements between the Council and THH including the services to be provided. In addition initial Board recruitment has been carried out.

- 4.3 A S27 application now needs to be presented to the DCLG including:
- Progress on the establishment and appointments to the Board of THH.
 - Consultation and communication with staff and residents.
 - Appointments to THH and TUPE arrangements.
 - The Management Agreement.
 - Core/delegated functions to be carried out by THH.
 - Financial arrangements.
 - Support services from the Council including SLA's.
 - Procurement strategy
 - IT ownership and support
- 4.4 All of the above are included in the S27 application and in the Management Agreement and Delivery Plan (included in the disc sent with this report) and a synopsis is set out below. In addition summaries of the management agreement and delivery plan are attached to this report.

5. SECTION 27 APPLICATION

- 5.1 The section 27 application is in the form of a series of questions set by the DCLG and the Councils response to them and a copy is included in the disc sent with this report.
- 5.2 The key features are :
- 5.2.1 The number of homes to be managed by THH is established at 23,182 (14,025 tenants and 9157 leaseholders). This figure which includes all estates which through Housing Choice have either voted to remain with the Council or have remained undecided. Ocean Estate (1,562 homes) has been included separately for THH to manage temporarily pending the establishment of the Ocean Regeneration Trust, and similar arrangements may be applied in respect of Robin Hood Gardens. In addition 1,732 homes are included which have voted to join an RSL and which are awaiting transfer.
- 5.2.2 59% of LBTH tenanted homes currently require work to make them decent and the application confirms that funding of circa £192m is still required from the Government over and above any other resources available to LBTH to bring the homes in the bid to a decent standard. It also confirms that further resources are also required to bring those homes not included in the bid to a decent standard.
- 5.2.3 Residents' feedback has been sought on priorities for repairs and improvements as part of the consultation process. Over eight out of ten residents who took part agreed that securing additional money to improve their homes and estates is important. Their views will continue to be taken into account when drawing up the investment programme for Tower Hamlets Homes. The broad objectives are to ensure that homes:

- are warm and dry with effective heating systems
- are secure and draft free with double glazing where this can be fitted
- have electrical wiring to modern standards
- have reasonably modern facilities including kitchens/bathrooms
- are accessible through clean and safe communal areas.

These principles will be used to carry out more detailed work and consultation to confirm the repairs and improvements to be carried out for each block and estate.

5.2.4 A clear division of Housing responsibilities and functions is set out between THH and the Council, with the Council responsible for the strategic Housing functions including monitoring of THH with the day to day management of the homes being the responsibility of THH.

5.2.5 The arrangements for maintaining a strong client role within the Council to both carry out its strategic function and to monitor THH's performance are set out in the S27 application. The Client function is being established within the Directorate of Development and Renewal. The detailed monitoring arrangements will include regular and timely meetings between THH and the Council. These meetings will review both the financial performance and the service performance of THH against targets which have been agreed between the Council and THH. Regular performance information will also be required along with progress in achieving the delivery plan requirements. The Client team will also be responsible for reporting performance to Cabinet.

5.2.6 The arms length role of THH is also set out.

5.2.7 The consultation and engagement arrangements with tenants and leaseholders are summarised together with their support for the establishment of THH. Members of the "Getting Involved Register" (GIR) provided feedback to inform the best way of ensuring that as many people as possible were made aware of the proposals. Information was sent to all residents in the form of newsletters and letters from the Director of Housing Management, which was followed by sample telephone and door to door surveys to assess residents' appreciation of the implications of setting up THH. Information packs were provided to those who requested more information in the course of their survey interview. A Freephone helpline was also made available for residents to raise queries and a series of "Frequently Asked Questions" drawn up and placed on the Council's website. A "Question Time" event to which all GIR members were invited was held to provide the opportunity to put questions to an independently chaired panel of residents and professionals with a range of views and experiences of ALMOs and a DVD of the event made. As an independent assessment of residents' views about THH an independent professional organisation was also commissioned to sample survey residents' opinion.

5.2.8 The overall results of this consultation work are set out below:

Type of consultation	Residents who expressed an opinion	Those in favour of ALMO	Those not in favour of ALMO
Initial Survey	66.53%	46.68%	19.84%
% of those expressing an opinion		70.17%	29.83%
Telephone Survey	62.22%	55.66%	6.56%
% of those expressing an opinion		89.46%	10.54%
Door to Door Survey	64.39%	56.28%	8.12%
% of those expressing an opinion		87.39%	12.61%
Leaseholder Door to Door Survey	66.17%	50.38%	15.79%
% of those expressing an opinion		76.14%	23.86%
Independent Telephone Survey	49%	40.55%	8.45%
% of those expressing an opinion		82.76%	17.24%
Final Independent Telephone Survey	69.24%	57.63%	11.62%
% of those expressing an opinion		83.23%	16.77%

Overall these surveys gave up to 36% of residents the opportunity to comment (Ocean Estate was not included in the surveys as this estate is subject to separate consultation on long term options).

5.2.9 The Governance arrangements for THH are also set out including the arrangements for the appointment of Board members including engagement of residents in board membership. This includes:

5.2.9.1 Board composition – 5 Council representatives, 5 Residents (3 tenants and 2 leaseholders) and 5 Independent representatives.

5.2.9.2 Memorandum and Articles of Association of THH which are based on the standard published by DCLG. These define the objects of the company which is primarily to manage homes as required by the Council. The Articles define how the affairs of THH are conducted and the membership of and appointment to the Board. (A copy is included in the disc sent with this report). The Council has followed the standard drafting proposed by DCLG with specific derogation where required

5.2.10 Staff following Trade Union consultation will be transferred under the TUPE Regulations thereby ensuring that all the existing terms and conditions of employment are transferred to THH. The Council is currently carrying out restructuring in a number of service areas as well as revising current access arrangements and staff appointed to posts in the revised structures will be transferred under TUPE arrangements. The restructurings are being carried out by the Council to modernise services, to address value for money, changes in customer access to reflect best practice, to make best use of new technology and improve services. Staff road shows have been held as well as TU consultation and staff briefings and staff affected by TUPE will be individually notified.

5.2.11 A copy of the Management Agreement and the Delivery Plan will also be attached to the application. These set out in more detail the management arrangements between THH and the Council and the way in which THH will deliver the management of LBTH homes on behalf of the Council. This includes key targets for continued service improvement and the detailed monitoring arrangements by which the council will assess THH.

6 THE MANAGEMENT AGREEMENT

6.1 The Management Agreement defines the relationship between the Council and THH which sets out the obligations of each party and a copy is included in the disc sent with this report. A summary of the Management Agreement is also attached to this report at Appendix 2A.

6.2 The key features are as follows:

- the functions to be delegated to and carried out by the ALMO;
- the standards to which they are to be carried out;
- arrangements for reporting on and monitoring performance;
- requirements for involvement of residents in decision making;
- staff to be transferred under the provisions of the TUPE Regulations
- the financial relationship and obligations of each party;
- arrangements for liaison and consultation between the authority and the ALMO;
- the ALMO's role in helping to deliver the authority's housing strategy, including taking an active role in the LSP and LAP's ensuring that the authority, as ALMO shareholder, can achieve its objectives;
- the length of the agreement: which is proposed for 10 years, renewable, with provision for a detailed review after 5 years looking at performance, resident satisfaction, decent homes progress and compliance with all aspects of the management agreement and delivery plan;
- actions to be taken where there is non-compliance or failure; and
- arrangements for variation and termination which the Council can do at any time subject to liaison with DCLG.

It will be for the Council to determine any future management arrangements at the end of the agreement which could involve re-contracting, tendering to other management services and providing services in house.

7 THE DELIVERY PLAN

- 7.1 The Delivery Plan sets out how THH will meet its responsibilities under the Management Agreement and the targets it will set to improve performance each year. THH are required to agree the Delivery Plan each year with the Council. A copy of the Delivery Plan is included in the disc sent with this report and a summary is attached at Appendix 3A.
- 7.2 The key features are as follows:
- 7.2.1 The resources which will be used by THH including the organisational staffing structure and service delivery infrastructure. It also sets out the ICT and detailed support services required to enable it to operate efficiently and smoothly including those services to be provided by the Council.
 - 7.2.2 It sets out the service improvement plans and the key indicators and targets that will be achieved.
 - 7.2.3 The responsibilities of THH in relation to the delivery of the Councils Housing Capital Programme are also set out including its procurement and delivery targets.
 - 7.2.4 The detailed financial plan is also set out including the financial framework and main budgets which will be operated by THH and the monitoring and reporting mechanisms that will be used.
- 7.3 The Delivery Plan will guide the work of Tower Hamlets Homes in providing high quality services that will secure a two star inspection rating from the Audit Commission. Securing two stars is vital to enable investment to be made available to the Council to deliver Decent Homes. To achieve high quality services plans are in place to re-structure services, modernise access, develop strong service level agreements, improve resident involvement and engagement, deliver value for money, supported by individual plans for each service area to put in place ongoing improvements.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 The Management Agreement and Delivery Plan sets out the framework to enable THH to achieve a 2 star inspection rating and thereby enabling Government to release an anticipated £190m of funds to invest in the stock.
- 8.2. The Management Agreement is supplemented by an Accounting Protocol which sets out the detailed financial working arrangements between the Council and Tower Hamlets Homes, and is approved by the Council's Chief Financial Officer.
- 8.3. Tower Hamlets Homes will be an arms length organisation wholly owned by the Council, and established for the sole purpose of providing services to the

Council. Financial governance arrangements have been set up with the aim of ensuring Tower Hamlets Homes can operate flexibly to deliver policies set by the Council.

- 8.4 The Management Agreement sets out a financial discipline and framework for THH that safeguards the assets and resources of the Council and ensures that the funds are wholly used to achieve the Council's strategic objectives.
- 8.5. A small client organisation will be set up using existing resources and there are no immediate budget implications of setting up Tower Hamlets Homes. Initially, the organisation will continue to use support services provided by the Council. However, in the longer term the organisation will have the ability to seek services from other providers. Any financial Implications of this would need to be dealt with as part of budget processes.

9 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 9.1 The Council has the power to enter into such an arrangement with a third party such as the THH to exercise such of the Council's management and other functions as are herein specified pursuant to Section 27 of the Housing Act 1985 (subject to the approval of the Secretary of State) and pursuant also to Section 2 of the Local Government Act 2000.
- 9.2 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply here and therefore contracts of employment (apart from terms relating to occupational pensions schemes) of relevant staff and all the local authority's rights, powers, duties and liabilities under or in connection with those contracts will transfer to the THH.

10 RISK MANAGEMENT IMPLICATIONS

- 10.1 The key risks associated with the development of Tower Hamlets Homes have been identified and mitigation arrangements put in place. These include putting in place effective client arrangements and clear roles and responsibilities through the Management Agreement. The amount of funding to be secured through the ALMO is not yet certain and the Council is continuing to seek clarification on these issues from DCLG. Tower Hamlets Homes also needs to secure a 2** rating from the Audit Commission in order to secure additional funding and a service improvement plan has been put in place to enable this to be achieved.

11 ANTI POVERTY IMPLICATIONS

- 11.1 The potential to attract additional investment will enable much needed improvements to be carried out to many of our blocks and estates directly addressing the needs of many of our poorest residents

12 EQUAL OPPORTUNITIES IMPLICATIONS

- 12.1 All programmes of work will ensure that equalities issues are addressed and Tower Hamlets homes will be required to equalities impact its activities.

13 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 13.1 Works programmes will take into account measures to address sustainability including energy efficient boilers.

14 EFFICIENCY STATEMENT

- 14.1 Tower Hamlets Homes will be required to meet efficiency targets both in respect of procurement of contracts as well as in its own operating costs.

Appendices:

- Appendix 1 - Section 27 Application to Department for Communities and Local Government (DCLG) **(included in disc attached)**
- Appendix 2A - Summary of Management Agreement **(Attached)**
Appendix 2B - Management Agreement between Council and Tower Hamlets Homes **(included in disc attached)**
Appendix 2C - Main changes (derogations) to the Management Agreement from the prescribed document of DCLG **(included in disc attached)**
- Appendix 3A - Summary of Initial Delivery Plan **(Attached)**
Appendix 3B - Initial Delivery Plan for period to 31st March 2009 of Tower Hamlets Homes **(included in disc attached)**
- Appendix 4A - Memorandum and Articles of Association of Tower Hamlets Homes **(included in disc attached)**
Appendix 4B - Main changes (derogations) to the Memorandum and Articles of Association of Tower Hamlets Homes from the prescribed document of DCLG **(included in disc attached)**

Agenda Item 6.2

Committee OVERVIEW AND SCRUTINY	Date 6 November 2007	Classification Unrestricted	Report No.	Agenda Item No.
Report of: ASSISTANT CHIEF EXECUTIVE		REPORT "CALLED IN" – Residential Care for Older People within Tower Hamlets; proposed commissioning arrangements at Pat Shaw House and Peter Shore Court (CAB58/078)		
Originating Officer(s): Mark Redhead		Ward(s) affected: All		

1. SUMMARY

- 1.1 The attached report of the Corporate Director, Adults Health & Wellbeing, John Goldup, and the Commissioning Manager (Older People), David Cowell, was considered by the Cabinet on 3 October, 2007 but has been "Called In" for further consideration by Councillors Dulal Uddin, Abjol Miah, MA Munim, Lutfu Begum and Rania Khan in accordance with the provisions of Part 4 of the Council's Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet's provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

Cabinet report (CAB58/078)

Name and telephone number of holder
and address where open to inspection

Mark Redhead
020 7364 4877

3. BACKGROUND

- 3.1 The attached report of the Corporate Director, Adults Health & Wellbeing, John Goldup, and the Commissioning Manager (Older People), David Cowell, was considered by the Cabinet on 3 October, 2007 but has been “Called In” for further consideration by Councillors Dulal Uddin, Abjol Miah, MA Munim, Lutfa Begum and Rania Khan in accordance with the provisions of Part 4 of the Council’s Constitution.
- 3.2 The Cabinet after considering the attached report provisionally agreed:-
- a. That, a block contract be let to ExcelCare Holdings Limited for 69 residential (general) beds across Pat Shaw House and Peter Shore Court for a period of three years;
 - b. That it be noted that the price of the contract, referred to in resolution 1. above, would be fixed until 1st April 2009; and
 - c. That the Corporate Director Adults Health and Wellbeing be authorised to extend the contract, referred to in resolutions 1 and 2 above, for a further two years, subject to satisfactory benchmarking and performance reviews.

4. THE “CALL IN” REQUISITION

The reasons advanced in the “Call In” requisition are set out below:

According to the officers’ calculation we only placed 39 people in residential homes during the financial year 2006/07. This report proposed we block contract 69 beds;

We recognize that there is a need for Residential care in the borough. However historically the council has paid for beds which it has not used;

Current trend of placements suggest that there isn’t any need for extra 69 beds;

The report should however address the special needs of client groups with additional needs, including homeless adults, who are not well served by current arrangements.

5. ALTERNATIVE COURSE OF ACTION

- 5.1 In accordance with the Committee’s procedures, the “Call In” Members have provided an alternative course of action for consideration:-
- To reduce the block contract to one home (ideally Pat Shaw House) instead of two;
 - Under 3.12 to consider the terminate notice with 4 weeks notice; and to sell the void beds to other purchasers with one week notice;

- To engage with the PCT commissioners to draw up an ideal specification to be included in the SLA where clients are refused admission due to non-nursing needs such as oxygen, incontinence, diabetes and mobility;
- To use leverage to encourage a clearer procedure for accommodating those homeless adults admitted to hospital and in need of residential care.

6. CONSIDERATION OF THE “CALL IN”

6.1 The following procedure is to be followed for consideration of the “Call In”.

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 6 June, 2007, the “Call In” Members are not allowed to participate in the general debate.

6.2 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decisions, or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

7. RECOMMENDATION

7.1 That the Committee consider the contents of the attached report, review the Cabinet’s provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

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Committee	Date	Classification	Report No.	Agenda Item No.
Cabinet	3 rd October 2007	Unrestricted	CAB 058/078	
Report Of Corporate Director, Adults Health & Wellbeing Originating Officer (s) David Cowell, Commissioning Manager (Older People)		Title: Residential care for older people within Tower Hamlets: proposed commissioning arrangements at Pat Shaw House and Peter Shore Court. Ward(s) Affected: All		

1. **SUMMARY**

1.1 This report:

1.2.1. Outlines the need for a reliable supply of local residential care home placements at Pat Shaw House and Peter Shore Court secured by a block contract;

1.2.2. Asks Cabinet to agree to a block contract being let to ExcelCare Holdings Limited for the provision of 69 beds across the two establishments.

2. **RECOMMENDATION**

2.1 Cabinet is recommended to:

2.2 Let a block contract to ExcelCare Holdings Limited for 69 residential (general) beds across Pat Shaw House and Peter Shore Court for a period of three years.

2.3 That the Corporate Director Adults Health and Wellbeing be authorised to extend the contract for a further two years, subject to satisfactory benchmarking and performance reviews.

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT**

Brief description of background paper

Name and telephone number of holder and address where open to inspection

Background Papers

David Cowell ext 2127

3 BACKGROUND

- 3.1. Pat Shaw House and Peter Shore Court are located in Tower Hamlets and provide residential care for older people. The establishments provide 38 and 41 places, respectively, and are owned by Victoria Park and Bethnal Green Housing Association with care being provided by a third party under contract to the Council.
- 3.2. In 2003 ExcelCare successfully bid for a block contract covering the provision of care to all the 79 available beds at Pat Shaw House and Peter Shore Court.
- 3.3. However, the level of voids experienced on the block contract meant that it proved too expensive to sustain and, while no criticism of the provider's performance is implied, notice of termination was issued in 2006. This took effect on 1st May 2007. Since that date beds at the establishments have been spot purchased at a significant premium above the block price.
- 3.4. As the Council has a continuing responsibility for the 64 older people placed in Pat Shaw House and Peter Shore Court, as at 10th August 2007, and needs to secure a guaranteed supply of local residential care a new contract for the provision of care at the Homes has been tendered. This has the twin objectives of obtaining a competitively priced block of beds of a size that matches forecast local needs, thereby minimising the risk of expensive voids, and securing a considerably lower spot price.
- 3.5. Overall demand for residential care has fallen. In 2006/7, the Council made 39 new placements in residential care homes for older people, compared to 66 in 2005/6. Reducing residential care has been a strategic driver for adult social care for some years, and this reduction has been achieved both through continued investment in intensive home care to support people at home (an area in which Tower Hamlets is the highest performer in the country), and through maximising the use of extra care sheltered accommodation as a direct alternative to traditional residential care.
- 3.6. However, there will be a continuing need for high quality residential care, and it is unlikely that there will be a significant further fall in demand in the foreseeable future.
- 3.7. 43% of people currently placed in residential care are placed in Tower Hamlets with the remaining 57% being placed out of borough. A significant reason for out of borough placement is the need for specialist care for older people with mental health problems, of which there is a clear shortage of supply within the borough. Members agreed on 4.7.07 a set of contracts which have secured some expansion in this supply, but more is needed. Some out of borough placements also reflect user choice – for example, wanting to be near family members – and some will reflect a shortage of local provision at the point where placement was being sought. On the most recent available comparative figures (March 2005), 71.8% of people placed in residential / nursing care by Tower Hamlets (across all age groups – i.e. not just older people) were placed outside of the authority's area, compared to an average of 53.7% for Inner London as a whole and 18.6% for England. Within Tower Hamlets, there were 19.83 beds per 1000 older people available in the borough, compared to 25.67 per 1000 in Inner London as a whole and a national figure of 40.24 per 1000.

- 3.8. Members will recall that on 4 July 2007 Cabinet considered a very similar report on the commissioning of nursing home care and residential care for older people with mental health needs. In all areas of residential and nursing care provision for older people there is a similar picture. On the one hand, there are occasions when a shortage of local provision results in people whose wish to remain in the borough being forced to move out. On the other, previous strategies to guarantee local supply have resulted in the Council paying substantial costs for unused beds secured under block contract. At the July Cabinet, members instructed officers to undertake further analysis and to bring forward a report in July 2008 detailing the number and percentage of out of borough care home placements, associated comparative information, and an assessment of the adequacy of in-Borough care home placement capacity. However, it would not be wise to defer a decision on the commissioning of care at Pat Shaw House and Peter Shore Court pending that report, having regard to the premium which is currently being paid for beds spot purchased in these homes.
- 3.9 A full tendering process has been conducted. The recommended contract award has been determined by the following criteria:
- 3.9.1 Ability to provide high quality personal and social care service that supports and maintains individual service users in a care home environment.
 - 3.9.2 A proven track record of support in this service area.
 - 3.9.3 A strong background in partnership working.
 - 3.9.4 The financial viability of bidding organisations.
 - 3.9.5 Price.
- 3.10 Service users and their representatives played a full part in the tender process. The Older Peoples Reference Group interviewed all residents at Pat Shaw House and Peter Shore Court to seek their views about the important standards and criteria to be applied, and two representatives of the Reference Group were full members of the Tender Panel.
- 3.11. Following presentations by bidding organisations, and much discussion, a majority of Tender Panel members recommended that the block contract be awarded to ExcelCare Holdings Limited.
- 3.12 The size of the proposed block is based on an assessment of future demand, based on an analysis of service usage over the past three years, with an assumption that over time there will be some further fall. The contract will provide for the size of the block commitment to be varied at 28 days notice; and for the contract to be terminated without penalty, should it no longer meet the Council's needs, at six months notice. As a further protection against over commitment, there will be a contractual condition that allows beds, incorporated into the blocks, to be sold on to another purchaser if they are left void for 4 weeks. When these beds eventually become vacant again nomination rights revert to the Council.
- 3.13 To further control the risk of voids it is proposed to focus all in-borough placements of older people requiring residential care at Pat Shaw House and Peter Shore Court and divide the block of 69 beds flexibly between them. This will contribute to value

for money offered by the contract, promote service user choice and facilitate the close monitoring of the service that will drive its continuous improvement.

- 3.14 The size of the proposed blocks, compared to actual current usage and the size of the previous block contract, is as follows:

Unit and bed type	Occupancy 10.8.07	Previous Current block size	Proposed block size
Pat Shaw House and Peter Shore Court	64	79	69

- 3.16 In addition to the above block beds the Council will be able to purchase additional beds at Pat Shaw House and Peter Shore Court at the same price as the block beds. This protects the Council from the financial risk of under specifying the numbers of beds to be block contracted, as subject to capacity it will be possible to purchase additional beds without paying a spot purchase premium.

Financial implications and value for money

- 3.17 To establish the value for money offered by the proposed block contract the weekly rate it offers was compared with the average weekly rates paid by Tower Hamlets for residential care in Inner and Outer London. The difference in price in these was a saving of £21 to £29 per bed.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 The price for the contract will be fixed to 1 April 2009 subject to inflation. Funding for the block contract will be from the commissioning budget for older people. As there are significant pressures on this budget, robust monthly monitoring arrangements are in place to ensure corrective action is taken where necessary to ensure overall expenditure is contained within budget.

5 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 5.1 The proposed service is a Part B Service under the Public Contracts Regulations 2006; compulsory competitive tendering procedures under the Public Contracts Regulations do not therefore apply. The procurement process leading up to the selection of the preferred bidder for the service was in accordance with the council's Procurement Procedure Rules.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 There are no specific implications arising from this report.

7. ANTI-POVERTY IMPLICATIONS

- 7.1 The majority of the service users are financially dependent on state pensions and benefits.
- 7.2 As the Care Homes referred to in this report are in the London Borough of Tower Hamlets, by contracting with them the Council will ensure the employment of local people.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no specific implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The main risks associated with the proposed block contract are associated with the Council having to pay for voids. To mitigate this risk the size of the blocks has been set at levels which are less than current occupancy. In addition, contractual clauses will allow unused beds to be sold on and the size of blocks to be varied, by agreement. A no fault termination clause allows the contract to be ended, if necessary. The contract will be systematically monitored to drive continuous improvement and ensure contract compliance.

10. EFFICIENCY STATEMENT

- 10.1 The proposed 'block' contract is explicitly designed to maximise the efficiency and value for money by being just sufficient to meet projected demand while beds purchased are offered at a cheaper rate than comparable beds paid for on a 'spot' basis. Further efficiencies have been obtained by offering a contract with 3 years with the option to extend for a further two years. This reduces the Council's transactions costs while allowing the successful provider to spread its start-up costs over a reasonable length of time and encouraging it to invest in service development.

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Agenda Item 8.1

COMMITTEE: Overview and Scrutiny	DATE: November 2007	CLASSIFICATION: UNRESTRICTED	REPORT NO.	AGENDA ITEM NO.
REPORT OF: MARTIN SMITH CHIEF EXECUTIVE ORIGINATING OFFICER(S): RUTH DOWDEN CORPORATE COMPLAINTS MANAGER		TITLE: CORPORATE COMPLAINTS Half Year Report 2007 / 2008 Wards Affected: ALL		

1. **SUMMARY**

- 1.1 This report contains a summary of complaints completed by the Council in the period 1 April 2007 to 31 September 2007 through the Corporate Complaints Procedure, Social Care Complaints Procedures and those received and determined by the Local Government Ombudsman in the same period.
- 1.2 In general, improvements in complaint response times and early resolution of complaints are noted through the corporate complaints procedure and by the Local Government Ombudsman.
- 1.3 The Service has received accreditation to ISO 100002 Complaints Handling Standard, which has replaced the British Standards Institute accreditation held for the preceding two years.

