

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 5 February 2008 at 7.00 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 Shahed Ali Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Peter Golds Councillor Ahmed Hussain Councillor Mohammed Abdus Salique Councillor Salim Ullah	Councillor Louise Alexander, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Lutfa Begum, (Designated Deputy representing Councillor Ahmed Hussain) Councillor Abjol Miah, (Designated Deputy representing Councillor Shahed Ali) Councillor Fozol Miah, (Designated Deputy representing Councillor Shahed Ali) Councillor Oliur Rahman, (Designated Deputy representing Councillor Ahmed Hussain) Councillor M. Mamun Rashid, (Designated Deputy representing Councillor Shahed Ali) 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 Azad Ali	– Parent Governor Representative
Terry Bennett	– Church of England Representative
MD Shahanur Khan	– Parent Governor Representative
Mr D McLaughlin	– Roman Catholic Diocese of Westminster Representative
Mr H Mueenuddin	– Muslim Community Representative

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LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 5 February 2008

7.00 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. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

3 - 16

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 8th January 2008.

4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting.

5. REQUESTS FOR DEPUTATIONS

To be notified at the meeting.

6. SECTION ONE REPORTS 'CALLED IN'

(Time allocated 30 minutes)

6.1 Review of Street Markets Fees and Charges 2008/2009

17 - 30

7. SCRUTINY SPOTLIGHT: LEAD MEMBER

(Time allocated 30 minutes)

The Lead Member for Culture, Councillor Shiria Khatun will attend to report on her portfolio.

8. PERFORMANCE MANAGEMENT

(Time allocated 15 minutes)

- 8 .1 Tower Hamlets Index - Monitoring Report October- November 2007** **31 - 72**

9. BUDGET AND POLICY FRAMEWORK

- 9 .1 General Fund Revenue Budget: Budget Requirement and Council Tax 2008/09**

- 9 .2 Capital Programme 2008/09 to 2010/11**

(Total time allocated for items 9.1 and 9.2 – 60 minutes)

Note:

The report and appendices comprising the General Fund Revenue Budget and Council Tax 2008/2009 and the Capital Programme 2008/09 to 2010/11 are being circulated as a supplementary agenda pack in conjunction with the agenda for the Cabinet meeting of the 6th of February 2008.

10. SCRUTINY MONITORING AND MANAGEMENT

- 10 .1 Scrutiny Challenge Session Report - Determination of Major Planning Applications** **73 - 80**

(Time allocated – 15 minutes)

11. VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated – 15 minutes)

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

(Time allocated – 15 minutes).

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

14. 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.

15. SECTION TWO REPORTS 'CALLED IN'

There were no Section Two reports 'called in' from the meeting of Cabinet held on 9th January 2008

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

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

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE FOR MEMBERS OF THE OVERVIEW & SCRUTINY COMMITTEE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

There are particular rules relating to a prejudicial interest arising in relation to Overview and Scrutiny Committees

- You will have a prejudicial interest in any business before an Overview & Scrutiny Committee or sub committee meeting where both of the following requirements are met:-
 - (i) That business relates to a decision made (whether implemented or not) or action taken by the Council's Executive (Cabinet) or another of the Council's committees, sub committees, joint committees or joint sub committees
 - (ii) You were a Member of that decision making body at the time and you were present at the time the decision was made or action taken.
- If the Overview & Scrutiny Committee is conducting a review of the decision which you were involved in making or if there is a 'call-in' you may be invited by the Committee to attend that meeting to answer questions on the matter in which case you must attend the meeting to answer questions and then leave the room before the debate or decision.
- If you are not called to attend you should not attend the meeting in relation to the matter in which you participated in the decision unless the authority's constitution allows members of the public to attend the Overview & Scrutiny for the same purpose. If you do attend then you must declare a prejudicial interest even if you are not called to speak on the matter and you must leave the debate before the decision.

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

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Agenda Item 6.1

Committee: OVERVIEW AND SCRUTINY	Date: 5 February 2008	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Corporate Director – Communities, Localities And Culture – Steve Halsey			Title: Review of Street Markets Fees and Charges 2008/2009	
Originating Officer(s): Kweku Quagraine			All Wards	

1. SUMMARY

The attached report of the Corporate Director of Communities, Localities and Culture Steve Halsey, was considered by the Cabinet on 9th January 2008 but has been “Called In” for further consideration by Councillors Ahmed Hussain, Rania Khan, Oliur Rahman, Abjol Miah and M.Mamun Rashid. This is in accordance with the provisions of Part Four 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

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

Kweku Quagraine
02073644877

3. BACKGROUND

3.1 The attached report of the Corporate Director of Communities, Localities and Culture Steve Halsey, was considered by the Cabinet on 9th January 2008 but has been “Called In” for further consideration by Councillors Ahmed Hussain, Rania Khan, Oliur Rahman, Abjol Miah and M.Mamun Rashid. This is in accordance with the provisions of Part Four of the Council’s Constitution.

3.2 The Cabinet after considering the attached report provisionally agreed:-

1. That, subject to (a) below, the levels of fees and charges for market trading in Tower Hamlets, as set out in Appendix 1 to the report (CAB 100/078), to be effective from 1st April 2008, subject to a 28 day period of consultation with market traders following publication of a Notice of Variation of Charges to be issued by the Corporate Director, Communities, Localities and Culture, be approved:

(a) That the proposed weekday standard pitch fee at Whitechapel Market be £7.50 rather than the £6.00 detailed in Appendix 1 to the report.

2. That the Corporate Director, Communities, Localities and Culture, undertake further consultation with the Market Traders on the fees and charges [referred to at resolution 1. above], as set out in Appendix 1 to the report (CAB 100/078); and

3. That the Corporate Director, Communities, Localities and Culture be authorised to set the final level of fees and charges for market trading [in Tower Hamlets] following the outcome of consultation referred to at resolution B above.

4. That a report be submitted to the Cabinet in 3 months time detailing the work undertaken to support the regeneration of Roman Road Market and nearby shops, identifying potential measures to accelerate progress and setting out an action plan to achieve the desired outcome.

REASONS FOR“CALL IN”

The Call-in requisition signed by the five Councillors listed above gives the following reasons for the Call-in:

- 4.1** Failure to consult market stakeholders adequately.
- 4.2** The sixty six per cent increase in fees for Whitechapel weekday traders agreed by the cabinet (though not recommended in the report) is excessive and not based on factual evidence members can review.
- 4.3** The risks of discouraging market trading are not meaningfully assessed.
- 4.4** The report does not include a strategy for advertising and promotion of all markets.
- 4.5** The report does not include reference to Burdett Road market stalls which therefore appear to be under threat, despite its 100-year history and important local service.

5. ALTERNATIVE COURSE OF ACTION PROPOSED:

- 5.1** Regular market traders and their associations should be contacted directly to consult them.
- 5.2** Evidence is needed for members to consider with due diligence any proposal to levy additional increases on Whitechapel traders.
- 5.3** A proper risk assessment of the impact of increased charges on markets and surrounding shopping areas is required.
- 5.4** Promotion and development of markets as an integral part of lively shopping areas and hubs for local communities and neighbourhoods should be an essential part of the contract with market traders.
- 5.5** A scoping review of Burdett Rd market and potential for reviving street trading at this location.

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 Member(s) who are presenting the “Call In” 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.

Committee: Cabinet	Date: 9 January 2008	Classification: Unrestricted	Report No.	Agenda Item No.
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Report of: Corporate Director – Communities, Localities And Culture – Steve Halsey	Title: Review of Street Markets Fees and Charges 2008/2009
Originating Officer(s): Head of Markets – David Saunders	All Wards

1 **SUMMARY**

- 1.1 This report proposes some changes to the fees and charges relating to Street Markets in Tower Hamlets. These charges are reviewed on an annual basis. Although some markets continue to thrive (Whitechapel and Columbia), others enjoy a resurgence (Bethnal Green and Watney), but the overall pattern is of steady decline in the number of street traders. This has led to a reduction of income to the Street Trader's Account.
- 1.2 Street Markets not only provide a livelihood for traders, they contribute to the external image and vitality of the Borough, promoting inclusiveness, and enhancing safety by populating public spaces. In a Borough that has a priority of addressing deprivation: the local markets offer fresh food and clothing at competitive prices, and provide a low investment and a low skills threshold point of entry to worthwhile employment.
- 1.3 Following this Cabinet decision reviewing Fees and Charges, public notice of the approved fees and charges for Markets will be made in the East End Life for a period of 28 days, after which all the representations received will be duly considered. It is only after this further procedure that the new charges come into effect, i e from April 2008.

LOCAL GOVERNMENT ACT, 1972 (As Amended) Section 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	Name and telephone number of holder and address where open to inspection:
Financial management reports	David Saunders Ext 1708

2 RECOMMENDATIONS

Cabinet is recommended to: -

- 2.1 Approve the levels of fees and charges for Market Trading in Tower Hamlets as set out in Appendix 1, to be effective from 1st April 2008, subject to a 28 day period of consultation with market traders following publication of a Notice of Variation of Charges to be issued by the Corporate Director, Communities, Localities and Culture.
- 2.2 Agree that the Corporate Director, Communities, Localities and Culture, undertake further consultation with the Market Traders on the fees and charges as set out in Appendix 1.
- 2.3 Authorise the Corporate Director, Communities, Localities and Culture to set the final level of fees and charges for market trading following the outcome of consultation referred to at 2.2 above.

3 BACKGROUND

- 3.1 The Council operates street markets in 25 designated street and roads across the Borough. They contain a large number of pitches available for rent by 622 permanent and around 300 active temporary traders. Traders pay varying charges dependent on status of the trader, i.e. temporary or permanent and the days worked.
- 3.2 The Market Service is governed by the London Local Authorities Act 1990 (as amended). It is this legislation that stipulates the source of income and what charges can be made to the Street Trader's Account. The Account is managed to break even, year on year, with expenditure being matched by income. If income exceeds expenditure the surplus accruing is to be re-invested in the operation of the street markets. Any deficit on the account should be recovered as soon as possible.
- 3.3 The size of our street markets, the number of traders, and hence income to the Markets Account has been in slow decline for many years, due primarily to changing retail trends. This is especially the experience of our more community focussed weekday and Saturday markets. However, the Sunday markets at Columbia Road, Brick Lane and Petticoat Lane attract a large number of people including many visitors to East London.
- 3.4 The Markets Service has introduced a range of initiatives aimed at making our markets more attractive, raising public awareness, and increasing cultural diversity in terms of traders, goods and foods. Such initiatives have so far proved successful, and in Whitechapel and Watney Markets in particular.

- 3.5 The Street Markets have an accrued deficit of £152k, and in the current year 2007/2008 are expected to record a further deficit. The major reasons for this are the significant decline in the number of casual traders in both 2006/2007 and 2007/2008, and the increased expenditure in joint crime initiatives undertaken with the Metropolitan Police. To deal with this problem, a review of all markets expenditure and incomes has been rigorously undertaken, resulting in a Business Plan being prepared which will address and ameliorate these issues, achieving a balanced budget again, by the end of the financial year 2008/2009.
- 3.6 The table at Appendix 2 shows a comparative table of Markets Fees and Charges with some other London Boroughs. The proposed fees and charges compare favourably with our bench mark Authorities and in general tend to be among the lowest in London.

4 MARKETS FEES AND CHARGES PROPOSALS

- 4.1 The proposed changes for 2008 are recommended as they will:-
- foster market regeneration;
 - generate necessary income to achieve a balanced trading account;
 - enable some additional partnership operations to be carried out to combat high levels of street crime in and around the markets;
 - enable other initiatives to take place that are aimed at making our markets more attractive;
 - sustain levels of markets inspection and enforcement especially on Sundays.

The week day standard pitch fee at Whitechapel Market to be £6.00 and at all other markets to be £5.00.

- 4.2 The proposal is to increase the weekday standard pitch fee on Whitechapel Market to £6.00 and on all our other markets the standard pitch fee will be £5.00. At present there is standard fee of £4.50p on all our markets. The reason for increasing the cost for trading at Whitechapel more than elsewhere is because it is our largest and busiest weekday street market that requires a high level of regulation, inspection and general standards relating to cleanliness and litter removal. On an annual basis, this increase would lead to additional income to the Street Trader's Account of about £75k

The Columbia Road Market Sunday fee to be £45 and the Whitechapel Saturday fee to be £30.

- 4.3 Both the Columbia Road Sunday Market and the Whitechapel Saturday Market, are amongst the busiest in the Borough. Consequently, the traders obtain a higher level of income than those on other markets, and they require a higher level of inspection and regulation in their operation. Furthermore, the Market Service wishes to raise the standard of regulation in Columbia Road, and to meet this an increase in the charge for trading on Columbia Road Market is proposed.
- It is recommended that their Sunday charge is increased from £36 to £45. To deliver higher levels of cleanliness, tidiness and regulation on Whitechapel Market the largest and most visible street market in the Borough, it is proposed the charge to traders on a Saturday is increased from £25 to £30. It is forecast

that these proposals will achieve additional income to the Street Trader's Account of about £50k.

A regenerative temporary traders charge is proposed of £10 on weekdays, £15 on Saturday and £15 on Sunday.

- 4.4 In 2006/2007 Markets Management selectively introduced a half price pilot offer in respect of additional vouchers for extra pitches, aimed at reversing the fall in the number of temporary traders, who are integral to our markets, and this has proved successful and filled out the markets, whilst maintaining levels of income.

It is therefore recommended that a half price regenerative charge for temporary traders is introduced on a sustainable basis in those markets and on such days as management and existing traders consider appropriate.

Isolated pitches charges to be Weekdays £20, Saturday £40 and Sunday £50

- 4.5 Isolated pitches are those that lie outside a designated market area and typically are the coffee stall in Brushfield Street and the Ice Cream vendor on Tower Hill. There is a need to review these charges as it has become apparent that their supervision should be more frequent than at present. To cover the cost of increased activity it is recommended that the charges are increased at weekdays from £10.30 to £20, on Saturdays from £27.80 to £40, and on Sundays from £36 to £50.

The charges for transportation and storage of goods seized to be £100.

- 4.6 The historic deficit in the Street Traders Account is in part due to the cost of dealing with illegal trading. Where goods that have been seized by the Market Service or Police and are subsequently returned to the owner: to recover a proportion of the administrative costs of transportation and secure storage etc, it is recommended that a pre-restoration charge of £100 is introduced.

5 CONSULTATION

- 5.1 Street Trader Representatives were consulted with respect to the change in Fees and Charges at a meeting on 26 November 2007 and another will take place on 21 January 2008. A public notice detailing the proposed charges will be placed in East End Life in February 2008, providing an opportunity for objections to be made before the final fees and charges are endorsed.
- 5.2 In order to promptly implement the proposals effectively, at the end of the statutory 28 day consultation period, and after all representations have been considered, Cabinet is asked to authorise the Corporate Director of Communities, Localities and Culture to apply the increases once he is satisfied that due legal process has been followed. If matters of Council policy arise, these will be referred back by the Corporate Director to the Cabinet for decision.

6 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 This report sets out proposals for increases to Street Trading Charges as outlined in the Appendix 1. The Street Trading Account operates in accordance with the London Local Authorities Act 1990 (as amended), which stipulates what charges can be made to the account. These charges are kept under regular review to ensure that all relevant expenditure is recovered via fees and charges. These currently include the costs of street cleansing, waste disposal, revenue services and management overheads. The account should break even year on year with the expenditure being matched by income. If income exceeds expenditure, the surplus accruing should be reinvested in the operation of the Street Markets. Any deficit on the account should be recovered as soon as practicable. As at 31.3.07 the Statutory Street Trading Account reflected a deficit of £152k mainly as a result of reduced income from casual trading activity and increased expenditure on crime initiatives in 2006/07. The projected position for the 2007/08 account indicates a further deficit will be recorded resulting in a projected net deficit within the statutory account in excess of £350k at 31.3.08
- 6.2 Based on current projections it is anticipated that income accrued from fees and charges in 2008/09 as set out in Appendix 1, if implemented as proposed will match expenditure proposals for the year. Other measures will be necessary to offset the historic deficit and these are included within the Street Trading Business plan outlined in par 3.5.(e.g. reducing cleansing and waste disposal costs, reducing administrative overheads) these measures are to be implemented from the start of the 08/09 financial year, and are anticipated to contribute to the Statutory Account returning to a balanced position by 31.3.09.

7 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 7.1 Section 32(1) of the London Local Authorities Act 1990 (as amended) permits a Borough Council to charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under Part II of the 1990 Act (that is functions relating to Street Trading), not otherwise recovered.
- 7.2 Further, section 32(2) of the 1990 Act permits a Borough Council to recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of the collection, removal and disposal of refuse or other services rendered by them to such holders; the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; any reasonable administrative or other costs

incurred in connection with the administration of this Part of this Act; and the cost of enforcing the provisions of Part III of this Act.

- 7.3 Section 32(6) of the 1990 Act also permits a Borough Council to determine the fees to be charged on the grant of a temporary licence and in doing so the Council shall have regard to the matters specified in section 32(2) above.
- 7.4 These fees and charges are collected in two (2) ways. Firstly, a fee is charged on the application for, renewal of or variation of a street trading licence. This covers the administration costs in respect of the consideration of such application and the issue of any subsequent licence. A person who wishes to trade by way of a temporary licence will also pay a fee in respect of his/her application to be registered as a casual trader. Secondly, licensed traders will then pay a four-weekly charge for their licence and such charge dependent upon the numbers of days, days of week etc. that the trader trades. Traders who trade on a temporary licence pay a fee dependent upon the day etc. that they trade.
- 7.5 Prior to making such charges, the 1990 Act provides that the Council shall give notice of the proposed charges to licence holders or to a body or bodies representative of them; and shall also publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated. The notice of the proposed charges to licence holders or to a body or bodies representative of them shall be accompanied by a statement showing how the proposed charges have been computed; and any body representative of licence holders may request the Borough Council to supply such further information or explanation with regard to the proposed charges as the body may reasonably require in order to ascertain whether the proposed charges are reasonable and have been computed in accordance with the provisions of this section. The Council are under a duty to comply with any such request.
- 7.6 The notice shall specify a reasonable period being not less than twenty-eight (28) days from the date of publication of the newspaper in which the notice is also published within which written representations concerning the proposed charges may be made to the Borough Council and it shall be the duty of a borough council to consider any such representations which are made to them within the period specified in the notice; and to comply with any request for further information from the body representative of licence holders. Where any such request is made the period for representations is extended by the number of days beginning with the day on which the request is made and ending with that on which it is complied with. So, for example, if a request is made on day twenty (20) of the period for representation and takes seven (7) days to comply with it then that will extend the twenty-eight (28) consultation by seven (7) days to thirty-five (35) days.

8 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 None specific.

9 ANTI-POVERTY IMPLICATIONS

9.1 All the changes will be benefit to some degree to the majority of traders and help regenerate the street markets as a source of employment and as a community asset.

10 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 None specific.

11 RISK MANAGEMENT IMPLICATIONS

11.1 The effect of this report is to make minor adjustments and not upset the balance of income against expenditure that has emerged over the last two years of Market Service management.

12 APPENDICES

Appendix 1 - Proposed charges for street trading in LBTH .

Appendix 2 – Comparative table of fees and charges.

APPENDIX 1

**PROPOSED CHARGES FOR MARKET TRADING IN TOWER HAMLETS
2008/9 UNDER LONDON LOCAL AUTHORITIES ACT 1990 (as amended)**

<i>Market</i>	<i>Trading Day</i>	<i>Actual Daily Charge (£)</i>			<i>Recommended Daily Charge (£)</i>		
		<i>Weekday</i>	<i>Sat £</i>	<i>Sun</i>	<i>Weekday</i>	<i>Sat £</i>	<i>Sun</i>
Markets other than set out below *	As described on permanent licence	4.50	25	36	5	25	36
Whitechapel	Monday to Saturday	4.50	25	n/a	6.00	30	n/a
Columbia Road	Sunday only	n/a	n/a	36	n/a	n/a	45
Watney Street & Roman Road Square	Monday to Saturday	4.50	25	n/a	5	25	n/a
Chrisp Street	Monday to Saturday (normal)	4.50	25	n/a	5	25	n/a
	Monday to Saturday (large))	6	45	n/a	6	45	n/a
Temporary Licences (in any market)	All Days of Week	20 .60	30.90	36.00	20 .60	30.90	36.00
Regenerative Temporary Licences	As separately specified	-			10	15	20
Daily variation "extra pitch voucher"	All Days of Week	5.00	10.00	15.80	5.00	10.00	15.80
"Isolated pitches"	All Days of Week	10.30	27.80	36.00	20	40	50
Trading after 6 p.m.	All Days of Week	5 a day			5 a day		
Fresh produce & flower refuse removal	All Days of Week	5 a day Discretionary			5 a day Discretionary		
Display of Goods & other use of public footway and space	Anywhere in the Borough	25 a week			£1 a square metre a day (proposed in a separate Report to Cabinet)		
Forecourt Trading	Anywhere in the Borough	25 a week			25 a week		
Licence application and renewal fee – All Street, Display of Goods & Forecourts		60 (for 3 years)			60 (for 3 years)		
Licence Holder's Registered Assistant application fee		10 (valid for term of licence holder's existing licence)					
Admin charge for refunds, duplicate documentation, licence deposit, licence Reclaim or providing copy documentation.		25					
Charge per arrears letter		20					
Licence variation fee		50 (Quarterly)			50 (Quarterly)		
Replacement Pitch card		15			15		

* As is the case in the current year it is proposed in 2008/9 to hold the Sunday charge for Petticoat Lane at £32

APPENDIX 2

COMPARISON OF STREET TRADERS PERMANENT LICENCE CHARGES

Charge/Borough	LBTH Proposed	ISLINGTON	KENSINGTON & CHELSEA	HACKNEY	NEWHAM	HARINGEY
Weekly Charge M- F	£30 £35 (Whitechapel)	£26-£27	£23-35	£6 (Hoxton) to £50 (Ridley Rd)	£42 (Kelland Pk) to £88 (Stratford)	£27 -£51
Saturday Charge	£25 £30 (Whitechapel)		£47			
Sunday Charge	£36 £45 (Columbia) £32 Petticoat La.		Not Applicable	N/A		

Agenda Item 8.1

Overview and Scrutiny	Date: 5 February 2008	Classification: Unrestricted	Report No:	Agenda Item No: 8.1
Report of: Assistant Chief Executive Originating Officer(s) Sara Williams Alan Steward		Title: TOWER HAMLETS INDEX - MONITORING REPORT OCT - NOV 2007 WARD(S) AFFECTED: N/A		

1 Introduction / Summary

- 1.1 This report introduces the end of November monitoring report for the Tower Hamlets Index 2007/08. The set of indicators that constitutes the Tower Hamlets Index reflects the Strategic Plan 2006-11 and Local Area Agreement. This is the second year that this set has been reported. Appendix 1 provides an overview of performance and comments on each indicator. Appendix 2 provides charts for a better overview of the performance trends over time.

2. Recommendation

- 2.1 That the Committee notes and comments on the performance as identified in paragraphs 4 of this report.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)	
<i>LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT</i>	
Brief description of background papers: Tower Hamlets Index Monitoring Reports Strategic Plan 2006/07 Best Value Performance Plan 2006/07	Name and telephone number of holder and address where open to inspection: Sara Williams, 020 7364 4771 Mulberry Place, 6th Floor

3 Background

- 3.1 The Tower Hamlets Index consists of key Strategic Plan indicators through which we measure progress towards the Council's 12 Strategic objectives.
- 3.2 The Tower Hamlets Index has been designed as a tool for Corporate Directors and their staff to accelerate improvement or sustain excellent performance in

priority areas. It enables Members to monitor the overall rate of improvement across the council.

- 3.3 Each directorate has set annual targets to assist the Council in reaching its ambition of being one of the top performers in Inner London, and in the top 25% in Greater London by 2010. These targets are integrated into the service planning, team planning and performance management arrangements within each directorate.
- 3.4 We undertake an annual assessment of our ranking on all Tower Hamlets Index indicators which are Best Value Performance Indicators and which enable comparisons with other authorities. We monitor our performance monthly on a wider suite of Index indicators which includes local PIs for which national comparisons are not available. The bi-monthly Index also excludes all indicators for which data is available only annually. In some cases proxy indicators replace the annual indicators – for example, school attendance instead of annual test and examination result indicators.

4. How we are doing

- 4.1 Performance against the fourth bi-monthly monitoring of these indicators for the period October 2007 - November 2007 is set out in the Appendices enclosed.
- 4.2 Of the 39 applicable indicators, **16** of the performance indicators (41.02%) are on track to achieve their end of year target (GREEN). Areas where performance is well above the estimated level for the end of November target are as follows:
- SP104 - Increased number of under 18s accessing drugs treatment
 - SP307 - Number of people aged 24 and under in receipt of Jobseekers Allowance (and not on New Deal) helped into paid employment of over 16 hours a week for at least 13 consecutive weeks or more
 - SP509 - Increased attendance at Local Area Partnership events
 - SP515a - Percentage of attendees at LAP events who are from targeted communities: BME residents
 - SP515b - Percentage of attendees at LAP events who are from targeted communities: Bangladeshi residents
 - SP515c - Percentage of attendees at LAP events who are from targeted communities: Somali residents
 - SP515d - Percentage of attendees at LAP events who are from targeted communities: young residents (16-25)
- 4.3 17 (43.60%) indicators are at AMBER, with actions in place to ensure that they get back on track to meet the end of year target.

