

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 8 JANUARY 2008

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Peter Golds
Councillor Alexander Heslop (Vice-Chair)
Councillor Ahmed Hussain
Councillor Mohammed Abdus Salique
Councillor Salim Ullah

Other Councillors Present:

Councillor Clair Hawkins
Councillor Sirajul Islam
Councillor Joshua Peck

Co-opted Members Present:

Mr Azad Ali	– Parent Governor Representative
Terry Bennett	– Church of England Representative
Mr H Mueenuddin	– Muslim Community Representative

Officers Present:

Suki Binjal	– (Interim Head of Non-Contentious Team, Legal Services)
Afazul Hoque	– (Acting Scrutiny Policy Manager, Scrutiny and Equalities, Chief Executive's)
Michael Keating	– (Service Head, Scrutiny & Equalities, Chief Executive's Department)
Sara Williams	– (Assistant Chief Executive)
Kweku Quagraine	– (Democratic Services)
John Williams	– (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

Apologies for lateness were received on behalf of Councillor Alex Heslop, who was delayed at a Licensing Sub-Committee meeting.

2. DECLARATIONS OF INTEREST

Councillor Shahed Ali declared a personal interest in relation to item 6.2 'Call In: Whitechapel Centre' as he is a ward Councillor for Whitechapel.

Councillor Mohammed Abdus Salique declared a personal interest in relation to item 6.2 'Call In: Whitechapel Centre' as he is a local resident and his family use the centre.

Councillor Clair Hawkins declared a personal and prejudicial interest in relation to item 6.1 'Call-in: 2 Gladstone Place' and item 6.2 'Call-in: Whitechapel Centre' as an Executive Councillor who had participated in the Cabinet's decision on these matters.

Councillor Sirajul Islam declared a personal and prejudicial interest in relation to item 6.1 'Call-in: 2 Gladstone Place' and item 6.2 'Call-in: Whitechapel Centre' as an Executive Councillor who had participated in the Cabinet's decision on these matters.

Councillor Joshua Peck declared a personal and prejudicial interest in relation to item 6.1 'Call-in: 2 Gladstone Place' and item 6.2 'Call-in: Whitechapel Centre' as an Executive Councillor who had participated in the Cabinet's decision on these matters.

Councillor Alex Heslop declared a personal interest in relation to item 6.1 'Call In: 2 Gladstone Place: Granting of Development Lease' as he is a ward Councillor for Bow East.

Councillor Alex Heslop declared a personal interest in item 7 'Scrutiny Spotlight – Lead Member for Children's Services' as a parent and user of Children's Services.

Councillor Marc Francis informed the Committee that he would be presenting the Call-in on item 6.1 'Call-in: 2 Gladstone Place'. A stand-in Chair would therefore be required for this item. In the absence of the Vice-Chair, who had apologised for lateness, Councillor Francis proposed that Councillor Alibor Choudhury take the Chair for the duration of item 6.1. The Committee agreed to this proposal.

3. UNRESTRICTED MINUTES

The Minutes of the Meeting held on 4 December 2007 were confirmed as a true and accurate record subject to the following amendments being made:

Page 5, Minute 7 (Scrutiny Spotlight, Lead Member)

A new penultimate paragraph to be added:

‘Councillor Alibor Choudhury referred to the role of the Tower Hamlets Partnership. He enquired about progress in bending mainstream budgets of the relevant agencies and about revised targets as part of the Local Area Agreement (LAA) refresh. The Assistant Chief Executive confirmed that the intention over time was to bend mainstream budgets to agreed objectives and that, although difficult to quantify as present, some progress had been made particularly in partnership with the PCT. In relation to the LAA, discussions were underway with partners and Members in the context of the overall Community Plan refresh. The agreement would not be finalised until June 2008 and Ms Williams urged all members to attend the seminars being held during December which provided an opportunity to influence the development of the proposals.’

Page 7, Minute 10.1 (Scrutiny Lead Members Verbal Updates)

Para 3, line 1 – ‘two review meetings’ to be amended to read ‘a review meeting’.

Para 4, first sentence – amend to read ‘Councillor Alibor Choudhury referred to the challenge session held in November on the determination of major planning applications.’

4. REQUESTS TO SUBMIT PETITIONS

No petitions were received.