2. **RECOMMENDATIONS**

- 2.1 Members are asked to note the contents of the report.

3. BACKGROUND

3.1 This report is a mid year update on the work of the Corporate Complaints team, following the Complaints Annual Report, usually considered by Overview and Scrutiny each July for the preceding year.

4. EQUALITIES IMPLICATIONS

4.1 The Annual Report provides a breakdown of the ethnicity and gender of complainants and other aspects such as age and disability are collated. Corporate Complaint Procedures have been subject to Equalities Impact Assessments and following the recent assessment, additional monitoring categories and a revised leaflet are being introduced.

5. ANTI-POVERTY IMPLICATIONS

5.1 Continuing publicity, including the launch of the new Comments complaints and Compliments leaflet will ensure that all residents and service users will have better awareness of their right to voice any concerns.

6. FINANCIAL IMPLICATIONS

6.1 Service procedures and quality checks are designed to minimise the cost of making good and compensation, but where this is necessary, payment is contained within the Directorate budget.

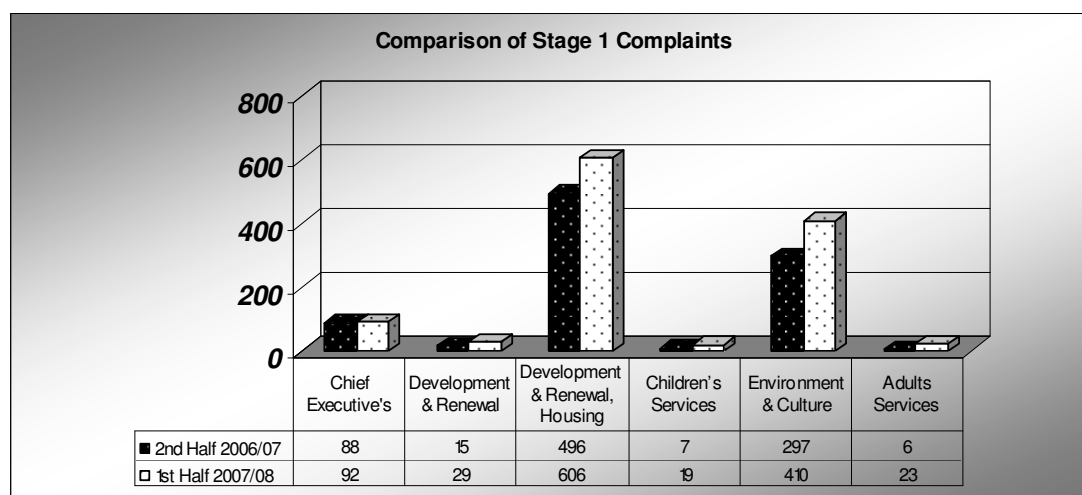
7. LEGAL IMPLICATIONS

7.1 Advice is tendered as required on any potential service breach of statutory or other responsibilities and local settlement advocated to avert other legal action.

8 CORPORATE COMPLAINTS

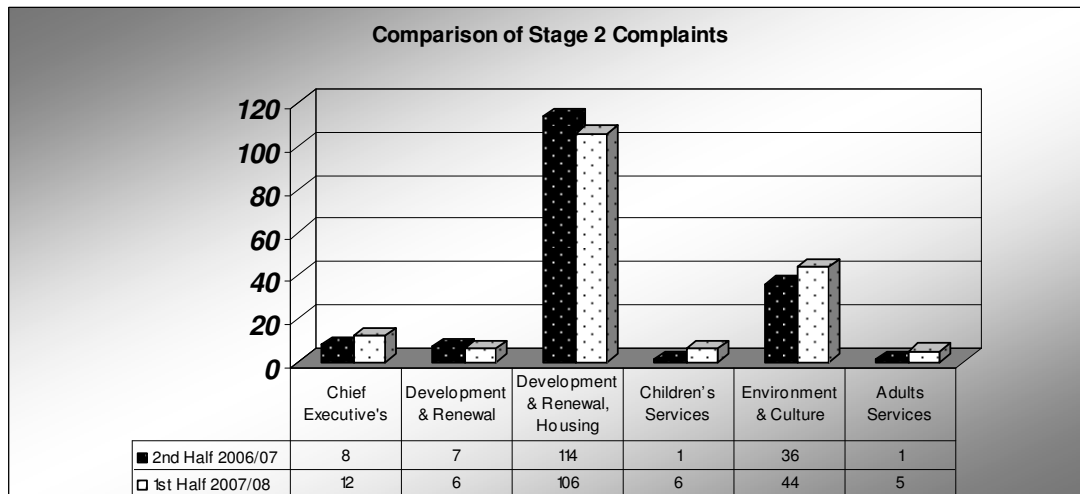
- 8.1 Most Social Care complaints come under the statutory Children's and Adults' complaints procedures; these are addressed in section 9. Non-statutory complaints dealt with by the Corporate Complaints team, categorised under Adults Services and Children's Services, following the establishment of the two directorates in September 2006.
- 8.2 In order to provide a fuller analysis of complaints, Development and Renewal figures are divided into Housing and other complaints; the other complaints are, in the main, about Planning applications.
- 8.3 Table 1 indicates the volume of complaints completed for each directorate, comparing the first six months of 2007/08 with the preceding six months.

Table 1: Stage 1 complaints



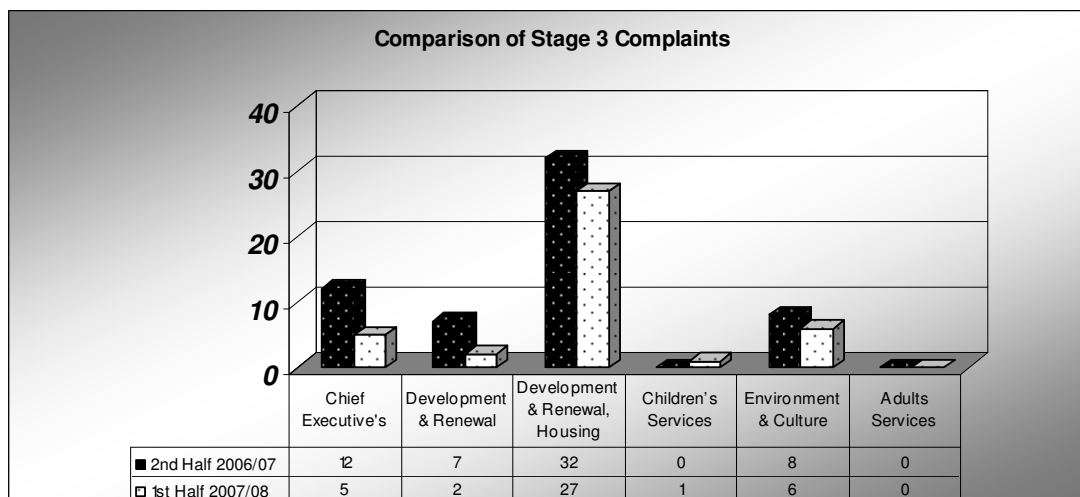
- 8.6 A more detailed breakdown by Directorate and service area is provided at Appendix 1.
- 8.7 The overall volume of Stage 1 complaints rose. This appears to be a trend across all Council services.

Table 2: Stage 2 complaints



8.7 Although volumes of stage 2 complaints have risen in all directorates except Housing and Chief Executive's, the percentage of complaints escalated to Stage 2 has fallen overall. Given the overall increase in stage 1 complaints, this is positive indicating that many complaints are resolved at the first stage.

Table 3: Stage 3 complaints



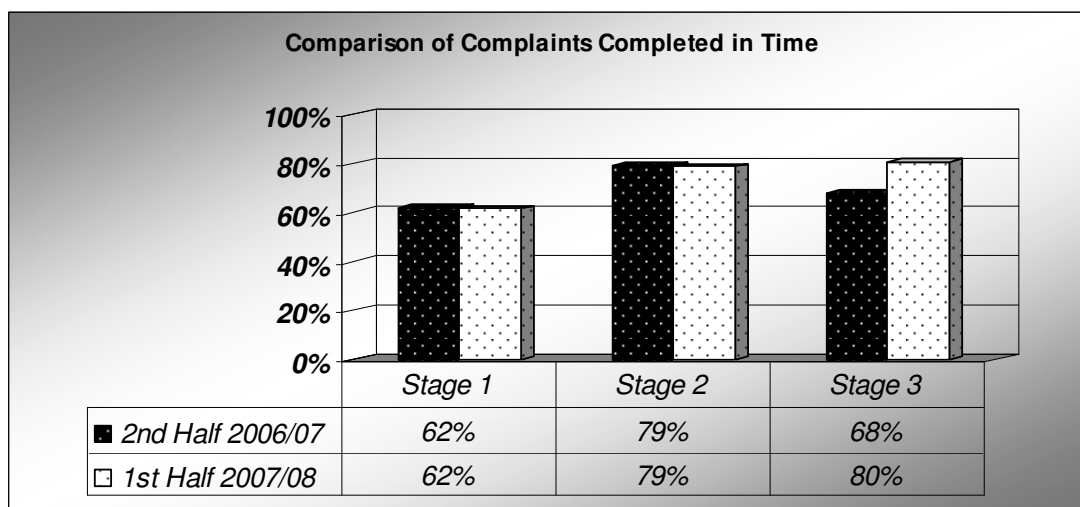
8.8 The escalation of complaints to stage 3 has clearly fallen, and this is consistent across all directorates. The Best Value Performance Indicator on the percentage of people satisfied with the Council's handling of their complaints rose to 30% in 2006. This brought the Council to joint 16th in London, a significant improvement from the position of joint 31st in 2003.

8.9 Table 4 overleaf provides detail for each directorate by stage.

Directorate	Total 2006 / 2007	Change	Total 2007 / 2008	Upheld	Partially Upheld	Escalated	Not Upheld	Withdrawn or Closed	Completed in Time	Ave Days to Complete							
Stage 1																	
Adult's Services	6	17	283%	23	6	26%	1	4%	2	8.7%	12	52%	2	9%	18	78%	7
Chief Executive's	88	4	5%	92	17	18%	22	24%	1	1.1%	50	54%	2	2%	81	88%	6
Children's Services	7	12	171%	19	6	32%	4	21%	0	0.0%	7	37%	2	11%	10	53%	11
Development & Renewal	15	14	93%	29	13	45%	10	34%	0	0.0%	5	17%	1	3%	17	59%	11
D & R, Housing	496	109	22%	605	244	40%	3	0%	7	1.2%	334	55%	17	3%	390	64%	10
Environment & Culture	297	113	38%	410	165	40%	98	24%	0	0.0%	130	32%	17	4%	209	51%	12
Total for Stage 1	909	269	30%	1178	451	38%	138	12%	10	0.8%	538	46%	41	3%	725	62%	10
Stage 2																	
Adult's Services	1	4	400%	5	1	20%	1	20%	0	0.0%	3	60%	0	0%	5	100%	6
Chief Executive's	8	4	50%	12	0	0%	4	33%	0	0.0%	8	67%	0	0%	10	83%	16
Children's Services	1	5	500%	6	0	0%	2	33%	0	0.0%	3	50%	1	17%	5	83%	24
Development & Renewal	7	-1	-14%	6	5	83%	1	17%	0	0.0%	0	0%	0	0%	5	83%	15
D & R, Housing	114	-6	-5%	108	44	41%	1	1%	1	0.9%	57	53%	5	5%	86	80%	20
Environment & Culture	36	8	22%	44	14	32%	9	20%	0	0.0%	20	45%	1	2%	31	70%	19
Total for Stage 2	167	14	8%	181	64	35%	18	10%	1	0.6%	91	50%	7	4%	142	78%	19
Stage 3																	
Adult's Services	0	0	-	0	0	-	0	-			0	-	0	-	-	-	-
Chief Executive's	12	-7	-58%	5	1	20%	2	40%			2	40%	0	0%	2	40%	18
Children's Services	0	1	-	1	0	0%	0	0%			1	100%	0	0%	1	100%	20
Development & Renewal	7	-5	-71%	2	1	50%	1	50%			0	0%	0	0%	2	100%	17
D & R, Housing	32	-5	-16%	27	6	22%	8	30%			13	48%	0	0%	23	85%	14
Environment & Culture	8	-2	-25%	6	1	17%	1	17%			4	67%	0	0%	5	83%	15
Total for Stage 3	59	-18	-31%	41	9	22%	12	29%			20	49%	0	0%	33	80%	15

TABLE 4: Complaint Detail

Table 5: Complaints Completed in Time



8.9 The overall proportion of Stage 1 complaints completed in time has remained the same as the last half of 2006/07, but at 67% in September 2007, this is improving but still too low. An ambitious target of 80% has been set to try to drive up performance. Robust monitoring processes are also in place, including regular review by the Performance Review Group, chaired by the Chief Executive

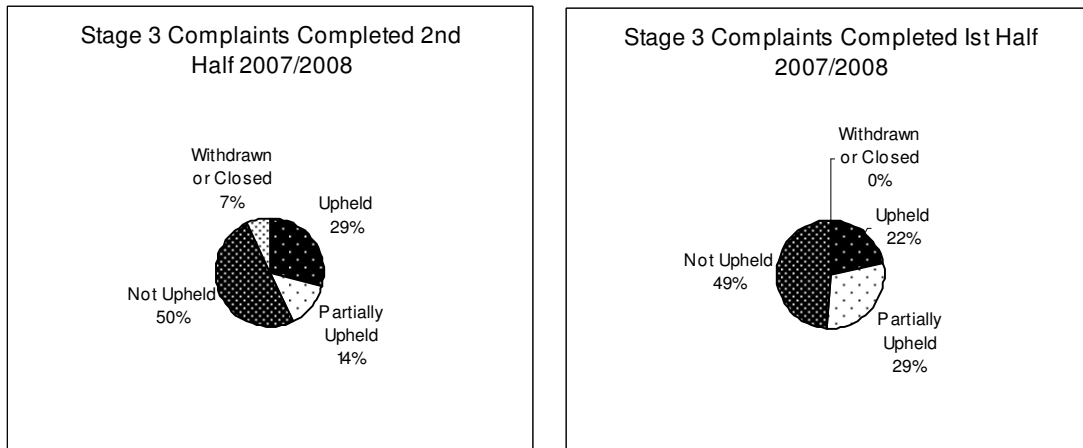
8.10 By September 2007, 79% of Stage 2 complaints were completed in target. It is anticipated that stage 2 and 3 complaints will achieve the 80% in time target by March 2008.

Table 6: Stage 3 Complaints Resolution

	Total	Upheld	Partially Upheld	Not Upheld	Withdrawn or Closed	Completed in Time	Average Days to Complete
2nd Half 2007/2008	59	17	8	30	4	68%	19
1st Half 2007/2008	41	9	12	20	0	81%	15

8.11 The average days to complete Stage 3 investigations has fallen to 15 days (target 20), continuing the improvement from last year. The proportion completed in time increased to 81%.

Table 7: Resolution of stage 3 complaints.

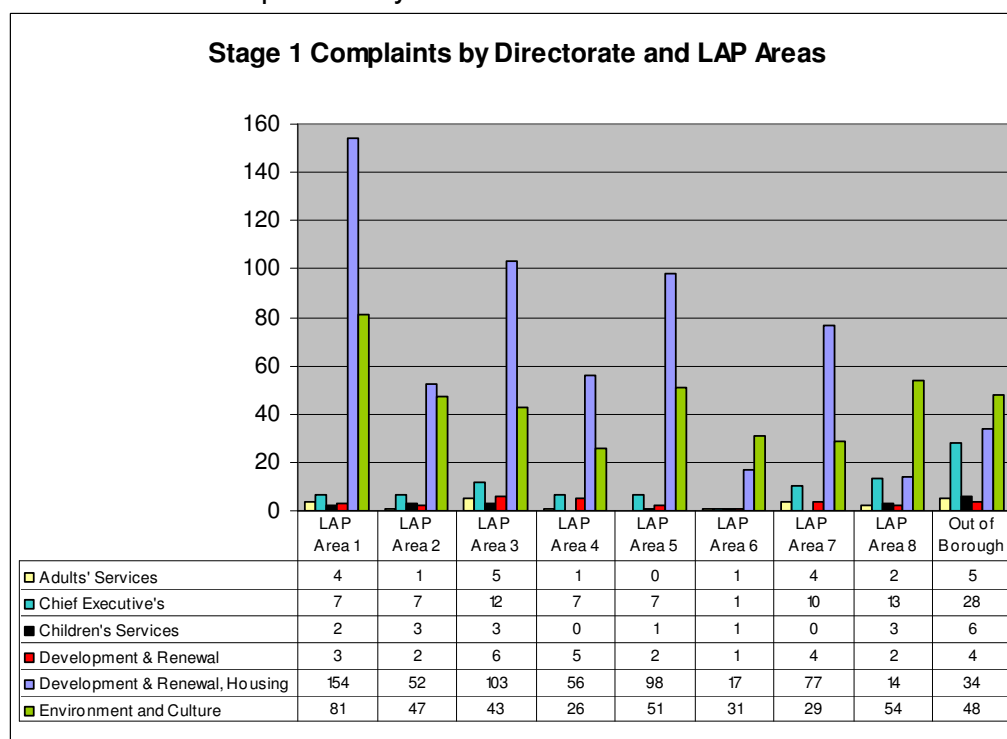


8.12 Table 7 shows the breakdown of resolution, indicating for both periods a fairly even split of complaints upheld and not upheld.

8.13 On occasions, complaints arise that require specific measures to resolve. Where necessary, the Complaints Team liaise with or refer matters on to the appropriate Corporate Director, Internal Audit and/ or Legal Services. However, there are not complaints giving rise to such concerns in the period reported.

8.14 Table 8, below, shows complaints received by LAP area and by Directorate. This reflects differing priorities in parts of the borough.

Table 8: Comparison by LAP Area



8.15 The comparison of contact channels shown in Table 9 points to the continuing increase in email and web access. Nevertheless, traditional access channels still remain important and the volume and proportion taken by phone has also increased.

Table 9: Contact channels

BREAKDOWN OF HOW COMPLAINTS RECEIVED								
How Received	Total 2nd Half 2006/07				Total 1st Half 2007/08			
	Stage 1	Stage 2	Stage 3	Total	Stage 1	Stage 2	Stage 3	Total
Email	203 22.3%	32 19.2%	12 20.3%	247 21.8%	275 23.3%	45 24.9%	13 31.7%	333 23.8%
Web Form	148 16.3%	12 7.2%	1 1.7%	161 14.2%	218 18.5%	10 5.5%	0 0.0%	228 16.3%
Complaint Form or Letter	256 28.2%	76 45.5%	42 71.2%	374 33.0%	275 23.3%	86 47.5%	26 63.4%	387 27.6%
Fax	13 1.4%	1 0.6%	1 1.7%	15 1.3%	6 0.5%	1 0.6%	0 0.0%	7 0.5%
Telephone	281 30.9%	46 27.5%	3 5.1%	330 29.1%	397 33.7%	39 21.5%	2 4.9%	438 31.3%
In Person	8 0.9%	0 0.0%	0 0.0%	8 0.7%	7 0.6%	0 0.0%	0 0.0%	7 0.5%
Total	909	167	59	1135	1178	181	41	1400

8.16 The team routinely monitor the ethnicity, age and disability of complainants. Table 10 sets out the ethnicity. It is hoped that by the Annual Report for 2007/08, monitoring on the six main equalities categories will be possible.

Table 10: Ethnicity

BREAKDOWN OF COMPLAINTS BY ETHNICITY							
Ethnicity	Total 2nd Half 2006/07			Borough Population Projection	Total 1st Half 2007/08		
	Stage 1	Stage 2	Stage 3		Stage 1	Stage 2	Stage 3
Asian Total	141	26	7		141	19	5
	33.5%	29.5%	15.6%	36.6%	29.7%	26.0%	31.3%
Black Total	26	5	4		24	2	2
	6.2%	5.7%	8.9%	6.0%	5.1%	2.7%	12.5%
Mixed Heritage	17	1	2		10	3	0
	4.0%	1.1%	4.4%		2.1%	4.1%	0.0%
Other ethnic background	0	0	0		0	0	0
	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%
White	237	56	32		299	49	9
	56.3%	63.6%	71.1%	51.0%	63.1%	67.1%	56.3%
Sub total (where ethnicity known)	421	88	45		474	73	16
Not Known	439	72	11		674	103	25
Declined	49	7	3		30	5	0
Total	909	167	59		1178	181	41

9 SOCIAL CARE COMPLAINTS (Statutory)

9.1 Legislation for Adults and Children's Social Care complaints allows two target times at each stage. Stage 1 complaints have a target of 10 working days, which can be extended to 20 working days. At stage 2, the target is 25 working days, which can be extended to 65 working days.

9.2 The corporate target for complaints completed in target is 80%, and of the Adults Social Care Complaints completed, improvements have been made in achieving the shorted timescale and the target was exceeded for the extended timescale. (Table 11 below)

Table 11: Adults Social Care Complaints

Complaint Stage	Completed September 2006 to March 2007	Completed within timescale	Completed within extended timescale	Not completed in time
Stage 1	66	40%	70%	30%
Stage 2	3	0%	67%	33%
Complaint Stage	Completed April to September 2007	Completed within timescale	Completed within extended timescale	Not completed in time
Stage 1	66	68%	94%	6%
Stage 2	11	64%	82%	18%

9.3 Table 12 below indicates that fewer Children's Social Care complaints were completed within the shorter and extended timescale. Steps are being taken to improve performance and this is being closely monitored.

Table 12: Children's Social Care Complaints

Complaint Stage	Completed September 2006 to March 2007	Completed within timescale	Completed within extended timescale	Not completed in time
Stage 1	14	50%	79%	21%
Stage 2	10	0%	70%	30%
Complaint Stage	Completed April to September 2007	Completed within timescale	Completed within extended timescale	Not completed in time
Stage 1	66	40%	70%	30%
Stage 2	3	0%	67%	33%

10 LOCAL GOVERNMENT OMBUDSMAN (LGO)

Annual Letter 2006/07

10.1 The Ombudsman's Annual Letter 2006/07 (Appendix 2) is very positive.

10.2 Volumes of complaints investigated fall for the third consecutive year. The Ombudsman commends the Council for the excellent speed of response rates and constructive and helpful attitude in resolving complaints. The Director of Housing is singled out for praise, noting her constructive attitude to resolving complaints.

10.3 No reports or findings of Maladministration were issued in 2006/07.

10.4 Since 1 April 2007, the Council has been dealing with the London Ombudsman Office, having dealt with the York office for the previous five years.

First Enquiries 2007/08

10.5 Table 13 below sets out the Council's response record to new Ombudsman complaints for last six months of 2006/07 compared with the first six months of 2007/08.

Table 13: Ombudsman Complaints

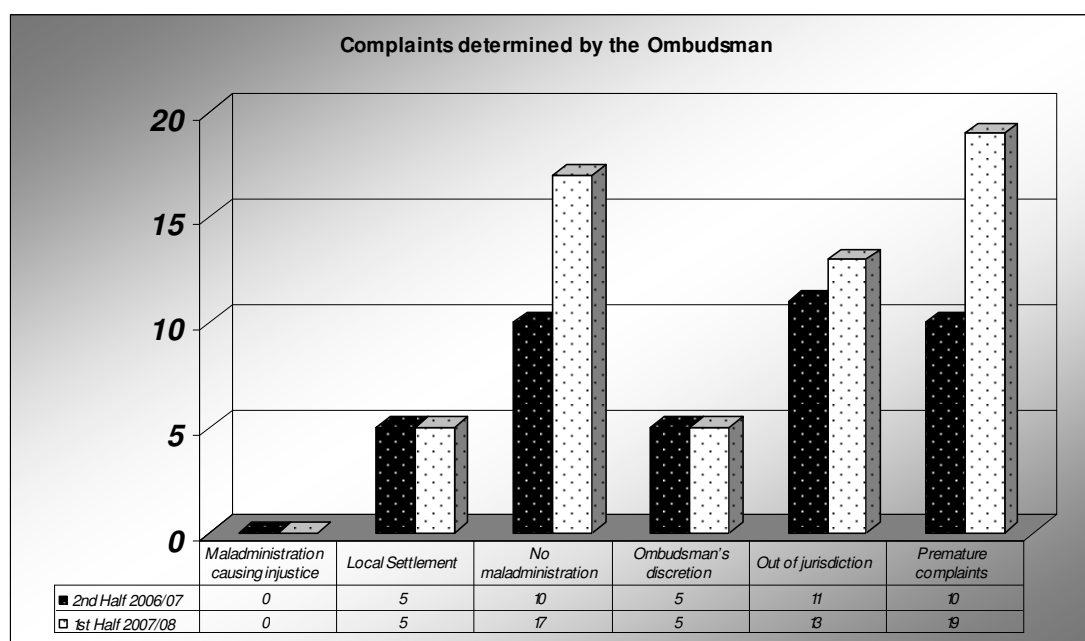
	number of initial enquiries		ave days to respond		% in time	
	06/07 (last 6 months)	07/08 (first 6 months)	06/07 (last 6 months)	07/08 (first 6 months)	06/07 (last 6 months)	07/08 (first 6 months)
Chief Executive's	2	1	22	5	50%	100%
Environment and Culture	3	5	18	17	100%	75%
Development and Renewal, Housing	11	11	17	16	91%	82%
Development and Renewal	2	2	20	18	100%	100%
Adults Services **	1**	5**	11	12.5	100%	100%
Children's Services	0	1	-	19	-	100%
Total	19	25	17.5	15.3	90%	89%

- 10.4 In 2006/07, there was significant reduction in complaints investigated by the Ombudsman from 65 (in 2005/06) to 48. In the first half of 2007/08, 25 complaint enquiries have been responded to.
- 10.5 The vast majority (89%) of responses have been in good time, with the longest response time taken being 24 days.
- 10.6 At 15.3 days, our average response time is well within target of 21 days.