4.4 6 (15.38%) indicators are at RED and based on the Manager’s comments, they may not meet their year-end targets. These are:

- SP111 – Recycling
- SP301 - Major planning applications
- SP308 - Unemployed young people
- SP404a - Overall attendance rates - primary
- SP404b - Overall attendance rates - secondary
- SP412 - Library visits

4.5 Analysis shows however that, of these 6 indicators, our performance on 4 shows either top quartile performance and / or improving performance. Our performance on the remaining 2 needs further consideration, as the missed target is combined with lower quartile performance and/ or performance deteriorating or not improving (when compared to 2006/07 year-end data). These indicators are:

- SP301 – Percentage of major planning applications determined within 13 weeks
- SP308 – Percentage of young people in TH aged 18-25 claiming unemployment related benefits

4.6 In this fourth monitoring round of 2007/08 there are 41.03% GREEN and 58.97% RED/AMBER indicators by comparison to the same time last year when there were 51.16% GREEN and 48.84% RED.

Oct-Nov	GREEN	AMBER	RED
2006/07	22 (51.16%)	12 (27.91%)	9 (20.93%)
2007/08	16 (41.03%)	17 (43.59%)	6 (15.38%)

Compared to the third monitoring round of 2007/08 when there were 38.5% GREEN and 61.5% RED/AMBER indicators.

		GREEN	AMBER	RED
2007/08	April-May	17 (42.50%)	20 (50.00%)	3 (7.50%)
	June-July	20 (47.62%)	15 (35.71%)	7 (16.67%)
	Aug-Sep	15 (38.46%)	15 (38.46%)	9 (23.08%)
	Oct-Nov	16 (41.03%)	17 (43.59%)	6 (15.38%)

The tables above shows that the number and proportion of GREEN indicators has increased, compared to the previous period, but decreased compared to the same period in the previous year.

4.7 There are still 4 months to the end of the year and comments will reflect steps taken to ensure targets are met.

4.8 Data for **one indicator** is not available at the time of producing this report (SP210 – Bed & Breakfast).

4.9 There are **2 indicators** that are reported on quarterly:

- SP108 - The proportion of relevant land and highways (expressed as a percentage) that is assessed as having combined deposits of litter and detritus that fall below an acceptable level
- SP304 - Number of businesses / social enterprises assisted to improve their performance

and **2 indicators** that are reported on termly:

- SP410 - Number of young people under 16 attending study support sessions
- SP411 - Total number of under 19s completing a course in Idea Stores, libraries and learning centres.

5. **Overview & Scrutiny's feedback on August - September report**

When considering the last Tower Hamlets Index, Overview & Scrutiny raised a number of issues. These are summarised below.

On SP108 (Recycling), Overview & Scrutiny sought reassurance that sanctions were in place. This is the case and information was provided on inspection and sanction processes.

Overview & Scrutiny also asked about the impact of the move to near-entry collections in high-rise properties. They were advised that although there may be an initial slight dip the early indicators from pilot sites showed no negative impact.

Finally, Overview & Scrutiny considered SP408 (Libraries), and what impact the summer programme of activities had on performance. Scrutiny noted that the indicator is taken as a snapshot on 31st March each year and is not based on cumulative totals. The summer programme delivered many successful events with a significant response despite, to some extent, being affected by the unseasonably bad weather, but the detailed impact will only be known in March 2008 when the annual snapshot survey is conducted. Initial indications were that the programme is likely to improve it.

6. **Finance**

- 6.1 It is important that performance monitoring takes account of financial performance so that it can be shown to have been achieved within existing resources and therefore to be broadly sustainable.
- 6.2 The latest corporate financial monitoring information available relates to the second quarter of 2007/08, to 30th September and was reported to Cabinet on 5th December. For the General Fund, this indicates a project underspend for the year against Directorate budgets of £0.292m. Within this figure, however, Adult Services; Communities, Localities & Culture; and Development & Renewal are currently projecting overspends and are taking steps to contain them. None of the Directorates concerned are currently indicating that their actions to contain costs will have a negative impact on performance indicators. The Housing Revenue Account is projected to break even. Although it is not possible to be specific about individual performance indicators, this tends to indicate that, in general, current levels of performance can continue to be achieved within the resources allocated in the budget.

6.3 Financial monitoring within Directorates takes place on a monthly basis, and Directorate Management Teams should monitor use of resources alongside service performance to ensure that performance is sustainable and to give early warning of any issues to be addressed.

6.4 In addition, the Performance Review Group focuses on performance and where it could be useful can look at allocating resources to support performance improvement.

7. **Equalities Implications**

7.1 The Council's ambitious targets for service delivery are focused on meeting the needs of the diverse communities living in Tower Hamlets. The Tower Hamlets Index reflects the priority the Council gives to equality and diversity issues, and includes specific equality indicators.

8. **Comments from the Chief Finance Officer**

8.1 There are no direct financial implications arising from the recommendations of this report. Any specific financial implications relating to the performance indicators have been incorporated in the officer comments attached to this report.

9. **Concurrent Report of the Assistant Chief Executive (Legal)**

9.1 The Local Government Act 1999 places a duty on the Council to secure continuous improvement in the way its functions are exercised having regard to a combination of economy, efficiency and effectiveness. Performance monitoring using the Index combined with implementation of the Strategic Plan will assist in discharging that obligation.

10. **Sustainable Action for a Greener Environment**

10.1 A number of the Indicators contribute directly towards a greener environment, including addressing abandoned cars, and improving the cleanliness of streets. The Council will ensure that in monitoring and reporting on the Tower Hamlets Index, the environmental impact locally will be kept to a minimum.

11. **Anti Poverty Comments**

11.1 A number of the indicators in the Index specifically address unemployment and homelessness families, targeting some of the most vulnerable communities in Tower Hamlets. A number of the other indicators address service improvements that have a greater impact on those communities in most need of Council services.

12. **Risk Management Implications**

12.1 In line with the Council's risk management strategy, the implementation of the Tower Hamlets Index will assist the Cabinet, Corporate Directors and relevant service managers in delivering the ambitious targets set out in the Strategic Plan. Where any difficulties or slippage arise, the process will create an opportunity for Members and Corporate Directors to discuss remedial action and keep progress under regular review.

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TH Index October – November monitoring 2007

PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<u>SP101</u>	Wounding: number of violent crimes (common assault plus ABH/GHB) per 1000 population	22.9	14.9	14	20.15	Lower	AMBER	Andy Bamber
<p>Comments: We are above target in this reporting period however, there has been a reduction of 7.9% in common assault and 8.9% in ABH and GBH when compared to the same time in the last financial year 06/07. The partnership deployed an array of tactics to bring about this reduction. We are confident the target will be met at the end of the year.</p>								
<u>SP104</u>	Increased number of under 18s accessing drug treatment	711	721	597	732	Higher	GREEN	Andy Bamber
<u>SP105</u>	Reduction in overall crime rate (BCS Comparator Offences)	18592	11695	12072.67	18109	Lower	GREEN	Andy Bamber
<u>SP108</u>	The proportion of relevant land and highways (expressed as a percentage) that is assessed as having combined deposits of litter and detritus that fall below an acceptable level.	22.0	N/A	N/A	12.0	Lower		Alex Cosgrave
<p>Comments: No report. Tranche 2 is conducted between August and November and will be reported in January.</p>								
<u>SP111</u>	Percentage of household waste which has been sent by the authority for recycling.	11.72	13.19	18	22.00	Higher	RED	John Palmer

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: Performance continues to improve as elements of the Recycling Improvement Plan for 2007/08 are implemented. Activities undertaken so far have included increasing the number of domestic properties collected from (1,004 in October alone) and expanding collections to non-domestic premises producing 'household waste' such as schools and charities. 24 new collections were established in October. During this period canvassers will have visited approximately 22,000 high-rise properties and spoken to around 7,300 residents. Overall, it is predicted that performance will accelerate but not quickly enough to meet the end of year target.</p>								
<u>SP203</u>	Percentage of urgent repairs completed in government time limits	96.59	97.97	96.8	97.2	Higher	GREEN	Maureen McEleney
<u>SP204</u>	Average time taken to re-let local authority housing.	34.3	37.26	33	31	Lower	AMBER	Maureen McEleney
<p>Comments: Results for October/November show performance closer to CPA upper quartile levels, however the difficulties in the earlier part of the year continue to feed into the result to date. Actions taken over the last few months with continual monitoring of this indicator mean results will continue to improve.</p>								
<u>SP205</u>	Percentage of residents satisfied with the Council's repairs service	90.22	87.25	91	91	Higher	AMBER	Maureen McEleney
<p>Comments: Following the result from the first survey carried out by the independent company we sought the views of the main contractors and the company itself on the differing figures. It was found that some of the people surveyed had actually expressed dissatisfaction with other matters and not the repairs service. This has now been corrected and further training has been provided to the call makers. The more recent surveys have shown an improved level of satisfaction.</p>								
<u>SP210</u>	Average length of stay in bed and breakfast accommodation of households which include dependent children or a pregnant woman and which are unintentionally homeless and in	3.67	Data not available	3.5	3.50	Lower		Colin Cormack

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
	priority need.							
<p>Comments: This indicator measures time spent in bed and breakfast, invariably in previous years, by families permanently rehoused this year. The new Housing IT system, SX3, is not currently able to retrieve this historic data. If necessary, end of year reporting will be based on a manual trawl and count of files. However, this would not be cost effective for bi-monthly reporting. The indicator measures past performance only, and will cease to be collected after this year. The use of bed and breakfast for even short periods has fallen steadily in the last three years, with a 17% reduction in the number of placements between 2005/6 and 2006/7 and a further 18% fall between 2006/7 and 2007/8.</p>								
<u>SP211</u>	Number of supported admissions of older people to permanent residential and nursing care per 10,000 population aged 65 or over (formerly C26).	74.6	46.1	46.68	70	Lower	GREEN	John Goldup
<u>SP212</u>	Adult and older clients receiving a review as a percentage of those receiving a service.	84.9	56.9	57.2	86	Higher	AMBER	John Goldup
<p>Comments: We are marginally below target for this PI. (Projected end-of-year value is 85.4% and target is 86%). However, we remain very much in the top band as laid down by the Commission for Social Care Inspection. The top CSCI band begins at 60%. We are projected to be 25 percentage points above this.</p>								
<u>SP214</u>	Percentage of child protection cases which should have been reviewed during the year that were reviewed.	100	100	100	100	Higher	GREEN	Kamini Rambellas
<u>SP215</u>	Percentage of children looked after at 31 March with three or more placements during the year	10.95	10.42	10.31	10.00	None		Kamini Rambellas

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: Performance is slightly over target however this is an improvement on last year and the direction of travel is also positive. This is a volatile performance indicator and whilst performance may not achieve target at the end of the year it will be an improvement on previous years. This target is monitored very closely and systems are in place for reviewing the relevant cohorts and practice. Performance is scrutinised very closely in this area to ensure that moves are appropriate and that children at risk of multiple placements are being closely monitored. The aim is to maintain children in placements wherever this is possible and appropriate.</p>								
<u>SP218</u>	Average time for processing new housing benefit and council tax benefit claims (days).	28.49	24.02	28.2	28	Lower	GREEN	Maureen McEleney
<u>SP301</u>	Percentage of major planning applications determined within 13 weeks.	38.33	52.08	60.00	60.00	Higher	RED	Michael Kiely
<p>Comments: Although the interval target is currently unmet, performance has continued to improve throughout the year; this is despite the disproportionately high number of major strategic proposals being submitted in the Borough. The reasons for not achieving the interval target are as follows: There remain a very high proportion of major determinations that relate to extremely old cases, some of which have required detailed S106 agreements, which have taken a long time to conclude. We have been working in partnership with both internal and external legal services to ensure more effective negotiation of S106 agreements. However this process has impacted on performance. We are now dealing with an increasing number of very large applications. Tower Hamlets makes up almost a third of Inner London's strategic applications according to figures provided by the Greater London Authority. It is extremely difficult to determine these very large applications within the target of 13 weeks due to the nature of consultation, referral and environmental impact assessment requirements. We are one of a small number of local authorities working with English Partnerships to assess how very large applications can be managed so that they do not have a detrimental impact on efficiency of determinations. There remains a high level of staff turnover during the review period, as private sector companies have been more aggressive and competitive in the market. Although we continue to undertake a rigorous recruitment process there have been inevitable performance issues arising from hand-over and capacity building. The new National Indicator proposal for this activity is subject to the outcome of a recent consultation paper. The paper proposes that applications that are part of a Planning Performance Agreement and where a timetable agreed with developers is adhered to, will be excluded from the calculation.</p>								
<u>SP302</u>	Percentage of minor planning applications determined in 8 weeks.	80.49	84.78	80.41	80.5	Higher	GREEN	Michael Kiely

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<u>SP303</u>	Percentage of other planning applications determined in 8 weeks.	84.18	86.78	88.29	88.30	Higher	AMBER	Michael Kiely
<p>Comments: Government's target on this indicator is 80%. Most authorities perform well due to the high proportion of householder applications that are easy to fast-track and make up the majority of caseloads within BV109c. In LBTH we have very few householder applications and therefore this indicator will always be very challenging for us to achieve top quartile performance. We continue to work hard to do so. We are improving the pre-application part of the process to raise the quality of the applications we receive so that we can process them more efficiently. Work is also underway to improve the quality of advice that we provide both in reception and via the Internet, so that users of the service are better informed about what they need to do in order to use it effectively. Performance management of caseloads have also been significantly improved and cases are now much better managed to ensure that performance is maximised.</p>								
<u>SP304</u>	Number of businesses / social enterprises assisted to improve their performance	43	N/A	N/A	40	Higher		Jackie Oduoye
<p>Comments: Monitored Quarterly</p>								
<u>SP306</u>	Percentage of young people in Tower Hamlets aged 16-18 not in education, employment or training	10.8	8.40	8.64	8.2	Lower	GREEN	Mary Durkin
<u>SP307</u>	Number of people aged 24 and under in receipt of Jobseekers Allowance (and not on New Deal) helped into paid employment of over 16 hours a week for at least 13 consecutive weeks or more	139	149	69	250	Higher	GREEN	Jackie Oduoye
<u>SP308</u>	Percentage of young people in Tower Hamlets aged 18 - 25 claiming unemployment-related benefits	20.7	18.5	16.2	16.0	Lower	RED	Jackie Oduoye

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: The figure has come down slightly. Work with partners is continuing to have an impact locally but issues referred to previously continue to hamper real progress</p>								
<u>SP309</u>	Percentage of local residents claiming unemployment-related benefits	8.6	7.9	8.0	8.0	Lower	GREEN	Jackie Odunoye
<u>SP310</u>	Increased supply of employment opportunities in key growth sectors prompted directly through the Employment Consortium	1354	910	1132	1400	Higher	AMBER	Jackie Odunoye
<p>Comments: Figure is lower than anticipated. Although many jobs are available locally the team is securing only those likely to be suitable for local recruits and concentrating on work placements as a key way of securing permanent job offers. Therefore the lower figure does not denote failure merely a more focused delivery.</p>								
<u>SP404a</u>	Improved overall attendance rates at primary school (proxy for LAA 601 & 602)	93.39	94.32	95.50	95.50	Higher	RED	Helen Jenner
<p>Comments: These are provisional figures for the Autumn term, which although are lower than expected at this time of year are an improvement on the out turn figures for 2006/07. The final figures are expected to increase this figure slightly to bring it closer to the annual target. Both attendance and unauthorised absence indicators will be replaced next year by a new national set of measures to tackle persistent absence.</p>								
<u>SP404b</u>	Improved overall attendance rates at secondary school (proxy for LAA 601, 602 & 603)	92.48	92.84	93.00	93.00	Higher	RED	Helen Jenner

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: These are provisional figures for the Autumn term, which although are lower than expected at this time of year are only marginally lower than target and is an improvement on the out turn figures for 2006/07. The final figures are expected to increase this figure slightly to bring it closer to the annual target. Both attendance and unauthorised absence indicators will be replaced next year by a new national set of measures to tackle persistent absence. The attendance rate also compares favourably with our statistical neighbours and has been better than the national average rate for the last two years</p>								
<u>SP405a</u>	Unauthorised absence rates - primary (proxy for 601, 602 & 603)	1.24	1.08	0.95	0.95	Lower	AMBER	Helen Jenner
<p>Comments: Although we have not met target at this point in the year, performance has improved and the direction of travel is also positive. The borough takes a strong position taken on not authorising holidays in term time which affects our progress in this area. These measures are soon to be replaced with targets to reduce persistent absence. The borough has the second best rates in London for tackling persistent absence and is likely to demonstrate very good performance in the new national set of measures.</p>								
<u>SP405b</u>	Unauthorised absence rates - secondary	2.05	1.98	1.90	1.90	Lower	AMBER	Helen Jenner
<p>Comments: We have not met our target at this point in the year because of the strong position taken on not authorising holidays in term time which affects our progress in this area. These measures are soon to be replaced with targets to reduce persistent absence. The borough has the second best rates in London for tackling persistent absence and is likely to demonstrate very good performance in the new national set of measures.</p>								
<u>SP408</u>	Number of under 16s who are active users of the Idea Stores and libraries	13473	12,273	19,272	19272	Higher	AMBER	Ian McNicol
<p>Comments: Despite the fact that 2,649 new under-16s have become members since April, the number of active members has fallen slightly. Many existing members are 'lost' when they transfer to adult membership at age 16. Other under-16s members regularly participate in Idea Store activities but do not borrow and so are not counted as 'active members'. Programme of class visits from January will focus on enrolling under 16s as individual members, with a view to also increasing active use.</p>								

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<u>SP409</u>	Total number of library items issued to under 16s - Enhancing young people	266,303	189,513	238,500	317000	Higher	AMBER	Ian McNicol
<p>Comments: A review of services to children undertaken in November 2007 indicates that a significant number of under 16s are using Idea Stores and libraries but do not borrow books or other items. Part of the agenda of the Idea Stores Strategy has been to e-enable its sites and allow users access through more than physical borrowing, which can impact on the performance of this indicator. However, work is under way with Idea Store Managers to ensure that site targets for issues are met.</p>								
<u>SP410</u>	Number of young people under 16 attending study support sessions - enhancing young people	750	N/A	382	765	Higher		Ian McNicol
<p>Comments: Termly reporting, no outturn required</p>								
<u>SP411</u>	Total number of under 19s completing a course in Idea Stores, libraries and learning centres - enhancing young people	1741	N/A	N/A	1,760	Higher		Ian McNicol
<p>Comments: Termly reporting, no outturn required</p>								
<u>SP412</u>	Number of physical visits to public library premises per 1000 population	9265.00	6,256	6588	9881.07	Higher	RED	Ian McNicol

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: Visits to the Council's library and Idea Stores currently perform about the Public Library Service Standard. Visitor numbers during Oct-Nov were higher at all sites than in the same period last year. The remaining 4 library sites are unable to attract the high numbers of visits seen in the four Idea Stores. Although it may be unlikely to reach the year's target, visitors numbers are set to reach 2.1million by end of March 2008.</p>								
<u>SP501</u>	Budget Performance	-2536000	-292000	0	0	Lower	GREEN	Alan Finch
<u>SP505</u>	Number of working days/shifts lost to sickness absence per employee.	7.92	8.49	7.85	7.75	Lower	AMBER	Deb Clarke
<p>Comments: The figures are relatively unchanged from last month. However, absence management remains a key priority with work continuing to reduce the average number of days of absence.</p>								
<u>SP506</u>	Percentage of Undisputed Invoices Paid on Time	91.87	85.40	94.25	96	Higher	AMBER	Paul McDermott
<p>Comments: Processes, targeting and monitoring have all been improved significantly over the last three months, which has had an impact on the workload of the team. Additional short term manual solutions have also been implemented to improve processing times. Whilst they appear to have been successful, they will take time to be reflected in this indicator. An article has appeared in managers briefing and further information has been prepared for pulling together to detail these changes and seek the support of authorising and certifying officers to treat payment of invoices as a Council priority.</p>								
<u>SP509</u>	Increased attendance at Local Area Partnership events	5202	5499	5310	5250	Higher	GREEN	Shazia Hussain
<u>SP510</u>	% of telephones answered within the customer promise standard	69	69.72	73.0	77	Higher	AMBER	Claire Symonds

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: October showed continued improvement with 73% of calls answered within 15 seconds for the month, giving an annual figure to date of 70.01%. However, a slight dip in performance in November led to a stabilised figure of 69.72% for the year to date at the end of the month. While call volumes were stable, seasonal (winter) demand peaks and short-term staff shortages, particularly for housing repairs, impacted on performance figures. The Council's Hot Lines continue to answer 95% of all calls offered.</p>								
<u>SP511</u>	% of letters responded to within customer promise standard	N/A	72.0	90	90	Higher	AMBER	Claire Symonds
<p>Comments: The collation of consistent and accurate data for this Indicator across the Authority remains problematic and the current figure is based only on returns received from D&R (excluding Housing) and Customer Access. Firstly, there is no single point of contact for correspondence within teams or Directorates; unlike telephone calls or e-mails, letters are not being routed in a way that will ensure they are recorded and monitored. Secondly, while Directorates have been approached to establish a point of contact for correspondence sampling, the response has been poor and some Directorates have stressed issues around identifying those letters which require a reply, against those which give information and do not require a response. Thirdly, there is no doubt that the volume of written correspondence from the public is low, causing fluctuations in performance based on very small numbers of transactions.</p>								
<u>SP512</u>	% of calls handled by the customer contact centre	N/A	42.5	43	45	Higher	AMBER	Claire Symonds
<p>Comments: Continued increase in this indicator value which is now within 0.5% of target.</p>								
<u>SP513</u>	Percentage of complaints completed in time - Council as a whole - Stage 1	65	62	74	80	Higher	AMBER	Ruth Dowden

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PI Ref No	Description	Outturn 06/07	Nov Actual	Nov Estimate	Annual Target	Preferred Outcome	Traffic Light	Responsible Officer
<p>Comments: The November percentage is hindered by one directorate, Environment & Culture, whose performance fell to 41%. Approximately 1/3rd of the total growth in complaints for E+C are the result of growth in recycling service complaints earlier in the year. This was due to problems with the contractor that have now been addressed. Communities Localities and Culture are currently undertaking a 12 month rolling analysis of corporate complaints to be completed by the third week in January. This will look at the nature of the complaints, identify any clear patterns of service dissatisfaction and underperformance at service level and set out a corrective action plan. The Directorate is working with the Corporate Complaints Section to help improve the current Siebel system and allow 'live' monitoring reports to be generated within the Directorate at divisional and sub divisional level. Arrangements for strategic management of complaints within the Directorate will form part of a review of directorate support services currently underway.</p>								
<u>SP515a</u>	Percentage of attendees at LAP events who are from targeted communities: BME residents	54	60.8	48	48	Higher	GREEN	Shazia Hussain
<u>SP515b</u>	Percentage of attendees at LAP events who are from targeted communities: Bangladeshi residents	39	38.8	33	33	Higher	GREEN	Shazia Hussain
<u>SP515c</u>	Percentage of attendees at LAP events who are from targeted communities: Somali residents	5	11.3	5	5	Higher	GREEN	Shazia Hussain
<u>SP515d</u>	Percentage of attendees at LAP events who are from targeted communities: Young residents (16 - 25)	35	19.8	15	15	Higher	GREEN	Shazia Hussain
<u>SP516</u>	The percentage of the top 5% of Local Authority staff who are from an ethnic minority.	15.26	16.46	17	18.00	Higher	AMBER	Deb Clarke
<p>Comments: The percentage is improving and with positive action in place in respect of the aspiring leaders programme, together with a commissioned review of recruitment processes by an independent organisation, improvements should continue.</p>								
<u>SP517</u>	Percentage of top 5% of earners of Local Authority staff that are women.	53.21	51.52	50	50	Higher	GREEN	Deb Clarke

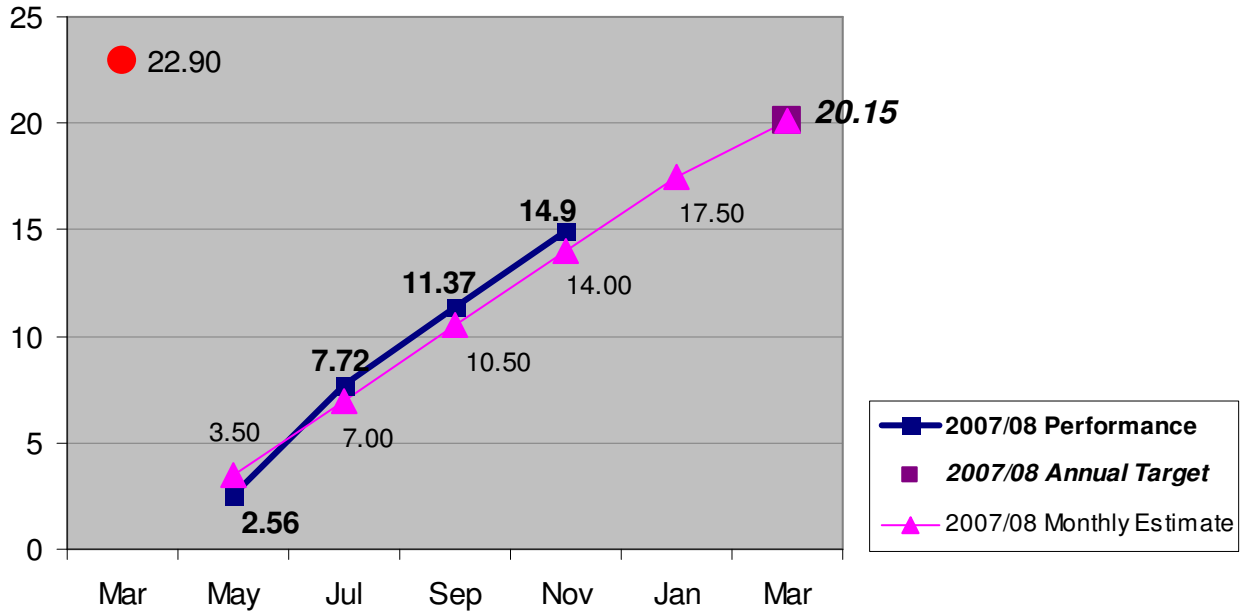
**Tower Hamlets Index
Performance Charts
October - November 2007**

Traffic Light

AMBER

Lower Performance is better

SP101 - Number of violent crimes (common assault Plus ABH/GHB) per 1,000 pop.