5. REQUESTS FOR DEPUTATIONS

No deputations were received.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 Call In: 2 Gladstone Place: Granting of Development Lease

Councillor Alibor Choudhury in the chair for this agenda item.

Before the Call-in was presented Suki Binjal, Head of the Non-Contentious Legal Team, gave clarification regarding Committee members who were also members of the Development or Strategic Development Committee. She informed the Committee that the planning application regarding the development was still pending. As a result planning applications could not be discussed at the meeting. The item in question was related to the lease only.

The stand-in Chair, Councillor Alibor Choudhury, invited Councillor Marc Francis on behalf of the Call-in Members to present his reasons for the Call-in.

Councillor Francis explained that the Call-in Members viewed the decision to authorise agreement of final terms on the lease arrangement as precipitate and felt that Cabinet authorisation should be withheld for a period of three months or until a planning application was submitted that supported the requirements of local residents.

He further explained to Committee members that the site had been closed since November 2005. This had left a demand for a major supermarket in the area by local residents, forcing them to travel longer distances to supermarkets in the surrounding area. Councillor Francis informed the Committee that there was widespread local concern regarding the proposed development. He considered that a final decision should not be taken until full public consultation had taken place and that the Cabinet decision of January 2008 would reduce the Council's ability to influence the shape of the development.

Committee Members put their questions to Councillor Francis. Councillor Stephanie Eaton enquired how definite the proposals were about providing a supermarket. Councillor Francis informed her that this could not be guaranteed, but despite this he did believe a revision of the development was required as the number of flats being proposed were detrimental to the needs of the local area.

Councillor Mohammed Abdus Salique enquired whether with the current shortage of housing Councillor Francis was happy with the housing and retail development being proposed. Councillor Francis informed him that it was important that the general mix was correct and that the Council should use its power in order to ensure an agreed solution is reached.

Councillor Shahed Ali enquired whether the loss of a car park on the existing site would hinder existing business in the area. Councillor Francis explained that the Council should be able to use its powers to influence the number of parking spaces retained.

In his response to the Call-in Councillor Joshua Peck detailed the main reason for giving a development lease to Reef Estates Ltd/Goldquest. He explained that as the freeholder of the site the Council owned the land but could not dictate what could be built there. This could only be achieved through negotiation of the lease. Councillor Peck added that a condition in

the lease was that if planning permission had not been granted within 14 months of the lease agreement, the development proposal could be rescinded.

Questions were then posed to Councillor Peck from the Committee. Councillor Alibor Choudhury enquired whether Reef Estates Ltd had stated they would pull out of the negotiation of the lease if the consultation period was extended to three months. Councillor Peck informed him that he was not aware that this was the case. The Cabinet's decision on the lease had been taken not on this basis but in order to facilitate the provision of a suitable development including a supermarket.

Councillor Choudhury further enquired if restrictions had been imposed on the number of flats that could be built on the site. Councillor Peck explained that this was a matter for the Strategic Development Committee to determine. The lease did not place an upper limit on the number of flats.

Following debate the Committee voted on whether to refer the item back to Cabinet for further consideration. It was **RESOLVED**

That the report be referred back to the Cabinet for further consideration of the alternative course of action proposed in the Call-in requisition as follows:

'That this item should be re-presented to Cabinet, along with a summary of the views of local residents on the proposed redevelopment, details of the planning requirements of the Roman Road Conservation Area, a further update on the progress of the formal planning application and a full explanation of why LBTH is in a stronger negotiating position than is usual with a developer.

Cabinet should withhold authorisation for the Interim Service Head of Asset Strategy, Capital Delivery & Property Services to agree final terms on the lease rearrangements for a period of three months or until a planning application is submitted that appears likely to enjoy the support of local residents'.

6.2 Call In: Whitechapel Centre

Councillor Marc Francis invited Councillor Oliur Rahman, on behalf of the Call-in Members, to present the reasons for the Call-in. Councillor Rahman stated that the Members welcomed the development of the site, but felt that the report did not give adequate information on the negotiations carried out by the Council in relation to the proposed Community Interest Company.

Councillor Rahman stated that there was particular concern regarding the transfer to a new trust consisting of individuals operating from a private residential address. He would prefer established and recognised local community based organisations, with a proven track record of project delivery,

financial management and demonstrated accountability to be stakeholders of any new trust.