Table 14: Complaints determined by the Ombudsman

Determination	2006/07 (last 6 months)	2007/08 (first 6 months)
Maladministration causing injustice	0	0
Local Settlement	5	5
No maladministration	10	17
Ombudsman's discretion	5	5
Out of jurisdiction	11	13
Sub total	31	40
Premature complaints	10	19
Total	41	59

Table 15: Complaints determined by the Ombudsman

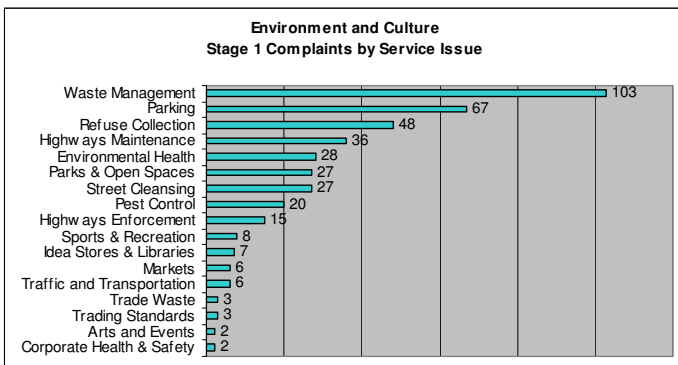
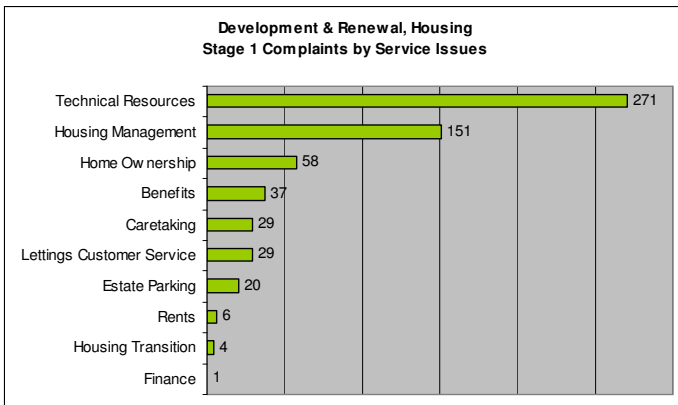
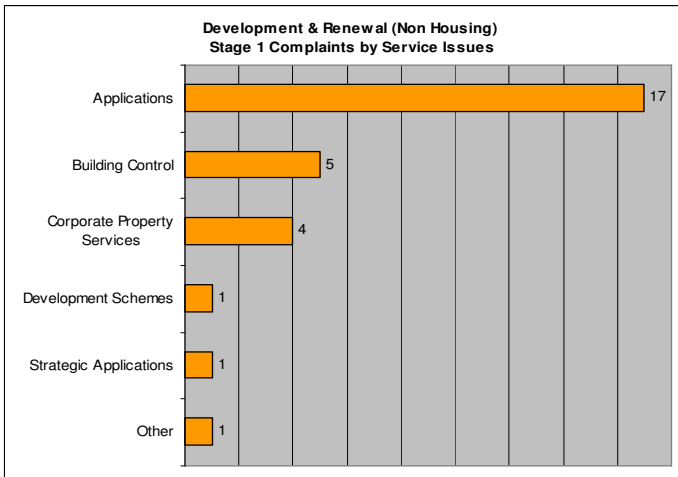
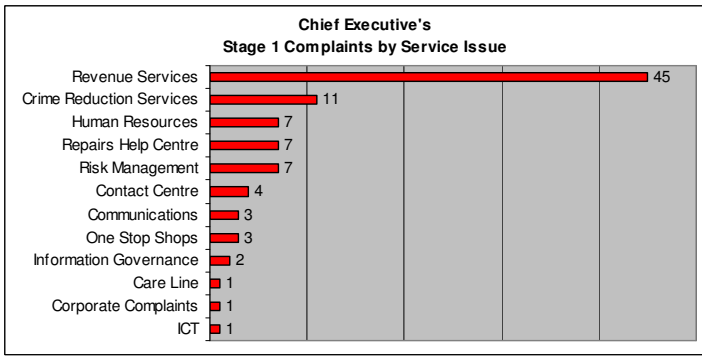


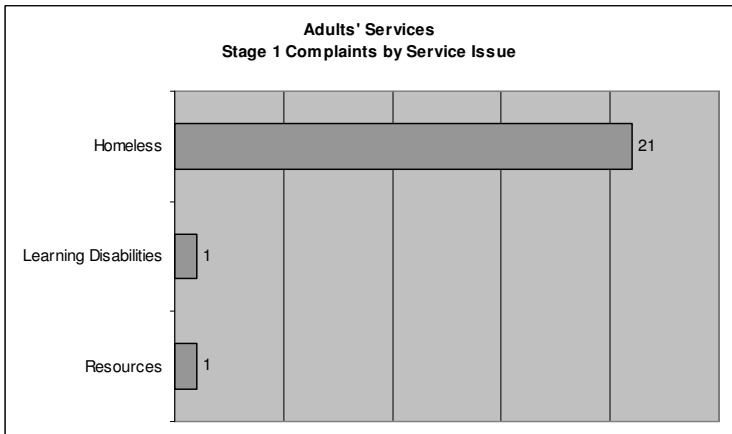
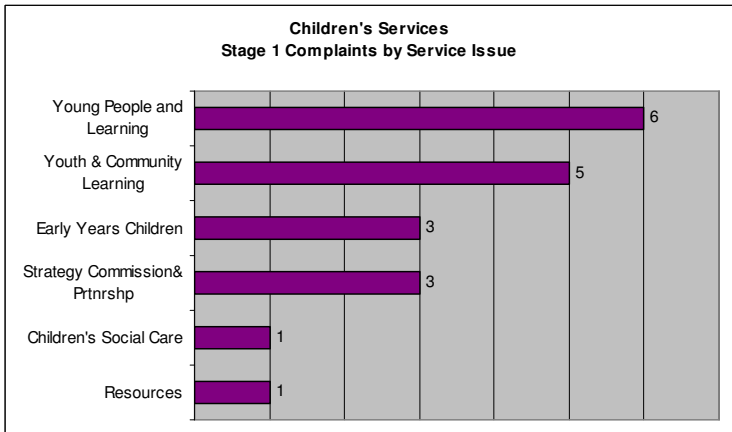
- 10.7 Premature complaints are those directed to the LGO without prior reference to the Council's complaints procedure and are therefore referred back to the Council for consideration.
- 10.8 In 2006/07, the Ombudsman has made no findings of Maladministration against the Council. This positive record has been maintained in the first six months of 2007/08.
- 10.9 The Council has sought the early resolution of complaints where there is some indication of fault, or where it is appropriate to pay compensation or make a gesture of goodwill to improve the complainant's position. In such instances the Council has agreed Local Settlements to ensure best practice in customer care.
- 10.10 The 2006/07 Ombudsman Annual Letter indicates that the Council should try to prevent complaints requiring Local Settlement from

reaching that position (38%, against a national average of 28%). On closer examination, in the second half of 2006/07 a much smaller proportion of Local Settlements were agreed (25%) and in the first half of 2007/08, five Local Settlements have been agreed, amounting to 18%.

11 SUMMARY

- 11.1 The Council's Corporate Complaints Procedure complies with the International Standard for Complaints Handling ISO 100002.
- 11.2 The Council's performance in handling complaints is improving, although work is still needed to improve this further, particularly for Stage 1 complaints. Tower Hamlets residents have indicated a significant increase in satisfaction.
- 11.3 Measures are in place to ensure that issues with significant implications for the Council or indicating impropriety are dealt with promptly and appropriately.
- 11.4 External review through the Ombudsman has found no cases of Maladministration in the past 18 months.





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The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter**

The London Borough of Tower Hamlets

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

Complaints received

Volume

Last year 112 complaints were received against the Council.

Character

Nearly half of the complaints received concerned housing (47) but this was a significant fall of nearly one third from the previous year, when 68 complaints had been received about housing, and fewer than half as many complaints as had been received the year before (97). While this category therefore remains the largest category of complaints against the Council, it appears to be a reducing volume. There were 12 complaints against both planning and building control and transport and highways services. Complaints about adult care services were halved from 14 to 7. There were no complaints about children and family services during 2005/06 last year there were four complaints.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

In total the Council resolved 24 complaints by local settlement and as remedies paid £6520 to complainants. The largest single payment of compensation was £1500 for delay in progressing matters relating to an enforcement notice and in investigating a change of use from single to multiple occupancy in a property next door to the complainant. This was the second complaint arising out of

the Council's delay and failure to take prompt action on unauthorised work at this address. The second highest payment was £1410 for misleading advice about regeneration and improvement which led the complainant to act to her detriment and also to the detriment of her tenants.

I am pleased to note that I found no need to publish a report critical of the Council last year.

Other findings

Decisions were made on 111 complaints last year, of which 29 were considered to be premature complaints as the Council had not had an opportunity to consider and respond. 19 complaints were outside my jurisdiction and I closed another 15 using my discretion to do so. I found no maladministration in 24 complaints.

Your Council's complaints procedure and handling of complaints

I am pleased to note that the Council clearly outlines its own complaints procedure upon the Council's website, and that there is a clear link to the Commission's own website so that complainants unhappy with the Council's response through its own corporate complaints procedure, may be readily signposted to the Commission's own complaints procedure.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we now offer these courses specifically for social services staff and have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

I am pleased to note that the Council convened an Effective Complaints Handling course in January this year, and hope that those attended benefited, and will be in a better position to swiftly and effectively determine complaints received from customers in future.

Liaison with the Local Government Ombudsman

I particularly commend the Council for the speed of its responses to enquiries made by investigators upon complaints. Last year the Council responded within an average of only 18.9 calendar days to the enquiries made upon 46 complaints. The Council's performance was equally good during the previous year, and only marginally less quick in the year before that. Given the volume of complaints upon enquiries which are made to the Council, and the fact that the Commission's new target is 28 calendar days, the Council is to be warmly commended for its significant over performance of that target.

I have been particularly impressed by the proactive and interventionist approach of the Director of Housing upon a particular complaint which exemplified the Council's constructive attitude to complaints.

Complaints against Tower Hamlets are now being dealt with by the Chairman of the Commission, Tony Redmond, who is the Ombudsman based within the Commission's London office. I would like to thank the several staff of the Council for the constructive and helpful way with which they have worked with my staff in York during the period that we have dealt with complaints against the Council. I am confident that this constructive relationship will continue between the Council's officers and those officers of the Commission now dealing with complaints against the Council.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ

June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	7	7	4	0	47	18	12	5	0	12	112
2005 / 2006	14	10	0	0	68	25	14	7	1	10	149
2004 / 2005	7	8	10	1	97	20	12	3	1	16	175

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	24	0	0	24	15	19	29	82	111
2005 / 2006	1	31	0	0	46	21	18	50	117	167
2004 / 2005	3	21	0	0	44	24	17	38	109	147

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2006 to 31/03/2007

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	46	18.9
2005 / 2006	72	18.0
2004 / 2005	84	19.7

Types of authority	≤ 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

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Agenda Item 9.1

Committee : Cabinet	Date	Classification Unclassified	Report No.	Agenda Item No.
Report of Colin Perrins Head of Trading Standards and Commercial Originating Officer: John Cruse Licensing Team Leader	Title Licensing Act 2003 – Three Year Review of Licensing Policy Ward affected All			

1.0 Summary

1.1 This report details:-

- the responses of the consultation carried out for the three year review of Licensing Policy under the Licensing Act
- the analysis of the responses
- the suggested changes to the Policy

2.0 Recommendations

- 2.1 That Cabinet note the results of the consultation of the three year review of the Licensing
- 2.2 That Cabinet note the recommended changes to the Licensing Policy detailed in the report.
- 2.3 Comment on and make changes as they deem appropriate.
- 2.4 Refer the revised Licensing Policy to Full Council for adoption

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Licensing Act 2003 and regulations
Revised Guidance issued under Section 182 of the Licensing Act 2003 and Guidance to licensing authorities and the police –June 2007 and File

John Cruse
020 7364 5024

3.0 Background

- 3.1 The Council's current Licensing Policy was adopted by Full Council in December 2004.
- 3.2 Tower Hamlets Council is defined as a Licensing Authority under the Licensing Act 2003. As a Licensing Authority we must review our Licensing Policy every three years and publish the outcome of that review.
- 3.3 We must, as a minimum carry out the statutory consultation laid down in the Act.
- 3.3 Following consultation, Cabinet must consider and approve the policy. The Licensing Policy has to be adopted by the Full Council. This will occur on 28th November 2007.
- 3.4 The Government revised its guidance on the Licensing Act 2003 issued under Section 182 of the Licensing Act 2003 on the 28 June 2007. The changes to the Licensing Policy defined in this report are compatible with this guidance unless it is clearly stated otherwise.

4.0 Consultation Process for Review

- 4.1 The consultation process employed for this review complied with the statutory requirements. In addition to this a wider and more extensive and inclusive consultation was carried out where a range of community, cultural, faith and business organisations were contacted. Also included were all Councillors, Tower Hamlets' two constituency MPs, Local Area Partnerships, and business organisations such as the Association of Licensed Multiple Retailers and the British Institute of Inn Keeping. Also included were businesses and a sample of residents who have been involved in a reviews of a specific individual Premises Licences under the Licensing Act 2003.
- 4.2 There is much in the current policy that is not contentious and has not been raised or objected to by any party involved in the licensing process. The consultation focused on specific issues that have been raised over the last three years and asked specific questions relating to these issues. However opportunity was given for further comment from consultees on other issues of the Licensing Policy.
- 4.3 The contentious issues the consultation focussed on were:-
 - Extending Consultation on individual Premises Licence Application
 - Clarifying the inter relationship between the Licensing and Planning Regimes
 - Reviewing the Policy relating to premises that hold striptease
 - Introducing the concept of a presumptive framework of opening hours

4.4 During the consultation process advice from Legal Services was sought on the extending consultation, planning and striptease issues. The advice received is included in the relevant sections of this report.

4.5 There were a number of procedural issues that the consultation highlighted. These were:-

- Introduction of the requirement for risk assessments for certain events and premises.
- Introduction of the description of the Temporary Event Notice procedure
- Introduction of the description of the review process for individual Premises Licences

5.0 Consultation Responses

5.1 The total number of responses was 68. Although not a large number of responses, it is more than is double the number of responses to the original consultation when the Licensing Policy was first formulated. The profile of respondents is also different, with substantially more individual residents responding.

5.2 Section 1 of Appendix 1 to this report contains

- An analysis of the number and categories of responses.
- An analysis all the responses to the seven standard questions that were asked. The categories of responding groups are shown, with the number and percentage of responses in each category. Responses to each of the standard questions with any further comments are considered, analysed, and commented upon.
- Analysis of other issues raised during consultation

5.3 Where recommendations are being made that involve changes to the current policy these are contained in the following sections of this report.

5.4 The suggested new wording of the licensing policy is contained in Appendix 2 to this report. ***(For Cabinet this Appendix will contain the complete amended policy with all changes being highlighted.)***

5.5 The existing Licensing Policy can be seen in full on the Councils website at <http://www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003/info.cfm>.

6.0 Changes to the Current Policy

6.1 The following sections detail the analysis of issues, the recommended changes and where significant the likely impact of the changes to the Licensing Policy.

7.0 Extending Consultation on Applications for Premises Licences

- 7.1 Issue - The Licensing Act 2003 requires applicants for new premises/clubs or variations to put up a notice on their premises for 28 days and to place an advertisement in a local newspaper. A consistent source of complaint from local residents has been that they were unaware of an application or have not been adequately consulted. Recent Government advice is that Local Authorities can undertake their own consultation, but the cost cannot come from the licence fee income. The consultation suggested that all businesses and residents within 40 metres of the premises should be consulted by letter from the Council
- 7.2 Analysis - There was a significant majority in favour of this proposal (88%). Dissenters included businesses and Tower Hamlets Community Housing. Legal Services have been consulted and it has been confirmed that the Council can, in strictly objective terms consult. The extra cost and resources of consultation cost cannot be met from licensing fees. It has also been suggested that for larger events and premises wider consultation maybe necessary as more businesses and residents will be affected.
- 7.3 Recommendation - That a strictly neutral system of notifying local businesses and residents within 40 m of any application for a new or varied premises or club licence is adopted. The suggested wording for this is contained in section 1 of Appendix 2. The suggestion of 40m represents a balance between the needs of the local community, and the resources needed to provide a rapid response to ensure effective consultation. For larger events and premises of a capacity of more than 1000 persons the Council will carry out reasonable and relevant consultation with local residents and businesses. The scope of this consultation will be decided by the Licensing Service Manager.
- 7.4 Impact - This change will generally raise awareness of Licence applications and lead to less complaints about the Licensing process. It may lead to more contested applications.

8.0 Planning

- 8.1 Issue - For some local residents it has been an issue that the Licensing Authority will deal with and sometimes grant licences to premises that do not have planning permission. The Licensing Act 2003 does not have planning permission as a licensing objective, and consequently we cannot refuse to issue a licence because planning permission is absent. Unless a valid objection is made then a licence has to be granted and even if the application goes to a hearing only objections that relate to the licensing objectives can be considered.

- 8.2 Analysis - There was almost universal agreement that amended wording relating to this issue should be adopted. The Secretary of State revised substantially the advice issued under Section 182 of the Licensing Act 2003 (28 June 2007) in this area. The guidance states:- *“As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.”* Legal Services have been consulted and it has been confirmed that applications cannot be refused simply because they lack planning permission, and recommended the adoption of the above guidance
- 8.3 Recommendation - That the new wording of the Secretary of State Guidance is adopted in the statement of Licensing Policy. In addition, and as suggested, if this recommendation is accepted applicants and others are directed to the Planning website. The new wording is in section 2 of Appendix 2
- 8.4 Impact - The amendment to the policy will clearly explain the Council's policy on this matter and hopefully lead to less dissatisfaction with local residents

9.0 Striptease

- 9.1 Issue – The issue of striptease continues to be a major source of debate within the Borough. Most of the objections to striptease are moral in nature in that it is exploitative or degrading. The Licensing Act 2003 does not allow objections that are morally based. Licensing Authorities therefore cannot ban striptease. Legal Services have been consulted and it has been confirmed that is the case.
- 9.2 The Licensing Policy is intended to look at the impact of striptease within the restrictions of the Licensing Act, and when the policy applies, to ensure that the potentially negative impacts are restricted. Thus the issues of management, advertising and proximity to sensitive places are all addressed. The changes to the existing policy were intended to clarify and allow the Council's to maximise the regulatory controls we have over premises that operate with striptease.
- 9.3 The Council has also asked Overview and Scrutiny to look at both licensing and the wider issues around striptease as part of the sex industry. This review is programmed to be completed in early 2008 and so any outcomes can not be included in this review. As part of the general review process of the Licensing Policy a mid term assessment of issues will take place. Any further changes to the Licensing Policy could be considered at this time.

9.4 The aims and objectives of the Overview and Scrutiny review are :-

Aims

- To investigate the impact of strip clubs in Tower Hamlets and approaches to regulation and licensing of such clubs.

Objectives

- To consider the legal framework for the licensing of strip clubs and what powers local authorities have for the regulation and licensing of strip clubs.
- To investigate the impact of strip clubs on the local community and employees.
- To consider the approach of other local authorities in the regulation and licensing of strip clubs and where the approach in Tower Hamlets may be made more effective.

9.4 The Licensing Act 2003 does not directly deal with striptease. However to be regulated by the Licensing Act 2003, striptease has to be a form of public dancing with music, or entertainment of a like kind to be exempt from the other legislation which in London controls “Sex Encounter Establishments.” Thus striptease is only regulated in the same way as any other dancing or musical activity. Any activity which goes beyond than striptease is not permitted in Tower Hamlets, as some years ago a limit of zero was set for “sex encounter establishments”

9.5 Analysis – All of the responses were in favour of the amended wording to the consultation. Following Legal Services have been consulted and it has been confirmed the policy will also cover the following:-

- Emphasise the limitation of the permission granted, as only striptease should only be predominantly the performance of dance to music.
- Where its discretion is engaged, the Licensing Authority (*the Licensing Authority exercises discretion only when representations and objections against Licence applications are received*) will make enquiries to ensure that the proposed application is indeed for music and dance and not an activity which is caught by the Sex Encounter establishment legislation.
- All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives
- Applications involving adult entertainment are unlikely to be successful (within the constraint that all applications must be considered on their merits) where they are:
 - A. within close proximity to residential housing
 - B. premises such as schools, playgrounds, places of worship, and community centres
 - C. All applications that do not specifically request nudity or semi-nudity will have a condition imposed which forbids it. This will be true for both opposed and unopposed applications

9.6 Recommendation – The recommended amended policy for striptease is in section 3 of Appendix 2 to this report. The main changes are

- To emphasise the difference between regulated activity and sex encounter establishments
- Whilst acknowledging that all cases will be dealt with on their merits, introduce a presumption that applications to hold striptease is unlikely to be successful if premises are near to :-
 - residential accommodation;
 - schools;
 - places of worship;
 - other premises where entertainment of a similar nature takes place;
 - community centres; and
 - youth clubs.

9.7 Impact – The change to the policy will further clarify and enhance the current policy to ensure that striptease where, it is legally proposed or taking place is as controlled and regulated as possible.

10. Core Framework Hours

10.1 Issue - There is sometimes a tension between applicants and local residents or businesses over the hours of operation of premises. This does not and indeed cannot mean that applications outside the core time are refused but it helps to clarify the issues the Licensing Authority will expect to be addressed by applicants when a Licensing application is being formulated. The emphasis will be on applicants to demonstrate how they are going to ensure that the Licensing objectives are being addressed if they operate outside the Core Framework Hours.

10.2 Analysis – There is clear consensus that the Core Framework Hours should be adopted. There was however a wide divergence of views about what times should be adopted. The Licensing Policy has to strike a balance between the contending needs of local businesses and local residents. The recommended hours take account of this. The early start time reflects the hours of business for some premises with off-sales. There is no history of complaint from premises that open early.

- 10.3 Recommendation – It is recommended that the Core Framework Hours approach is adopted. The times recommended are
- Sunday - 06 00 hrs to 22 30 hrs
 - Monday to Thursday - 06 00 hrs to 23 30 hrs
 - Friday and Saturday - 06 00hrs and midnight

The recommended new wording to the policy is in Section 4 of Appendix 2

- 10.4 Impact – The change of policy will help focus businesses on their responsibilities if they wish to operate outside the Core Framework Hours.

11.0 Risk Assessments

- 11.1 Issue – A risk assessment is an examination of what could cause problems at an event so that the organiser can assess whether or not they have taken enough precautions. This is a procedural matter that has been previously raised by the Police. The original question focussed on Temporary Event Notices (TEN's) (See para 12.1 for a definition) but in their response the Police have widened the issue to include other specified Licence applications. There have been concerns that some organisers of certain events are not effectively addressing their responsibilities. Applicants have put little or nothing into assessing risk and have run the risk of objections from the Responsible Authorities (The Responsible Authorities are the organisations that are statutory consultees i.e. the Police, Fire Service, Planning, Environmental Health, Trading Standards and Child Protection .
- 11.2 Analysis - In their detailed reply the Metropolitan Police have produced wording that they are recommending all London Borough's adopt. The wording the Police are asking for has sought to make clear to applicants the Police's expectations in relation to the licensing objective of the prevention of crime and disorder. This initiative has the support of London Councils
- 11.3 The British Pub and Beer Association, in its late submission has suggested that the Licensing Policy cannot cover anything to do with temporary event notices, as the Police either object or they do not.
- 11.4 Recommendation - That the wording agreed between the Metropolitan Police and the London Councils is adopted. The submission of the British Pub and Beer Association is not accepted. It is true that in relation to TEN's applicants are not required to contact the Police or explain what they are doing before they apply for a notice, but failure to assess and deal with the issues of crime and disorder may well lead to an objection by the Police, so it is useful for applicants to have a reference point which spells out expectations.