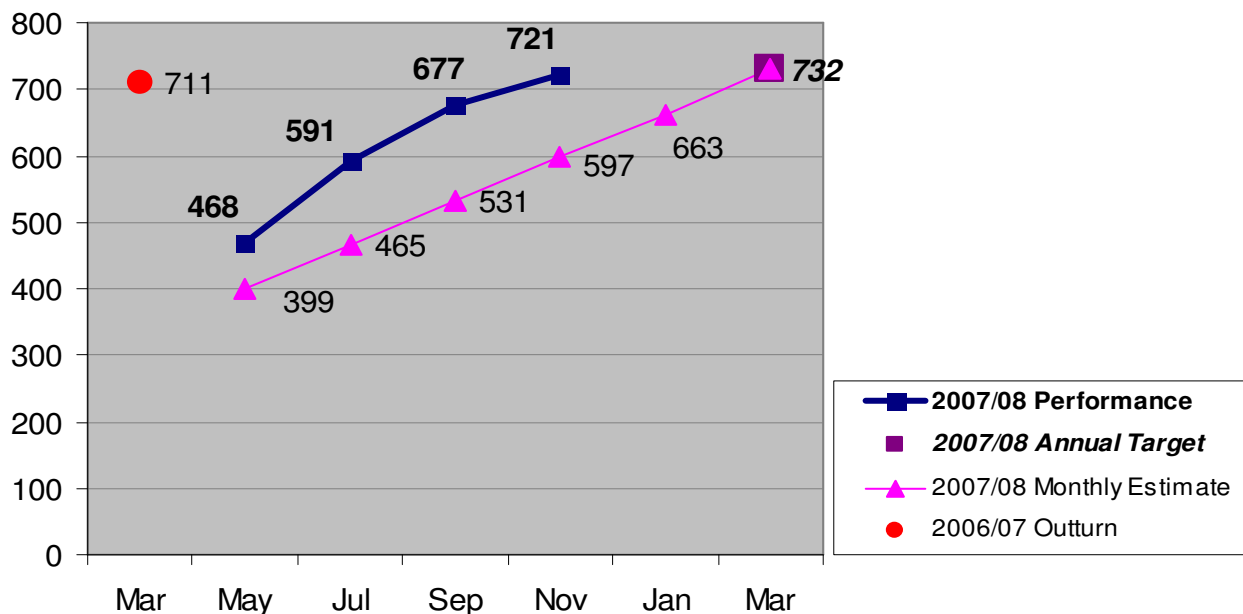


Traffic Light

GREEN

Higher Performance is better

SP104 - Increased number of under 18s accessing drug treatment

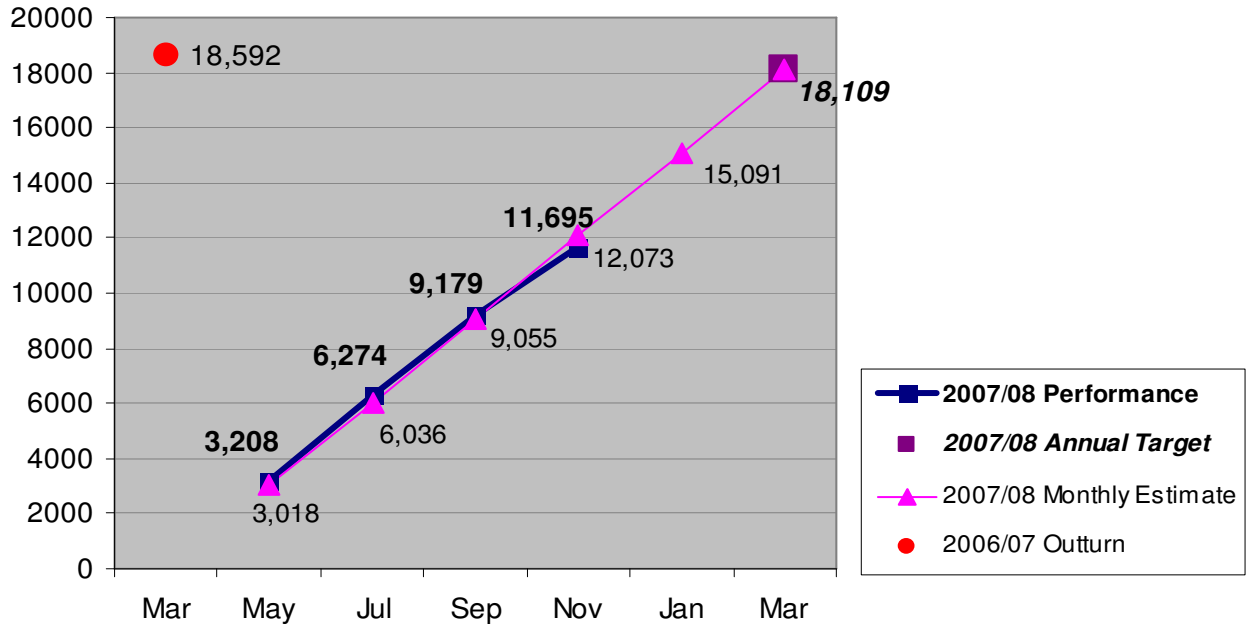


Traffic Light

GREEN

Lower Performance is better

SP105 - Reduction in overall crime rate (BCS Comparator Offences)

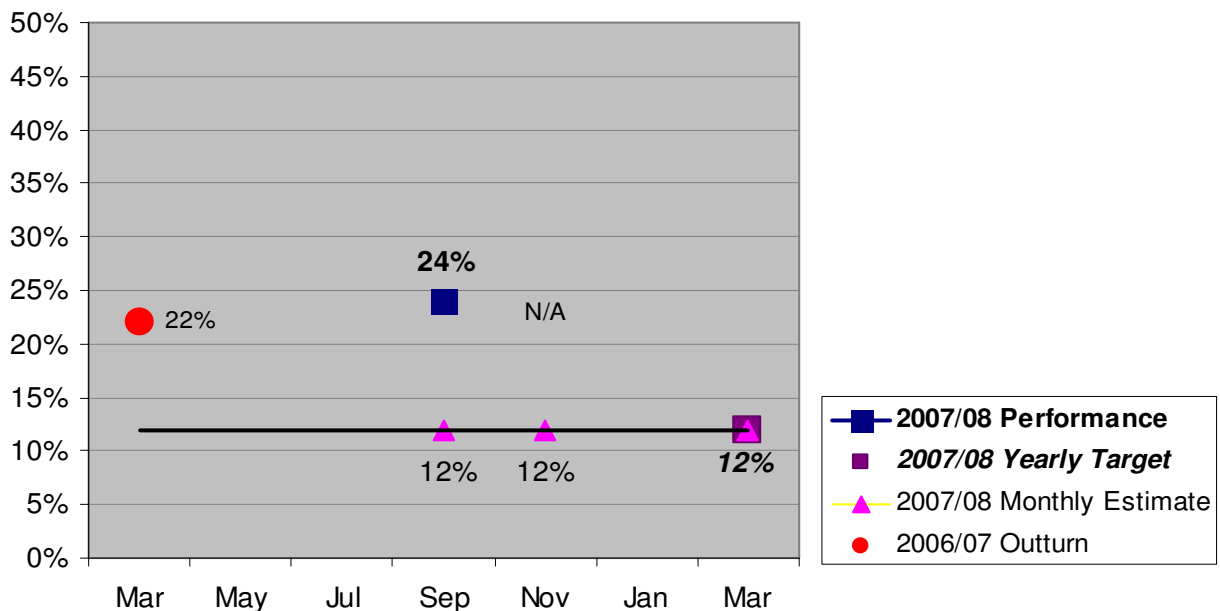


Traffic Light

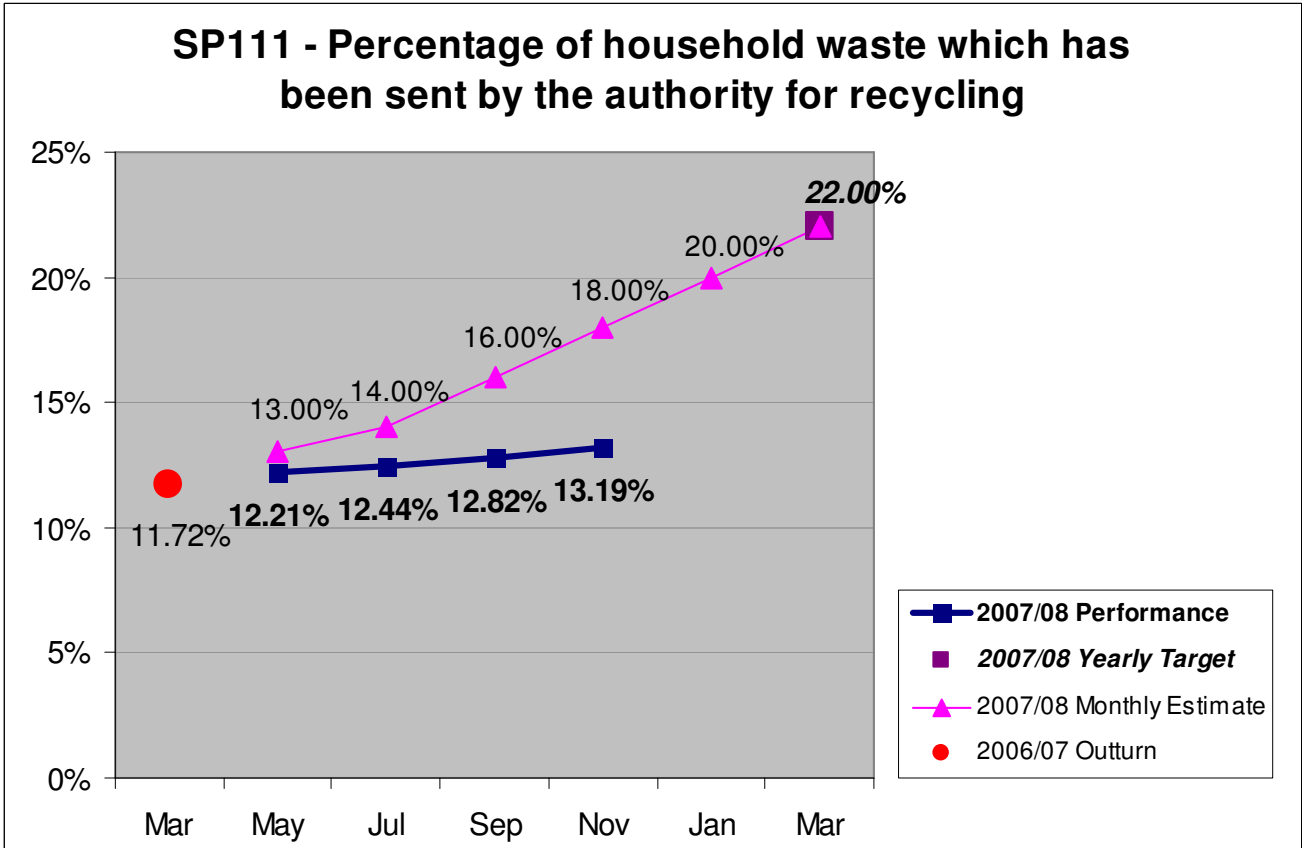
Available in January

Lower Performance is better

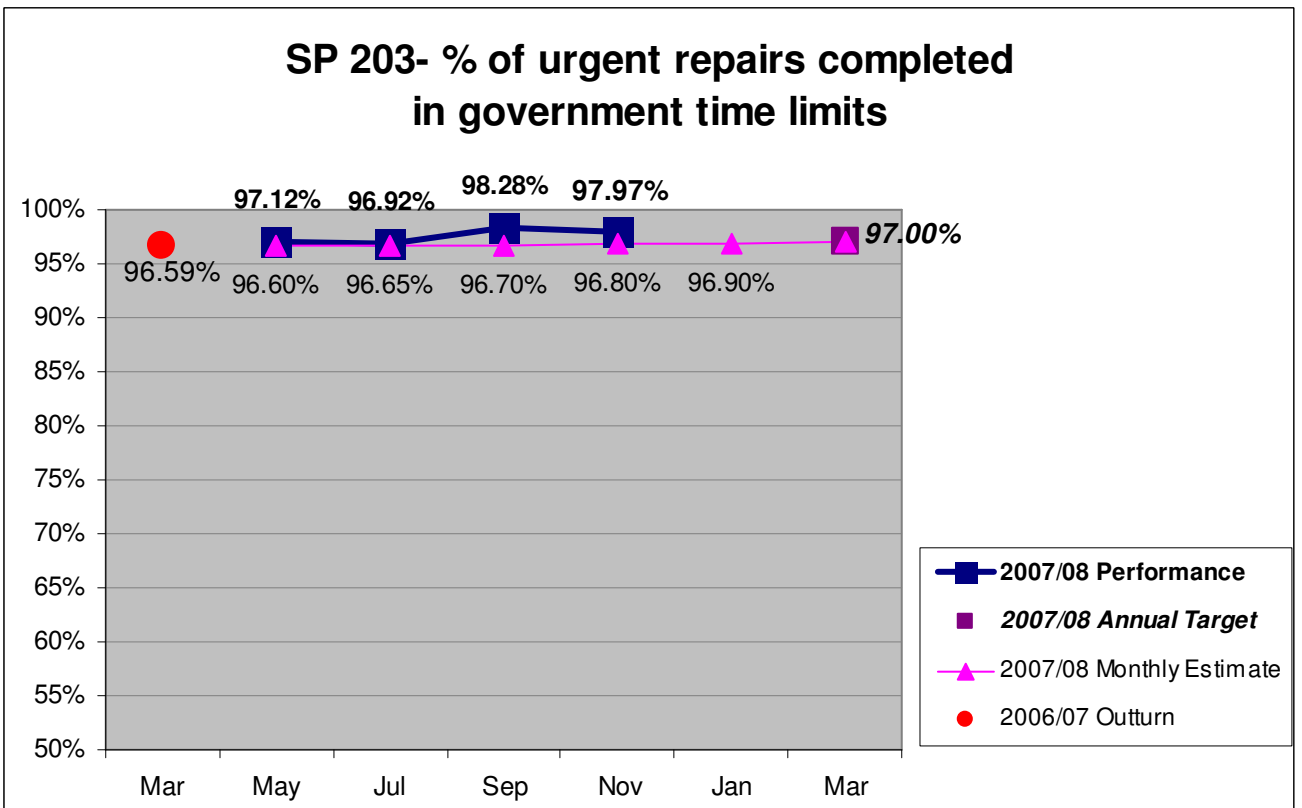
SP108- The proportion of relevant land and highways that is assessed as having combined deposits of litter and detritus that fall below an acceptable level