Committee Members put their questions to Councillor Oliur Rahman. Councillor Alex Heslop enquired what evidence he had that stake holders had been left out. Councillor Rahman informed him that local ward Councillors had informed him that this was the case.

Councillor Stephanie Eaton enquired whether the Call-in Members were concerned about the amount of money that had been spent and future spend on the development. Councillor Rahman explained that he had been requested this information but had not received it.

In his response to Councillor Rahman's Call-In Councillor Joshua Peck explained that an incremental approach to the transfer was being used. He also stated that the new Whitechapel Centre aimed to work with local partner agencies involved in youth and employment services which would build upon and improve the current community and business usage.

Questions were then posed to Councillor Peck from the Committee. Councillor Ahmed Hussain enquired how confident Councillor Peck was that communities had been consulted effectively. Councillor Peck responded explaining that consultation was planned.

Councillor Ahmed Hussain further enquired if the necessary steps were being taken to ensure the broadening of the membership and Governance of the Whitechapel centre. Councillor Peck explained that the Council was still in the early stages of the process and would seek to bring in more organisations over the next two years, as the building was not to be transferred until 2010. He further stated that there was work to do to increase the diversity of the proposed trust members with the inclusion of more women, a wider age range and from different communities. Co-opted member Mr Mueenuddin requested that faith Communities are also consulted.

Councillor Mohammed Salique emphasised his concern regarding the need for transparency and enquired what the implications would be if the Committee did not agree to the Council's decisions. Councillor Peck explained that the whole transaction was not yet completed but that transparency would be a part of how things moved forward. He added that nothing had been proposed for the financial benefit of any current organisation. There was scope to develop the proposals further but the model chosen was being utilised in order to access funding from the Community Assets Fund (up to £1m), that would otherwise be unavailable.

Councillor Marc Francis noted that a further report would go to the Cabinet and asked that this should address accountability, under representation and transparency.

The Chair felt that it would not be beneficial at this stage for the item to be referred back to the Cabinet as this could jeopardise the funding for the trust.

He undertook however to make the Cabinet aware of the Committee's concerns regarding issues around accountability, under representation and transparency in relation to the centre, and to seek assurances that these would be addressed.

Following debate the Committee voted on whether to refer the item back to Cabinet for further consideration. It was **RESOLVED:**

That the alternative course of action proposed in the Call-in be not pursued and the item be not referred back to Cabinet, but the Chair be requested to communicate the concerns expressed by Members as above.

7. SCRUTINY SPOLIGHT- LEAD MEMBER CHILDREN'S SERVICES

Councillor Clair Hawkins, Lead Member for Children's Services opened her presentation giving an overview of the highlights and successes of Children's Services in the past year.

She informed the Committee that 14 new Children Centres were now operating in the borough. She also remarked on the increased numbers of young adults in the borough staying on in education post 16. She further informed the Committee about the APA judgement which had given top marks in all the service areas assessed for the third year running; and the success of the borough's primary and secondary School assessments displaying their best ever achievement.

Councillor Hawkins went on to highlight the key priorities of Children's Services. These included improving the attainment of children from the Foundation Stage to age 19, with a particular focus on English and mathematics; increasing the participation, opportunities and achievements for young people aged 16 and over with better routes into further education, training and work, and developing a culture of lifelong learning; ensuring a stronger engagement with parents and families - with a focus on early intervention; the building of community participation, engagement and cohesion through access to youth services, cultural activities and leisure opportunities. With the last priority there are opportunities for improving the quality of people's lives, particularly in terms of better health and social outcomes.

Councillor Hawkins ended her presentation highlighting the key targets for the coming year. These included 85% of 11 year olds achieving level 4 in English; 39% of 16 year olds within the borough achieving 5 or more A* to C grades including English and mathematics; a 95% attendance level at primary schools and a 93% attendance level at secondary schools; an increase of the A level average points score of up to 247; 19,272 under 16s actively using Idea Stores and increased participation in sport and physical activity by the usage of parks.

The Committee then put a number of questions to Councillor Hawkins. Councillor Alex Heslop asked for clarity on the progress of the Building Schools for the Future programme. Councillor Hawkins informed him that Tower Hamlets was on course to start in 2009 and that there were monthly meetings of the Building Schools for the Future Board (of which she was a member). She further mentioned that a report to Cabinet regarding this issue would be presented at the February meeting.