12.0 Temporary Event Notices

- 12.1 Issue – The current Licensing Policy does not include an explanation of the process relating to Temporary Event Notices (TEN's) – Temporary Event Notices relate to “one off” events with a capacity under 500 persons. Only a very limited application needs to be made for a TEN's.
- 12.2 Analysis - There is a clear consensus in favour of having the process for Temporary Event Notices included in the Licensing Policy.
- 12.3 Recommendation - The addition to the policy essentially explains to applicants and the public how the process works. The recommended wording is contained in Section 6 of Appendix 2.

13.0 Reviews

- 13.1 Issue - The Licensing Act 2003 has provided local residents and businesses as well as the Responsible Authorities, such as the Police with the power to review an existing licence. The grounds however are limited and the procedure is controlled by legislation. Experience has suggested local residents and businesses would find it helpful for the Licensing Policy to contain a brief description of how the procedure works.
- 13.2 Analysis - There is a clear consensus in favour of adding guidance about the process involved in Reviews to the Licensing Policy.
- 13.3 Recommendation - Reviews are a way that Responsible Authorities or the local community can object to a licence that has been granted and potentially get it altered or revoked. Therefore the wording contained in Section 7 of Appendix 2 is recommended for adoption.

14. Other Issues

- 14.1 There was an invitation in the consultation process for consultees to make any comments that related to any other aspect of the Licensing Policy.
- 14.2 The issues raised that have led to a change in policy are
- Display of “No Travellers” Signs
 - Movement of Designated Premises Supervisors
- 14.3 The issues raised which did not result in any policy change are included in sections 9,10,11 and 12 of Appendix 1
- 14.4 Display of “No Travellers” Signs - There has been a recent incidence of a public house putting up a sign which excluded travellers. The matter was resolved informally by contacting the licence holders, but it also raised the question of what actions the licensing authority could take against a similar practices which were against the public interest of social cohesion.

- 14.5 *Response & Recommendation*- The licensing authority is constrained by the limits of the legislation and cannot simply insert a standard term outlawing any attempt to exclude or discourage any adult minority group from attending a premises it licences. However, in appropriate circumstances and where an appropriate representation is made that without such a licence condition the licensing objective of the prevention of crime and disorder will be hindered then an appropriate term can be inserted. The new wording for this issue is in Section 9 of Appendix 2
- 14.6 *Movement of Licence Holders / Designated Premises Supervisors* – There are two designations of responsible persons named on a licence who manage licensed premises. These are the Licence Holder and the Designated Premises Supervisor. There have been occasions where Licence Holders and the Designated Premises Supervisor have moved on from premises. It has been suggested that wording should be added to the policy that reasserts that the Licence Holder and the Designated Premises Supervisor remain responsible in law until they have informed the Licensing Authority and if relevant arranged a transfer.
- 14.7 *Response* - The policy has been amended to address this issue. The amended wording is in Appendix 8 of Appendix 2

15.0 **Comments from Licensing Committee**

- 15.1 The Licensing Committee considered the report on Licensing Policy on 2nd October 2007 and also had a verbal update on the key changes with regard to striptease that had come from further legal advice. The Committee noted the report and was happy for the suggested alterations to the Licensing Policy to go forward.
- 15.2 The Licensing Committee were informed about the current Overview and Scrutiny work in relation to striptease and anticipated revisiting the matter after the conclusion of that work. They were concerned about the impact of striptease premises in the Borough, especially in residential or similar areas. They were also concerned that children were effectively excluded from such premises, especially where adult entertainment was an intermittent feature. Such premises may have unsuitable material on a permanent basis on site.
- 15.3 The Licensing Committee remained concerned about the negative impact of a minority of temporary events in the Borough which generated a number of residential complaints, but appreciated the limited control given by the statute.
- 15.4 The Licensing Committee agreed with wider community consultation that was carried out for the Policy Review
- 15.5 The Licensing Committee noted the proposals to extend consult with local businesses and residents for premises licences.

16.0 Concurrent Report of the Assistant Chief Executive (Legal)

- 16.1. Pursuant to section 5(1) the Licensing Act 2003 Local Authorities are required to, on a 3-yearly basis, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. The determination of this Policy is a matter for Full Council.
- 16.2. The Council's current policy was determined on 8th December 2004. It is therefore required to be republished on or before 8th December 2007. As part of the process of republishing, the Local Authority reviews the policy and will make revisions to it, as appropriate. In republishing the policy, the Council must undertake certain statutory consultation and this report is advising Members of the outcome of the review and consultation and proposed changes to the Policy.
- 16.3. As part of review process, Legal Services has been asked to consider three (3) main areas of identified concern. In no particular order, these are striptease, planning and consultation.
- 16.4. Dealing firstly with striptease, and which for the sake of clarity includes pole- and table-dancing, it is confirmed that striptease can lawfully be provided pursuant to a Premises Licence. To be lawfully provided, however, the activity must primarily be music and dance with the removal of clothes. If the *modus operandi* is not that then the striptease can only lawfully be provided by way of a Sexual Encounter Establishment Licence. The legislation dealing with such, that is the Local Government (Miscellaneous Provisions) Act 1982 (as amended), allows Local Authorities to set a limit on the number of such premises it allows and the Council has set a nil limit.
- 16.5. In light of this, the Policy will reflect that only striptease and which must primarily be music and dance with the removal of clothes can be permitted under a Premises Licence. Any other form of striptease will require a Sexual Encounter Establishment Licence and which will not be granted as the Council has set a nil limit on such.
- 16.6. Also with regard to striptease, when an applicant submits an application for a Premises Licence (or a variation thereof), the applicant is required to give details of any entertainment of an adult nature. If no such is stated, then a condition will be imposed that forbids nudity or semi-nudity at the premises. This condition will be imposed regardless of whether or not there are representations (objections) and it is considered that the imposition of such a condition is fully consistent with the applicants operating schedule. This will therefore reduce the risk of premises acquiring a Premises Licence without any reference to nudity or semi-nudity and subsequently introducing such entertainment.
- 16.7. Finally as to striptease, it should be noted that Overview and Scrutiny is examining both Licensing and the wider issues around striptease as part of the

sex industry. It may well be that as a result of this that the Council would wish to review its Policy. In that regard, section 5(4) of the Licensing Act 2003 requires that during the three year period that the Policy is in force that a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. The Council does not therefore have to wait another three (3) years before it can make changes to its Policy.

- 16.8. Turning now to Planning, the issue here has been whether the Council, as licensing Authority, can refuse an application or refuse to consider an application where the Council, as Planning Authority, has not given appropriate planning consent. Case law has held that the two (2) regimes of Licensing and Planning are separate and distinct and therefore the Council cannot refuse a Licence where the premises does not have appropriate planning consent.
- 16.9. As to refusing to consider an application, there is nothing within the Licensing act 2003 or the latest Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 that would sanction such an approach. In fact, the Guidance states that “.....applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority” (see paragraph 13.64 of the Guidance).
- 16.10. That being said, successful applicants who do not have relevant planning permission should be advised that the grant of the Licence does not override the need to obtain planning permission and the fact that they have a Premises Licence, it does not mean that they will obtain planning permission as neither regime is dependant upon or fettered by the decision of the other in any given case. Operating the Licence without planning permission will leave the applicant open to appropriate enforcement action being taken by Planning.
- 16.11. As to consultation, the issue here has been why cannot the Council consult with residents? The latest Guidance issued by the Secretary of state addresses this and allows licensing authorities to notify residents living in the vicinity of premises by circular of premises making the application. The Council cannot, however, charge the applicant for this. The Council also needs to consider the term ‘vicinity’ as, in most cases, vicinity could be an area of 40 metres from the premises. In certain cases, however, where the capacity of venue is substantial, it may well wish to consider notifying residents over a wider area. There needs to be a built in discretion within the Policy that allows the council to do this and it has been decided that this is appropriate where the capacity of venue is one thousand (1,000) or more.

17.0 Comments of the Chief Financial Officer

- 17.1 There are no financial implications with this report.

18.0 Equal Opportunities Implications

- 18.1 The existing policy already contains a section on Equalities issues. This section is still relevant and will be retained.
- 18.2 The only equalities issue that has been raised relates to the display of “no travellers” signs. The Policy has been altered to address this.
- 18.3 The Equalities Impact Assessment relating to the revised Licensing Policy is being carried out and will be completed by the time the report goes to Cabinet and Full Council. The relevant reports will include the outcomes of the assessment.
- 18.4 The Council’s Licensing Service is closely linked to the Council’s Cultural Strategy. The Council places community and cultural events high on its agenda. This programme of activity is a key ingredient of community cohesion and involvement and increases the opportunities of the Borough’s residents to experience free entertainment and events. The Licensing Service oversees these events to ensure the Licensing objectives are achieved. The Licensing Policy underpins the administration of the licensable events.

19.0 Anti Poverty Implications

- 19.1 The Licensing Policy, amongst other things, attempts to create an environment where licensed activity can flourish. Since the implementation of the Licensing Act 2003, the number of Licensed premises has increased by 10%.

20.0 Sustainable Action for a Greener Environment Implications

- 20.1 The Licensing objectives require Licensees to ensure they control public nuisance. If Licensees are exercising this responsibility in an appropriate way it will lead to local residents and businesses co-existing in a more harmonious way.

21.0 Risk Management Implications

- 21.1 The major risk is ensuring the revised Licensing Policy is approved by December 2007. Failure to do so could lead to legal challenges to decisions made by the Council.

Appendices

Appendix 1 The results of consultation

Appendix 2 The recommended changes to the Licensing Policy

Appendix 1

1.0 Breakdown of Consultation Responses

1.1 The table below shows the categories and numbers of responses

Category	Total Number	% of total
Local residents	41	60
Residents Associations	7	10
Businesses	11	15
Responsible Authorities	3	5
*Others (inc faith organisations, LAP and housing partnerships and one local MP.)	6	19
Total	68	100

- 1.2 Two respondents covered more than one capacity and have therefore been counted twice. A number of local residents gave a single response in more than one name. These have only been counted as one response. Multiple entries have been reduced to one. The Metropolitan Police made two responses, from two different sections, one of which was via the London Councils organisation, but has, for simplicity been counted as a responsible authority. Each Metropolitan Police submission has been counted separately. The topics they cover overlap, but only in relation to the general topic of risk assessments.
- 1.3 The British Beer and Pub Association sent a general letter on the 18 July 2007 to Councils about licensing policy. This has been included. They also responded in detail to the consultation but this was received out of time, and has not been included. However some references are made to it.
- 1.4 A number of other responses were received out of time and these have not been included. However reference is made to them where they raise specific issues that need to be considered.

2.0 Extending Consultation on Applications for Premises Licences

2.1 The question was as follows:

“I would like the consultation for premises or club applications to include a letter from Tower Hamlets Council to all local residents and businesses that are within 40 metres of the premises. “

Category	Total responses	Agree (%)	Disagree (%)
Local residents	41	41 (100)	0 (0)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	2 (22)	7 (78)
Responsible Authorities	2	2 (100)	0 (0)
Others	6	5 (83)	1 (16)
Overall totals	65	57 (88)	8 (13)

- 2.2 All of the respondents agreed to additional consultation with the exception of businesses and Tower Hamlets Community Housing.
- 2.3 In addition a number of comments were made concerning the 40m proposed distance for consultation. From residents two were in favour of 50m. Three were in favour of 100m, with a further one in favour of 50 or 100m. One was in favour of 1500m to 2000m. One business (who was also a resident) was in favour of 100m.
- 2.4 One resident expressed the view that the applicant should pay for all consultation. However, there is no lawful mechanism available that the Council can use to achieve this.
- 2.5 The Metropolitan Police have made two separate points about this. Firstly, that a rigid geographic area doesn't address the issue of cumulative impact, and secondly that Local Area Partnership Forums should be used more, at least by communicating with the LAP Director.
- 2.6 Response - The Police are correct in their first point. However, cumulative impact is a separate issue, and is covered elsewhere in the Licensing Policy. (see 6.1 of the Licensing Policy)
- 2.7 The second point however would be quite problematic. LAPS are not able to make representations under the Licensing Act 2003 at all. Consequently involving them would be likely to cause confusion, and lead to ineffective representations.

3.0 Planning

3.1 The question was as follows:

“I think the suggested wording concerning planning should be added to Tower Hamlets Council’s existing policy.”

Category	Total responses	Agree (%)	Disagree (%)
Local residents	41	41(100)	0 (0)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	9 (100)	0 (0)
Responsible Authorities	1	1(100)	0 (0)
Others	6	5(83)	1(17)
Overall totals	64	63 (98)	1 (2)

3.2 With the exception of two responses there was universal agreement from those that answered that the wording relating to planning should be altered.

3.3 There were two comments in more detail on this issue. The first was from the Metropolitan Police. They are concerned that it is not clear how planning matters are to be dealt with by the Council as a whole. They suggest signposting this in the policy. The second is from a local resident. They express frustration that planning is not a licensing objective. They suggest that the Licensing sub-Committee should refuse to agree anything outside an existing planning consent. They also feel that the new guidance issued by the Secretary of State makes this clear.

3.4 Response - There is no reason why the statement of Policy should not direct planning issues to the planning authority, in order to aid both applicants and others. The licensing sub-committee cannot automatically refuse any application, and the Government advice makes this clear. Of course not all applications go to a hearing, and unless an adverse representation is received a licence must be granted as applied for.

4.0 Striptease

4.1 The question was as follows:

"I think the suggested wording concerning striptease should be added to Tower Hamlets Council's existing policy."

Category	Total responses	Agree (%)	Disagree (%)
Local residents	39	39 (100)	0 (0)
Residents Associations	6	6 (100)	0 (0)
Businesses	9	9 (100)	0 (0)
Responsible Authorities	1	1 (100)	0 (0)
Others	6	6 (100)	0 (0)
Overall totals	61	61 (100)	0 (0)

4.2 One resident stated that we already have enough sex shows. One of the businesses that responded confined themselves to the issue of striptease and supplied the detail of a suggested Code of Practice.

4.3 The Metropolitan Police have made comments on this issue. They support the general approach proposed but are concerned that the limitations of the licensing authority are made clear, i.e. that the policy only has any impact if the licensing authorities discretion is engaged. They are also concerned that the language should be simple

4.4 Response - The Licensing Policy cannot include a blanket statement that all striptease will be refused. The police point about limitations on discretion is correct, and, of course applies to all the policy issues. This can be dealt with by a general statement, in relation to the exercise of discretion. The language is carefully chosen to ensure the policy is lawful.

5.0 Core Framework Hours

5.1 There were two questions asked about hours. The first related to the idea of creating a presumptive standard of certain hours, so that applicants who want to exceed those core hours are advised to specifically address how that will work. The second question therefore was what hours would you consider to be core.

5.2 The analysis of responses shows both replies, and in the case of hours shows the range of replies. Some of those who replied gave a start time as well as an end time, but many only gave an end time.

5.3 The questions were as follows:

"I think the suggested wording concerning hours should be added to Tower Hamlets Council's existing policy"

"I agree with setting hours but believe the correct hours should be:"

5.4 The response to the first question (core times) was as follows:

Category	Total responses	Agree (%)	Disagree (%)
Local residents	40	39 (98)	1 (3)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	7 (78)	2 (22)
Responsible Authorities	2	2 (100)	0 (0)
Others	6	4 (67)	2 (33)
Overall totals	64	59 (92)	5 (8)

5.5 The Metropolitan Police have commented in detail on this issue. They generally support this approach and they suggest that 02 00 hrs should be the standard and virtually nothing permitted after then. They also suggest the staggered hours approach has had little impact on hotspots such as Brick Lane. They also caution that the hours set must be evidentially based. They ask if staggered hours will now be removed from the policy.

5.6 Response - Any core time that is set is only a presumptive standard. A staggered hours approach is not incompatible with core hours, as they address different issues. Core hours is intended to raise residential impact more clearly, staggered hours primarily relates to crowd management. A reference to staggered hours will be retained.

5.7 The answer to the second question (what should core times be) was as follows, broken down by categories of reply:

5.8 The response from residents was as follows:-

Hours-start time (hrs)	Sunday Numbers %	Monday to Thursday Numbers %	Friday and Saturday Numbers %
At or before 09 00	2 (13)	4 (24)	4 (24)
At or before 10 00 hrs	1 (6)	1 (6)	1 (6)
At or before 11 00 hrs	1 (6)	1 (6)	1 (6)
At or before midday	10 (63)	8 (47)	8 (47)

Later	2 (13)	3 (18)	3 (18)
Totals	16	17	17
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	5 (19)	2 (7)	0 (0)
At or before 2300 hrs	18(67)	14 (52)	6 (19)
At or before 2400 hrs	4 (15)	11 (40)	14 (45)
At or before 010 hrs	0 (0)	0 (0)	8 (25)
At or before 02 00 hrs	0 (0)	0 (0)	3 (10)
Totals	27	27	31

5.9 Three residents wanted complete closure on Sundays. A number added conditions that would in effect reduce core hours further. One wanted special hours where there is a wall in common with a licensed premises. One resident expressed concern that the Council was not balancing conflicting needs correctly.

5.10 *Response* :- There is little evidence of the need to close all regulated premises all day on Sunday. A core hours approach does not permit further qualifications based on the type of entertainment or varying proximity to residential properties. There are few complaints from local residents or businesses that would justify a core start time. Each application, of course has to be considered on its own merits.

5.11 The response from Residents Associations were as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	1 (33)	0 (0)
At or before 10 00 hrs	0 (0)	0 (0)	0 (0)
At or before 11 00 hrs	1 (50)	1 (33)	1 (33)
At or before midday	0 (0)	0(0)	0 (0)
Later	0 (0)	1 (33)	2 (66)
Totals	1 (50)	3	3

Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	2 (50)	1 (17)	0 (0)
At or before 2300 hrs	2 (50)	5 (83)	2 (33)
At or before 2400 hrs	0 (0)	0 (0)	2 (33)
At or before 010 hrs	0 (0)	0 (0)	2 (33)
At or before 02 00 hrs	0 (0)	0(0)	0 (0)
Totals	4	6	6

5.12 Two residents associations wanted closure all day on Sunday

5.13 Response - There is little evidence of the need to close all regulated premises all day on Sunday. Equally, there are few complaints from local residents or businesses that justify a core start time.

5.14 The response from businesses was as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	0 (0)	0 (0)
At or before 10 00 hrs	2 (50)	1 (25)	2 (50)
At or before 11 00 hrs	1 (25)	2 (50)	2 (50)
At or before midday	1 (25)	0 (0)	0 (0)
Later	0 (0)	1 (25)	0 (0)
Totals	4	4	4
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	1 ()	1 (0)	1 ()
At or before 2300 hrs	1 ()	0 (0)	0 ()
At or before 2400 hrs	2 ()	2 ()	2 ()
At or before 010 hrs	0 (0)	1 ()	0 (0)
At or before 02 00 hrs	0 (0)	0 (0)	1 (0)
Totals	4	4	4

5.15 The response from other organisations was as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	0 (0)	0 (0)
At or before 10 00 hrs	0 (0)	0 (0)	0 (0)
At or before 11 00 hrs	0 (0)	0 (0)	0 (0)
At or before midday	1 (100)	1 (100)	1 (100)
Later	0 (0)	0 (0)	0 (0)
Totals	1	1	1
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	0 (0)	0 (0)	0 (0)
At or before 2300 hrs	0 (0)	1 (100)	0 (0)
At or before 2400 hrs	1 (100)	0 (0)	0 (0)
At or before 010 hrs	0 (0)	0 (0)	1 (100)
At or before 02 00 hrs	0 (0)	0 (0)	0 (0)
Totals	1	1	1

5.16 One organisation suggested zoning, and a concern about the growth of the number of clubs in the Borough.

5.17 *Response* - Zoning is not permitted by the Licensing Act 2003.

5.18 *Responsible Authorities* - The Metropolitan Police have suggested 02 00 hrs as the core closing time.

5.19 *Response* – This response is based more on a crime and disorder perspective, rather than looking at disturbance to local residents and businesses. It is interesting to note that the main responsible authority was not impressed by the impact of staggered hours on crime and disorder. It should be noted that Government guidance is in favour of staggered finishing times. As previously noted this policy does not stop staggered closing.

6.0 Risk Assessments

6.1 The question related to the “one off” permissions that can be obtained under the Act. The question read as follows:

“I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet’s existing Policy.”

6.2 The responses received were as follows:-

Category	Total responses %	Agree (%) Total responses %	Disagree Total responses %
Local residents	41 (65)	39 (95)	2 (5)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	6 (75)	2 (25)
Responsible Authorities	1 (2)	1 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	63	59	4

6.3 The Metropolitan Police made two detailed submissions about risk assessments. One was via the London Councils, an umbrella organisation of all the London Boroughs. The suggested wordings go further than just Temporary Events, although it is here that they will have the greatest impact, as the events cannot really be repetitive.

6.4 One resident has raised the issue of planning as permissions for events. However, the only grounds the Police can use for objecting to a temporary event notice relates to crime and disorder. Nothing else can be considered.

6.5 Response - There is clearly a consensus in favour of the suggested alteration. The Metropolitan Police have put forward a suggestion to all London Boroughs which looks at risk assessments overall, in relation to crime and disorder. There is a distinction between Temporary Events and others in that temporary events do not have conditions and the only mechanism of control open to the Metropolitan Police is to object to the licence. However, applicants will benefit from a clear statement of the Police’s expectations in relation to their application.

7.0 Temporary Event Notices Processes

7.1 The Licensing Policy does not currently explain to potential applicants, or interested members of the public how the temporary event procedure works. The question that was asked was as follows:

"I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet's existing Policy."

7.2 The responses received were as follows:-

Category	Total responses %	Agree (%) Total responses %	Disagree Total responses %
Local residents	40 (63)	39 (97)	1 (2)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	7 (75)	2 (25)
Responsible Authorities	2 (3)	2 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	63	60	4

7.3 The Metropolitan Police have asked that the policy directs applicants for TEN's to go to a particular Police station Monday to Friday before 14 00 hrs, and that time runs from receipt by the Police. However, these points cannot be incorporated into the policy, because they are controlled by Statute and Regulations, so the policy would have no effect, and potentially be confusing.

8.0 Reviews

8.1 Licensing Policy does not currently explain to local residents or businesses (including those being reviewed) how the review procedure works. Reviews are the mechanism by which a licence can be altered or revoked following application by local residents, businesses or a responsible authority. The question that was asked was as follows:

"I think the suggested wording describing the review procedure should be added to Tower Hamlet's existing policy."

8.2 The responses received were as follows:-

Category	Total responses	Agree (%)	Disagree (%)
Local residents	39 (63)	38 (97)	1 (3)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	6 (75)	2 (25)
Responsible Authorities	2 (3)	2 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	62		

9.0 Other Issues from Consultation - from Businesses

- 9.1 Circus Performances - The Association of Circus Proprietors of Great Britain has raised the issue of the problems the Licensing Act has created for all circus performances. The Government has advised that circus performances need a licence, both most licensing authorities do not agree with that view. If a licence is needed then an application is needed for each site.
- 9.2 Response - The comments are correct. The view of this licensing authority is that generally a Circus does not require a licence unless alcohol is sold. Limited licensing of open spaces, which is proposed by the Borough will also help circus performances.
- 9.3 Striptease - Vanquish Assets Ltd. have supplied a code of conduct for table dancing and similar. This relates to the proposal that the Police approve codes of practice (see new 15.3 of the Licensing Policy)
- 9.4 Response - This is not an issue for the Licensing Policy. The document will be examined and used in cooperation with the Police to develop Codes of Conduct for premises holding striptease
- 9.5 Administration of the Act - The British Beer and Pub Association raised concerns about inappropriate requirements, such as that applications have to be completed in a specified manner other than as prescribed by regulations.
- 16.1 Response - The licensing policy does not have any such requirements.
- 9.7 Standard Conditions - The British Beer and Pub Association object to blanket or standard conditions.
- 9.8 Response - The licensing policy does not have such conditions

9.9 Enforcement - The British Beer and Pub Association object to inspections taking place without a reason.

9.10 Response - Inspections in this authority are complaint led, or based on a risk assessment, or thematic. This does include a proportion of random inspections on low risk premises.

9.11 Public policy objectives of regulation (Hampton principles) - The British Beer and Pub Association raise the issue of the Hampton principles. (Hampton promotes the creation of a regulatory system, in which risk assessment is the basis for all regulators' enforcement programmes, and which is designed to balance the provision of public protection with support for economic development.).

9.12 Response - The Licensing Authority generally subscribes to these principles. There is no need to repeat in the Licensing Policy

10.0 **Other Issues from Consultation - from Responsible Authorities**

10.1 Role of the Licensing Policy - The Metropolitan Police has suggested that the policy should describe the role of the licensing authority.

10.2 Response - This is not really a policy matter. Applicants are provided with considerable material about what to do, which is also available on the web.

10.3 Movement of Licence Holders / Designated Premises Supervisors - There are people who move on from being a licence holder or designated premises supervisor who do nothing to inform the Police or the licensing authority of the change in circumstances. It is suggested that wording can be added to the policy to make clear our expectations. The difficulty the Act has created is that legal responsibility does not move until such notification, but effective management of the premises has ceased.