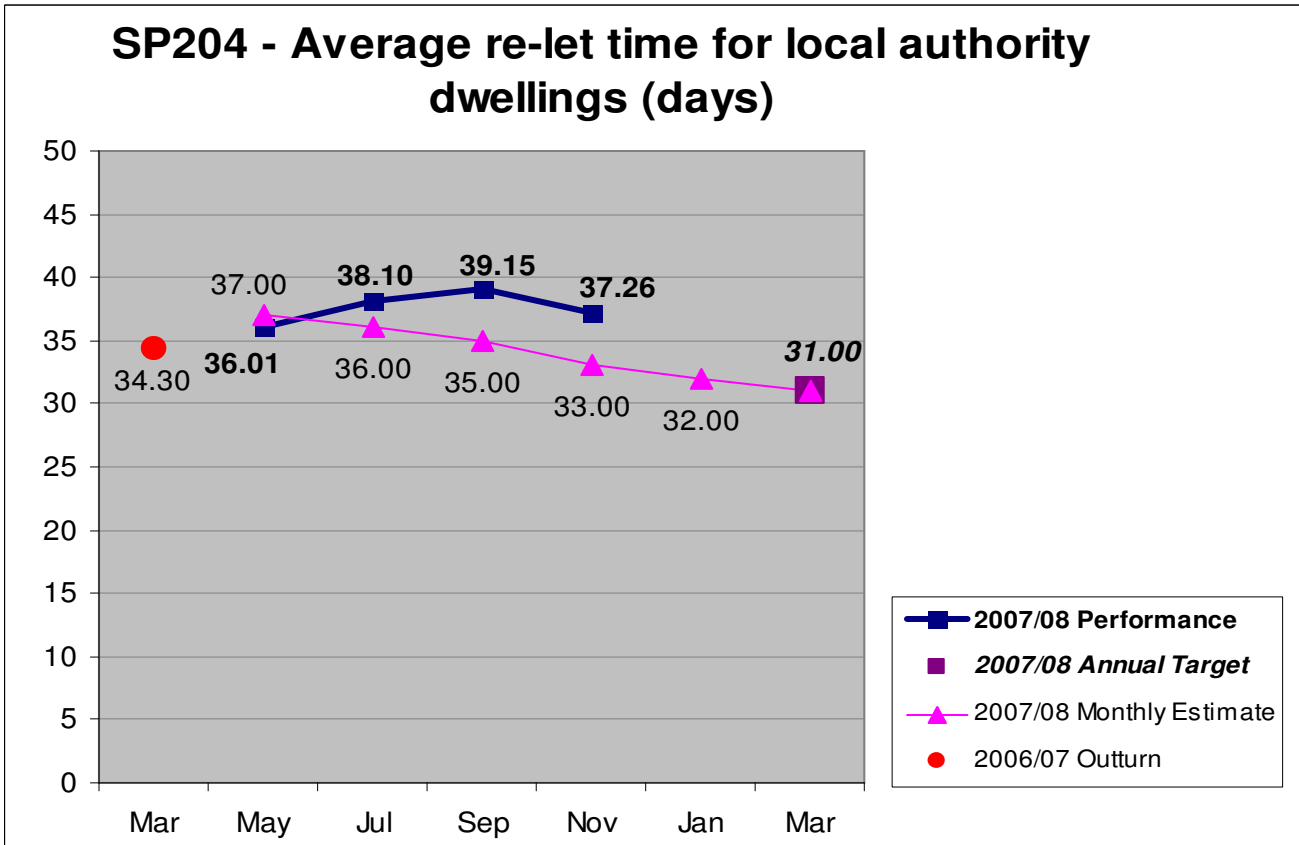
Higher Performance is better



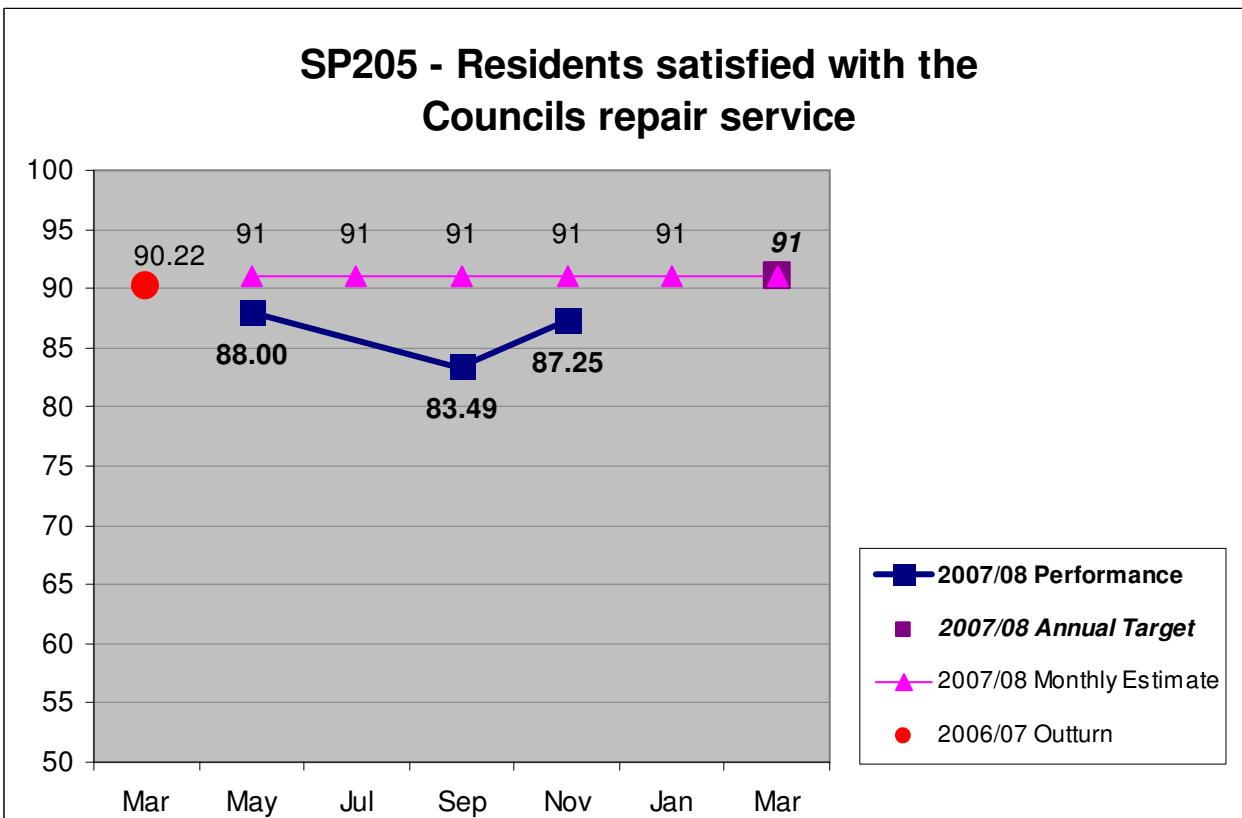
Higher Performance is better



Lower Performance is better



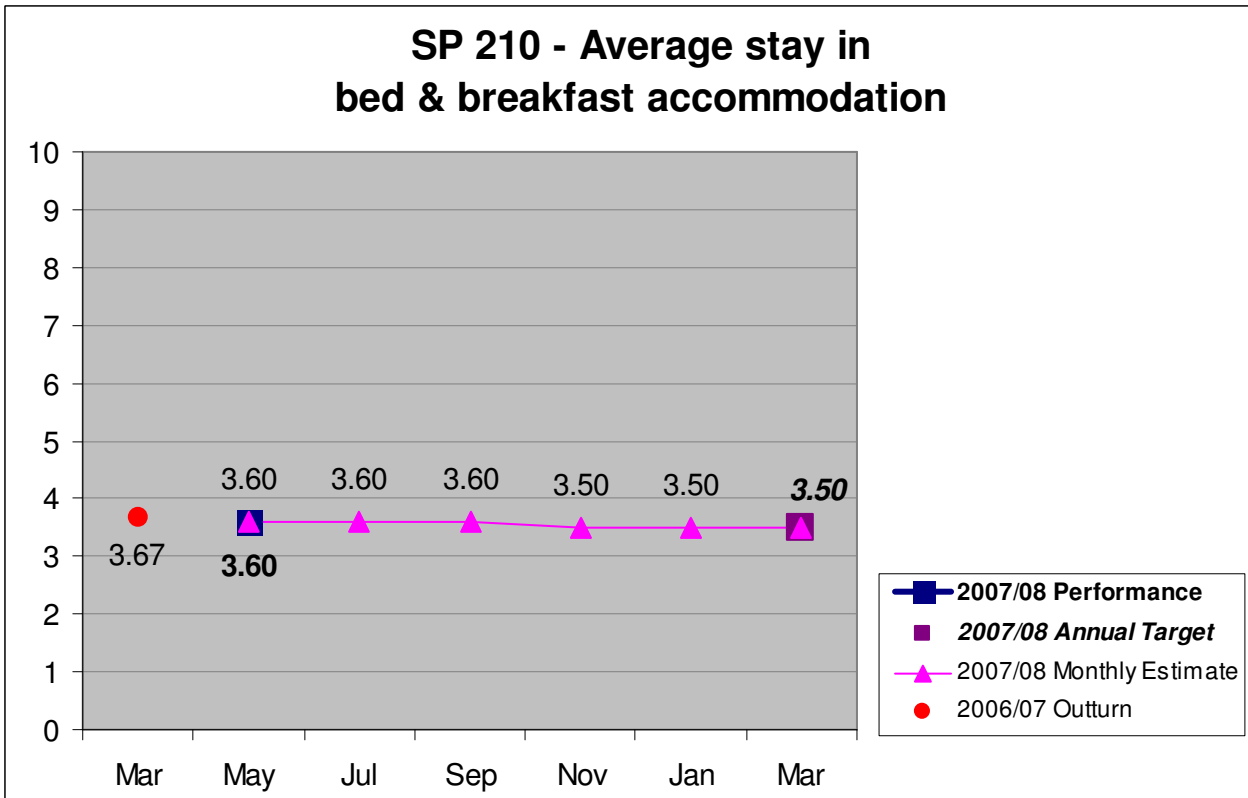
Higher Performance is better



Traffic Light

November data
not available

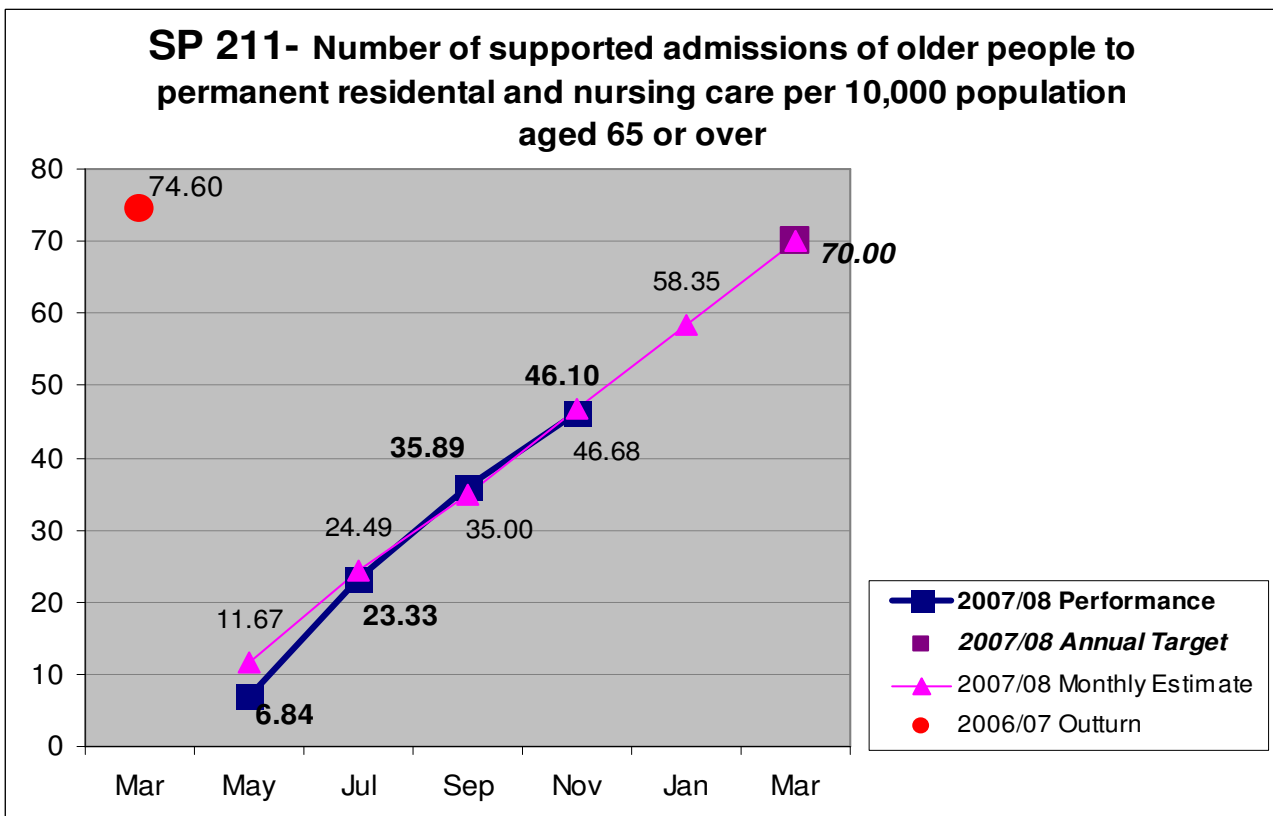
Lower Performance is better



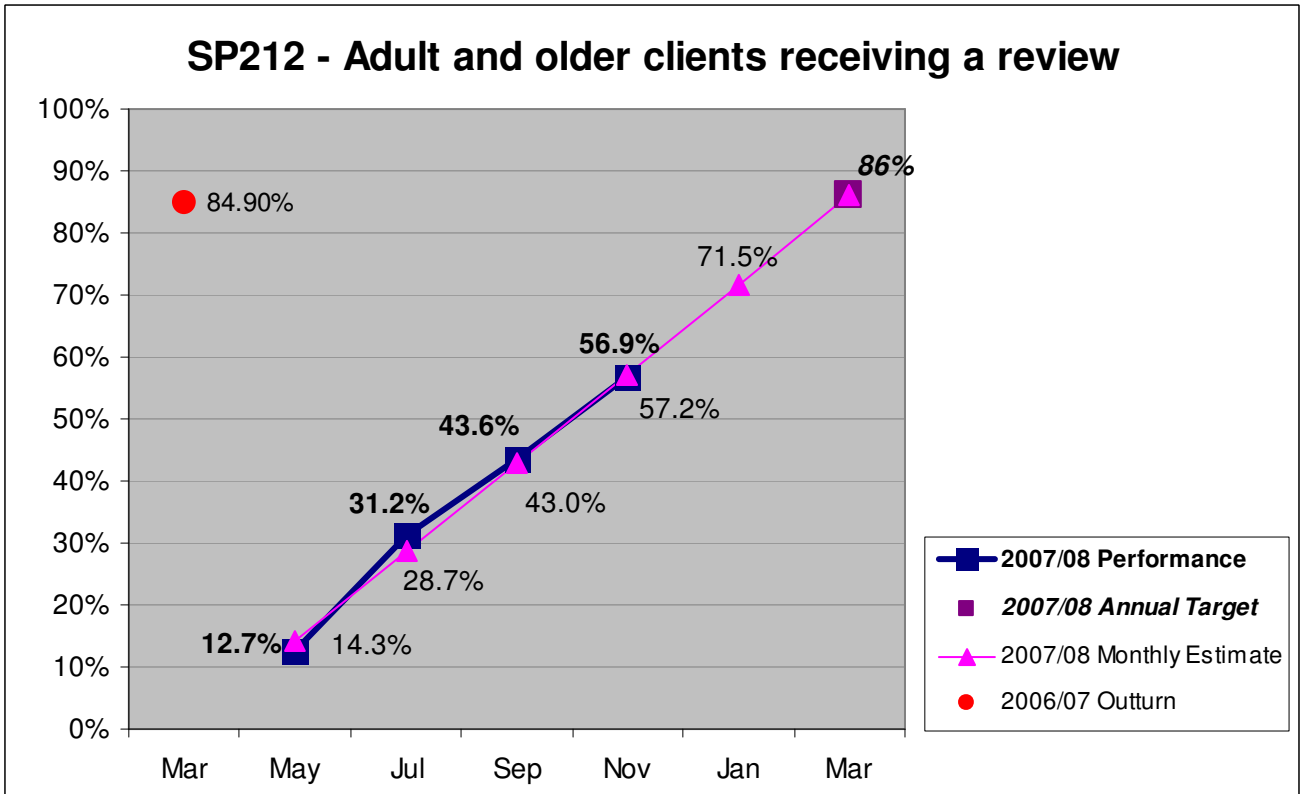
Traffic Light

GREEN

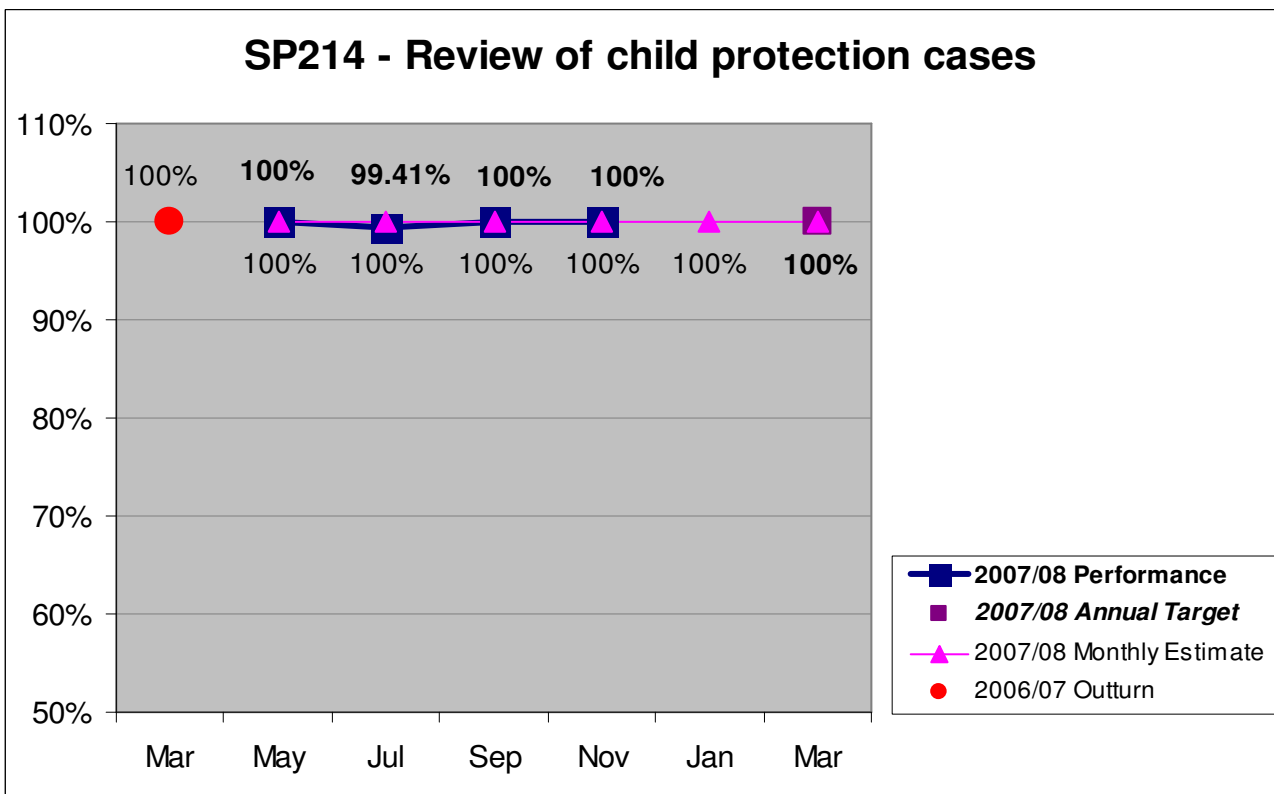
Lower Performance is better



Higher Performance is better



Higher Performance is better

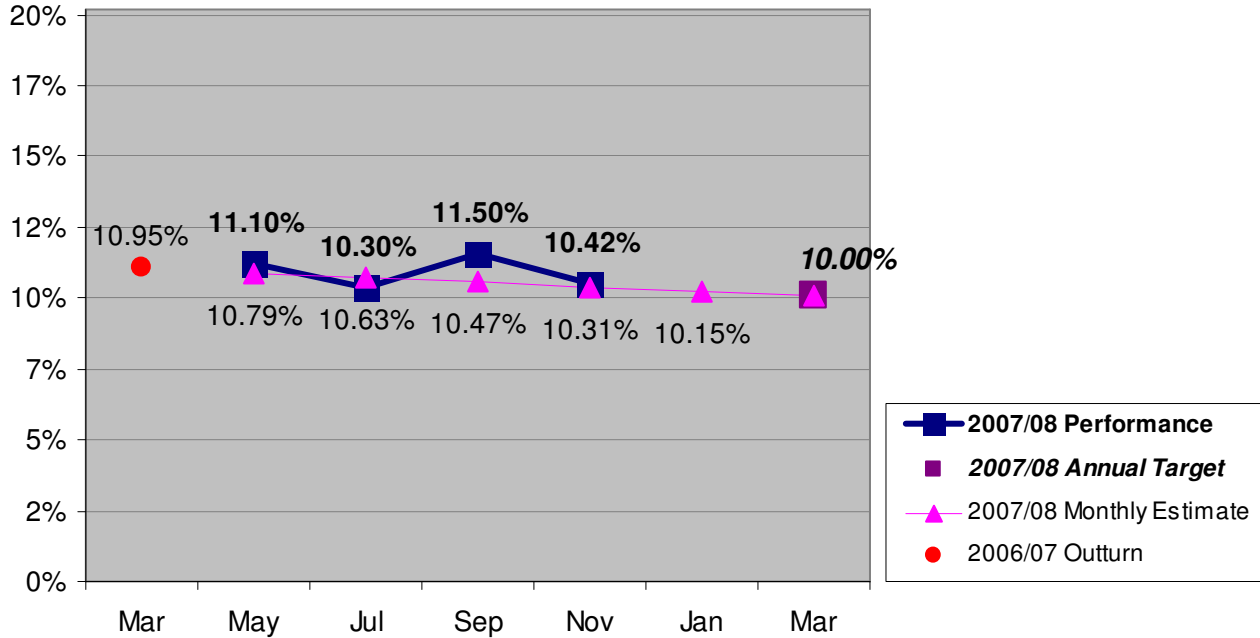


Traffic Light

N/A

Lower Performance is better

SP215 - % of children looked after at 31 March with three or more placements during the year

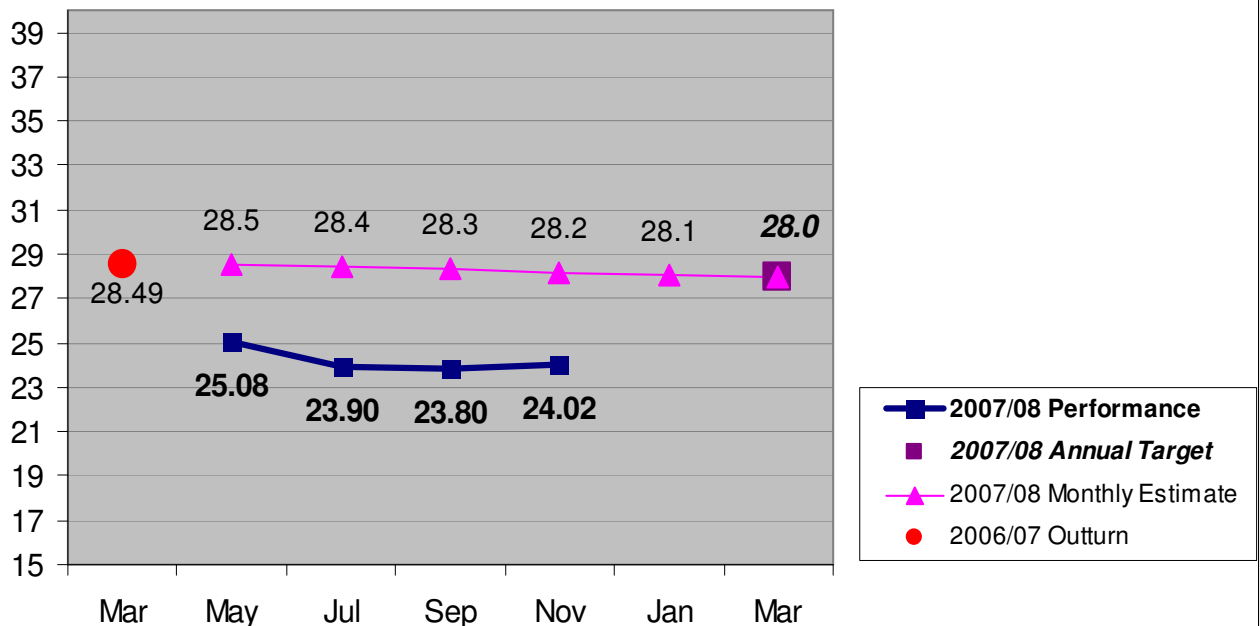


Traffic Light

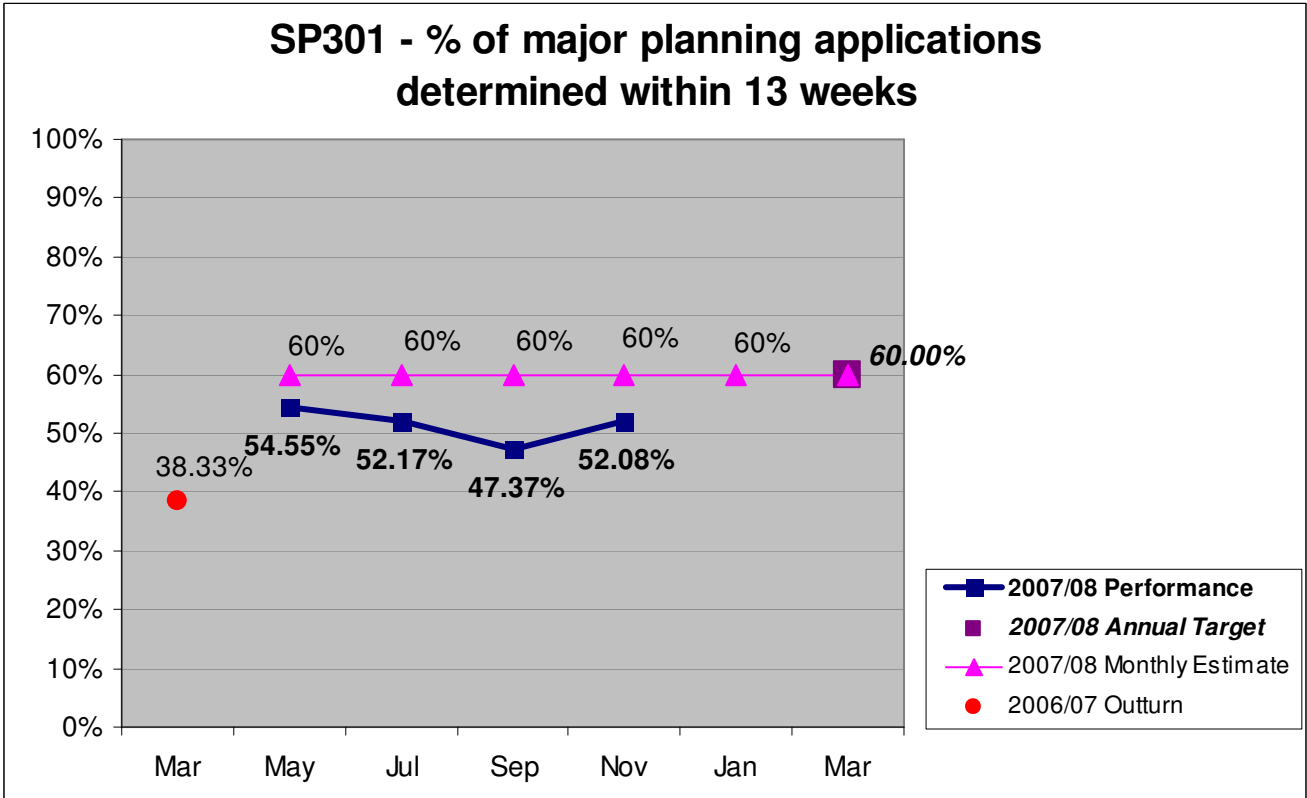
GREEN

Lower Performance is better

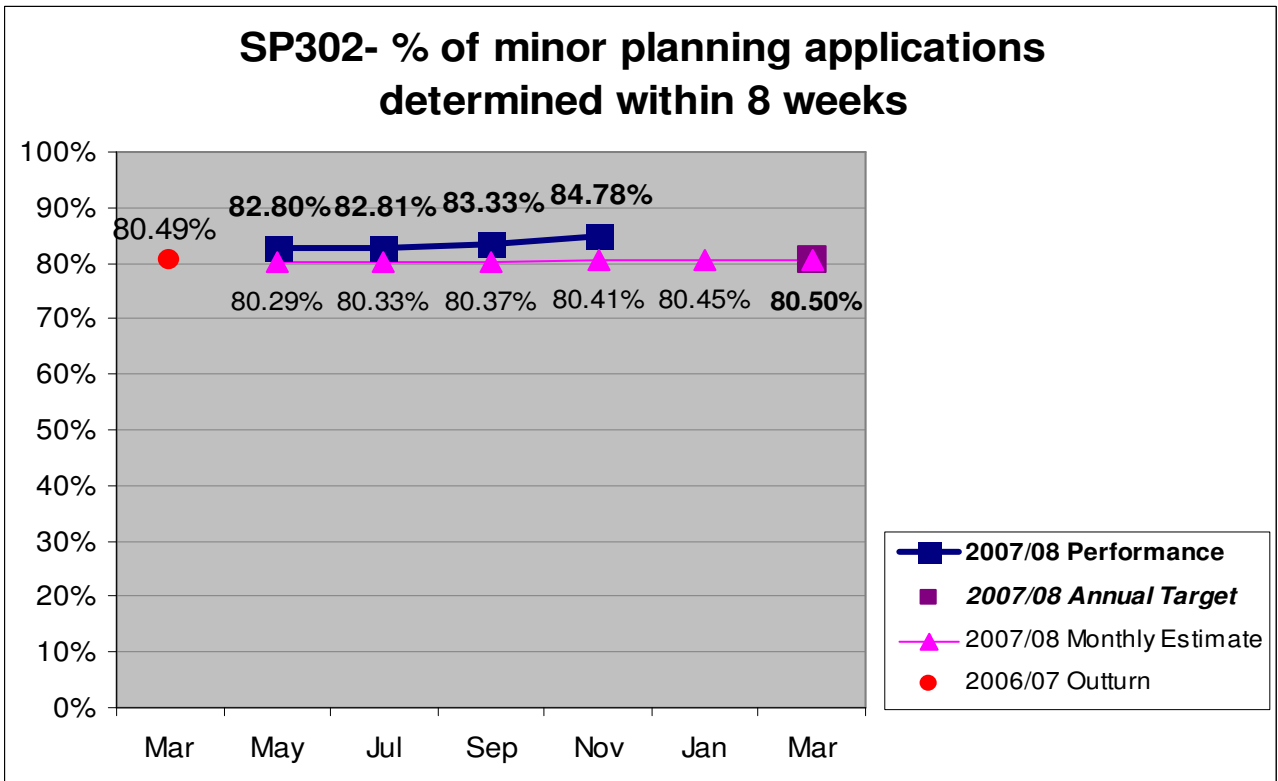
SP218 - Average time for processing new housing benefit and council tax benefit claims (days)