Councillor Salim Ullah expressed his concern about the rising number of children aged between 13 and 19 in the west of the borough involved in anti social behaviour and enquired what was being done to alleviate it. Councillor Hawkins informed him that extended work programmes with the children were underway with links to the police and community officers.

Councillor Alibor Choudhury enquired how Children's Services planned to achieve the stated attendance target. Councillor Hawkins explained that work was being done with voluntary sector, there was a focus on extended holidays taken during term time and children who were persistently absent. She went on to inform the Committee that Tower Hamlets had the second best attendance figures for schools in London. Councillor Choudhury further requested information about the proposed local area agreement targets. Councillor Hawkins undertook to forward this information to Councillor Choudhury after the meeting.

The Chair thanked Councillor Hawkins for her attendance and for her responses to the questions raised by members of the Committee.

MOVED by Councillor Mark Francis and duly **AGREED** by the Committee:

That in accordance with Council Procedure Rule 9, the meeting be extended by up to 30 minutes to enable the completion of remaining business.

8. PERFORMANCE MANAGEMENT

8.1 Diversity and Equality Action Plan 2007/08 Six Monthly Monitoring Report

Councillor Sirajul Islam and Michael Keating, Service Head Scrutiny and Equalities, introduced the report to the Committee with a brief overview of the progress in implementing the Diversity and Equality Action Plan for 2007/08 which showed that 87% of actions have been completed or are on target. They further drew to members' attention the tabled revised version of table 2: Progress milestones broken down by directorate' detailed in the report.

Councillor Stephanie Eaton asked about targets set regarding female re-offenders and female victims of crime, support for hate crime victims, progress on street clutter and access statements in planning applications.

RESOLVED

That the progress in implementing the Council's Diversity and Equality Action Plan 2007/8 and outstanding actions from 2006/7 be noted.

9. BUDGET AND POLICY FRAMEWORK

9.1 Youth Justice Plan

The Committee noted that this item had been withdrawn and would be submitted to a future meeting.

10. SCRUTINY MONITORING AND MANAGEMENT

10.1 Scrutiny Challenge Session-Evaluation of the Effectiveness of Safer Neighbourhood Teams

RESOLVED

That the outcome of the Scrutiny Challenge Session on evaluation of the effectiveness of Safer Neighbourhood Teams, held on 3rd December 2007, be noted.

10.2 Scrutiny Challenge Session-Determination of Major Planning Applications

The Chair circulated two additional recommendations which he proposed for inclusion in the report of the Challenge Session as follows:

Recommendation 6: Public meetings on pre-applications should be held during the daytime at weekends, to maximise community participation; and

Recommendation 7: A respected independent community leader should be asked to chair the public meeting to ensure its smooth running and avoid accusations of bias.

Councillor Ahmed Hussain proposed that additional recommendation 7 above be further amended by the insertion of 'or external facilitator' after 'community leader' in line 1. Councillor Francis indicated that he was happy to accept this amendment.

Councillor Stephanie Eaton expressed the view that the report and recommendations as drafted did not fully reflect the spirit and detailed discussion at the Challenge Session. She also felt that there was a need to

be clearer about the role of officers in explaining development proposals at consultation events.

The Chair proposed that the item be deferred for a month to enable further discussion of the points raised by Cllr Eaton with the Scrutiny Lead Member and Corporate Director as appropriate, with a view to the report coming back to the Committee at its next meeting. This was **AGREED** by the Committee.

10.3 Verbal Updates from Scrutiny Leads

Councillor Mohammed Abdus Salique reported that officers were currently in the process of drafting the final report on the review of the use of consultants. The final meeting was due to be held on 17th of January 2008. He urged Councillors to attend if possible. He further added that he was due to start work on the Scrutiny Review of Translation and Interpreting Services.

Councillor Stephanie Eaton reported on progress in relation to the Health Scrutiny area. She would circulate a written update after the meeting. Councillor Eaton notified Members that the London-wide Joint Overview and Scrutiny Committee would be meeting in Tower Hamlets on 22nd February.

Councillor Marc Francis Informed the Committee that the Review of the Strip Club licensing policy was underway and invited members to attend the meeting on Tuesday 15th of January 2008.

Councillor Ahmed Hussain reported on progress in relation to Scrutiny activity within the Learning, Achievement and Leisure portfolio.