10.4 Response – This issue is accepted and policy change recommended.

11.0 **Other Issues from Consultation - from Local Residents**

11.1 Notification of Responsible Authorities - The importance of all Responsible Authorities being aware of all applications that are made and being given the opportunity to comment was raised.

11.2 Response - This is a requirement of the legislation, and so does not need further statement.

11.3 Notices on Premises - The need to display hours on premises, by way of a notice was raised.

11.4 Response - This is a matter of enforcement not policy, as it is a legal requirement.

12.0 Other Issues from Consultation - from Members

12.1 Display of "No Travellers" signs – One member has questioned the practice of displaying "No travellers signs" on Licensed premises . There has been a recent incidence of a public house putting up a sign which excluded travellers. The matter was resolved informally by contacting the licence holders, but it also raised the question of what actions the licensing authority could take against a similar practices which were against the public interest of social cohesion.

12.2 Response - The licensing authority is constrained by the limits of the legislation and cannot simply insert a standard term outlawing any attempt to exclude or discourage any adult minority group from attending a premises it licences. However, in appropriate circumstances and where an appropriate representation is made that without such a licence condition the licensing objective of the prevention of crime and disorder will be hindered then an appropriate term can be inserted.

Appendix 2

Recommended additions and amendments to the Licensing Policy

1.0 Consultation

(after 4.13 in current policy add as 4.14 to 4.15)

- 4.14 The consultation with local residents about a premises or club which is applying for a licence is carried out by the business which is applying for the licence.
- 4.15 Notification of applications under the Licensing Act 2003 is limited to an advertisement in a local paper and the display of a pale blue notice on the premises, both done by the applicant.
- 4.16 Following consultation the Licensing Authority has determined to itself contact all residents and businesses within 40 metres of the applicant's premises, where the application is for a new club or premises licence or its variation. The consultation will be strictly neutral, and will repeat the information required in the statutory notification.
- 4.17 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses. The scope of this consultation will be decided by the Licensing Service Manager.
- 4.18 The consultation period will not be extended, any failure by the licensing authority to carry out this consultation is not grounds for refusing or delaying any application.

2.0 Planning

(Delete 14.5 and 14.6 from the current policy. Insert new 14.5 to 14.9)

- 14.5 Planning, Building Control and Licensing regimes are properly separated by the Licensing Authority, who wishes to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

- 14.6 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 14.7 The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 14.8 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under Planning law.
- 14.9 Applicants for new premise or club licences or variations of them are advised to consult the London Borough of Tower Hamlets' Planning Authority about any planning restrictions which may apply to their premises. The Planning website is <http://www.towerhamlets.gov.uk/data/planning/index.cfm>.

3.0 Striptease

(Delete the 15.3 from current policy and insert 15.3 to 15.8)

- 15.3 The licensing authority when its discretion is engaged will always consider all applications on their individual merits, however all applications involving adult entertainment of nudity or semi-nudity are unlikely to be successful where the premises is in the vicinity of :
- residential accommodation;
 - schools;
 - places of worship;
 - other premises where entertainment of a similar nature takes place;
 - community centres; and
 - youth clubs.

- 15.4 Only nudity or semi-nudity which is predominantly the performance of dance to music is permitted by this policy. Sex Encounter establishments are controlled by the Local Government (Miscellaneous Provisions) Act 1982 as amended by Part 111 of the Greater London Council (General Powers) Act 1986, and the London Borough of Tower Hamlets has set a limit of zero on such establishments. The licensing authority will appropriately monitor the premises it has licensed to ensure that all performances involving nudity or semi-nudity are dance to music or a like entertainment, and take appropriate enforcement action if they are not.
- 15.5 Where its discretion is engaged the licensing authority will make enquiries to ensure that the proposed application is indeed for music and dance and not an activity which is caught by the Sex Encounter establishment legislation.
- 15.6 All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives.
- 15.7 All applications that do not specifically request nudity or semi-nudity will have a condition imposed which forbids it. This will be the case for both opposed and unopposed applications.
- 15.8 Where applications involving nudity or semi-nudity are made and its discretion is engaged the Licensing Authority will expect Operating Schedules to address the following matters and to include such conditions as are necessary to promote the licensing objectives:
 - A. A code of conduct for dancers and appropriate disciplinary procedures, developed in consultation with the police and the council.
 - B. Rules of conduct for customers, developed in consultation with the police and the council.
 - C. Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work.
 - D. The exclusion of persons under 18 from the premises when such activities are taking place.
 - E. That publicity and advertising does not cause offence to members of the local community

4.0 Core Framework Hours

(Delete 12.1 to 12.3 from current policy and insert new 12.1 to 12.9)

- 12.1 This Part of the Statement details the Licensing Authority's approach to licensing hours. It states the reasons for the policy and identifies the issues the Licensing Authority will take into account when considering applications during the framework hours. It only has any application when the discretion of the local authority is engaged.

- 12.2 The policy set out in this Part applies to applications for:-
- a new premises licence;
 - a new club premises certificate;
 - variation of a converted premises licence;
 - variation of an existing premises licence;
 - variation of a converted club registration certificate; and
 - variation of an existing club premises certificate where relevant representations are made.
- 12.3 The policies set out in this Part may, depending on the circumstances of the application, apply to applications for a provisional statement.
- 12.4 Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the cessation of licensable activities.
- 12.5 Tower Hamlets has a number of licensed venues that already have extended licensing hours. It also borders other London councils that have high concentrations of licensed premises including premises with extended licensing hours. The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken.
- 12.6 The Licensing Authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning. For these reasons, applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the Policy section below.
- 12.7 The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.
- 12.7 The framework hours (i.e. when premises are open) are

Sunday – 06 00 hrs to 22 30 hrs
Monday to Thursday - 06 00 hrs to 23 30 hrs
Friday and Saturday - 06 00hrs and midnight

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

- The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- The adequacy of the applicant’s proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

12.9 Applicants who apply for authorisation to carry on licensable activities, throughout the entirety of the hours outside the frame work hours, when they do not intend to operate at these times run a risk that Responsible Authorities and interested parties may be more inclined, than they might otherwise be, to make relevant representations about the application. Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering applications to carry on licensable activities outside the framework hours. Subject to any relevant representations that may be made to the contrary in individual cases, premises where the following licensable activities are authorised are not considered to make a significant contribution to the problems of late-night antisocial behaviour, and as such these premises will generally have greater freedom to operate outside the framework hours. These premises are:-

- Theatres.
- Cinemas.
- Premises with a club premises certificate.
- Premises licensed for the sale of alcohol for consumption off the premises only.

5.0 Risk Assessments

(New section with appropriate numbering – The wording below is that proposed by the Metropolitan Police and London Councils.)

- 1 When the Licensing Authority's discretion is engaged it expects applicants to have regard to the advice of the Metropolitan Police in relation to the licensing objective of the prevention of crime and disorder. Therefore it recommends for significant events (please see note below for definition), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority recommends that applicants carry out the Risk Assessment and debrief processes and when relevant include in their Operating Schedule.
- 2 The Licensing Authority further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees. E-mail site at (please insert hyperlink). It is recommended that electronic addresses for submission are ClubsFocusDesk-CO14@met.police.uk and (insert local authority email and MPS borough licensing unit)
- 4 Promotion or Event - The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions.
- 5 The Premises Licence Conditions proposed by can be recommended as part of a pool of standard conditions. They will not, of course, be imposed on any licence as a condition, unless as suggested in the policy statement, applicants address risk assessment in their operating schedules, or one of the statutory authorities submits relevant representations for any application received. If conditions are to

be applied, they will have to be relevant and proportionate to the matters raised in representations by the Responsible Authorities.

- 6 The recommended risk assessment conditions are:

Prevention of Crime and Disorder - The licensee shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

- 7 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

*submission of electronic documents by e-mail is preferred.

- 8 Note: Definition of a 'Significant Event'

This definition relates to events that require a Promotion/Event Risk Assessment Form 696.

- 9 A significant event will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

- 10 Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

6.0 Temporary Event Notices Process

(New section with appropriate numbering)

- 1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting for no longer than 96 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority and the Metropolitan Police of at least ten full working days.
- 2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. The

number of times a premises can be used in one year is limited to 12. In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved.

- 3 The Licensing authority, with other partners will assist organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation.
- 4 The Police must also be notified of an application. This allows the Police to intervene if necessary in order to prevent crime and disorder.
- 5 Organisers of outdoor events are strongly advised to contact the Council's Arts and Leisure section, Environmental Health and Health and Safety as well as the emergency services for advice.

7.0 Review Process

(New section with appropriate numbering)

- 1 Reviews of Premises Licences - Working in partnership - The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the Police, Fire Authority and the Licensing Authority. The licensing authority will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement
- 2 Purpose of reviews - The review process is integral to the operation of the Licensing Act 2003. The Government's intention is a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the Licensing Authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the Responsible Authorities and the interested parties to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence.
- 3 Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 4 Initiating Reviews - At any stage, following the grant of a premises licence, any of the Responsible Authorities or any interested party, such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The Police and Environmental Health Officers have various additional powers of closure. The Licensing Authority cannot initiate its own

reviews of premises licences, however, officers of the London Borough of Tower Hamlets who are specified as Responsible Authorities under the Act may request reviews

- 5 In every review case an evidential basis for the allegations made will need to be submitted to the Licensing Authority. When a request for a review is initiated from an interested party, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.
- 6 Where the Licensing Authority receives a request for a review in accordance with the closure procedures contained in legislation it will arrange a hearing in accordance with the regulations set out by the Government.
- 7 *Powers following determination of review* - The Licensing Authority in determining a review may exercise the range of powers given to them to promote the licensing objectives. The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:
 - Modifying the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition temporarily or permanently);
 - Excluding a licensable activity from the scope of the licence;
 - Removing the designated supervisor;
 - Suspending the licence for a period not exceeding three months;
 - Revoking the licence.
- 8 Steps that can be taken by the Council include:
 - Taking no action;
 - Issuing an informal warning;
 - Recommending improvements within a particular time;
 - Monitoring by regular inspection and invite to seek a further review if problems persist.
- 9 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, the revocation of the licence will be seriously considered. However, revocation also remains an option if other licensing objectives are being undermined.

8.0 Responsibility of Licence Holders and Designated Premises Supervisors

(New section with appropriate numbering)

- 1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority.

9.0 “No Traveller” and similar signs

(New section with appropriate numbering)

- 1 When its discretion is engaged and a relevant representation is made relating to the exclusion or discouragement of any minority adult group the Licensing Authority will add a condition which forbids such as practice. The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order.

EQUALITY IMPACT ASSESSMENT

Licensing Policy

Three yearly review and adoption November 2007

Incorporates the requirement to impact assess all new functions and policies and those that have a high relevance to the General Duty of the Race Relations Amendment Act (2000). This requirement is set out in the Council's Race Equality Scheme.

EQUALITY IMPACT ASSESSMENT

Name of the policy or function being assessed: **Licensing Policy Review**

Directorate **Environment & Culture**

Date Impact Assessment completed **12th October 2007**

Is this a policy or function? Policy Function

Is this a new or existing policy or function? New Existing

Names and roles of the people carrying out the Impact Assessment:

(Explain why the members of the impact assessment team were selected i.e. the knowledge and experience they bring to the process).

1. Colin Perrins - Head of Trading Standards and Environmental Health (Commercial) - responsible for the service that administers and enforces the provisions of the Licensing Act 2003 on behalf of the Council

2. John Cruse - Team Leader (Trading Standards - Licensing) responsible for the team that administers and enforces the provisions of the Licensing Act 2003 on behalf of the Council and lead officer for the policy review

Service Head	
Signature	
Date	

SECTION 1

AIMS AND IMPLEMENTATION OF THE POLICY

Identifying the aims of the policy¹

Tower Hamlets Council is the licensing authority under the Licensing Act 2003 and is responsible for granting licences in the Borough in respect of a wide variety of activities.

Examples are

- ◆ the sale and/or supply of alcohol
- ◆ the provision of regulated entertainment, (which includes music and/or dance, theatres, cinemas, indoor sporting events)
- ◆ late night refreshments, (formerly Night Café Licences).

All activities that come within the definition of the 2003 Act are covered. For example, this covers personal licences, which are held by individual licensees, registered supervisors, and premises licences, including clubs (premises certificates) and temporary events (permissions).

All licences/permissions relating to a premises will simply be termed a premises licence.

The 2003 Act requires that the Council, after consultation adopts and publishes a licensing policy, and that this is reviewed every three years. The Council will generally apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and proper consideration must be given to each individual application. The policy must be reviewed and change ratified by Full Council by December 2007

This 'Statement of Licensing Policy' has to be prepared in accordance with the provisions of the Licensing Act and the published guidelines made under Section 182 of the Act

The policy has, as required by legislation, be consulted on and reviewed. The new guidelines issued by the Secretary of State have also been taken into account. Two presumptions have been created in the new policy, in relation to "core hours" and "striptease." It remains the case however, that all applications must be dealt with on their individual merits and proper consideration of the facts must occur in each case.

¹ Please note the term 'Policy' is used for simplicity. The broad term can also refer to a function or a service.

Rationale behind the policy and its delivery

The policy states the general principles that the Council will take into account when determining each licence application.

Each application must be assessed on its own merits. The Licensing Authority may depart from its own policy if the individual merits of the application warrant such a departure. In such circumstances the Licensing Authority must be able to justify its decision should there be a challenge

The Licensing Act 2003 requires that we carry out our various licensing functions so as to promote the following four licensing objectives:

- ◆ the prevention of crime and disorder
- ◆ public safety
- ◆ the prevention of public nuisance
- ◆ the protection of children from harm

All of the Policy and its implementation must be consistent with these four objectives

Nothing in the Licensing Policy should:

- ◆ undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
- ◆ override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

The main aims of the policy are to achieve a safe welcoming and clean environment for all to enjoy by improving opportunities to business and leisure activities whilst respecting the needs of residents to be able to go about their normal lives without undue interference or disturbance from licensable activities

Who is affected by the policy? Who is intended to benefit from it and how?

Who are the main stakeholders in relation to this policy?

What outcomes would other stakeholders want from this policy?

Are there any groups, which might be expected to benefit from the intended outcomes but which do not?

The Licensing Policy is a universal statement and has the ability to affect all parts of the community. The Policy sets out the Council's suggested approach to the administration and regulation of licensable activity.

The main stakeholders are

Entertainment and leisure businesses - who would like to see a liberalisation of the laws and regulation that relates to licensable activity. They would like to see longer opening hours and move towards a 24-hour society.

The general business community would like to see longer opening hours. A more liberal opening regime is considered by some to be a driver for expanding the economy and therefore, there will be the prospect of more regeneration for the borough and more jobs. There will also be the prospect of generally increasing the quality of life by the provision of a more diverse and accessible entertainment's sector.

Local residents - would be concerned at the possible increase in anti social behaviour and the increase in noise and nuisance and the detrimental affect it may have on their quality of life.

The revised policy is intended to help empower local residents and businesses by extending the minimal statutory consultation which will make them more aware of applications that are likely to affect them and also make it clearer to them how they can participate in the decision making process.

The various responsible authorities, who look to the policy as a source of reference to help them achieve the licensing objectives

The aim of the policy has got to be the delivery of a compromise that will help deliver a more diverse entertainment environment with the economic and access benefits it may deliver, but not at the expense of local residents and other stakeholders who would not want their quality of life affected

Promotion of good relations between different communities

(How does the policy or function contribute to better Community Cohesion?)

How do you promote good relations between different communities you serve based on mutual understanding and respect?

What opportunities are there for positive cross cultural contact between these communities to take place e.g. between younger and older people, or between people of different religious faiths?

The Licensing policy is in the main focussed on how the Council decides on individual applications for licences. Therefore a consistent and uniform policy will help ensure that all licences are dealt with in the same way.

The Council is also expected to link its licensing functions to other strategic matters including he Council's cultural strategy. The Policy undertakes to set up multi disciplinary working groups that will address this issue and ensure that future policy development will be in line with other strategies.

Experience has shown that certain activities, such as free festivals, if correctly structured and managed, have a positive community impact, bringing families and different cultural groups together. They also provide increased opportunity and access to cultural activity for all local residents

(Specifically identify the relevance of the aims of the policy to the equality target groups and the Council's duty to eliminate unlawful racial discrimination, promote equality of opportunity and good relations between people of different racial groups).

Legislation such as the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, requires the local authority to have due regard to the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Council expects all licence applications to be consistent with this duty.

The policy review has addressed the issue of a "no travellers" sign outside a public house, and is framed to help deal with similar discriminatory signs in the future.

Policy Priorities:

(How does the policy fit in with the council's wider aims? Include Corporate and Local Strategic Partnership Priorities)

How does the policy relate to other policies and practices within the council?

What factors/forces could contribute/detract from the outcomes?

How do these outcomes meet or hinder other policies, values or objectives of the council?

The Council Priorities are delivered via the five Council Themes

A Better Place for

- ◆ Living Safely
- ◆ Living Well
- ◆ Creating and Sharing Prosperity
- ◆ Learning, Achievement & Leisure
- ◆ Excellent Public Services

The Licensing Policy is linked to all of these themes

- ◆ Living Safely - Licenses premises must be safe for all users and staff - public safety, the protection of children from harm and the prevention of crime and disorder are key objectives
- ◆ Living Well - Licensed premises and their clientele should not cause undue noise and nuisance to neighbours - prevention of public nuisance is a key objective
- ◆ Creating and Sharing Prosperity - The licensing regime has led to an increase in licensed premises which will help to boost the local economy which will bring new jobs and more prosperity to the Borough
- ◆ Learning, Achievement & Leisure - The licensing regime helps to increase access and bring more diverse leisure opportunities to the Borough
- ◆ Excellent Public Services - The policy will help the council make clear, transparent and consistent decisions

There is a need for joint working between other Council departments and outside agencies on issues relating to local crime prevention, Planning, Transport, Tourism, Cultural strategies, and the night time economy.

The revised policy, in clearly setting out the expectations of the Metropolitan Police in relation to the safe management of events is intended to contribute to living safely.

The revised policy is intended to address two issues in relation to living well, and is intended to help strike the right balance between the development of the night time economy and its potential adverse impact on local residents. The revised policy is also intended to address the concerns of local residents about the impact of premises that promote striptease may have upon their neighbourhood.

How the policy is implemented

(How is, or will, the policy be put into practice and who is, or will be, responsible for it?)

Who defines or defined the policy?

Who implements the policy?

How does the council interface with other bodies in relation to the implementation of this policy?

Is the service provided solely by the Department or in conjunction with another department, agency or contractor?

If external parties are involved then what are the measures in place to ensure that they comply with the Council's Equal Opportunities policy?

The Licensing Policy will be agreed formally by the Full Council in December 2004. The Policy then has to be reviewed and renewed at least every 3 years. The Policy will underpin decisions made by the Licensing function in Trading Standards and Environmental Health (Commercial) when delegated to do so and to a newly constituted Licensing Committee and associated sub committees.

The policy is in the main developed

- ◆ With due regard to the statutory guidelines laid down by the Central Government.
- ◆ Due regard to responses made to the extensive consultation process carried out to a wide range of stakeholders
- ◆ The policy in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities

The revised policy will be adopted by the full Council in November 2007.

SECTION 2

CONSIDERATION OF DATA AND RESEARCH

List all examples of quantitative and qualitative data available that will enable the impact assessment to be undertaken (include information where appropriate from other directorates, Census 2001 etc.)

There is very little data regarding existing licensees available to inform this process. The transfer of functions to the Council from the Local Magistrates Court has been problematic. We are still awaiting data and the data that is available is not structured in a way that will give us any meaningful information to make any informed decisions.

In house systems are also lack the ability to report on different groups. This was an action point from a previous impact assessment. Development has been problematic because of an unclear corporate decision on what core data the Council is seeking to record. Legacy systems are in the process of being linked and integrated to corporate systems. Clear corporate policies are needed on equalities information that needs to be collected

The 2001 census results give the population by racial group of Tower Hamlets as follows

- ◆ White 52%
- ◆ Bangladeshi 34%
- ◆ Black 6%
- ◆ Asian Other 3%
- ◆ Mixed 2%
- ◆ Chinese 2%
- ◆ Other 1%

The information available is therefore in the main largely anecdotal. Officer observation would be that drinks licence holders for public houses are mainly white, middle aged, and with women a substantial minority.

It is believed that there is more diversity when we look at “night-clubs” and hotels which hold a drinks licence, but it is only when we move on to licensed restaurants that we see any significant representation from the Bengali community.

A number of venues are known to be “non-heterosexual” but this is anecdotal and reflects customer orientation rather than the licensee’s whose sexual orientation is unknown.

The reasons for this are no doubt complex but they are in any event outside the control of the Council. The Council will not be in a position where it can proactively affect the profile of licence holders. The policy we adopt though will ensure that the process of obtaining a licence will be fair and free of discrimination.

The position remains substantially the same. The information required from applicants is set down in Regulations and does not include any form of profile monitoring. In essence the same is true of any residents who object to any application.

Anecdotal officer evidence suggests that middle aged, educated men dominate as objectors, with women, ethnic minorities the young, old and less educated all underrepresented.

Equalities profile of users or beneficiaries

(Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups)

There is no information currently available that adequately profiles users or beneficiaries. The very short timescales given to Local Authorities have meant that there has been no time to develop any systems that could give any robust information for analysis

An action point from this assessment will be to produce a meaningful profile of service users that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.

There is still no reliable local data. Overview and Scrutiny are programmed to do some work in relation to the impact of striptease on local residents which will help inform this

Equalities profile of staff

(Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council).

Not relevant for this policy.

Overview and Scrutiny are programmed to do some work in relation to the impact of striptease on the workforce.

Evidence of Complaints against the service on grounds of discrimination

(Is there any evidence of complaints either from customers or staff (Grievance) as to the delivery of the service, or its operation, on the equality target groups?)

There have been no complaints against this service regarding this issue

Barriers

(What are the potential or known barriers to participation for the different equality target groups?)

This policy review has the potential to impact on all parts of the community in Tower Hamlets.

Lack of information

The Licensing function suffers from the lack of equalities information

All local authorities have to use prescribed processes and forms produced by Central Government. The forms used do not include equalities issues

The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for future equalities impact assessments for licensing consultation but also monitoring all Council interventions under the new act.

There is no multi-language material, and the timescale for dealing with applications is so short that no translation can be undertaken once an application has been received.

Central Government were lobbied during the national review of the Licensing Regime but no changes incorporating equalities information was delivered

As a result we will have to address this is locally we will be undertaking some local consultation ourselves. There is the potential for the use of intermediate translation material.

Recent consultation exercises carried out

(Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups)

As part of the review of the Licensing Policy the council had to carry out a major consultation exercise.

In all over 2500 of consultations were sent out to

- ◆ Local Residents and Tenants associations
- ◆ Local Businesses
- ◆ Religious bodies and organisations
- ◆ Relevant and associated business organisations
- ◆ Police,
- ◆ Fire Authority, Local holders of on & off licences,
- ◆ Licence holders
- ◆ LAP's & CPAG's
- ◆ Local MP's
- ◆ Local Councillors
- ◆ businesses and a sample of residents who have been involved in a reviews of a specific individual Premises Licences under the Licensing Act 2003

There is much in the existing policy that is not contentious and has not been raised or objected to by any party involved in the licensing process. The consultation focused on specific issues that have been raised over the last three years and asked specific questions relating to these issues. However opportunity was given for further comment from consultees on other issues of the Licensing Policy.

The contentious issues the consultation focussed on were:-

- Extending Consultation on individual Premises Licence Application
- Clarifying the inter relationship between the Licensing and Planning Regimes
- Reviewing the Policy relating to premises that hold striptease
- Introducing the concept of a presumptive framework of opening hours

The total number of responses was 68. Although not a large number of responses, it is more than is double the number of responses to the original consultation when the Licensing Policy was first formulated. The profile of respondents is also different, with substantially more individual residents responding.

A detailed breakdown and analysis of responses is in Appendix 1 to this assessment

Identify areas where more information may be needed and the action taken to obtain this data.

(You will need to consider data that is monitored but not reported, data that could be monitored but is not currently collected and data that is not currently monitored and would be impossibility/extremely difficult to collect).

Gaps in information:

- Equality profiles relating to Licensees, Licence applicants, local residents who comment or object to licence applications
- Geographical profiles - ethnic profiles and Anti social behaviour reports
- Information - multi lingual proposals for all documentation- large print application notices (easy to read)
- Consultation / Customer satisfaction

Action needed:

(Include short-term measures to be taken to provide a baseline where no or little information is available)

Resolve Corporate / Local data issues

Review prescribed forms and processes when confirms - assess equalities issues - seek legal advice - lobby for change

Produce equalities information / monitoring strategy

Complete action in time for Policy review

The issue regarding equalities core data is a key issue that needs to be resolved corporately

SECTION 3

ASSESSMENT OF IMPACT

Race – testing of disproportionate or adverse impact

Identify the effect of the policy on different **race** groups from information available above.

There is no apparent averse impact on different race groups at the moment. There is concern that the new proposals by central Govt for process and documentation may mean that application forms will only be provided in English and there will be no scope for monitoring

How is the race target group reflected in the take up of the service?