Higher Performance is better



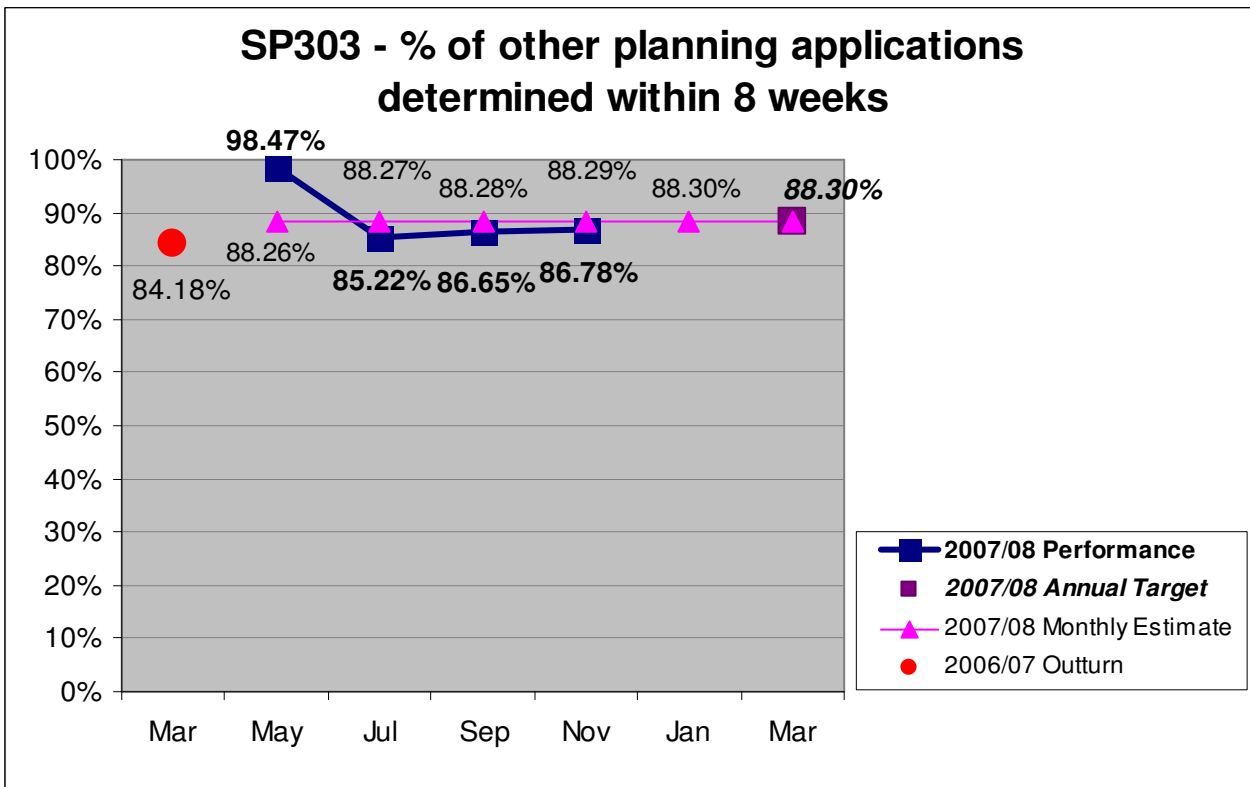
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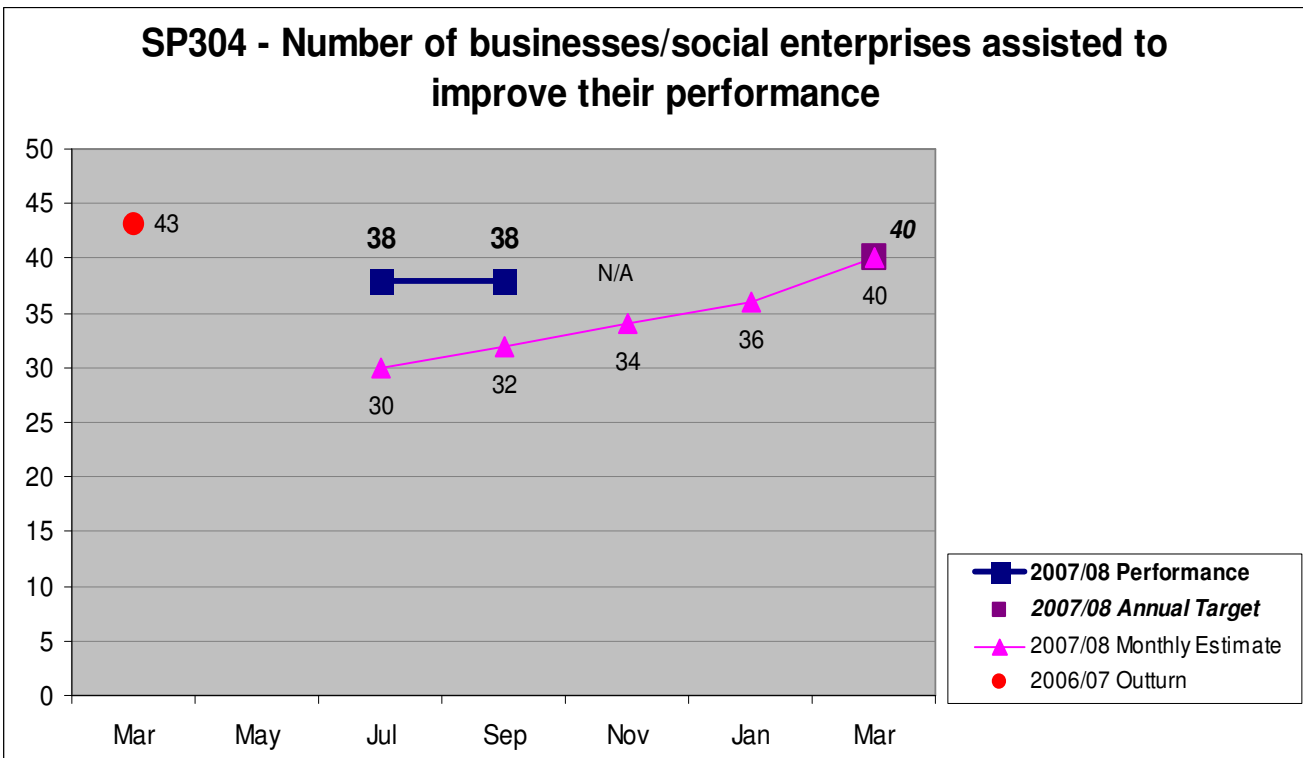
Higher Performance is better



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Available in January

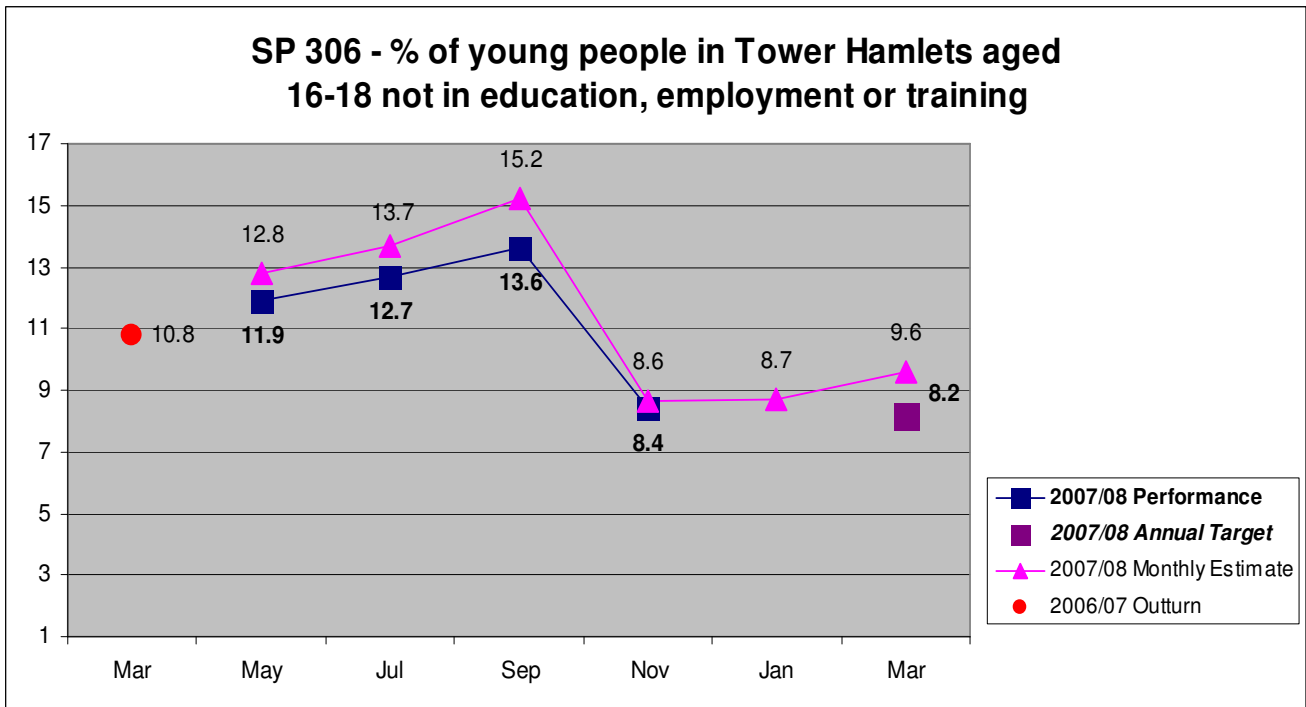
Higher Performance is better



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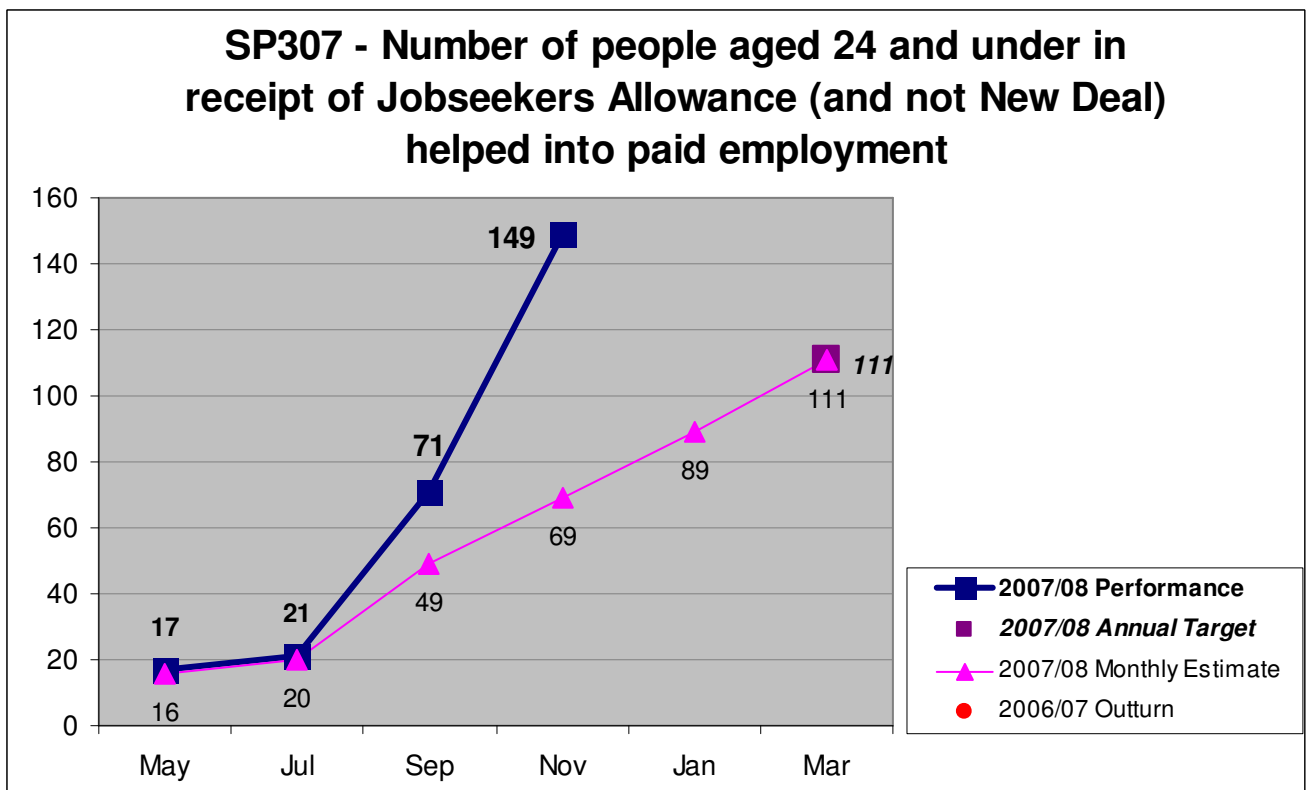
Lower Performance is better



Traffic Light

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Higher Performance is better

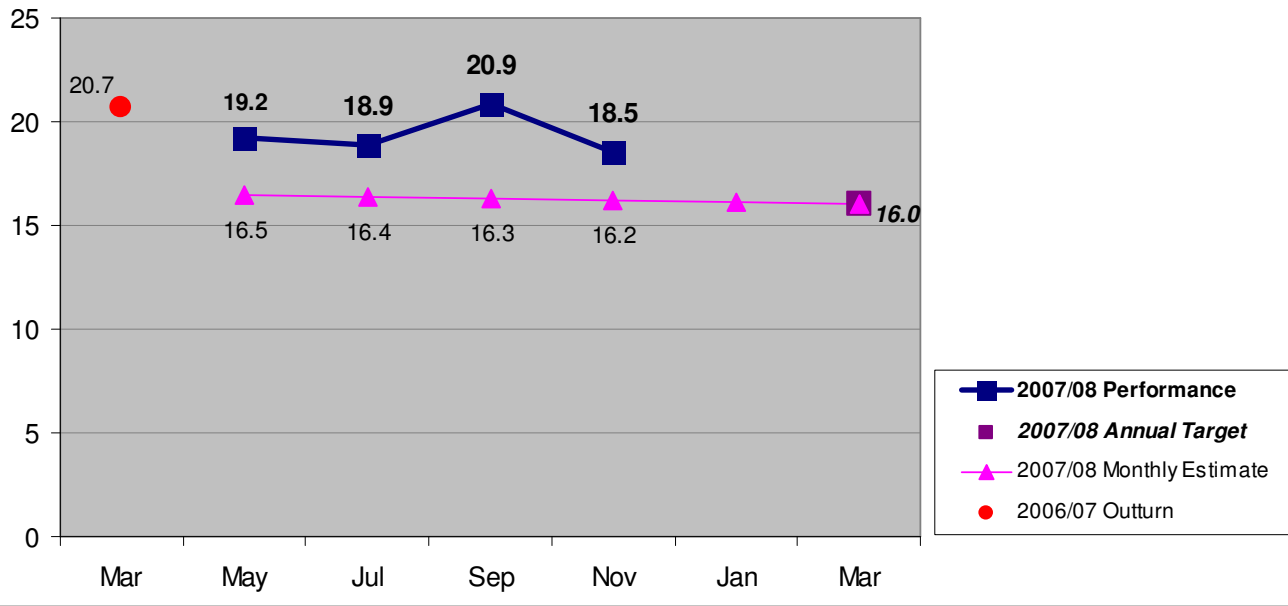


Traffic Light

RED

Lower Performance is better

SP308 - % of young people in T H aged 18-25 claiming unemployment-related benefits

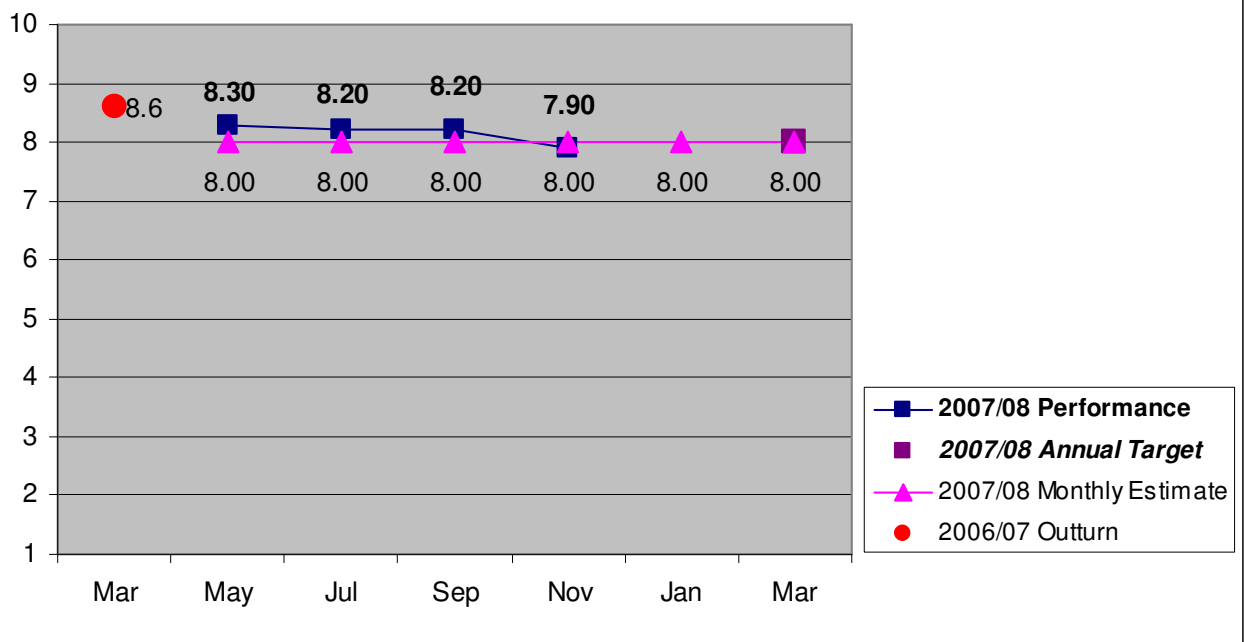


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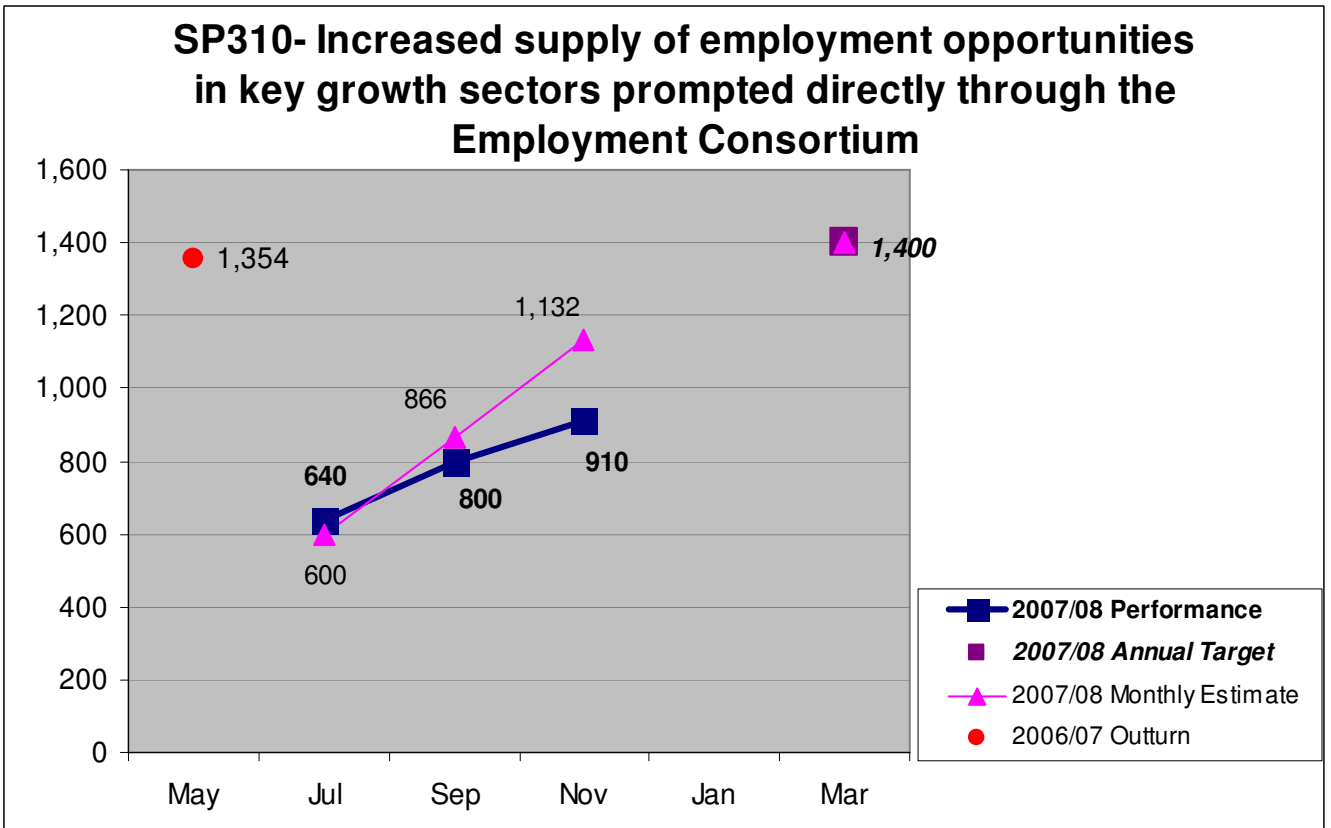
Lower Performance is better

SP309 - % of local residents claiming unemployment-related benefits



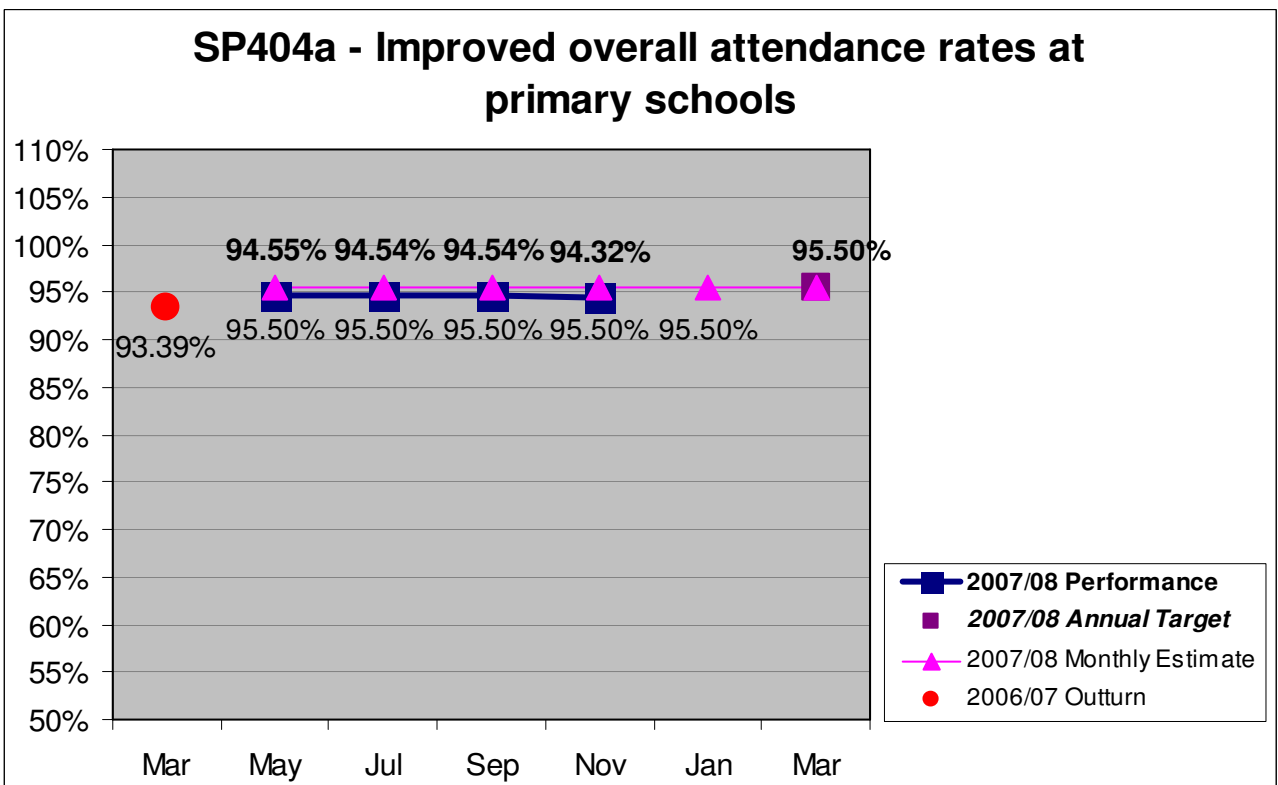
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Higher Performance is better



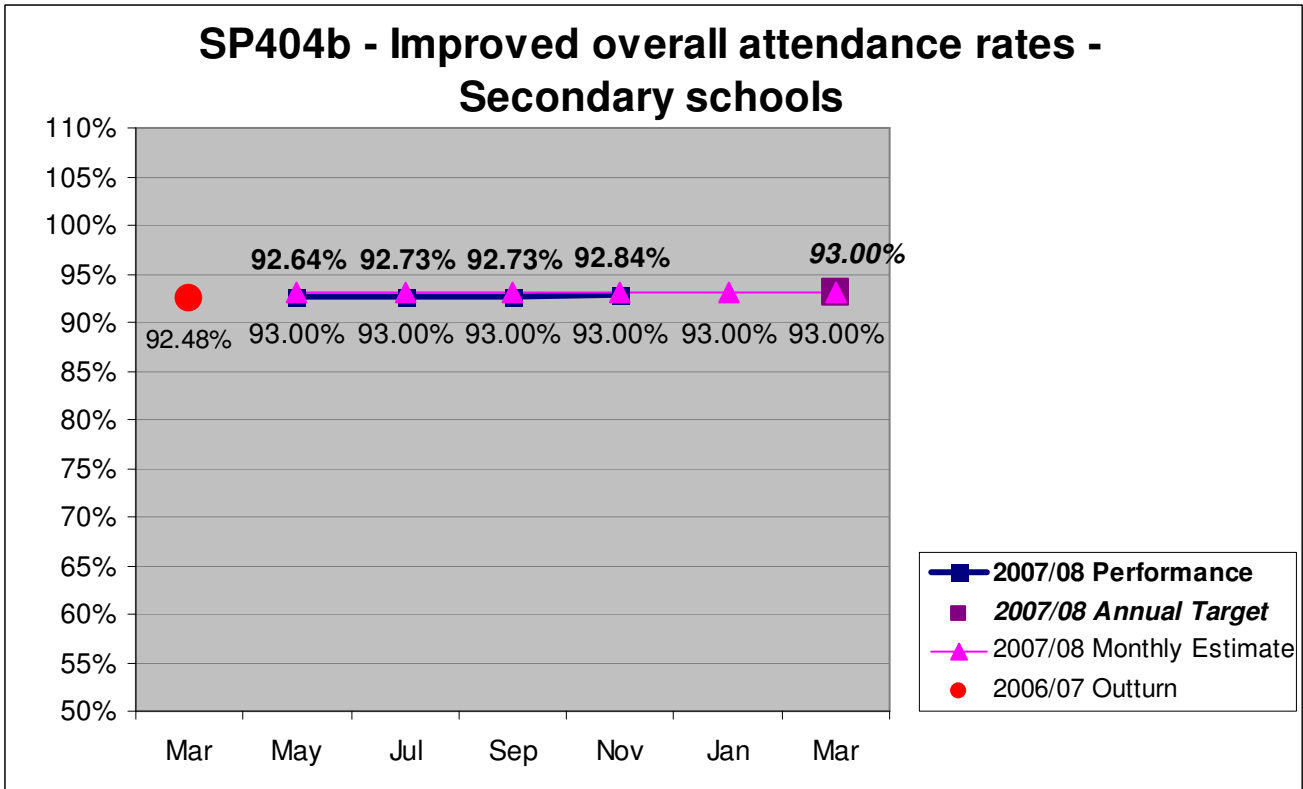
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Higher Performance is better