Councillor Alex Heslop reported that the next session of the Choice-based lettings review was due to take place on January 22nd January 2008 with the focus on capital moves.

Councillor Alibor Choudhury reported that the first session of the evaluation of NRF Funding review was scheduled for the 23rd of January 2008 and he invited members to attend.

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 7.1: Integrated Commissioning of Health and Social Care Services for Adults (CAB 097/078)

1. How will the Lead Commissioning process affect staff status for example in terms of annual leave, pensions etc if they are being paid from a

'pooled' budget but hold employment contracts from different organisations?

2. If the integrated commissioning strategy is to ensure the well being of vulnerable people why does it not include the housing directorate in the integration?
3. Can Cabinet confirm that the transfer of resources from Acute community care will not result in hospital or ward closures?

Agenda Item 7.2: Adults Health and Wellbeing – Extension of Service Level Agreements 2008-2009 (CAB 098/078)

1. With reference to paragraph 3.3 and the increased 'mixed economy' of care, would it be possible to have information on how Tower Hamlets compares with other similar London Boroughs, and what the advantages and disadvantages have been of this approach?
2. With reference to paragraph 3.12, do the respite care provisions within the current service level agreements ensure that respite care can be provided in the home when it is required by the patient/carer?
3. With reference to paragraphs 3.9 – 3.12, are there existing providers who are not having their SLAs extended to 31 March 2009? If so, how many and which providers have been excluded and why? Can Cabinet confirm that it will not lead to spot purchasing of services at a later date and at higher cost?
4. With reference to paragraph 3.14 have the proposed extensions to current SLAs been discussed with providers to ensure that communication is clear from the outset and to ascertain that providers are able to continue to deliver against the extended SLAs?
5. Were the contracts to Camden Society and Map Squad put out to tender under as per the OJEU regulations? – If not why?

Agenda Item 7.3: Hostel and Move-on Strategy (CAB099/078)

1. Does the London Borough of Tower Hamlets share the Mayor of London's concerns about the plans to include the Supporting People programme grant in the new non-ring fenced Area Based Grant?
2. Will the Cabinet commit to maintain expenditure on housing-related support in Tower Hamlets at a level equivalent to the Borough's annual Supporting People programme grant?

Agenda Item 8.1: Review of Street Markets Fees and Charges 2008/2009 (CAB101/078)

1. Paragraph 4.6 is rightly responding to the growth in illegal trading. However, what is being done to tackle the root causes and the increasing levels of illegal trading particularly in the Whitechapel area?
2. Which organisation manages the Street Traders Account? How will the proposed increased revenue of £75,000 be used?
3. Can Cabinet clarify what measures are being taken to regenerate the Burdett Road Market?

Agenda Item 9.1: Children's Services – Strategy, Partnerships & Performance – Contract Negotiations 2008-2011 (CAB 101/078)

1. Under paragraph 4.7, what would be the cost of extending the summer provision for children with disabilities to provide a service throughout the year?
2. While negotiating with service providers, would it be possible to include play / activities / learning plans alongside care plans for all service users?
3. In appendix 1 (point 6.6.7 page 155) out of the ten organisations providing services only the Coram Family (page 129 point 4.7) has been recommended for a fund, the nine others are spot purchased, why are they not included for funding like the Coram Family?
4. Can Cabinet confirm that there are provisions in place to safeguard children in premises which are used to deliver other Council contracts, and particularly by organisations who may be raising revenue from their premises by privately renting unused space?

Agenda Item 10.10: Housing Revenue Account 2008/2009 First Budget and Rent Setting Report (CAB111/078)

1. What criteria will be used to determine the allocation of the £6 million from reserves to fund service improvements?

Agenda Item 10.11: Options for Multi-Faith Burial Facility for Tower Hamlets (CAB 112/078)

1. The report suggests that option (3) of 1.4 is the viable option for a temporary solution (medium - 5/10 years) and so the Cabinet should approve this report. Can the Cabinet clarify whether they are still looking for a permanent site within the borough?
2. If the LDF fails to identify a permanent site, will the Cabinet look again at the Bow Gas Work site?

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

Nil Items

13. EXCLUSION OF THE PRESS AND PUBLIC

Nil Items

14. SECTION TWO REPORTS 'CALLED IN'

Nil Items

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

Nil Items

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

Nil Items

The meeting ended at 10.45 p.m.

Chair, Overview and Scrutiny Committee