The Licensing policy is intended to ensure that the new regime will be open and transparent. Current experience from existing Licences shows that there appear to no issues regarding race. There is a high proportion of Night Café licences held by Bangladeshi, Chinese and other Asian origin.

Objectors to licence applications come from across the community.

From the evidence above does the policy affect, or have the potential to affect, racial groups differently and if so do any of the differences amount to adverse impact or unlawful discrimination?

No evidence shows adverse impact

If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for one racial group or for another legitimate reason?

No adverse impact

Could the policy discriminate, directly or indirectly and if so is it justifiable under legislation?

Not applicable. The Government has decided as a matter of policy not to require information about the background of anyone involved in the licensing process.

Help has been providing by the Licensing Authority to all service users where it appears they need additional support in order to negotiate their way through the system.

Gender – testing of disproportionate or adverse impact

Identify the effect of the policy on **gender** groups from information available above.

There is no evidence of adverse impact

How are the gender groups reflected in the take up of the service?

Take up for licences for the current regime shows a predominance of male licences. This would not necessarily indicate adverse impact as most of the businesses in the Borough are owned and run by males.

As far as licence objectors are concerned experience would show that there is an even split between male and female

Anecdotal evidence suggests that males predominate as participants in objecting to a licence. Monitoring if the new amended will reveal if the procedures adopted in the revised policy will affect this.

From the evidence above does the policy affect, or have the potential to affect, gender groups differently and if so do any of the difference amount to adverse impact or unlawful discrimination?

No evidence shows adverse impact

If there an adverse impact, can it be justified on the grounds of promoting equality of opportunity for one gender group or for another legitimate reason?

No adverse impact

Could the policy discriminate, directly or indirectly and if so is it justifiable under legislation?

Not applicable

Disability – testing of disproportionate or adverse impact

Identify the effect of the policy on the **disability** strand from information available above.

Addressing issues regarding disability is not a licensing objective as defined by the statutory guidelines

How are disabled people reflected in the take up of the service?

Under the Disabilities Discrimination Act 1995 all business premises should be making arrangements to allow access to premises for all people with disabilities. Now this is a legal requirement.

From the evidence above does the policy affect, or have the potential to affect, disability groups differently and if so do any of the differences amount to adverse impact or unlawful discrimination?

No evidence available at present indicates adverse impact

If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for one group or for another legitimate reason?

No adverse impact

Could the policy discriminate, directly or indirectly and if so is it justifiable under legislation?

Not applicable

Age – testing of disproportionate or adverse impact

Identify the effect of the policy on different **age** groups from information available above.

The statutory guidelines highlight the protection of children as a key objective of the policy. As a result the policy addresses issues relating to children in the following way

- ◆ *Applicants will have to consult with the Area Child protection Committee*

The Council may impose conditions limiting access to children

- ◆ *where there have been convictions for serving alcohol to minors or with a reputation for underage drinking*
- ◆ *with a known association with drug taking or dealing*
- ◆ *where there is a strong element of gambling on the premises*
- ◆ *where entertainment of an adult or sexual nature is commonly provided*

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- ◆ *Limitations on the hours when children may be present*
- ◆ *Limitations on ages below 18*
- ◆ *Limitations or exclusion when certain activities are taking place*
- ◆ *Requirements for an accompanying adult*
- ◆ *Full exclusion of people under 18 from the premises when any licensable activities are taking place*

How are young and old people reflected in the take up of the service?

Not applicable

From the evidence above does the policy affect, or have the potential to affect, age groups differently and if so do any of the differences amount to adverse impact or unlawful discrimination?

The Policy seeks to protect children with differential treatment . This is not considered to be adverse impact or discrimination

Could the policy discriminate, directly or indirectly and if so is it justifiable under legislation?

Not applicable

Could the policy discriminate, directly or indirectly, and if so is it justifiable under legislation?

Not applicable

Lesbian, gay bisexual – testing of disproportionate or adverse impact

Identify the effect of the policy on **lesbian, gay and bisexual** (LGB) groups from information available above.

There is no evidence of adverse impact

How are LBG groups reflected in the take up of the service?

A number of entertainment / leisure businesses are known to be "non heterosexual."

From the evidence above does the policy affect, or have the potential to affect LBG groups differently and if so do any of the differences amount to adverse impact or unlawful discrimination?

No evidence shows adverse impact

If there is an adverse impact which, can it be justified on the grounds of promoting equality of opportunity for one group or for another legitimate reason?

No adverse impact

Could the policy discriminate, directly or indirectly and if so is it justifiable under legislation?

Not applicable - Neither the Licensing Policy nor the legislation discriminates against any venue on the grounds of sexual orientation. The rules are applied equally for all premises.

Religion/Belief – testing of disproportionate or adverse impact

Identify the effect of the policy on different **religious/belief** groups from information available above.

The issue of striptease has remained a concern to some of the local community, both for religious and secular reasons. The policy review has created a “rebuttable presumption” about the impact of a striptease establishment.

How are the religious/belief groups reflected in the take up of the service?

Premises that are primarily places of public worship are exempt from the Licensing Act 2003, and therefore outside the policy. Also exempt are all acts of religious worship, wherever they occur.

From the evidence above does the policy affect, or have the potential to affect, religious or belief groups differently and if so do any of the differences amount to adverse impact or unlawful discrimination?

See above.

If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for one group or for another legitimate reason?

See above.

Could the policy discriminate, directly or indirectly, and if so is it justifiable under legislation?

See above.

Health Impact – testing of disproportionate or adverse impact

Identify the effect of the policy on physical or mental **health** of service users and the wider community from any information that is available. (This might include an increased risk to health for some groups in the community, which although not intended, may have still occurred. The impact on health might include: increased mental stress, greater risk of accident or injury, reduced opportunities to have a quality diet, reduced opportunity for physical exercise, or greater incidence of diseases such as heart disease and diabetes.)

The Licensing Policy only very indirectly has an impact on the issue of drinking and health. The promotion of health is not a licensing objective. The Licensing Authority has however, been an active participant in various sensible drinking campaigns.

From the evidence above does the policy affect, or have the potential to affect the health of groups differently? If so, which groups and how does the impact occur?

Heavy drinking in licensed premises affects the young rather than old. There is no evidence readily available for other groups

The health authority has recently carried out more activity on this topic, and it shows that elderly males can have their health adversely affected by drinking. This issue however is outside the remit of this policy.

Additional groups which may experience a disproportionate or adverse impact

Identify if there are groups, other than those already considered, that may be adversely affected by the policy?

For example those in poverty may be adversely impacted by the policy and it might be useful to consider them as a separate group in the light of the Council's overall policy objectives.

None identified

Additional factors which may influence disproportionate or adverse impact

Management Arrangements

(How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups?)

Not applicable

What is the custom and practice in the provision or allocation of this service?

(Could these have a disproportionate impact on the equality target groups?)

The service is and will be uniformly applied

The Process of Service Delivery

(In particular look at the arrangements for the service being provided).

The service is primarily a reactive service. Businesses and individuals are required to be granted a licence before they can carry out the Licensable activity.

Guidance and information is available for businesses. When applications are made a prescribed consultation process has to take place.

Guidance and advice is also available to individuals who wish to make representations (objections) to an application. Officers of the service have had a number of meetings with local residents and their organisations about triggering a review.

Any objections are considered if objections are received applications are decided by a Licensing Committee. If no objections are received Officers will have delegated authority to grant licences.

Unlicensed activity and compliance will be monitored by enforcement

Operation Times

(When is the service provided; are there seasonal issues; are there barriers to the service based on the time and delivery of the service which may affect the target groups?)

The service is available 9 to 5 weekdays. No access issues

Methods of communication to the public and internally

(What methods do you use to communicate this service? Include review and assessment of methods, media, translations, interpretation etc. bearing in mind the extent to which these media forms are accessible to all sections of the community)

Externally

- ◆ *Written media*
- ◆ *Web site*
- ◆ *Application Forms and Packs*
- ◆ *Notices*
- ◆ *Local and LBTH press*

Internally

- ◆ *Telephone*
- ◆ *Email*
- ◆ *Internal database*
- ◆ *Meetings*
- ◆ *Task Groups*

Awareness of Service by Local People

(Assessment of the extent to which local people are aware of the service based on available data. What measures do you undertake to reach traditionally excluded communities?)

- ◆ *Consultation with local community and resident groups*
- ◆ *Documentation with minority language translations*

Evidence of disproportionate or adverse impact

(Is there any evidence or view that suggests that different equality, or other, target groups in the community have either a disproportionately high or low take up/impact of/from this service/function?)

yes no

If yes, what and why (State below)

SECTION 4

MEASURES TO MITIGATE DISPROPORTIONATE OR ADVERSE IMPACT

Specify measures that can be taken to remove or minimise the disproportionate impact or adverse effect identified at the end of Section 3. If none were identified in Section 3, identify how disproportionate impact or adverse effect could be avoided in the future. (*Consider measures to mitigate any adverse impact and better achieve the promotion of equality of opportunity*).

Multi agency groups

- *Joint working groups have been set up with to ensure issues relating to crime prevention, violent crime, targeted area groups. The need for other working groups will be assessed*

Information and Data

- *Current systems still do not allow us to report on equalities issues. This is linked to the shortfalls in the Council's core data system. This issue must be resolved*
- *Prescribed documents will not have any allowance for multi- lingual content or surveys for equality matters.*
- *There are limited systems in place to monitor and profile service users for the new function. Requirements will be analysed and appropriate action taken.*
- *Now no government change has occurred an information strategy now needs to be produced that ensures that the new service is providing advice and information in an appropriate way*

Consultation

The consultation process was not high but a significant improvement compared with when the original policy was formulated. It is pleasing to note that the total number of responses from the residential/community also was higher.

SECTION 5

CONCLUSIONS AND RECOMMENDATIONS

Does the policy comply with equalities legislation, including the duty to promote race equality? Take into account your findings from the impact assessment and consultations and explain how the policy was decided upon its intended effects and its benefits.)

yes no

What are the main areas requiring further attention?

Setting up more multi agency groups

Improving information and Data sources

Improving Consultation mechanisms and responses

Summary of recommendations for improvement

See section 4

How will the results of the IA feed into the performance planning process?

The action Plan produced will be added to the next service plan when produced.

Future Monitoring and Consultation

How and when will the policy be monitored?

The policy has a statutory review process. The policy has to be updated at least every 3 years. This is ongoing, and there will be future reviews. There is an Overview and Scrutiny process examining the impact of Striptease in the Borough. Recommendations from this may trigger an interim Licensing Policy Review

Suggested consultation for the future.

(Identify areas for future consultation and any barriers to participation in consultation with proposals to overcome these).

Extensive consultation for the policy review was carried out – a review of this exercise needs to be carried out and appropriate action taken place.

SECTION 6 – ACTION PLAN

Recommendation	Key activity	Progress milestones	Officer Responsible	Progress
Multi agency groups	<ul style="list-style-type: none"> Continue to participate in multi agency groups 	<ul style="list-style-type: none"> Ongoing 	Relevant Licensing Officers	
	<ul style="list-style-type: none"> Review need for other groups 	<ul style="list-style-type: none"> April 08 	JC	
Information and data Resolve Core Data Issues	<ul style="list-style-type: none"> Ensure current core data and equalities issues are addressed and resolved 	<ul style="list-style-type: none"> April 08 	CP/AH	
Consultation	<ul style="list-style-type: none"> Review latest consultation exercise 	<ul style="list-style-type: none"> April 08 	CP/JC	
	<ul style="list-style-type: none"> Review amended consultation process 	<ul style="list-style-type: none"> Sept 08 	CP/JC	
	<ul style="list-style-type: none"> Develop consultation strategy for Licensing 	<ul style="list-style-type: none"> April 08 	CP/JC	
Overview and Scrutiny - Striptease	<ul style="list-style-type: none"> Participate in the O&S process 	<ul style="list-style-type: none"> April 08 	CP/JC	
	<ul style="list-style-type: none"> Implement any recommendation resulting from the O&S process 	<ul style="list-style-type: none"> June 08 	CP/JC	

Appendix 1

1.0 Breakdown of Consultation Responses

1.1 The table below shows the categories and numbers of responses

Category	Total Number	% of total
Local residents	41	60
Residents Associations	7	10
Businesses	11	15
Responsible Authorities	3	5
*Others (inc faith organisations, LAP and housing partnerships and one local MP.)	6	19
Total	68	100

- 1.2 Two respondents covered more than one capacity and have therefore been counted twice. A number of local residents gave a single response in more than one name. These have only been counted as one response. Multiple entries have been reduced to one. The Metropolitan Police made two responses, from two different sections, one of which was via the London Councils organisation, but has, for simplicity been counted as a responsible authority. Each Metropolitan Police submission has been counted separately. The topics they cover overlap, but only in relation to the general topic of risk assessments.
- 1.3 The British Beer and Pub Association sent a general letter on the 18 July 2007 to Councils about licensing policy. This has been included. They also responded in detail to the consultation but this was received out of time, and has not been included. However some references are made to it.
- 1.4 A number of other responses were received out of time and these have not been included. However reference is made to them where they raise specific issues that need to be considered.

2.0 Extending Consultation on Applications for Premises Licences

2.1 The question was as follows:

“I would like the consultation for premises or club applications to include a letter from Tower Hamlets Council to all local residents and businesses that are within 40 metres of the premises. “

Category	Total responses	Agree (%)	Disagree (%)
Local residents	41	41 (100)	0 (0)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	2 (22)	7 (78)
Responsible Authorities	2	2 (100)	0 (0)
Others	6	5 (83)	1 (16)
Overall totals	65	57 (88)	8 (13)

2.2 All of the respondents agreed to additional consultation with the exception of businesses and Tower Hamlets Community Housing.

2.3 In addition a number of comments were made concerning the 40m proposed distance for consultation. From residents two were in favour of 50m. Three were in favour of 100m, with a further one in favour of 50 or 100m. One was in favour of 1500m to 2000m. One business (who was also a resident) was in favour of 100m.

2.4 One resident expressed the view that the applicant should pay for all consultation. However, there is no lawful mechanism available that the Council can use to achieve this.

2.5 The Metropolitan Police have made two separate points about this. Firstly, that a rigid geographic area doesn't address the issue of cumulative impact, and secondly that Local Area Partnership Forums should be used more, at least by communicating with the LAP Director.

2.6 Response - The Police are correct in their first point. However, cumulative impact is a separate issue, and is covered elsewhere in the Licensing Policy. (see 6.1 of the Licensing Policy)

2.7 The second point however would be quite problematic. LAPS are not able to make representations under the Licensing Act 2003 at all. Consequently involving them would be likely to cause confusion, and lead to ineffective representations.

3.0 Planning

3.1 The question was as follows:

“I think the suggested wording concerning planning should be added to Tower Hamlets Council's existing policy.”

Category	Total responses	Agree (%)	Disagree (%)
Local residents	41	41(100)	0 (0)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	9 (100)	0 (0)
Responsible Authorities	1	1(100)	0 (0)
Others	6	5(83)	1(17)
Overall totals	64	63 (98)	1 (2)

- 3.2 With the exception of two responses there was universal agreement from those that answered that the wording relating to planning should be altered.
- 3.3 There were two comments in more detail on this issue. The first was from the Metropolitan Police. They are concerned that it is not clear how planning matters are to be dealt with by the Council as a whole. They suggest signposting this in the policy. The second is from a local resident. They express frustration that planning is not a licensing objective. They suggest that the Licensing sub-Committee should refuse to agree anything outside an existing planning consent. They also feel that the new guidance issued by the Secretary of State makes this clear.
- 3.4 Response - There is no reason why the statement of Policy should not direct planning issues to the planning authority, in order to aid both applicants and others. The licensing sub-committee cannot automatically refuse any application, and the Government advice makes this clear. Of course not all applications go to a hearing, and unless an adverse representation is received a licence must be granted as applied for.

4.0 Striptease

4.1 The question was as follows:

"I think the suggested wording concerning striptease should be added to Tower Hamlets Council's existing policy."

Category	Total responses	Agree (%)	Disagree (%)
Local residents	39	39 (100)	0 (0)
Residents Associations	6	6 (100)	0 (0)
Businesses	9	9 (100)	0 (0)
Responsible Authorities	1	1 (100)	0 (0)
Others	6	6 (100)	0 (0)
Overall totals	61	61 (100)	0 (0)

4.2 One resident stated that we already have enough sex shows. One of the businesses that responded confined themselves to the issue of striptease and supplied the detail of a suggested Code of Practice.

4.3 The Metropolitan Police have made comments on this issue. They support the general approach proposed but are concerned that the limitations of the licensing authority are made clear, i.e. that the policy only has any impact if the licensing authorities discretion is engaged. They are also concerned that the language should be simple

4.4 Response - The Licensing Policy cannot include a blanket statement that all striptease will be refused. The police point about limitations on discretion is correct, and, of course applies to all the policy issues. This can be dealt with by a general statement, in relation to the exercise of discretion. The language is carefully chosen to ensure the policy is lawful.

5.0 Core Framework Hours

5.1 There were two questions asked about hours. The first related to the idea of creating a presumptive standard of certain hours, so that applicants who want to exceed those core hours are advised to specifically address how that will work. The second question therefore was what hours would you consider to be core.

5.2 The analysis of responses shows both replies, and in the case of hours shows the range of replies. Some of those who replied gave a start time as well as an end time, but many only gave an end time.

5.3 The questions were as follows:

"I think the suggested wording concerning hours should be added to Tower Hamlets Council's existing policy"

“I agree with setting hours but believe the correct hours should be:”

5.4 The response to the first question (core times) was as follows:

Category	Total responses	Agree (%)	Disagree (%)
Local residents	40	39 (98)	1 (3)
Residents Associations	7	7 (100)	0 (0)
Businesses	9	7 (78)	2 (22)
Responsible Authorities	2	2 (100)	0 (0)
Others	6	4 (67)	2 (33)
Overall totals	64	59 (92)	5 (8)

5.5 The Metropolitan Police have commented in detail on this issue. They generally support this approach and they suggest that 02 00 hrs should be the standard and virtually nothing permitted after then. They also suggest the staggered hours approach has had little impact on hotspots such as Brick Lane. They also caution that the hours set must be evidentially based. They ask if staggered hours will now be removed from the policy.

5.6 Response - Any core time that is set is only a presumptive standard. A staggered hours approach is not incompatible with core hours, as they address different issues. Core hours is intended to raise residential impact more clearly, staggered hours primarily relates to crowd management. A reference to staggered hours will be retained.

5.7 The answer to the second question (what should core times be) was as follows, broken down by categories of reply:

5.8 The response from residents was as follows:-

Hours-start time (hrs)	Sunday Numbers %	Monday to Thursday Numbers %	Friday and Saturday Numbers %
At or before 09 00	2 (13)	4 (24)	4 (24)
At or before 10 00 hrs	1 (6)	1 (6)	1 (6)
At or before 11 00 hrs	1 (6)	1 (6)	1 (6)
At or before midday	10 (63)	8 (47)	8 (47)
Later	2 (13)	3 (18)	3 (18)
Totals	16	17	17
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	5 (19)	2 (7)	0 (0)
At or before 2300 hrs	18(67)	14 (52)	6 (19)

At or before 2400 hrs	4 (15)	11 (40)	14 (45)
At or before 010 hrs	0 (0)	0 (0)	8 (25)
At or before 02 00 hrs	0 (0)	0 (0)	3 (10)
Totals	27	27	31

- 5.9 Three residents wanted complete closure on Sundays. A number added conditions that would in effect reduce core hours further. One wanted special hours where there is a wall in common with a licensed premises. One resident expressed concern that the Council was not balancing conflicting needs correctly.
- 5.10 *Response* :- There is little evidence of the need to close all regulated premises all day on Sunday. A core hours approach does not permit further qualifications based on the type of entertainment or varying proximity to residential properties. There are few complaints from local residents or businesses that would justify a core start time. Each application, of course has to be considered on its own merits.
- 5.11 The response from Residents Associations were as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	1 (33)	0 (0)
At or before 10 00 hrs	0 (0)	0 (0)	0 (0)
At or before 11 00 hrs	1 (50)	1 (33)	1 (33)
At or before midday	0 (0)	0(0)	0 (0)
Later	0 (0)	1 (33)	2 (66)
Totals	1 (50)	3	3

Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	2 (50)	1 (17)	0 (0)
At or before 2300 hrs	2 (50)	5 (83)	2 (33)
At or before 2400 hrs	0 (0)	0 (0)	2 (33)
At or before 010 hrs	0 (0)	0 (0)	2 (33)
At or before 02 00 hrs	0 (0)	0(0)	0 (0)
Totals	4	6	6

- 5.12 Two residents associations wanted closure all day on Sunday

5.13 *Response* - There is little evidence of the need to close all regulated premises all day on Sunday. Equally, there are few complaints from local residents or businesses that justify a core start time.

5.14 The response from businesses was as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	0 (0)	0 (0)
At or before 10 00 hrs	2 (50)	1 (25)	2 (50)
At or before 11 00 hrs	1 (25)	2 (50)	2 (50)
At or before midday	1 (25)	0 (0)	0 (0)
Later	0 (0)	1 (25)	0 (0)
Totals	4	4	4
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	1 ()	1 (0)	1 ()
At or before 2300 hrs	1 ()	0 (0)	0 ()
At or before 2400 hrs	2 ()	2 ()	2 ()
At or before 010 hrs	0 (0)	1 ()	0 (0)
At or before 02 00 hrs	0 (0)	0 (0)	1 (0)
Totals	4	4	4

5.15 The response from other organisations was as follows:-

Hours-start time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 09 00	0 (0)	0 (0)	0 (0)
At or before 10 00 hrs	0 (0)	0 (0)	0 (0)
At or before 11 00 hrs	0 (0)	0 (0)	0 (0)
At or before midday	1 (100)	1 (100)	1 (100)
Later	0 (0)	0 (0)	0 (0)
Totals	1	1	1
Hours-closing time (hrs)	Sunday	Monday to Thursday	Friday and Saturday
At or before 22 00 hrs	0 (0)	0 (0)	0 (0)
At or before 2300 hrs	0 (0)	1 (100)	0 (0)
At or before 2400 hrs	1 (100)	0 (0)	0 (0)
At or before 010 hrs	0 (0)	0 (0)	1 (100)
At or before 02 00 hrs	0 (0)	0 (0)	0 (0)
Totals	1	1	1

5.16 One organisation suggested zoning, and a concern about the growth of the number of clubs in the Borough.

5.17 Response - Zoning is not permitted by the Licensing Act 2003.

5.18 Responsible Authorities - The Metropolitan Police have suggested 02 00 hrs as the core closing time.

5.19 Response – This response is based more on a crime and disorder perspective, rather than looking at disturbance to local residents and businesses. It is interesting to note that the main responsible authority was not impressed by the impact of staggered hours on crime and disorder. It should be noted that Government guidance is in favour of staggered finishing times. As previously noted this policy does not stop staggered closing.

6.0 Risk Assessments

6.1 The question related to the “one off” permissions that can be obtained under the Act. The question read as follows:

“I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet’s existing Policy.”

6.2 The responses received were as follows:-

Category	Total responses %	Agree (%) Total responses %	Disagree Total responses %
Local residents	41 (65)	39 (95)	2 (5)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	6 (75)	2 (25)
Responsible Authorities	1 (2)	1 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	63	59	4

6.3 The Metropolitan Police made two detailed submissions about risk assessments. One was via the London Councils, an umbrella organisation of all the London Boroughs. The suggested wordings go further than just Temporary Events, although it is here that they will have the greatest impact, as the events cannot really be repetitive.

6.4 One resident has raised the issue of planning as permissions for events. However, the only grounds the Police can use for objecting to a temporary event notice relates to crime and disorder. Nothing else can be considered.

6.5 Response - There is clearly a consensus in favour of the suggested alteration. The Metropolitan Police have put forward a suggestion to all London Boroughs which looks at risk assessments overall, in relation to crime and disorder. There is a distinction between Temporary Events and others in that temporary events do not have conditions and the only mechanism of control open to the Metropolitan Police is to object to the licence. However, applicants will benefit from a clear statement of the Police’s expectations in relation to their application.

7.0 Temporary Event Notices Processes

7.1 The Licensing Policy does not currently explain to potential applicants, or interested members of the public how the temporary event procedure works. The question that was asked was as follows:

“I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet’s existing Policy.”

7.2 The responses received were as follows:-

Category	Total responses %	Agree (%) Total responses %	Disagree Total responses %
Local residents	40 (63)	39 (97)	1 (2)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	7 (75)	2 (25)
Responsible Authorities	2 (3)	2 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	63	60	4

7.3 The Metropolitan Police have asked that the policy directs applicants for TEN's to go to a particular Police station Monday to Friday before 14 00 hrs, and that time runs from receipt by the Police. However, these points cannot be incorporated into the policy, because they are controlled by Statute and Regulations, so the policy would have no effect, and potentially be confusing.

8.0 Reviews

8.1 Licensing Policy does not currently explain to local residents or businesses (including those being reviewed) how the review procedure works. Reviews are the mechanism by which a licence can be altered or revoked following application by local residents, businesses or a responsible authority. The question that was asked was as follows:

“I think the suggested wording describing the review procedure should be added to Tower Hamlet’s existing policy.”