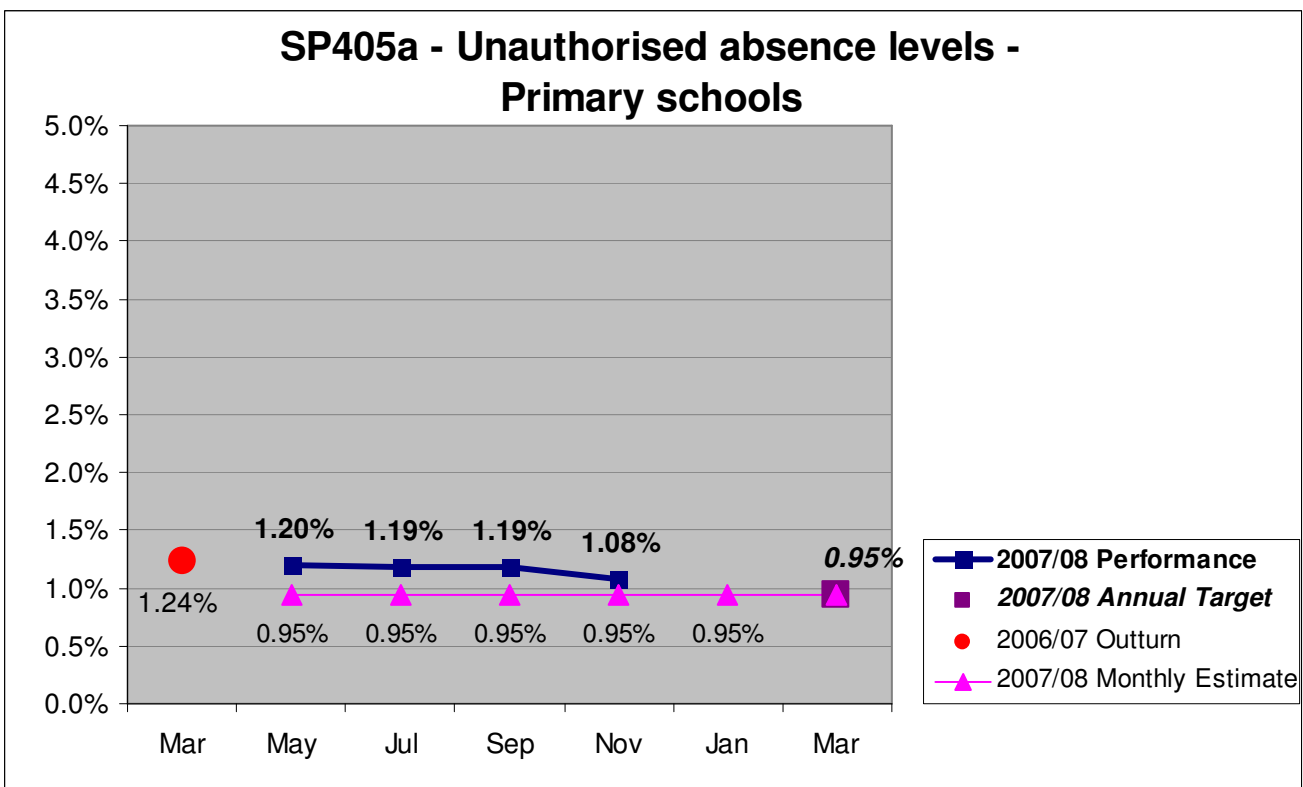
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Higher Performance is better



Traffic Light
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Lower Performance is better

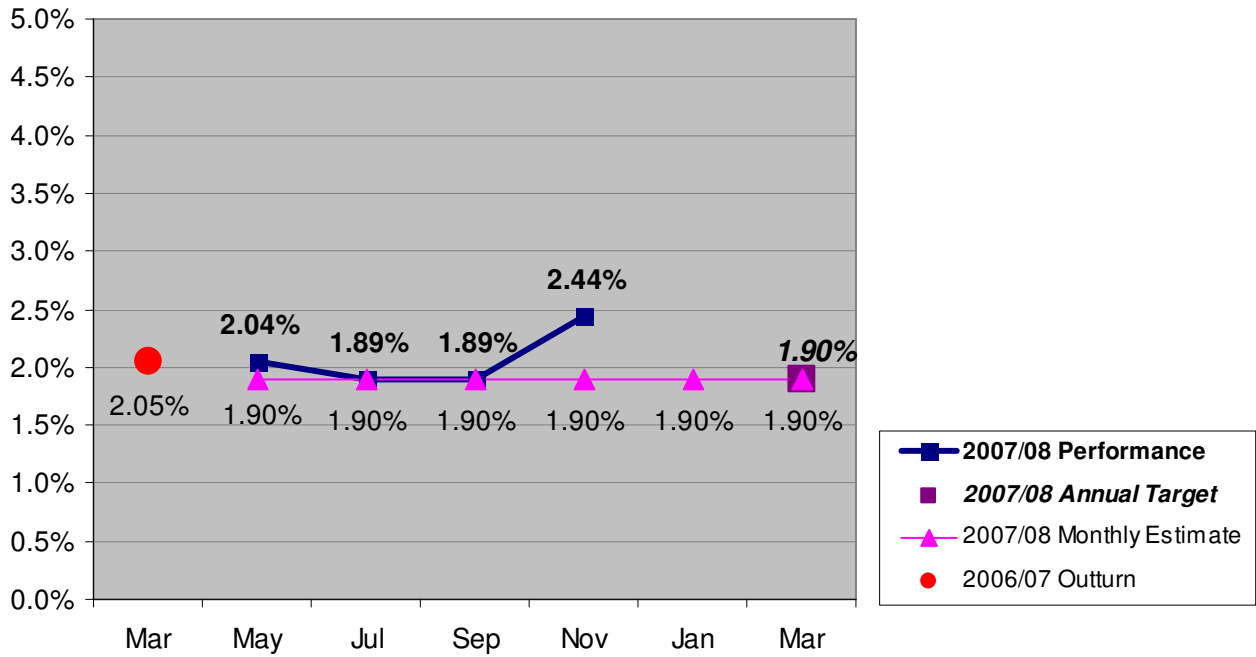


Traffic Light

AMBER

Lower Performance is better

SP405b - Unauthorised absence levels - Secondary schools

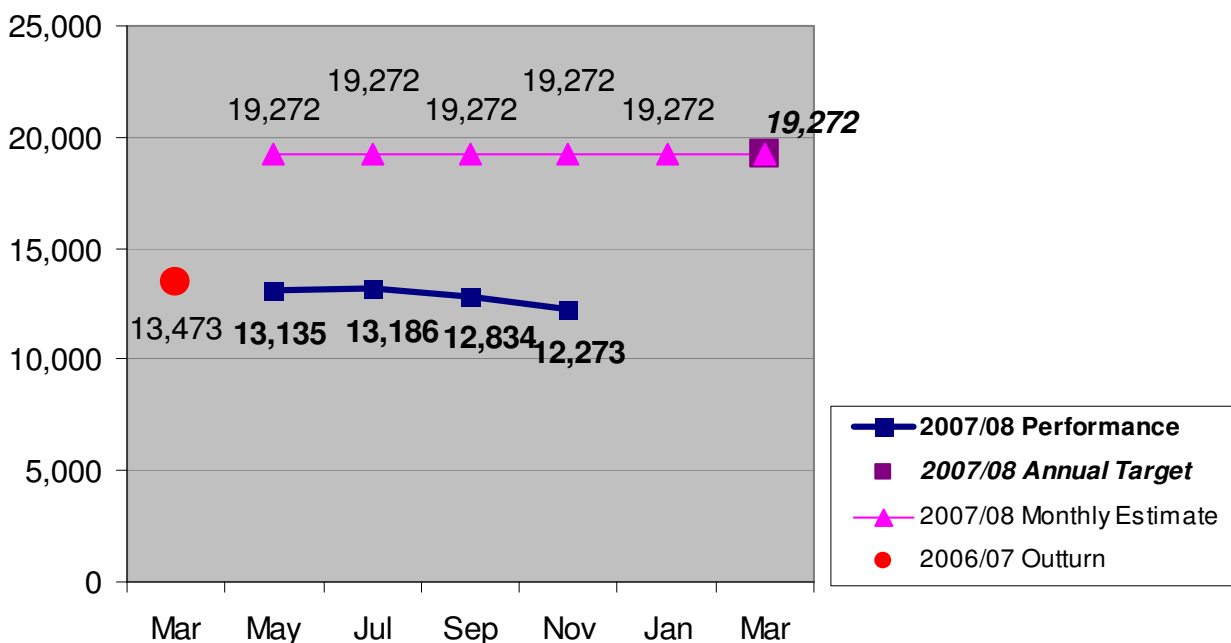


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Higher Performance is better

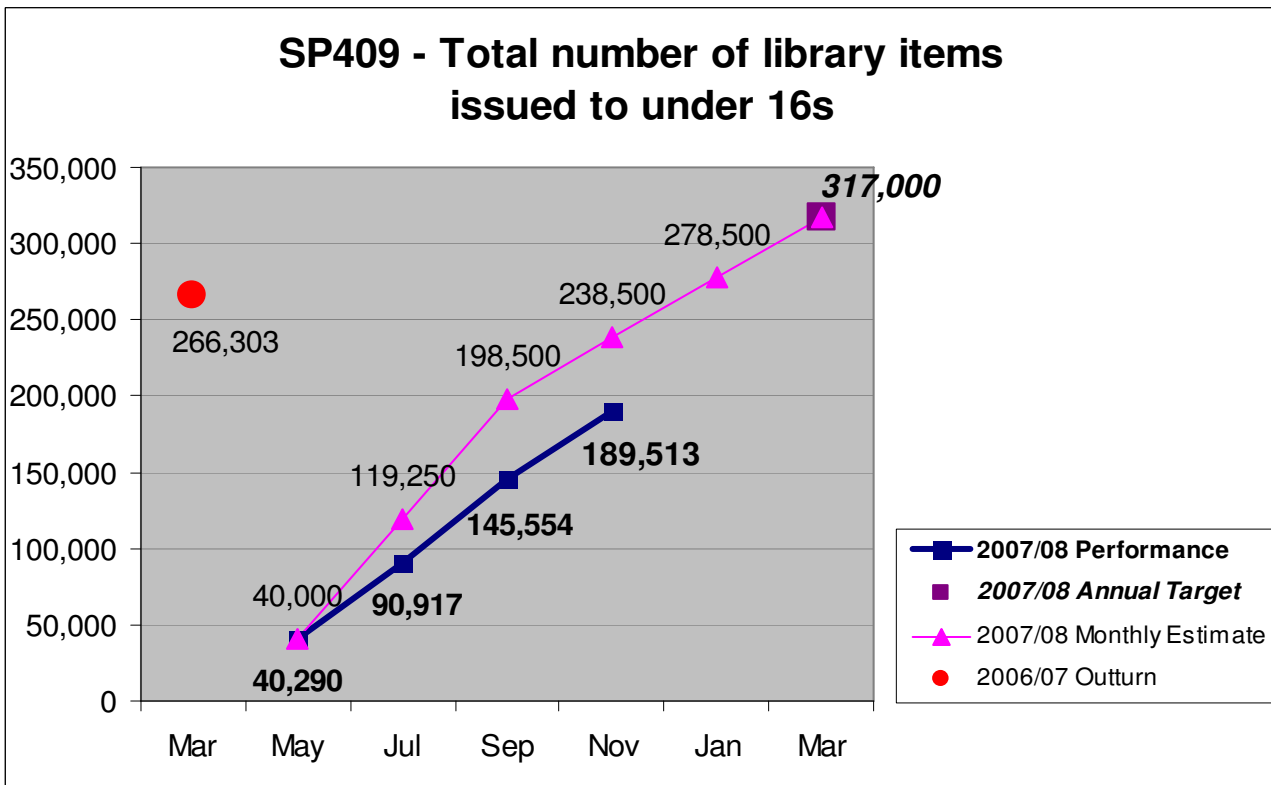
SP408 - Number of under 16s who are active users of the Council's Idea Stores & libraries -



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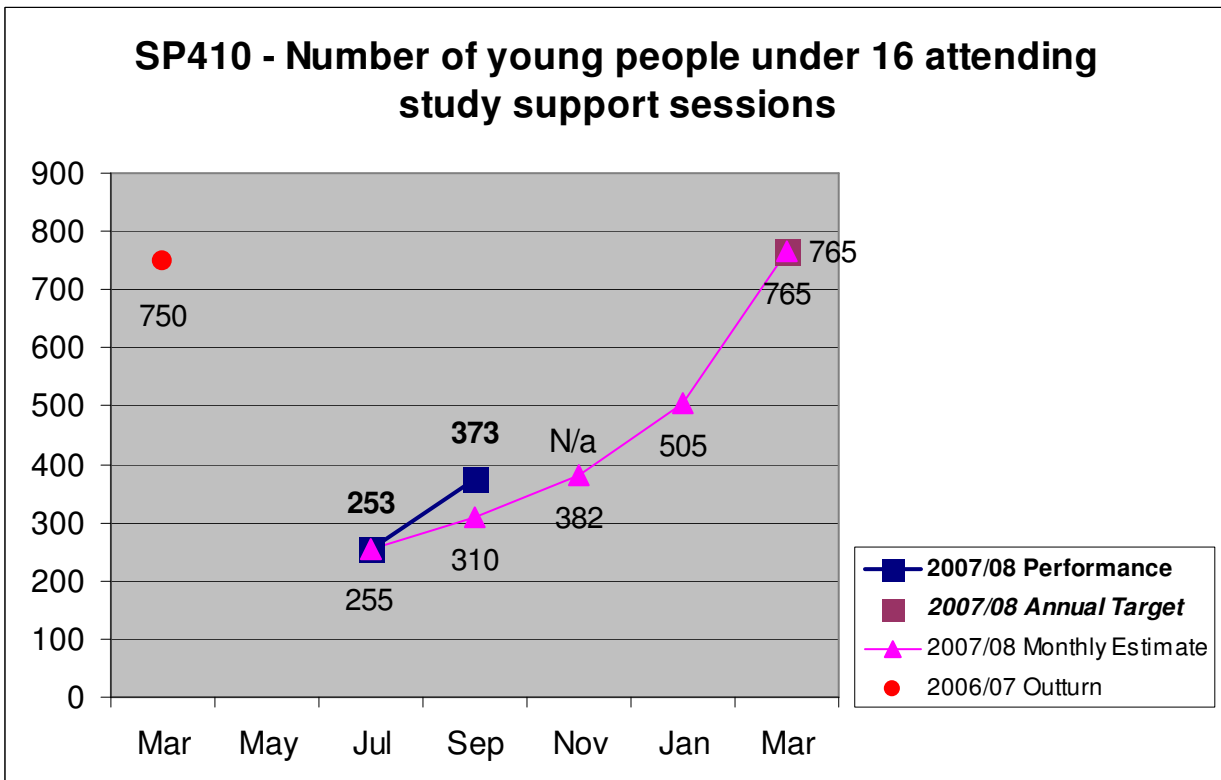
Higher Performance is better



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N/A

Higher Performance is better

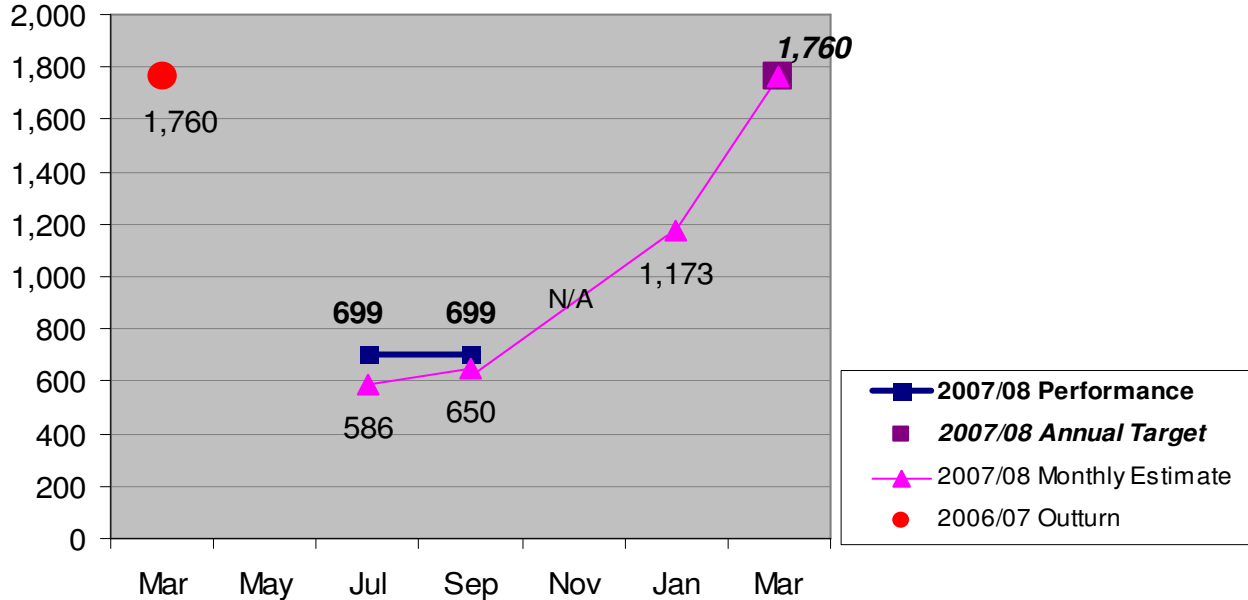


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N/A

Higher Performance is better

SP411 - Total number of under 19s completing a course in Idea Stores, libraries and learning centres

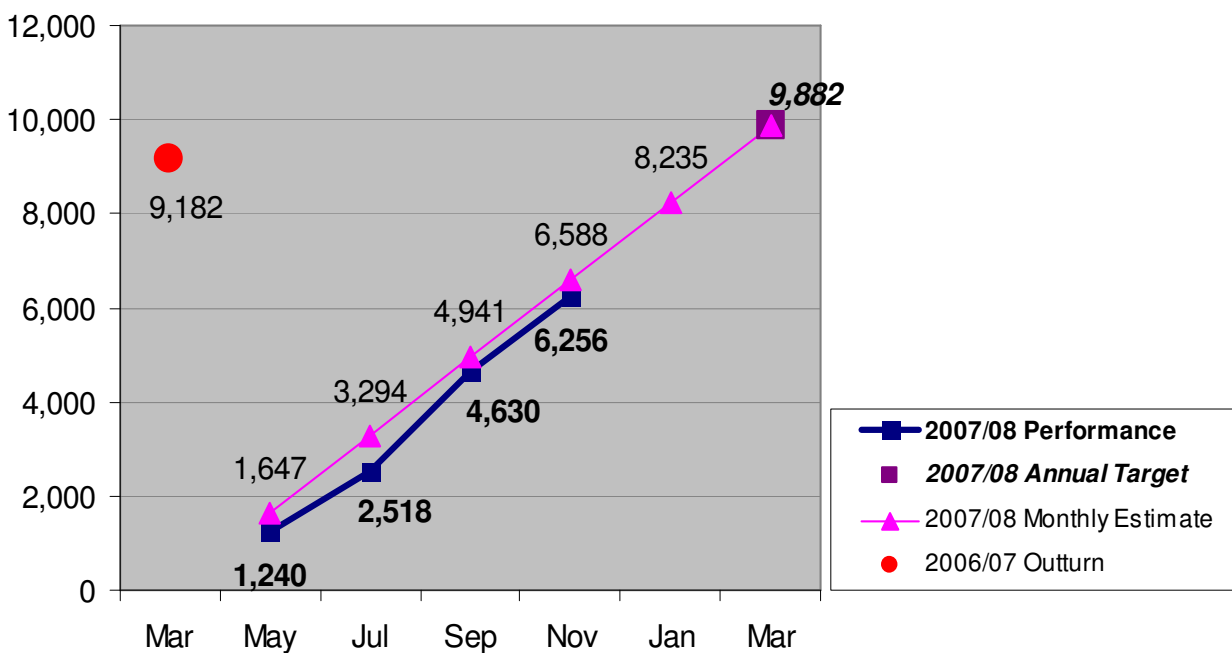


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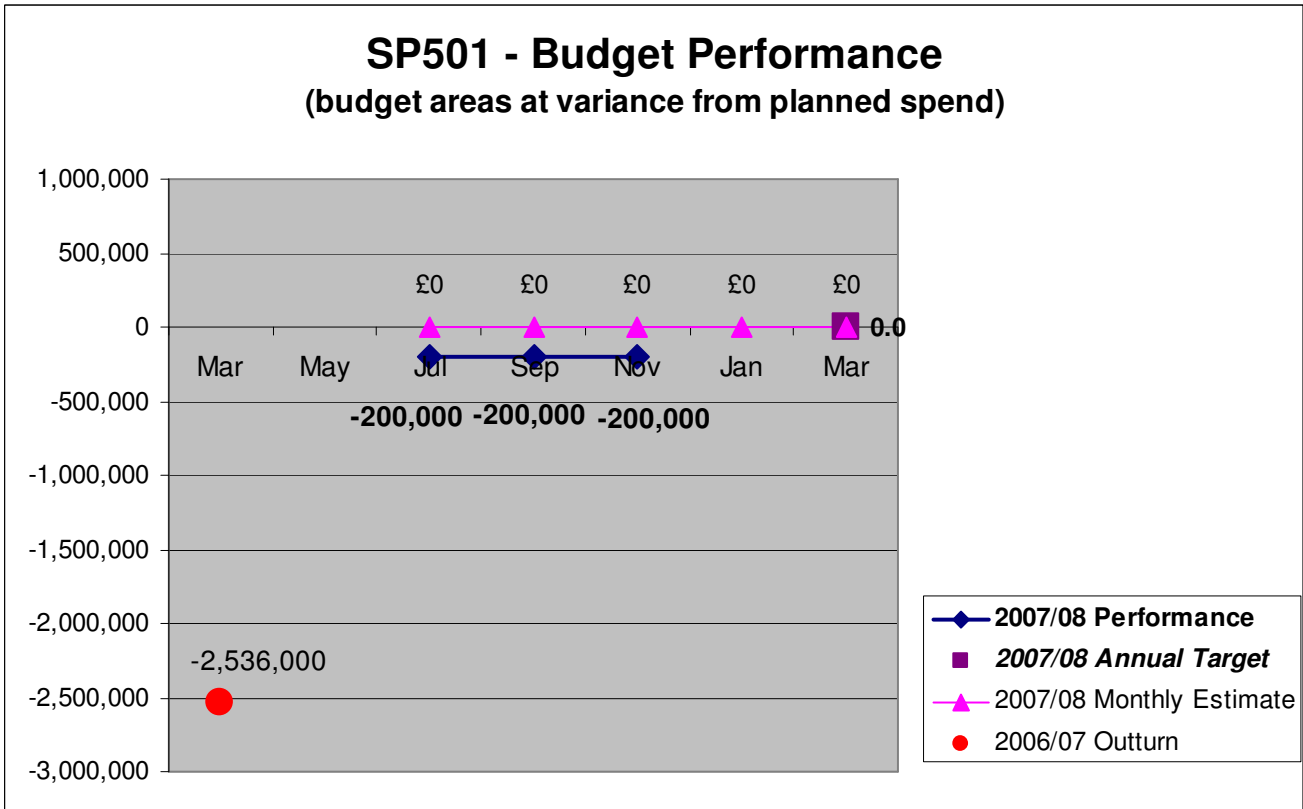
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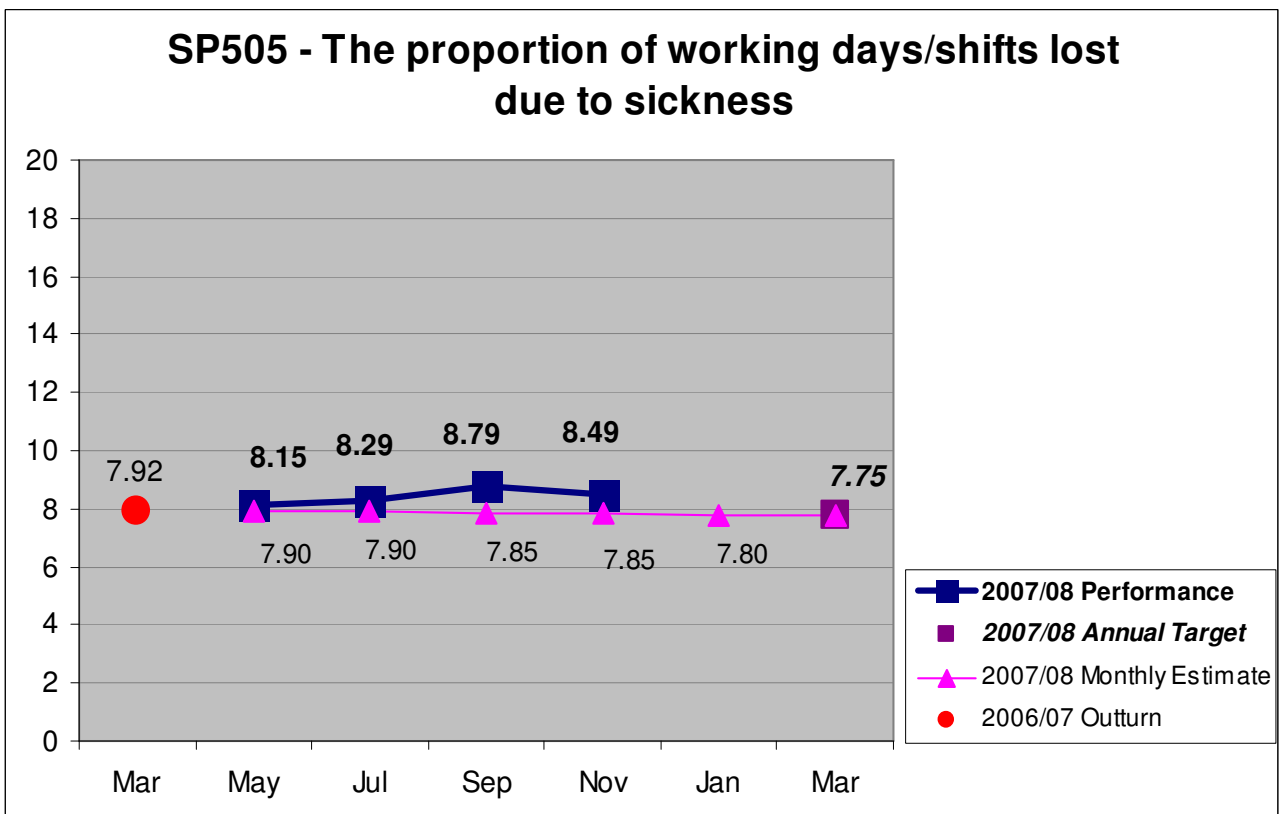
SP412 - Number of physical visits to public library premises per 1000 population



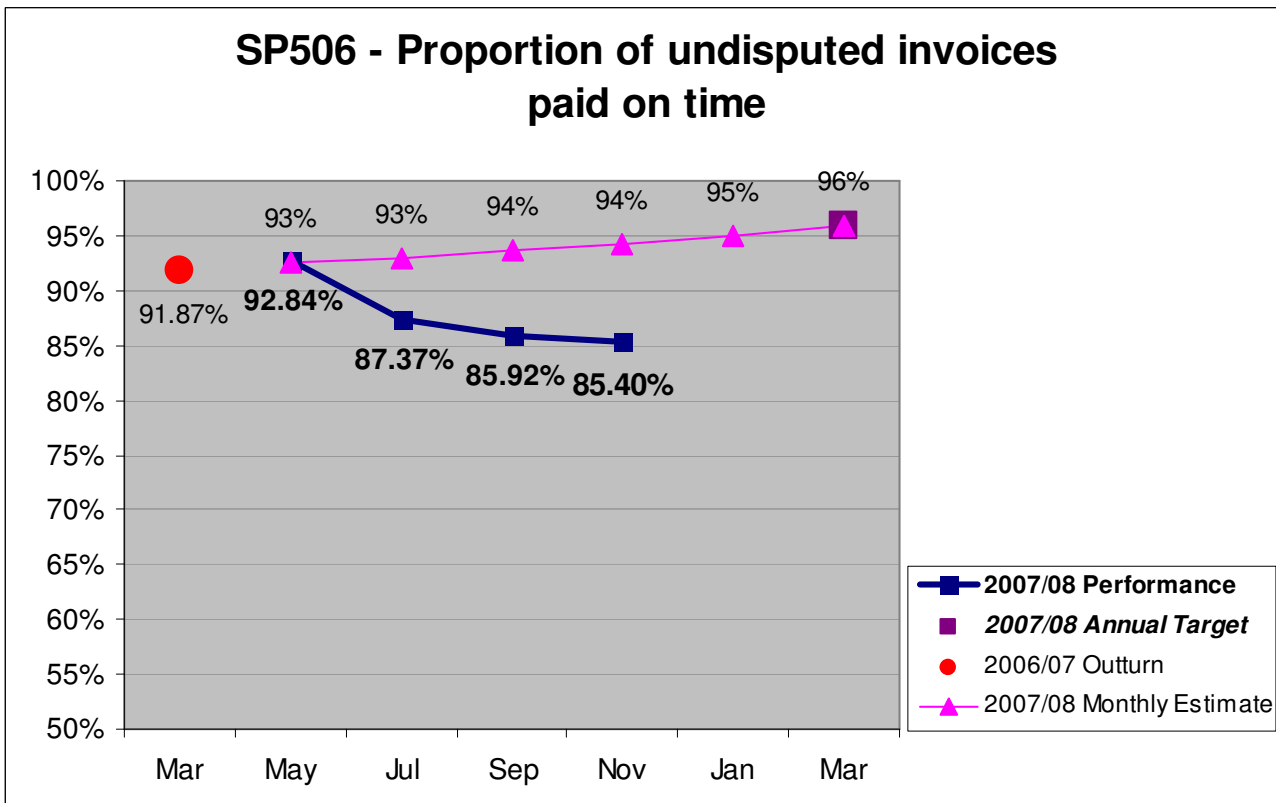
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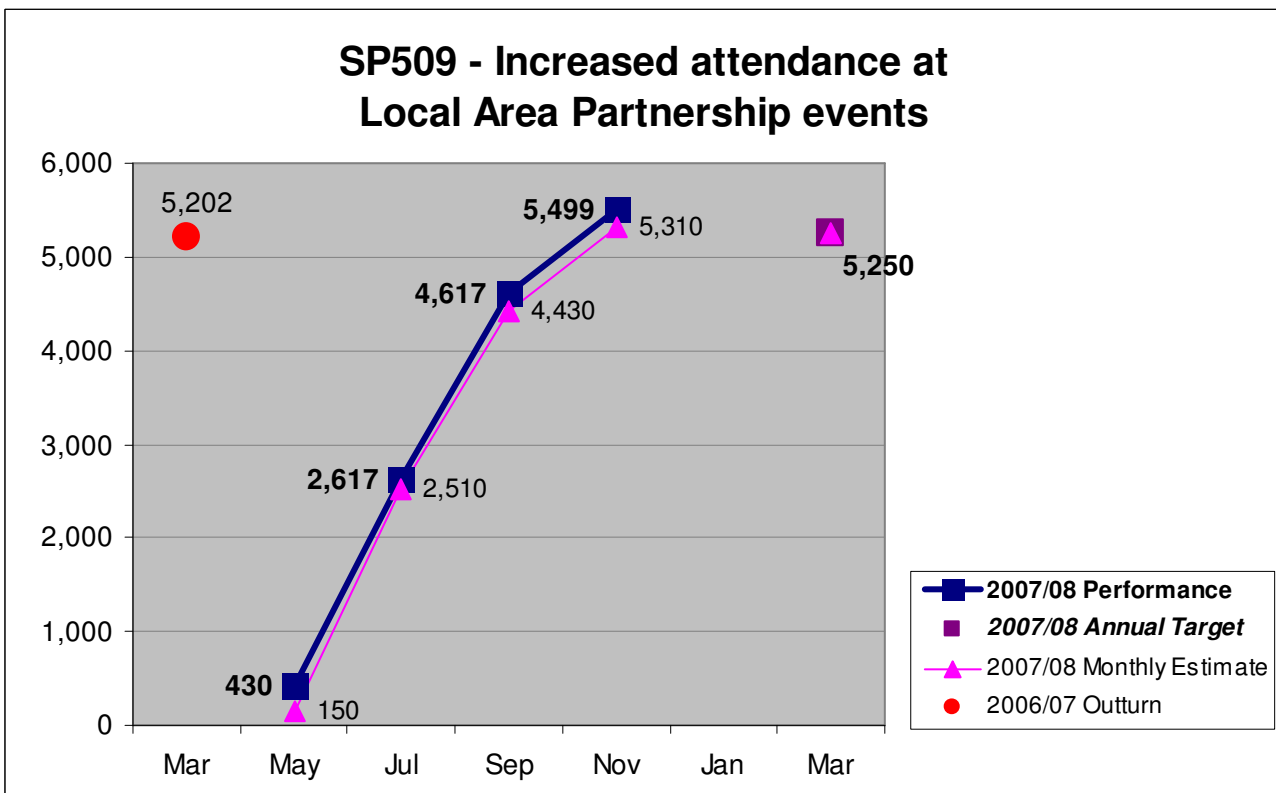
Lower Performance is better



Higher Performance is better

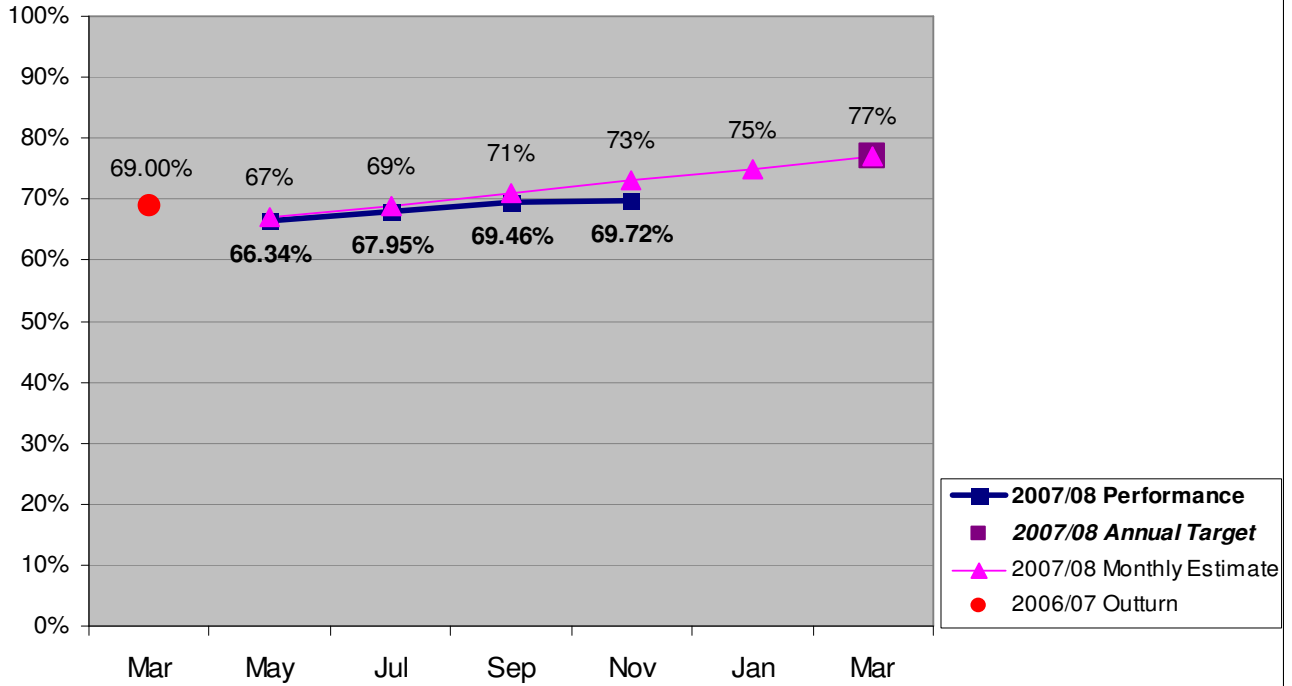


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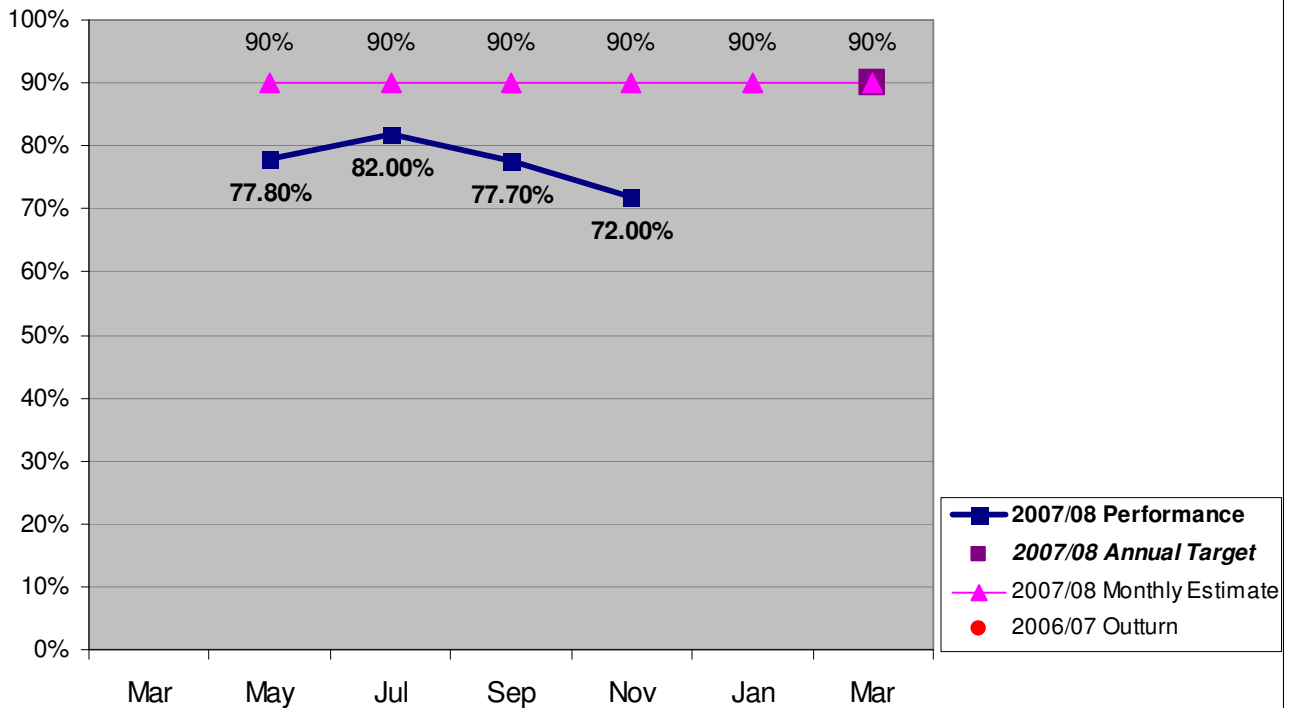
Higher Performance is better

SP510 - % of telephones answered within the customer promise standard

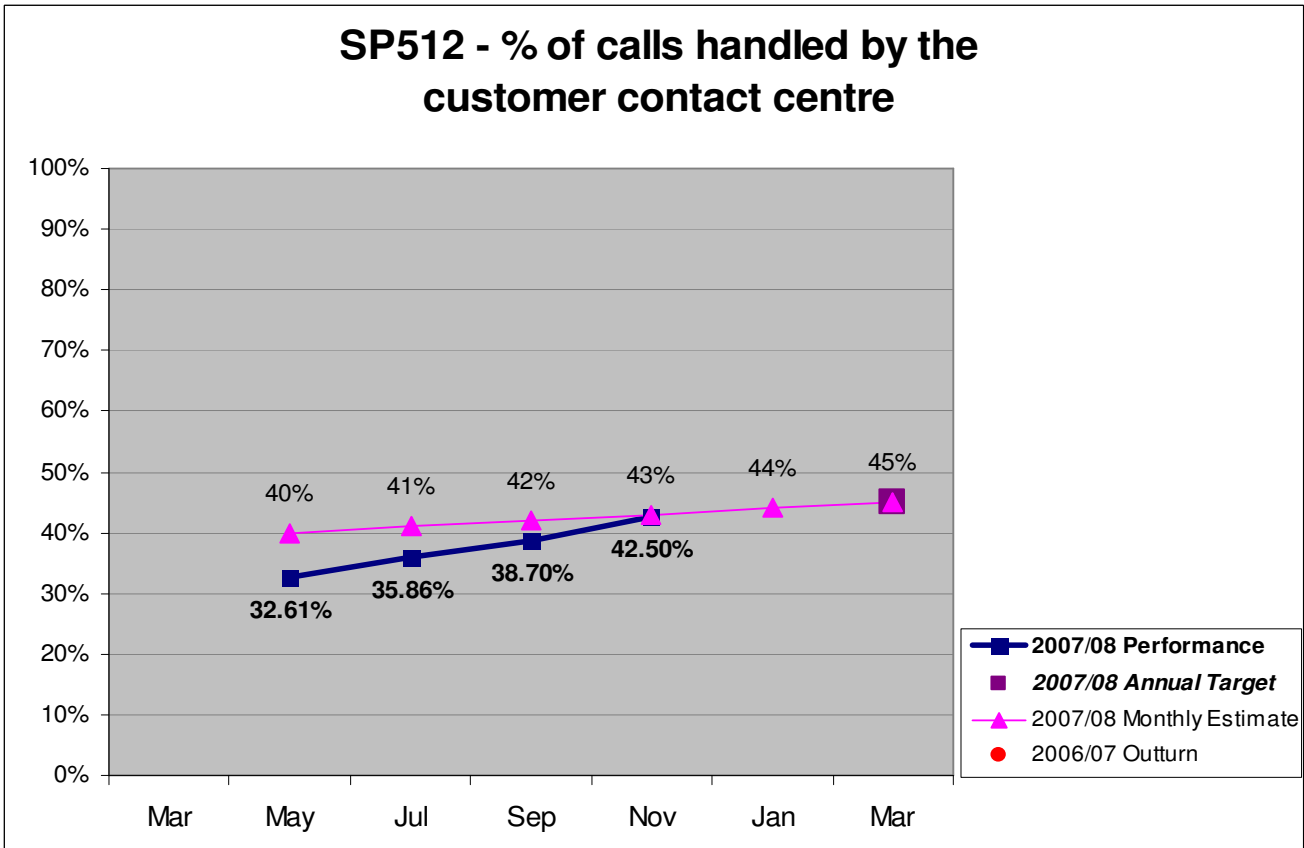


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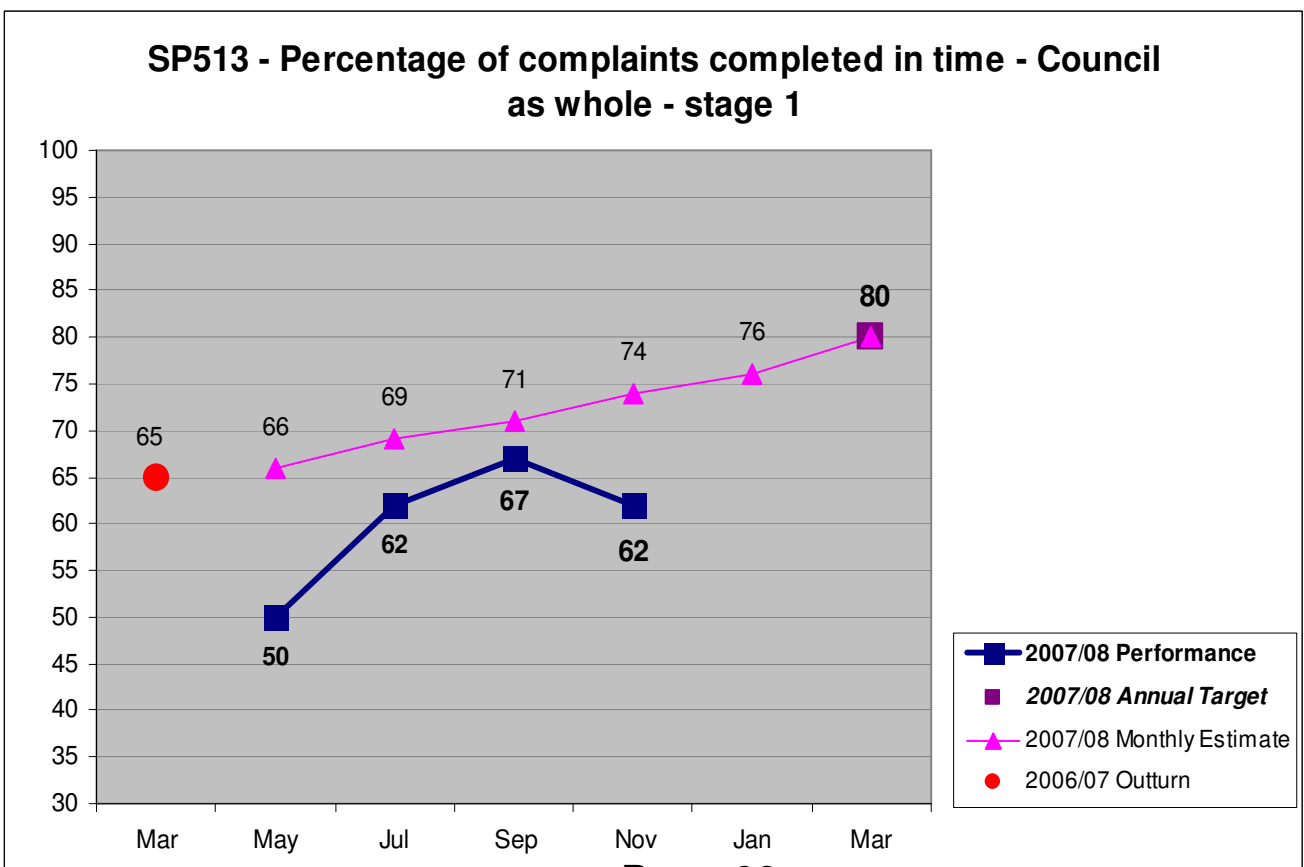
SP511 - % of letters responded to within customer promise standard



Higher Performance is better



Higher Performance is better

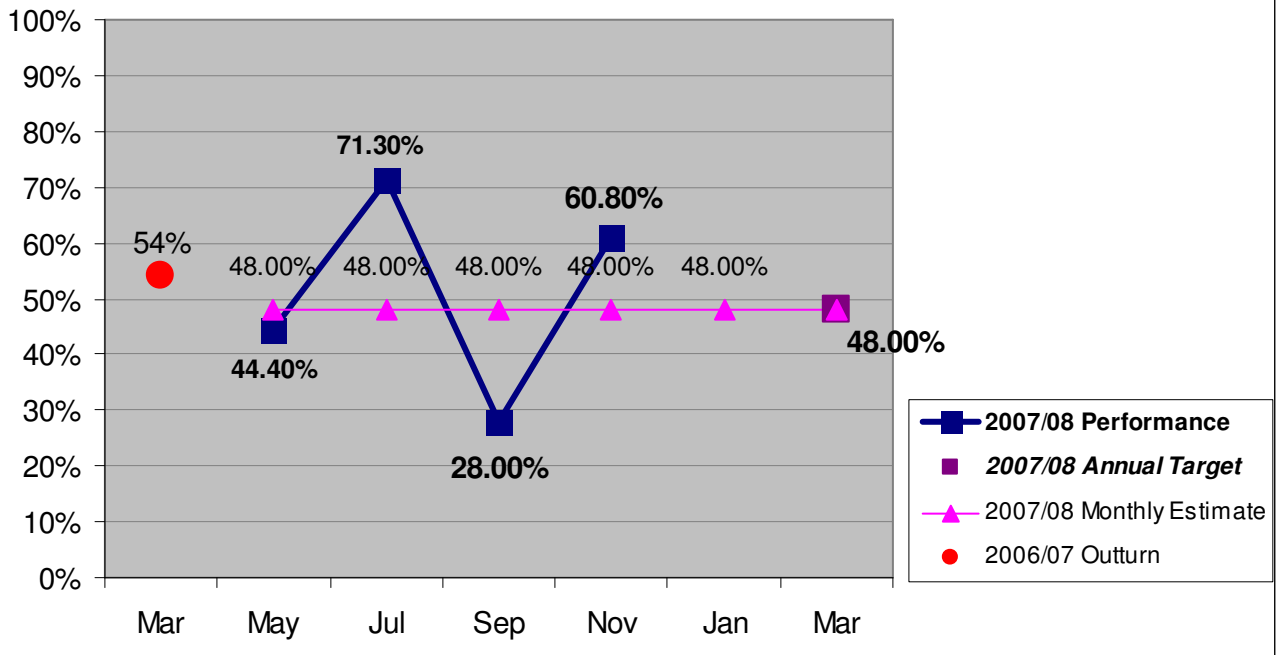


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Higher Performance is better

SP515a - % of attendees at LAP events who are from targeted communities: BME residents