8.2 The responses received were as follows:-

Category	Total responses	Agree (%)	Disagree (%)
Local residents	39 (63)	38 (97)	1 (3)
Residents Associations	7 (11)	7 (100)	0 (0)
Businesses	8 (13)	6 (75)	2 (25)
Responsible Authorities	2 (3)	2 (100)	0 (0)
Others	6 (10)	6 (100)	0 (0)
Overall totals	62		

9.0 Other Issues from Consultation - from Businesses

- 9.1 Circus Performances - The Association of Circus Proprietors of Great Britain has raised the issue of the problems the Licensing Act has created for all circus performances. The Government has advised that circus performances need a licence, both most licensing authorities do not agree with that view. If a licence is needed then an application is needed for each site.
- 9.2 Response - The comments are correct. The view of this licensing authority is that generally a Circus does not require a licence unless alcohol is sold. Limited licensing of open spaces, which is proposed by the Borough will also help circus performances.
- 9.3 Striptease - Vanquish Assets Ltd. have supplied a code of conduct for table dancing and similar. This relates to the proposal that the Police approve codes of practice (see new 15.3 of the Licensing Policy)
- 9.4 Response - This is not an issue for the Licensing Policy. The document will be examined and used in cooperation with the Police to develop Codes of Conduct for premises holding striptease
- 9.5 Administration of the Act - The British Beer and Pub Association raised concerns about inappropriate requirements, such as that applications have to be completed in a specified manner other than as prescribed by regulations.
- 16.1 Response - The licensing policy does not have any such requirements.
- 9.7 Standard Conditions - The British Beer and Pub Association object to blanket or standard conditions.
- 9.8 Response - The licensing policy does not have such conditions
- 9.9 Enforcement - The British Beer and Pub Association object to inspections taking place without a reason.

- 9.10 Response - Inspections in this authority are complaint led, or based on a risk assessment, or thematic. This does include a proportion of random inspections on low risk premises.
- 9.11 Public policy objectives of regulation (Hampton principles) - The British Beer and Pub Association raise the issue of the Hampton principles. (Hampton promotes the creation of a regulatory system, in which risk assessment is the basis for all regulators' enforcement programmes, and which is designed to balance the provision of public protection with support for economic development.).
- 9.12 Response - The Licensing Authority generally subscribes to these principles. There is no need to repeat in the Licensing Policy
- 10.0 Other Issues from Consultation - from Responsible Authorities**
- 10.1 Role of the Licensing Policy - The Metropolitan Police has suggested that the policy should describe the role of the licensing authority.
- 10.2 Response - This is not really a policy matter. Applicants are provided with considerable material about what to do, which is also available on the web.
- 10.3 Movement of Licence Holders / Designated Premises Supervisors - There are people who move on from being a licence holder or designated premises supervisor who do nothing to inform the Police or the licensing authority of the change in circumstances. It is suggested that wording can be added to the policy to make clear our expectations. The difficulty the Act has created is that legal responsibility does not move until such notification, but effective management of the premises has ceased.
- 10.4 Response – This issue is accepted and policy change recommended.
- 11.0 Other Issues from Consultation - from Local Residents**
- 11.1 Notification of Responsible Authorities - The importance of all Responsible Authorities being aware of all applications that are made and being given the opportunity to comment was raised.
- 11.2 Response - This is a requirement of the legislation, and so does not need further statement.
- 11.3 Notices on Premises - The need to display hours on premises, by way of a notice was raised.
- 11.4 Response - This is a matter of enforcement not policy, as it is a legal requirement.
- 12.0 Other Issues from Consultation - from Members**
- 12.1 Display of "No Travellers" signs – One member has questioned the practice of displaying "No travellers signs" on Licensed premises . There has been a recent incidence of a public house putting up a sign which excluded travellers. The matter was resolved informally by contacting the licence holders, but it also raised the

question of what actions the licensing authority could take against a similar practices which were against the public interest of social cohesion.

- 12.2 *Response* - The licensing authority is constrained by the limits of the legislation and cannot simply insert a standard term outlawing any attempt to exclude or discourage any adult minority group from attending a premises it licences. However, in appropriate circumstances and where an appropriate representation is made that without such a licence condition the licensing objective of the prevention of crime and disorder will be hindered then an appropriate term can be inserted.

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Agenda Item 9.2

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny	6 November 2007	Unrestricted		
Report of: Assistant Chief Executive		Title: Community Plan 2020		
Originating Officer(s): Shazia Hussain, Head of Participation and Engagement, Partnership Support Team		Ward(s) affected: All		

1 Summary

- 1.1 This report provides a summary of the Council's and Tower Hamlets Partnership's preparations to revise and refresh the borough's Community Plan.

2 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider and comment on the plans to produce the borough's Community Plan 2020.

Local Government Act, 2000 (Section 97)

List of "Background Papers" used in the Preparation of this Report

Background paper

Community Plan refresh File in Partnership Support Team

Name and telephone number of and address where open to inspection

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3 Introduction

- 3.1 The Tower Hamlets Partnership is refreshing its Community Plan to take it through to 2020. The Vision and Priorities agreed through the refresh of the Community Plan will also drive the new Local Area Agreement that will be negotiated with Government Office for London for 2008/09.
- 3.2 The Tower Hamlets Community Plan 2002 – 2010 has served the Partnership and borough well producing significant outcomes and fostering joint working across the borough, not only with other agencies and organisations but also with local communities through the Local Area Partnerships. It is now timely to refresh the Community Plan as there are significant changes that affect the borough. These include:
- Olympic and Paralympics Games 2012
 - Thames Gateway development
 - Changing Government legislation including the White Paper on Strong and Prosperous Communities and Comprehensive Spending Review 2007
 - Increasing importance of Community Cohesion and Sustainable Communities

4 Refreshing the Community Plan

- 4.1 The Local Government Act, 2000, places a duty on councils to prepare “community strategies” for promoting or improving the economic, social and environmental well-being of their areas. The Council has a lead role in developing and reviewing a Community Plan and, indeed, has a statutory responsibility for its preparation and agreement through the Tower Hamlets Partnership.
- 4.2 Government guidance advises that a Sustainable Community Strategy should aim to enhance the quality of life of local communities through action to improve the economic, social and environmental well being of an area and its inhabitants, whilst safeguarding the environment for future generations. It further advises that in preparing and reviewing the Community Plan, the Council and Partnership should take account of:
- the views of key stakeholders such as police, health services, voluntary groups, local businesses and communities
 - social and economic trends
 - other local and regional plans and strategies
- 4.3 The Council, PCT and the Police have carried out extensive public consultation around priorities and service improvement over the last two years and this forms a solid evidence base to inform the refresh of the Community Plan. It is important however, in projecting the Community Plan through to 2020 that further consultation is undertaken. This has already started with the 4 paired LAP consultation events with local people on their vision and priorities for the borough in 2020 that were held in August 2007. Over 400 local residents, with a good reflection of local communities from different race, gender and age, attended the consultation events. These events were very successful and generated considerable debate and discussion about what the borough should be like in 2020 and the changes needed to achieve it. The summary of the key messages from these events is attached at Appendix 1.
- 4.4 Further consultation is planned as part of the Community Plan refresh including:
- Members through planned all members sessions
 - Third Sector through Community Empowerment Network
 - Business through the Tower Hamlets Business Forum

- discussion at all Community Plan Action Groups (CPAGs) - where all the key service providers such as the Police and health services are represented – and at Local Area Partnership Steering Groups
- with RSLs through the Tower Hamlets Housing Forum (THHF)

In addition, there is further specific consultation with:

- Young people through the youth participation team
- Faith groups around cohesion and values, through the Interfaith Forum during Interfaith week
- Women through the Women in Tower Hamlets Inclusive Network (WITHIN)
- Older people through Linkage Plus
- Disabled residents through the Disabled Access Group and at the Pos-ability event on the International Day of the Disabled in December
- The local lesbian, gay, bisexual and transgender community via the monthly LGBT Forum

4.5 An Officers Working Group has been set-up and tasked with the responsibility of bringing the consultation together, developing it into the Community Plan 2020 and working with service providers to agree the action that will deliver the priorities. The group includes officers from across the Council services, PCT and the police and is chaired by the Assistant Chief Executive. This group is also pulling together and analysing information to provide a needs analysis that considers social and economic trends and key issues arising from local and regional plans and strategies.

4.6 The broad timetable for refreshing the Community Plan is set out below:

October – December 2007

- Further targeted consultation with women, faith groups, young people and older people, disabled residents and the local lesbian, gay, bisexual and transgender community
- All Member briefing sessions
- Developing Vision and issues based on consultation and wider analysis

January – February 2008

- Preparing draft Community Plan including establishing actions and outcomes to deliver the Vision and Priorities
- All Member briefing session

April 2008

- Agree Community Plan through Tower Hamlets Partnership and Council

Summer 2008

- Launch of Community Plan 2020

5 Budget and Policy Framework

5.1 Members are advised that the Tower Hamlets Community Plan 2020, falls within the Council's Budget and Policy Framework and is a matter reserved to full Council for decision under Article 4 of the Council's Constitution and as recommended by the Secretary of State.

5.2 The Council's budget and policy framework requires that the Community Plan be referred to the Overview and Scrutiny Committee for consideration and advice with Overview and Scrutiny Members receiving 10 working days to respond. The

refreshed Community Plan 2020 will be circulated in accordance with this requirement.

- 5.3 Under the provisional timetable, it is intended that the Plan is approved at full Council on 23 April 2008. Accordingly, Overview and Scrutiny Committee will consider the Community Plan 2020 at its meeting on 1 April 2008 and report its comments to Cabinet on 2 April 2008.
- 5.4 Cabinet is required by the Council's Constitution to take account of the views of Overview and Scrutiny Committee before submitting recommendations to full Council.
- 5.5 As indicated earlier, there will also be opportunities for members to feed their views into the Community Plan process through a number of All Member Briefings sessions that are being organised for November / December 2007 and February 2008

6 Concurrent Report of the Assistant Chief Executive (Legal Services)

- 6.1 Section 4(1) of the Local Government Act 2000 imposes a duty on local authorities to prepare a community strategy for "promoting or improving the economic, social and environmental well-being of their area."
- 6.2 Under section 4(2) a local authority has the power to modify the community strategy to reflect changes in local needs. In preparing or modifying its community strategy, a local authority must consult and seek the participation "of such persons as they consider appropriate" and have regard to any guidance issued by the Secretary of State.
- 6.3 Article 4 of the Council's Constitution provides that the Community Strategy forms part of the Council's policy framework which must be approved by full Council. The process for developing the framework contained in Rule 2 of the Budget and Policy Framework Procedure Rules provides that recommendations to Council shall be submitted by Cabinet which shall have taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee.

7 Comments of the Chief Financial Officer

- 7.1 The Community Plan 2020 will set out local priorities and specific targets for the Council and its key partners. The plan will set out a framework for allocating and directing financial resources both for the year ahead and the medium term, so that resources are aligned with priorities.

8 Equal Opportunity Implications

- 8.1 Equal opportunities are central to the community plan and to the power to promote and improve well-being. In refreshing the Community Plan an Equalities Impact Assessment will be undertaken and consultation will reflect the different communities that make up the borough. For example, there is targeted consultation with faith groups, older people and younger people.

9 Anti Poverty Implications

- 9.1 The Community Plan 2020 will be the key vehicle for delivering the inclusive vision of the Tower Hamlets Partnership and will consider how best to ensure that minimum standards of life quality are achieved for all communities in the borough.

10 Sustainable Action for a Greener Environment

- 10.1 The Community Plan 2020 will consider how best the borough can further improve the local environment and sustainability. In refreshing the Community Plan an

Environmental Impact Assessment is planned to ensure that it is consistent with the good practice and promotes further sustainable action for a greener environment.

11 Risk Management

- 11.1 The Community Plan 2020 will provide a clear, public statement of the Tower Hamlets Partnership's strategic priorities. It will set out the key performance indicators, targets and milestones so that the performance of public services – including the Council – can be assessed.

- 11.2 The Community Plan will be reflected in the service plans and resource allocation of all service providers in the borough. These partnership risks are managed through the processes set out in the Partnership Risk Management framework. Financial and other services risks within the council will be carried by individual Directorates.

Appendix 1 Feedback from LAP Events

Headlines from Community Plan 2020 resident consultation

More of	Less of	Evidence
Ethnic integration	Divided communities, unofficial territories, racist behaviour	Youth clubs, activities and programmes available to all with good representation
Leisure and arts facilities	Hanging around, boredom, antisocial behaviour	Good range of facilities for all groups and ages to encourage leisure, learning, fitness and socialisation
Healthy lifestyle	Inappropriate diet, obesity, inactivity	Reduced obesity Wider range / choice of food outlets Health & lifestyle education Positive parental influence
Community policing	Fear of intimidation and retaliation for crime reporting Living with crime	Reduced crime, reduced fear of crime
Personal accountability <ul style="list-style-type: none"> • Respect for authority • Respect for others • Respect for the environment 	Antisocial behaviour – littering, vandalism, graffiti, indifference and intolerance to authority	Safer, cleaner environment Communities pulling together
Affordable housing	Unaffordable housing, 'gated' communities	Local people living in own houses
'Clean' Streets	Drug abuse, drug dealing, drug related crime	Higher employment, attractive facilities, safer environment, lower crime
Local employment	Unemployment, unskilled and low-paid labour	Competitive salaries, job diversity, skilled & professional roles
Local investment	Short-term, transient profit	Long-term investment, greater employment and housing opportunities for local residents. Schemes and policies to support and protect the most vulnerable and disadvantaged

Agenda Item 10.2

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny Committee	6 November 2007	Unrestricted		
Report of: Assistant Chief Executive Originating Officer(s): Michael Keating, Head of Scrutiny & Equalities / Hannah Bailey, Scrutiny & Equalities Support Officer		Title: Overview and Scrutiny Recommendation Tracking Report: Update Ward(s) affected: All		

1. Summary

- 1.1 This report provides a progress report on Overview and Scrutiny Committee's recommendations.

2. Recommendations

- 2.1 Overview and Scrutiny Committee is asked to note the progress in implementing its recommendations.
- 2.2 Overview and Scrutiny Committee is asked to note the planned Challenge Session on revisiting the Scrutiny Review of the Youth Services Plan, to be held on 11th December 2007.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Background paper

Name and telephone number of and address where open to inspection

Recommendation Tracking Report – March 2007

Mark Redhead
020 7364 4877

3 Report

- 3.1 As part of its regular work programme, Overview and Scrutiny Committee (OSC) receives a regular, 6-monthly, recommendation tracking report to monitor progress in implementing past recommendations. This covers all its recommendations since 2003/04, including those from the Committee and Working Group reviews.
- 3.2 In considering the monitoring and tracking of scrutiny recommendations it was suggested that it may be useful for Members to consider revisiting a review to look at progress, its impact and the potential lessons for future reviews. As part of the Overview Scrutiny Work Programme this year it was agreed the Scrutiny Lead Member for Learning Achievement and Leisure would revisit the Scrutiny Review on the Youth Services Plan. The latest tracking report shows that all the recommendations have been implemented and no further monitoring is required for this review. The Challenge Session has been arranged for 11th December 2007 and will provide Members with an overview of the impact scrutiny has had on a service area as well as using this as a basis for learning and reflecting on a piece of work undertaken by Scrutiny Members.
- 3.3 The tracking report shows that overall services are implementing many of the recommendations made by Overview and Scrutiny. This takes a number of forms from being mainstreamed into ongoing service development through to specific initiatives.
- 3.4 Appendix 1 provides an update of the tracking system. It is organised by the broad themes from the Strategic Plan with the additional area of health for the Health Scrutiny Panel. Where there are changes since the last update, they are highlighted like **this**.
- 3.5 As noted in the report of 7 March 2007 meeting, many of the updates will not change significantly from one tracking report to the next given the nature of the recommendations. For each recommendation there is an indication of whether monitoring should continue and, if so, when a detailed update will be sought.
- 3.6 Appendix 1 shows those recommendations that are either outstanding or ongoing. Recommendations that have been achieved and reported back are not shown. Appendices 2 and 3 show recent review recommendations which have not been considered by OSC and have been recently agreed by Cabinet. The remaining reviews from the municipal year 2006/07 will be added onto the tracking report in March 2008 once they have been agreed by Cabinet. A number of the reviews are now monitored on an annual basis and were considered at the March 2007 meeting. Reviews completed before June 2004 only provide an update as these were produced under the previous scrutiny arrangements.
- 3.7 As with other corporate monitoring reports, a traffic light system is used to indicate progress. Red highlights an area where there has been no progress or there is significant delay in implementing the recommendations. Yellow indicates that the recommendation is in the planning stage or that, although there is some progress, this is less than satisfactory. Green shows that the recommendation has been achieved or progress in its implementation is satisfactory.
- 3.8 The report shows that in terms of the 13 issues monitored, 12 are at green with 1 currently at yellow, due to this review being in the early stages of implementation. Furthermore, in undertaking the tracking at this stage we are able to identify that with many of the recent reviews the Cabinet has responded positively to all the recommendations by agreeing to implement the recommendations from the scrutiny review.

4 Concurrent Report of the Assistant Chief Executive (Legal)

- 4.1 Under Section 21 of the Local Government Act 2000, the Council has a duty to deliver an effective and robust Overview and Scrutiny function. Monitoring the progress and impact of recommendations made by Overview and Scrutiny ensures that this duty is discharged effectively.

5 Comments of the Chief Financial Officer

- 5.1 There are no direct financial implications arising from this report.

6 Equal Opportunity Implications

- 6.1 Equal opportunities are central to the work of the Overview and Scrutiny Committee. A number of reports and reviews have specific equalities themes including access to sexual health services for young people and access to services for disabled people.

7 Anti Poverty Implications

- 7.1 Anti-poverty is central to some aspects of the work of the Overview and Scrutiny Committee, particularly within the theme of Creating and Sharing Prosperity, such as that on the Fair Shares review, looking into how the local community has benefited from high levels of economic development within the Borough.

8 Sustainable Action for a Greener Environment

- 8.1 The Committee has considered sustainable action for a greener environment through its update on the Urban Junk or Urban Funk? Street De-Clutter Review.

9 Risk Management

- 9.1 There are no direct risk management implications arising from this report. Monitoring of the implementation of the Committee's recommendations is important to make sure that the Council responds to the suggestions and findings of Overview and Scrutiny's work.

Appendix 1 Overview and Scrutiny Recommendation Tracking Update

Appendix 2 Leaseholders and Customer Care Recommendations (October 2007)

Appendix 3 Progress on Delivering Choosing Health Recommendations (April 2007)

Overview and Scrutiny Recommendation Tracking Update

Living Safely

Issue Review – Domestic Violence	Recommendation Date 4 April 2006	green
Monitoring Status – Maintain annual monitoring		
Recommendation This review considered domestic violence in Tower Hamlets and the multi-agency response to the issue. The report made 12 recommendations for action.	Response / Progress A full update on implementation of the recommendations was provided in March 2007. All the recommendations apart from 1 have been completed. The last recommendation will be implemented by March 2008 and an update will be provided in March 2008.	

Issue Urban Junk or Urban Funk – Street De-clutter	Recommendation Date 7 June 2005	green
Monitoring Status – Maintain annual monitoring		
Recommendation This review considered the issue of street de-clutter in the borough and how it could be reduced. The Working Group made 16 recommendations to Cabinet.	Response / Progress A full update on implementation of the recommendations was provided in March 2007. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.	

Creating and Sharing Prosperity

Issue Fair Shares Review	Recommendation Date 10 May 2005	green
Monitoring Status – Maintain annual monitoring		
Recommendation This review considered how local communities benefited from the borough's high levels of economic development and regeneration. The Working Group made 10 recommendations to Cabinet.	Response / Progress An update report showing progress on the implementation of the recommendations was submitted to the March 2007 meeting. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.	

Learning Achievement and Leisure

Issue School Exclusions	Recommendation Date 4 April 2006	green
Monitoring Status – Maintain annual monitoring		
Recommendation This review looked at school exclusions within the borough to increase understanding of the issues, the support available and action being taken to deal with them. It made 10 recommendations to Cabinet.	Response / Progress An update report showing progress on the implementation of the recommendations was submitted to the March 2007 meeting. The majority of the recommendations have been implemented. A number of the recommendations are due for completion after the last update and these will be monitored through a further update in March 2008.	

Issue Standing Advisory Council for Religious Education (SACRE)	Recommendation Date 10 January 2006	green
Monitoring Status –No further monitoring		
Recommendation This challenge session made 7 recommendations for the directorate to consider.	Response / Progress A full update was submitted to the March 2007 meeting showing that all the recommendations had been accepted. It was agreed that there be no further monitoring.	

Issue Youth Services Plan Review	Recommendation Date 10 May 2005	green
Monitoring Status – No further monitoring		
Recommendation This review considered the Council's Youth Services Plan with focus on accommodation and partnership working. The Working Group made 17 recommendations to Cabinet.	Response / Progress A full update was submitted in March 2007 showing good progress towards implementation. It was therefore agreed to stop monitoring the progress of the recommendations. However, Members' attention is drawn to the forthcoming challenge session on the status of the review, which is due to be held on 11 th December 2007.	

Excellent Public Services

Issue Leaseholders – A Study of Customer Care	Recommendation Date 3 October 2007	yellow
Monitoring Status – Maintain annual monitoring		
Recommendation	Response / Progress	

<p>This recent review was designed as a case study of the customer care received by people using Council services. In total 19 recommendations were made as a result, with 15 of these specifically for the leaseholder.</p>	<p>The report was submitted to Cabinet in October 2007. All 19 of the recommendations were accepted. An action sheet detailing the recommendations is attached as appendix 2 for Members' information.</p>
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<p>Issue The role of Ward Councillors in the Tower Hamlets Partnership</p>	<p>Recommendation Date 7 February 2006</p>	<p>green</p>
<p>Monitoring Status – Maintain annual monitoring</p>		
<p>Recommendation This review was conducted in 2005/06 and considered the role of councillors in the Partnership. It resulted in a report with 11 recommendations for action.</p>	<p>Response / Progress A full update on implementation of the recommendations was provided in March 2007. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.</p>	

<p>Issue Access to services for Disabled People</p>	<p>Recommendation Date 7 June 2005</p>	<p>green</p>
<p>Monitoring Status – No further monitoring</p>		
<p>Recommendation This review considered access for disabled people to council services. The review considered Council policy and practice and the accessibility of Council buildings, documents and the website. The Working Group made 11 main recommendations to Cabinet.</p>	<p>Response / Progress A full update was submitted to the March 2007 meeting showing that all the recommendations had been accepted. It was agreed that there be no further monitoring.</p>	

<p>Issue Consultation on the Council's Budget</p>	<p>Recommendation Date 8 February 2005</p>	<p>green</p>
<p>Monitoring Status – Maintain annual monitoring</p>		
<p>Recommendation This review considered the Council's consultation on its budget. The Working Group made 7 recommendations to Cabinet.</p>	<p>Response / Progress A full update on implementation of the recommendations was provided in March 2007. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.</p>	

Issue Review - Access to Services	Recommendation Date 1 April 2004	green
Monitoring Status – Maintain annual monitoring		
Recommendation This major review conducted by the Excellent Public Services Scrutiny Panel in 2003/04 resulted in a report with 13 recommendations for action.	Response / Progress A full update on implementation of the recommendations was provided in March 2007. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.	

Health

Issue Delivering Choosing Health: A Case Study of Obesity	Recommendation Date 26 September 2006	green
Monitoring Status – Maintain monitoring with update in March 2008		
Recommendation This review considered the Government's Delivering Choosing Health initiative through a case study of services and initiatives aimed at tackling obesity. It made 12 recommendations to the Council and Tower Hamlets PCT.	Response / Progress The review recommendations were considered and accepted by all organisations. Cabinet approved the action plan in April 2007. An update, attached at appendix 3 was then submitted to the Health Scrutiny Panel later that month. A further update is due in March 2008.	

Issue Access to Sexual Health Services for Young People	Recommendation Date 5 April 2005	green
Monitoring Status – Maintain monitoring with update in March 2008		
Recommendation This review considered local sexual health services for young people. It made 24 recommendations to the Council, Tower Hamlets PCT and Barts and the London Acute Trust.	Response / Progress The review recommendations were considered and accepted by all organisations. All the recommendations have been implemented. A further update will be submitted in March 2008 to check the progress of recommendations which were on-going.	

Response to Scrutiny Working Group Report on Leaseholders and Customer Care

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Recommendation	Response / Comments	Responsibility	Date
<p>R1 Housing should explore the potential merit of establishing a new borough-wide leaseholder’s forum. The Working Group would suggest that any new forum should see a balanced range of representation including: Council officers, Councillors, Leaseholder Representative Bodies. Functions of this forum might include; interalia,</p> <ul style="list-style-type: none"> • User test service charges • User test all future communications • Measure performance against an agreed set of performance indicators. • Review all communications with leaseholders in an effort to reduce the number of complaints and minimise the number of leaseholders withholding payment. This would include more detailed explanation of service charges including the differences and reasons for estimated and actual bills and why leaseholders in the same block may be paying different levels of charge 	<p>The housing service will investigate the potential merit of establishing a new borough-wide leaseholders forum. In doing this the service will look at the role of existing mechanisms for consulting with tenants and leaseholders and look at those issues which are common to both tenants and leaseholders eg performance standards and monitoring, and those which are specific to leaseholders eg service charges, leaseholder communications etc.</p> <p>Existing mechanisms which will be considered in the review include the role of the leaseholders sub-group of the Borough-wide Compact Group as well as the Resident Involvement Register where recent workshops have been held with tenants and leaseholders on resident involvement and estate management, including standards.</p> <p>The review will also take into account the proposed establishment of Tower Hamlets Homes and the arrangements for leaseholder and Councillor board members as well as the current review of the Tenant Compact.</p> <p>It is proposed that a specific leaseholder workshop of the resident involvement register is held to discuss current arrangements for leaseholder consultation and develop proposals for consideration.</p> <p>The issues to be discussed will include service charges, communications and performance indicators, however it will also be important to ensure that those issues that equally affect both tenants and leaseholders are also addressed.</p>	<p>Vicki Potticary, Consultation & Participation Manager / Mithu Ghosh, Service Development Manager</p>	<p>November 2007</p>

Recommendation	Response / Comments	Responsibility	Date
<p>R2 Housing should deliver greater transparency on the deliberations and decisions of Due Regard Panels (for Major Works) including giving leaseholder representatives an opportunity to present their case against works to the panel, providing feedback to local leaseholders on the outcomes and reasons for its decisions.</p>	<p>The Due Regard Panels are an innovative area of leaseholder engagement in major works schemes, creating a forum where leaseholders views or concerns on any major works proposal can be considered.</p> <p>This area of work can be developed further and the proposals made will be addressed as part of this process.</p> <p>Increased transparency will be provided by setting out further information regarding the due regard panels, incorporating circumstances in which they will be held, arrangements for making representations and feedback mechanisms to leaseholders.</p>	<p>Peter Allen, Technical Services Manager</p>	<p>September 2007</p>
<p>R3 Housing should implement a key lessee system, seeking maximum estate coverage, similar to the one delivered by City West Homes.</p>	<p>The housing service is keen to explore further ways of engaging leaseholders in all aspects of the service.</p> <p>We will explore this potential initiative further with City West Homes in order to gain a better understanding of how the key lessee system operates, the resources needed to service and support this, and its effectiveness.</p> <p>The housing service will also explore the extent to which this initiative can be linked to current leaseholder involvement through the Resident Involvement Register.</p> <p>It is intended to develop recommendations for action by November 2007.</p>	<p>Catherine Charlton, Area Housing Manager/ Vicki Potticary, Consultation & Participation Manager</p>	<p>November 2007</p>
<p>R4 The key elements of service provision at a local level, such as cleaning, need to be subject to greater independent quality</p>	<p>The current process of estate inspections is currently being reviewed to increase effectiveness and improve resident involvement. This includes looking at who attends estate inspections, what is looked at as part of estate inspections,</p>	<p>Catherine Charlton, Area Housing Manager /Sharon Allen,</p>	<p>November 2007</p>

Recommendation	Response / Comments	Responsibility	Date
<p>review and that the involvement of leaseholders in estate inspections needs to be enhanced. The Working Group believes the key lessee system would support this.</p>	<p>what services are involved and how feedback is provided. This recommendation will be incorporated as part of this work. Resident Involvement in Estate Inspections is now monitored through the LHO performance returns.</p> <p>The resident involvement register workshop recently considered this area and made a number of proposals for enhancing estate inspections which will also be incorporated.</p> <p>The estate inspection process is being reviewed as part of the Housing Management Improvement Project, this is intended to improve the gathering and recording of information, such as caretaking/cleaning standards; horticulture; communal repairs. Estate inspection reports will be recorded using mobile technology enabling repairs to be issued on site.</p> <p>A relaunch of the estate inspections is planned for later in the year. This recommendation will be incorporated in this relaunch.</p>	<p>Area Housing Manager /Vicki Potticary, Consultation & Participation Manager</p>	
<p>R5 Housing should conduct a review of its leaseholder communications, and guidance pack with a view to increasing accessibility and penetration of leaseholders.</p>	<p>The housing service is proposing to issue a regular leaseholders newsletter similar to the arrangements currently in place for tenants.</p> <p>It is proposed that the leaseholder workshop drawn from the resident involvement register be asked to consider current and proposed communications, to prioritise the areas for review and take an active role in this process.</p>	<p>Mithu Ghosh, Service Development Manager/ Martine Large, Communications Manager-Housing</p>	<p>Commence review November 2007</p>
<p>R6 Housing must publish the “apportionment of time” data that informed the Housemark benchmarking exercise. Housing should undertake, in partnership with leaseholders, a review programme focused on improving</p>	<p>The apportionment of time data that informed the housemark benchmarking exercise has been placed in the public domain. The apportionment of time data will be regularly and routinely collected from relevant services and the housing service will look at the best way of routinely reporting on this.</p> <p>The leaseholder workshop will incorporate work on identifying the key areas where service charge data provision can be</p>	<p>Vernon Simpson, Service Head, Central Housing Services</p>	<p>Commence November 2007</p>

Recommendation	Response / Comments	Responsibility	Date
service charge transparency and data provision.	improved and a programme of work developed to achieve this.		
R7 Housing should send all leaseholders – and tenants – the caretaking schedule for their block, details of the annual horticultural maintenance programme, and clarify which other blocks are included in the estate cleaning service charge. The Working Group would also encourage Housing to consider including full details of the works covered by the block maintenance charge in the 'Actual'.	<p>Many leaseholders will already have a copy of the current caretaking schedule for their block, however we will further extend this to be accessible to all residents and cover further areas including horticulture and map site areas.</p> <p>We will therefore develop information that can be made available at all offices and on the Tower Hamlets/Tower Hamlets Homes website and provide further information on these issues in the proposed leaseholder newsletter.</p> <p>We will also improve the detail of the information provided regarding block maintenance charges including use of the Council's website and explore the potential to include this information with the actual bills.</p>	<p>Terry Damiano, Service Head ,Housing Management</p> <p>Peter Allen, Technical Services Manager</p>	<p>January 2008</p> <p>September 2008</p>
R8 The Working Group welcome the steps being taken to improve staff training and Leaseholder open days. These actions should be maintained and embedded further to improve leaseholder engagement.	<p>The housing service is continuing its programme of leaseholder open days and are looking to develop this to provide leaseholder surgeries linked to the production of estimated and actual bills.</p> <p>A schedule of Open Days for 2008/09 will be developed.</p> <p>Staff training programmes on leasehold issues now form a core part of the housing training plan.</p>	<p>Vernon Simpson, Service Head Central Housing Services / Terry Damiano, Service Head ,Housing Management</p>	<p>Annual review 31.03.08</p>
R9 Housing should ensure that it implements and embeds fully all aspects of the Council's Customer Promise, in both process and culture.	<p>Specific training has been carried out in recent months on the Council's core values and this work will continue.</p> <p>A specific customer care element of the cross service leaseholder training has been put in place providing training for all front line staff including caretakers, housing officers and</p>	<p>Vernon Simpson, Service Head Central Housing Services / Terry Damiano, Service Head</p>	<p>Annual review 31.03.08</p>

Recommendation	Response / Comments	Responsibility	Date
	<p>technical staff. A further training and staff development programme is being developed.</p> <p>Monitoring systems are in place to monitor the extent to which each area of service meets the requirements of the Customer Promise and this needs to be extended to ensure all services can be monitored in all areas of the promise. The move to consolidated service locations will assist in this process.</p>	,Housing Management	
<p>R10 There is clear evidence that a significant number of leaseholders lack confidence in the current Alternative Dispute Resolution (ADR) scheme's independence and fairness. The Working Group believe that 3 options should be considered by Housing and Cabinet, following consultation with leaseholders and their representatives:</p> <p>i. Relaunch the current ADR scheme. There would need to be clear communication to leaseholders that the system had changed and what the improvements were intended to achieve. This would include:</p> <p>clearer information about the new transparent ADR process including;</p> <p>- That the ADR is one option and clearly set out the different options, and when each one is most appropriate.</p>	<p>The three options put forward will be evaluated and consultation carried out.</p> <p>We will also use the Leaseholder Workshop to explore how to make information on the scheme clearer, provide a more streamlined process and use the corporate complaints procedure for stage 1 and 2 complaints with the potential for the ADR independent mechanisms to replace the stage 3 process.</p> <p>Information from other Local Authorities does however suggest that the principles of the current scheme are good practice in that it:</p> <ul style="list-style-type: none"> - is available for any dispute affecting service charges - offers a three stage resolution process - provides a range of independent routes for resolution administered by the Chartered Institute of Arbitrators. <p>It Any revised scheme or replacement proposals will be accompanied by clear information on how the scheme works and the roles of all parties.</p>	Vernon Simpson, Service Head Central Housing Services	Commence November 2007

Recommendation	Response / Comments	Responsibility	Date
<p>- Clearer guidelines around the specifics of the process, including the rights and responsibilities of both parties.</p> <p>ii. Disband the ADR process and make all complaints go through the corporate complaints procedure. If this option was taken it would be necessary for an option of arbitration/ mediation to take place between stage two and three of the complaints procedure.</p> <p>iii. Develop a new ADR scheme reflecting current industry best practice</p>			
<p>R11 The current relationship between the ADR scheme, the use of a Leaseholder Valuation Tribunal and Corporate Complaints Process is not clear. As a matter of urgency, Housing should, in consultation with key leaseholder groups, provide clear guidance to staff and leaseholders on the role of each process.</p>	<p>It is agreed that further clarity should be provided on the current routes, and further development of this will be linked to recommendation 10.</p> <p>Clear guidance for staff and leaseholders will be produced.</p>	<p>Vernon Simpson, Service Head Central Housing Services</p>	<p>November 2007</p>
<p>R12 The Working Group would encourage Housing to adopt a model which includes:</p> <ul style="list-style-type: none"> • officers within the central team being given geographical patches to provide a more cohesive service • Specific Leaseholder Officers 	<p>The housing service will explore the recommendation of Overview and Scrutiny.</p> <p>The first stage of the Local Housing Office reconfiguration to provide four customer access centres concentrates on consolidating existing services. A further phase of work is planned following the reconfiguration to look at what other services could be provided from the customer access centres and this element of the recommendation will be considered as</p>	<p>Terry Damiano, Service Head ,Housing Management/ Vernon Simpson, Service Head Central Housing Services</p>	<p>April 2008</p>

Recommendation	Response / Comments	Responsibility	Date
<p>within the Local Housing Office, proportionate to the number of leaseholder properties</p> <ul style="list-style-type: none"> • More leaseholder services to be provided at the Local Housing Office. 	<p>part of this second stage assessment.</p> <p>The proposed future structures for the home ownership service are currently being reassessed and a customer services team with a geographical focus is being proposed as part of this process.</p> <p>The potential to provide more information to leaseholders and answer a broader range of queries on leaseholder issues accessing centrally maintained databases will be developed as part of the move to customer access centres and particularly the proposed co-location with one stop shops enabling a broad range of enquiries to be answered at the first point of access.</p>		
<p>R13 Housing should review the current contract with Citizens Advice Bureau (CAB) so that it provides a service that deals specifically with managing the financial issues faced by leaseholders.</p>	<p>The current contract with the Citizens Advice Bureau does provide leaseholders with access to specific workers to address the financial issues faced by leaseholders.</p> <p>This contract is due for renewal next year and therefore a re-tendering process will be carried out with a reviewed specification to ensure an effective, value for money service is provided.</p>	<p>Vernon Simpson, Service Head Central Housing Services</p>	<p>April 2008</p>
<p>R14 Housing should meet with Tower Hamlets Community Credit Union to explore developing specific support for leaseholders so that they can access affordable loans.</p>	<p>Arrangements will be made to meet with Tower Hamlets Community Credit Union to explore the options that the credit union can offer in respect of providing assistance to leaseholders.</p> <p>The housing service will also explore whether standard information on advice agencies can be incorporated with all relevant correspondence to leaseholders.</p>	<p>Vernon Simpson, Service Head Central Housing Services</p>	<p>November 2007</p>
<p>R15 Housing should provide clear guidance to leaseholders on the law surrounding statute barred debt.</p>	<p>It is anticipated that issues around statute barred debt should be a relatively short term issue as old disputes are resolved.</p> <p>The extent to which any debt may be statute barred is dependent on the date the debt was incurred, the terms of the</p>	<p>Vernon Simpson, Service Head Central Housing Services</p>	<p>April 2008</p>

Recommendation	Response / Comments	Responsibility	Date
	<p>debt, as well as the dates on which residents were alerted and reminded of the debt.</p> <p>The housing service will review the information it provides to leaseholders in respect of arrears to address the issue raised in this recommendation.</p>		
<p>R16 Communication underpins how the Council deals with local residents. In improving the responsiveness of services , the Council needs to invest further so that communication is clear, accessible and appropriate to services. This is particularly important in explaining the reasons for the way that services are delivered, particularly where individual charges are being raised.</p>	<p>Communications team will review with Housing their current communications channels and materials to ensure that future work is properly targeted, accessible, clear and concise.</p>	<p>Charles Skinner, Service Head Communications</p>	<p>By early Autumn 2007</p>
<p>R17 The Council needs to explore further how it can get closer to customers. For front-line high volume services such as housing, it would seem beneficial to have a strong connection between service providers and localities. This seems to provide the greatest potential to build a strong customer relationship based around both ownership and accountability.</p>	<p>The Council's current proposals for access to front line services will integrate the provision of housing services with other front line services accessed through One Stop Shops as well as expand the range of services accessed through the Council's call centre. By 01.04.08</p> <p>It is recognised that there can be benefits from having a strong connection between service providers and localities and the Council is therefore looking at what services can be located in the local centres proposed including caretaking and ASB. In addition where physical location is not proposed the Council is looking at whether central teams can be patch based to give geographical alignment.</p>	<p>Terry Damiano, Service Head, Housing Management</p>	<p>April 2008</p>
<p>R18 The Corporate Complaints Process is a crucial part of the Council's delivery of the customer</p>	<p>Leaflets on the various complaints processes are promoted. The leaflet and publicity on Corporate Complaints, available to customers and staff, clearly states this procedure does not</p>	<p>Claire Symonds, Service Head Customer Access</p>	<p>February 2008</p>

Recommendation	Response / Comments	Responsibility	Date
<p>promise. The Council should ensure that its relationship with any other statutory or non-statutory processes that directorates may use is clear to both staff and residents.</p>	<p>replace any formal appeal process or other statutory complaint processes. This leaflet and accompanying publicity will be reviewed by the end of the year with an opportunity to check and improve clarity.</p> <p>The Corporate Complaints team passes on any complaint that has to be dealt with by any other process to the appropriate person/team. Regular training for staff on complaints is held, in which the different statutory procedures are described. Each Directorate has a designated complaints officer who advises staff on complaint matters and can identify appropriate procedures to be used. The effectiveness/reach of this training and the information on the Council's website will be reviewed</p>		
<p>R19 The Customer Promise is a vital statement of the Council's culture and delivery of Excellent Public Services. The Council should develop clearer mechanisms for ensuring both the spirit and content of the Customer Promise are being delivered in Directorates.</p>	<p>Customer Promise standards are already embedded and monitored for the high volume services being dealt with by the Council's Contact Centres. The Action Plan agreed to support the new Customer Access Strategy includes a number of actions regarding performance monitoring. Work is nearly complete on benchmarking costs per contact with other boroughs and work also being undertaken to identify robust measurements of quality and customer satisfaction rather than just speed, which is line with the Varney report on efficiency. This will also include a review of the Customer Promise and the type of indicators included within it, including more meaningful monitoring in future.. We are also looking to add to the services delivered through the Customer Access division, allowing these services to benefit from the quality control processes already in place and being continually developed within the division.</p>	<p>Claire Symonds, Service Head Customer Access</p>	<p>April 2008</p>

Update to Response to Scrutiny Working Group Report on Delivering Choosing Health

Recommendation	Comments / Response	Lead	Date
<p>R1 That the Partnership develop a programme of activities that uses different approaches to help reduce obesity in local communities. In addition, consideration should be given to providing a robust evaluation framework for action on obesity.</p>	<p>Tackling obesity requires actions across a range of settings and population groups. The recent findings of the Department of Health Local Exercise Action Pilots (LEAP) provide evidence of diversity of approaches that can be successful in, for example, increasing physical activity at a local level. Experimentation and innovation driven by engagement with local communities is critical to identifying what works. The structures underpinning the locality approach to service improvement are vital to fostering this approach. The NRF Health Trainers in which third sector organisations will deliver a range of healthy lifestyles initiatives will provide key opportunities to develop innovative approaches based on local need.</p> <p>An evaluation framework is one component of an overall strategic approach to tackling childhood obesity. This strategic approach needs to recognise the complex interplay of factors impacting on obesity by systematically considering the range of relevant settings (eg preschool, school, community, workplace and healthcare), age groups (eg under fives, primary school age, adolescents) and other factors (eg ethnicity, disability) that are of relevance to developing a comprehensive action plan.</p>	<p>Adults</p> <p>Somen Banerjee, Associate Director Public Health, THPCT (SB)</p> <p>Children</p> <p>Esther Trenchard-Mabere, Associate Director Public Health THPCT (ET-M)</p>	<p>April 2007 to March 2008</p>

Recommendation	Comments / Response	Lead	Date
	<p>Key priorities in implementing such an action plan are the overall monitoring framework and ensuring that evaluation is an integral component initiatives emerging from the action plan.</p> <p>Update</p> <p>The PCT has allocated 325k for 2007/8 to tackling obesity in Tower Hamlets. This incorporates funding for:</p> <ul style="list-style-type: none"> • Social marketing campaigns to promote physical activity and health eating reflecting national campaign ‘Small Change, Big Difference’ • Promotion of health eating and physical activity in Children’s Centres and Schools • Implementation of NICE Obesity guidelines involving health professional training in motivational interviewing and the piloting of a physical activity pathway in primary care • Piloting of community based physical activity initiatives based on the evidence base developed by the Department of Health Local Exercise Activity Pilots (LEAP) - this buildings on existing work coordinated by the Healthy Lifestyles 	SB/ETM to coordinate implementation	

Recommendation	Comments / Response	Lead	Date
	<p>Scheme (exercise on referral, healthy walks)</p> <ul style="list-style-type: none"> • Establishing two public health community dietician posts (one for adults and one for children) to promote healthy eating across a range of settings including the workplace, community, school and health/social care settings <p>Work is underway to link the promotion of physical activity and healthy eating to the opportunities provided by the Olympics and Paralympics in 2012.</p> <p>Health trainers 4 third sector organisations (one per locality) have been identified to host 4 WTE health trainers each. Health trainers have been recruited and will undergo an accredited 14 week training scheme. They will be working in their host organisations from July 2007-</p> <p>Healthy Lifestyle Peer Educations This NRF programme is underway and aims to develop a healthy lifestyles peer education programme</p> <p>Childhood Obesity Programmes</p> <p>In addition to current provision of family based childhood obesity programmes by BEST,</p>	<p>SB</p> <p>ETM</p> <p>ETM and Paul Martindill (Healthy Lifestyles Scheme)</p>	

Recommendation	Comments / Response	Lead	Date
	additional programmes are being implemented by MEND – these are being coordinated by the LA based Healthy Lifestyles Scheme		
R2 That a local alliance be formed to take up the challenge of obesity with specific effort made to include private sector stakeholders including gyms, dieting organisations, supermarkets and restaurants. Resources must be invested in events and opportunities to bring the alliance together to network, maintain momentum and explore solutions together. The outcomes from evaluation exercises should be shared across the alliance of service providers and stakeholders.	<p>The Obesity Strategy Group would be an overarching strategic alliance to tackle childhood obesity. However, it is likely that this would need to be underpinned by a wider networking group. The potential of the private sector is considerable. It would be important to have their involvement at the outset as part of the Strategic Group</p> <p>A Childhood Obesity Strategy would need to be developed by a multi agency steering group (an alliance of service providers and stakeholders). There is an existing multi agency weight management group. However, this group needs to be strengthened and to develop a more strategic focus. This group would be the forum for consideration of the evidence base for interventions to tackle childhood obesity.</p> <p>Solutions and initiatives will only emerge through a creative partnership of the local authority, health sector, third sector, private sector and local communities. It will be important that any events are organised in a way that generates genuine and constructive dialogue. The forthcoming Department of Health social marketing strategy promises to provide resources to facilitate such activities.</p> <p>Update</p>	ETM (children) SB (adult)	June 2007 June 2007 December 2007

Recommendation	Comments / Response	Lead	Date
	<p>Obesity action plans are being written for childhood and adult obesity. These are strongly informed by the recent comprehensive NICE obesity guidelines which outline evidence based recommendations for both the PCT and Local Authority for the prevention and management of obesity.</p> <p>In recognition of the broad range of activities that need to be initiated and monitored, implementation of the childhood obesity action plan will be led by the Children's Lead in the Public Health Directorate (Esther Trenchard-Mabere) and the adult obesity plan by the Adult lead (Somen Banerjee)</p> <p>The draft action plan will be presented at the Scrutiny Meeting</p>		
<p>R3 That consideration should be given on how to use benchmarking information from THIS Borough and other systems for focusing and targeting intervention at an individual, school or neighbourhood level and for tracking the impact of initiatives and action.</p>	<p>The Obesity Strategy Group would be the focus for a baseline needs assessment for action on childhood obesity. This would provide the basis for targeted interventions at individual, school or neighbourhood levels.</p>		June 2007
	<p>Update</p> <p>Measurement of Body Mass Index in reception year and year 6 children for 2007/8 is well underway. For year 6, over 85% of children have had their BMI measured (in accordance with the LDP target) and reception year measurements will be aggregated in the</p>	ETM	

Recommendation	Comments / Response	Lead	Date
	<p>summer term. Subanalyses will be conducted on this data at school level to target and monitor the impact of initiatives.</p> <p>A lifestyles survey for adults and children is currently being considered</p> <p>The recruitment of the public health community dieticians provides the resource to conduct a food mapping exercise in Tower Hamlets</p>	<p>Ian Basnett, Director Public Health</p> <p>ETM/SB</p>	
<p>R4 That the Partnership develops a co-ordinated publicity campaign on healthy eating this should include more participative and pro-active mechanisms - such as cross-cultural cooking. A significant further benefit will be to promote community cohesion and understanding. This should include the exploring the potential for a healthy lifestyles "loyalty" card that gives "rewards" points or credits to encourage commitment to exercise or eating healthily.</p>	<p>The locality and neighbourhood network approach provide critical opportunities to bring together the resources and creativity of a range of organisations to build on existing work (eg around cooking classes) and ensure that health messages are communicated across a range of setting (that may not yet have been yet exploited eg health eating in physical activity activities). This would include exploring the evidence base for the effectiveness of a "loyalty" card.</p> <p>Update</p> <p>As outlined in R1, the PCT has allocated funding for a social marketing approach to promoting physical activity and healthy eating in Tower Hamlets and to link these activities to the Olympics. This will require a programme coordinated between the local authority and PCT.</p>	<p>Corporate Communicati on, Tower Hamlets Council</p> <p>Corporate communicatio ns, Tower Hamlets PCT</p> <p>ETM/SB</p>	<p>March 2008</p>

Recommendation	Comments / Response	Lead	Date
R5 That proposals be developed showing how opportunities such as the Olympics can be used as a catalyst for a step change in promoting and sustaining collective action on obesity. As part of this, consideration should be given to the specific suggestions highlighted by the focus groups and seminar.	A step change in promoting collective action will require a strong partnership working at a strategic level that can influence action across a wide range of settings (commercial, environmental, community, school, healthcare, preschool) and that is informed not only by the evidence base but also by the voices of local communities. This will be included within the Obesity Strategy including the input from the focus groups.	Iwen Williams, Chief Executive, THPCT	June 2007
	<p>Update</p> <p>A piece of work has currently been initiated to systematically identify how the Olympics can be 'used as a catalyst for step change'</p>	SB	
R6 That in developing and reviewing the borough's key strategies including the Local Development Framework, Open Spaces Strategy, forthcoming Play Strategy and the Primary Care Strategy should all incorporate explicit action that will help reduce obesity in the borough.	This is a critical point. It is important to recognise also the range of local area agreement targets that are relevant to tackling obesity eg fear of crime, encouraging social enterprise, increasing volunteering. The range of targets in Tower Hamlets that are relevant to tackling obesity have been catalogued within a strategic obesity framework by the public health directorate.	SB/ETM to present	March 2008
	<p>Update</p> <p>The targets across all four streams of the LAA that are relevant to obesity have been identified and placed within a strategic framework. These will be presented at the scrutiny meeting</p>		April 2007

Recommendation	Comments / Response	Lead	Date
R7 The Health Scrutiny Panel feels that this is a crucial issue for the borough and to encourage further debate and discussion we request that a response be presented to the Health Scrutiny Panel at a future health seminar.	Agreed. The public health directorate will take the lead on this. Presentation at April Scrutiny Meeting	SB/ETM	April 2007