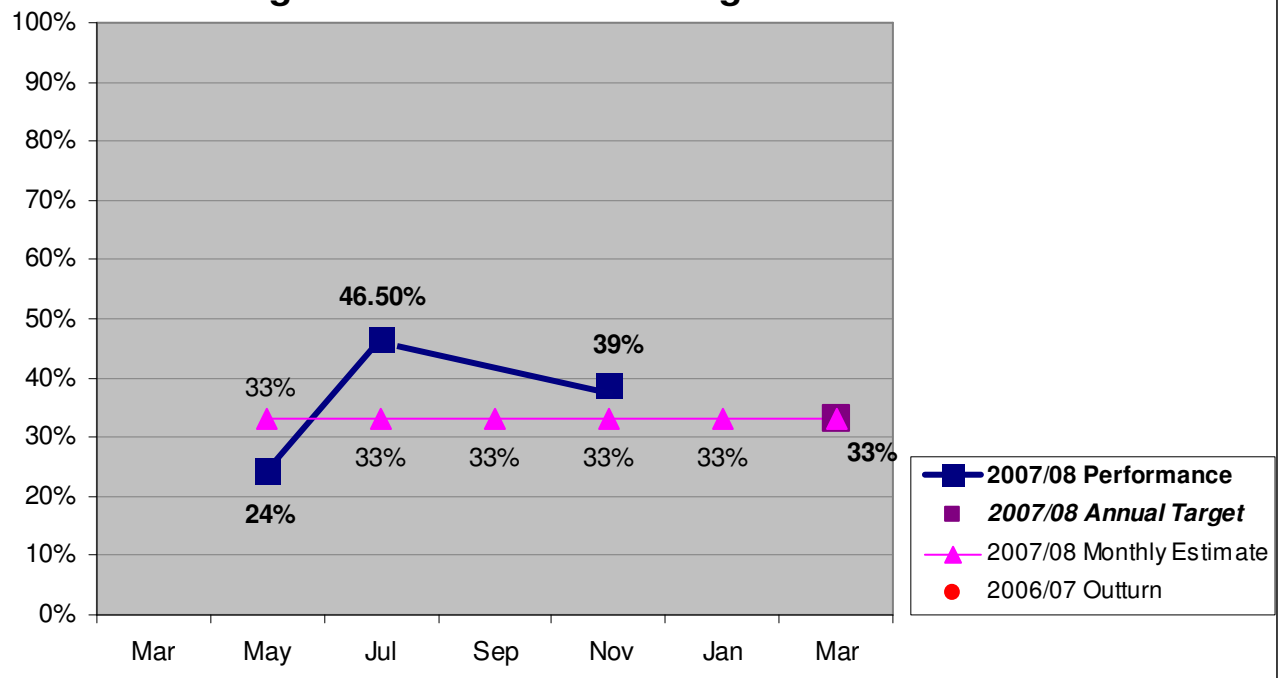


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SP515b - % of attendees at LAP events who are from targeted communities: Bangladeshi residents

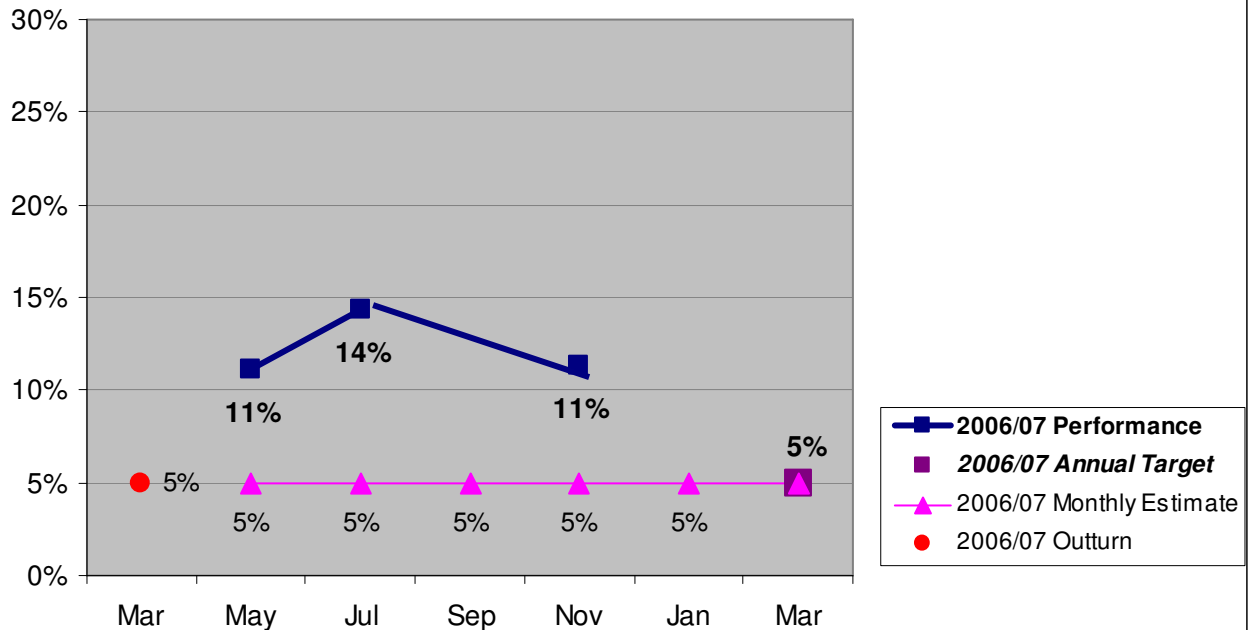


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Higher Performance is better

SP515c - % of attendees at LAP events who are from targeted communities: Somali residents

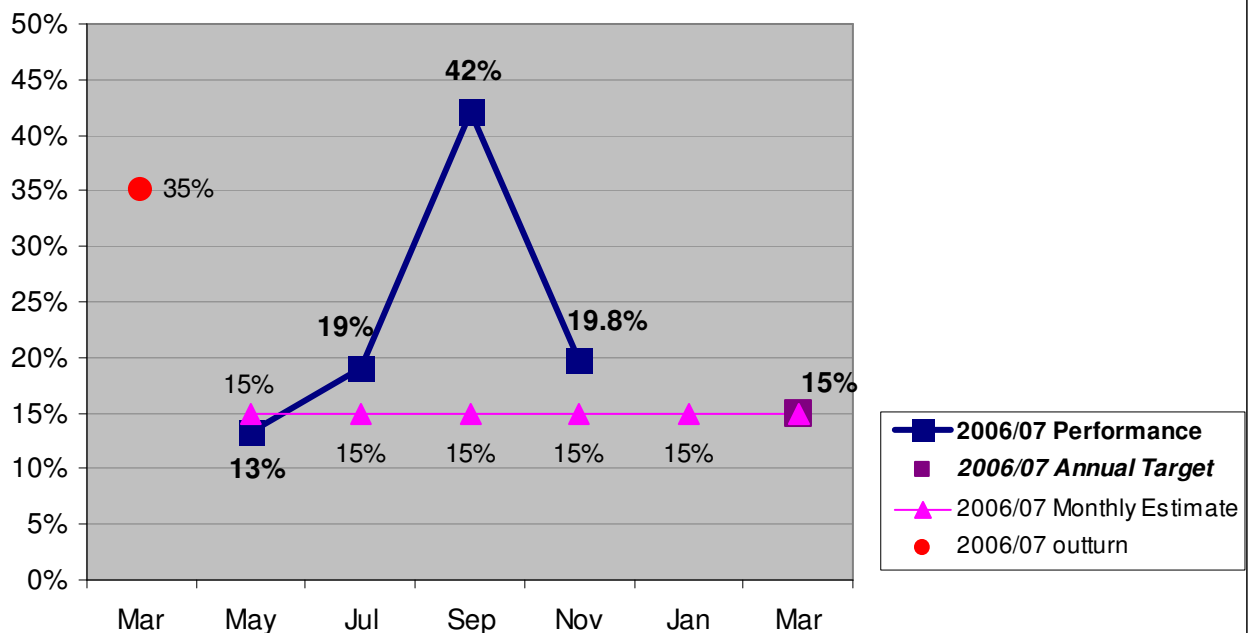


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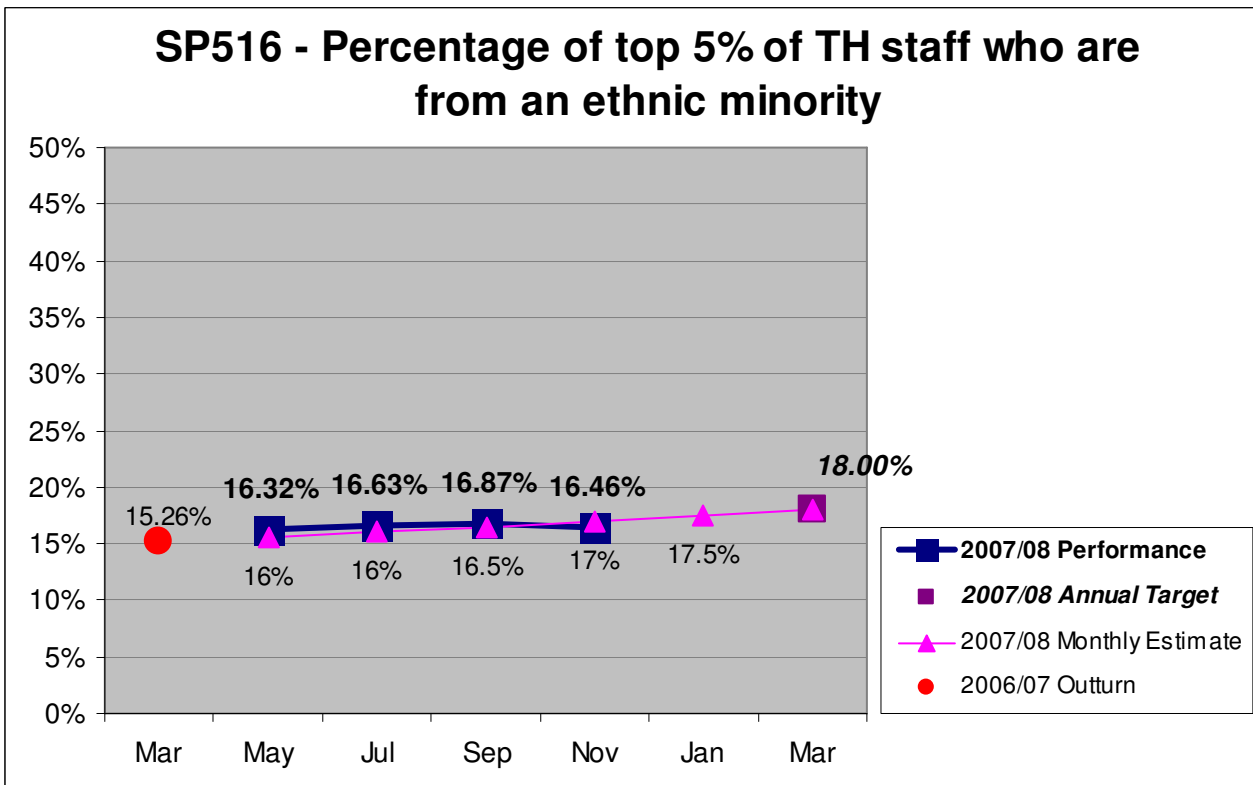
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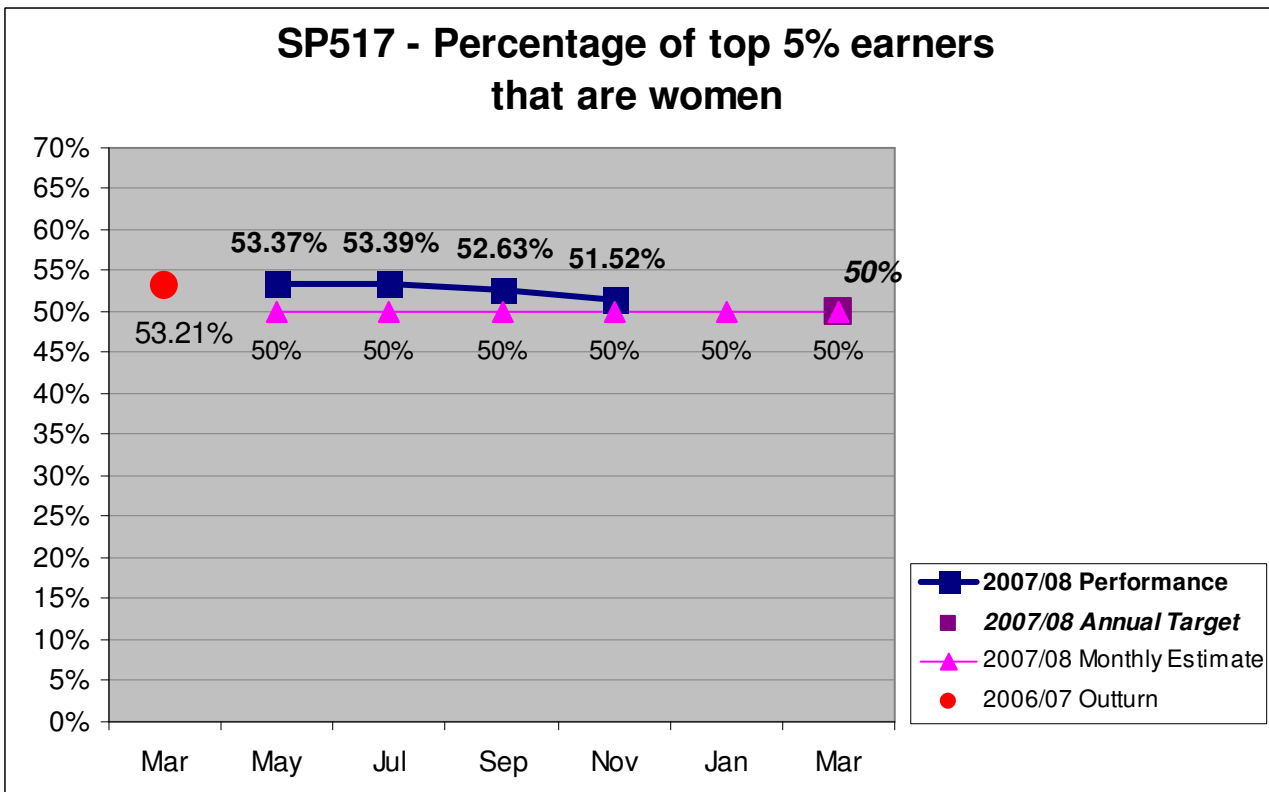
SP515d - % of attendees at LAP events who are from targeted communities: 16 - 25



Higher Performance is better



Higher Performance is better



Agenda Item 10.1

Committee	Date	Classification	Report No.	Agenda No.	Item
Overview and Scrutiny	05 February 2008	Unrestricted			
Report of: Assistant Chief Executive Originating Officer(s): Ashraf Ali Scrutiny Policy Officer		Title: Scrutiny Challenge Session – Determination of Major Planning Applications Ward(s) affected: All			

1. Summary

- 1.1 This report updates the Overview and Scrutiny Committee on the outcome of the Scrutiny Challenge Session on how the Council Determines Major Planning Applications held on 19th November 2007.

2. Recommendation

- 2.1 The Overview and Scrutiny Committee is asked to note and comment on the outcome of the Scrutiny Challenge Session on Determination of Major Planning Applications.

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

Adopted Unitary Development Plan 1998

Ashraf Ali
020 7364 0528

3. Introduction

- 3.1 This report provides a summary of the Scrutiny Challenge Session held to examine how the Council Determines Major Planning Applications.
- 3.2 Challenge sessions are designed as a quick way for a group of members to get to grips with key policy issues and ensure a robust check on the Council's policies. The session was attended by a group of nine members led by the Scrutiny Lead for Creating and Sharing Prosperity, Cllr Alibor Choudhury.

4. Purpose

- 4.1 Tower Hamlets seeks to improve the quality of life of the people living, working, and visiting Tower Hamlets by ensuring there are opportunities for high quality development. The purpose of the scrutiny challenge session was to:
- Increase understanding and awareness of the Pre-Planning Application Process;
 - Suggest ways of increasing members and community involvement;
 - Provide a critical friend challenge to the Council's approach to determining major planning application.
- 4.2 The Group received a presentation from Michael Kiely (Service Head Development Decisions) and Owen Whalley (Service Head Major Projects Development) outlining:
- The national and local policy context;
 - The Council's current position and performance;
 - How the new Pre Planning Application process works;
 - How the Council involves Members and the Community.

5. Background

- 5.1 The Planning and Compulsory Purchase Act 2004 is a key part of the Government's agenda for speeding up the planning process. The act brings in powers which allow for the improvement and speeding up of the plan-making system and an increase in the certainty of the planning decision-making process. The aim of the act is to help achieve the Government's policy on the reform of the planning system, the principal features of which were set out in the policy statement *Sustainable Communities - Delivering through Planning* which was published in July 2002.
- 5.2 Planning Policy Statements (PPS) set out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. The policies set out in PPS will need to be taken into account by regional planning bodies in the preparation of regional spatial strategies, by the Mayor of London in relation to the spatial development strategy in London and by local planning authorities in the preparation of local development documents.
- 5.3 The Development Plan guides development in Tower Hamlets for the next 10 to 15 years. It provides the policy framework for decisions on planning applications. In addition to government legislation and policy guidance, the development plan also

needs to make sure the needs of local residents and businesses are taken into account.

- 5.4 The London Plan is a strategic plan setting out an integrated social, economic and environmental framework for the future development of London. It provides the London wide context within which individual boroughs must set their local planning policies. Finally it helps set the policy framework for the Mayor's involvement in major planning decisions in London.
- 5.5 Tower Hamlets Unitary Development Plan (UDP) was adopted as the Council's statutory development plan and is a policy framework to help ensure planning decisions are made against clear criteria. As the basis for determining planning applications the Plan plays a crucial role in regeneration, ensuring sustainable development and promoting the social, economic and environmental well-being of Tower Hamlets. It also provides the planning strategy to deliver the key themes of the community plan.
- 5.6 The Council's Strategic Plan for 2007/2008 sets out a target that 60% of Major Planning Applications should be determined within 13 weeks. Moreover in Tower Hamlets 5.54% of applications are in the major category compared to the London average of 2.54%.
- 5.7 Local residents need to be involved in the planning process as key stakeholders. This means maintaining regular dialogue with people and ensuring that there is a clear and transparent mechanism for them to provide feedback on Major Planning Applications. The process should be published so that it is accessible to the entire community.
- 5.8 Tower Hamlets has identified a number of core objectives that guarantee delivery of a fair service which is robust and ensures equality of opportunity. These are summarised in The Tower Hamlets Unitary Development Plan (UDP) as:
- To deliver an effective, sensitive and fair planning service by developing and implementing policies and proposals which address the needs of all of the residents of the Borough, including people from ethnic minority groups, people with disabilities, women, people from minority cultural and religious backgrounds and elderly people
 - To welcome investment and encourage public/ private sector partnership proposals which generate employment, improve the environment, provide housing and social facilities and bring derelict sites and buildings into beneficial use
 - To promote sustainable development

6 Planning Application Process

- 6.1 The rate of growth and development in Tower Hamlets is unprecedented. This creates a workload of major planning applications for the Council that is unlike anywhere else in the UK. For example, compared to the rest of London, on average 5.54% of applications are in the BV109a major category against an average of 2.54% (2006-7 figures). However it is the nature of that caseload that really sets Tower Hamlets apart. Strategic major applications are those that are referable to the London Mayor

because they potentially impact on London as a whole. At 35 GLA referral cases in 2006-7, LBTH has topped this table for the 3rd successive year. Only the London Boroughs of Newham and Southwark were within half of the number of “strategic” cases considered by the Mayor. Also of significance is the proportion of GLA referral cases to all BV109a determinations; at 58% Tower Hamlets is considerably way ahead of every other London borough and nearly 5 times the 12% average. This means that the work in Development Control at Tower Hamlets is characterised by a very high proportion of very complex and very important planning applications.

- 6.2 Government has recognised that the 13-week BV109a performance bar for major applications is arbitrary and not always appropriate, particularly for very major applications. They are therefore encouraging a project management approach to these applications called Planning Performance Agreements (PPA). From April 2008 they are allowing any major application that has a PPA to be excluded from BV109a, provided the PPA determination date is met.
- 6.3 It was recognised at the beginning of the debate that has resulted in PPAs, that this was an opportunity to fundamentally re-engineer the way Tower Hamlets approach and process very major applications. These are vital for the future growth of the borough and can deliver a wide range of spatial and infrastructure benefits for the borough, its residents, businesses and visitors.
- 6.4 On Monday 1st October 2007 a new service was introduced to streamline and improve the planning application process for more complex applications. This new service is intended to improve the quality of major developments in the borough, while at the same time making the planning application process far more efficient and effective. The main changes for major applications are as follows:
- A fundamental review of Section 106 processes to produce an efficient set of standard clauses coupled with rigorous internal procedures to ensure a strategic decision making mechanism is available to determine priorities.
 - The setting up of a dedicated team of planners to create a bridge between masterplanning and development management so that pre-application discussions are targeted on strategic delivery.
 - The setting up of a dedicated Development Control team for strategic applications so that the specialist skills needed for these applications can be harnessed and developed.
 - A project management approach to both the pre-application and the application processing stages to ensure efficient decision making; essentially the PPA process government is now introducing.
 - Innovations in community and member involvement in the pre-application process to ensure that major developments are responsive to community needs and aspirations.
- 6.5 This comprehensive package of innovations and improvements in the development planning and decision making process has resulted in improved dialogue with developers and the involvement of the local community before planning applications are submitted for decision. Planning officers are offering an enhanced service for developers of major schemes to ensure that they design and deliver the best possible developments. This has also resulted in a significant improvement in the performance

of the Council on major planning applications. The skewed nature of the workload (ie very high numbers of very large applications) means that performing to the government's 60% target was always difficult to achieve without compromising the quality of the service. Given the nature of the caseload to deal with, a poor quality service just to deliver the numbers was not an option. The approach is to deliver quality and timely decision making.

- 6.6 Overall performance on BV109a has improved from 38% in 2006/7 to 53% for this year so far (as at end of November 2007). However more telling is the performance for the non-strategic major applications which has increased from 43% in 2006/7 to 70% for this year so far.

7 Discussion and Recommendations

- 7.1 The Scrutiny Challenge Session provided an opportunity for Members to raise a number of issues and there was a wide ranging discussion. Following the discussions Members proposed a number of recommendations.

- 7.2 Members raised the issue of community consultation. They felt that given the impact of new developments it was important to ensure more residents' involvement and that the process of consultation should be reviewed and improved. Michael Kiely informed Members that developers who embark upon consultation were required to feedback to all those interested parties in attendance.

- 7.3 To help identify which developers were engaged in consultation Members requested a list of all those who had been informed of the new arrangements. Officers are able to provide a list but indicated that it is not broken down further into those developers who had actively embarked on consultation and those who had not.

- 7.4 To guarantee that views and opinions of residents are expressed, it was agreed that residents should be consulted at the pre-application stage of the planning process on major developments, as well as following the formal notification and publicity that takes place once an application is submitted for determination. Follow-up feed-back meetings should be held to give residents an opportunity to understand proposed developments and contribute to their design before they are submitted as planning applications.

R1: That Development and Renewal seek to improve resident involvement through holding sessions that help support and give guidance about proposed developments. This would give residents the confidence to exercise and extend involvement to its fullest potential.

R2: Public meetings on Pre-Planning Applications should be held during daytime at weekends to maximise community participation.

R3: An external facilitator should be asked to chair public meetings to ensure its smooth running and avoid accusations of bias.

- 7.5 Members indicated that they were not aware of all major developments taking place in the Borough. Members requested that an update on forthcoming major applications in their Ward should be circulated by Development and Renewal to *all* Councillors insofar as issues of commercial sensitivity would allow. This could help allay any anxieties which residents may raise with them and ensure that there is improved accountability.

7.6 Government guidance and best practice emphasises engagement with councillors although the probity requirements remain in place. Strategic Development and Development Committee Members (including substitutes) must remain unbiased but other Councillors were less constrained in expressing their views on development proposals.

R4: Lists of current and forthcoming Major Planning Applications to be circulated to all Councillors.

7.7 Members agreed that not all residents can access documents and information, for instance not everyone has access to the Internet to view planning documents online. To help ensure that residents are treated fairly, irrespective of the resources available to them, applications should continue to be available for inspection at the Council's offices.

7.8 To facilitate access to information, Members agreed that applicants of major applications should be encouraged to provide summaries of key planning application documents. These should be published on the Council's website to assist both residents and councillors in understanding issues on these applications. It would also help residents submit their concerns in a more objective way.

7.9 Documents should be open and clear to help residents understand Major Planning Application procedures. This may bring the community on board and provide the opportunity to make comments and suggestions.

R5: That documents should be prepared to guide local residents confronted with the complexity of planning applications and legislation, with advice and practical support to enable them to support or object to applications that affect them. This would include guidance in simple language on what is a material planning consideration, how to comment on planning applications, how the council determines applications etc. Members' suggestions on what type of guidance might assist constituents could be considered.

7.10 To help improve the consultation process between developers and residents the Council should continue to research good practice from other authorities in consulting residents when major developments are in process.

R6: Research into other Local Authorities should take place to see best practice when consulting with residents. This might help develop and improve the delivery of service.

7.11 Training should take place to improve knowledge around how major planning applications are determined with the aim of increasing the ability of Members to decide what information is important for their constituents and develop the ability to communicate this confidently. This would help Members to resolve any potential problems as well as the complexities that can lie behind both applications and the decisions made.

R7: Support with any training needs that may help Members become involved more.

8 Conclusion

- 8.1 Members stressed the importance of engaging them, in their community leadership role. While there are existing methods of addressing the issues raised during the Challenge Session it is vital to develop innovative and creative solutions. Equipping Members with sufficient knowledge to engage better with residents does have many potential benefits in solving the problems which arise in planning and development.

9. Concurrent Report of the Assistant Chief Executive (Legal)

- 9.1 There are no direct legal implications of this report.

10. Comments of the Chief Financial Officer

- 10.1 There are no direct financial implications of this report.

11. Equal Opportunity Implications

- 11.1 When in the process of making a planning decision it is very important to ensure that the policies and proposals are drafted so as to guarantee equality of opportunity for all residents. This involves both ensuring that all information is accessible but also that applications consider the impact of their proposals on a population with diverse needs.

12. Anti-Poverty Implications

- 12.1 The unemployment rate in Tower Hamlets is one of the highest in the country. It is therefore important to ensure that new developments protect existing jobs whenever possible. The aim to create new jobs should be a product of new developments. Depending on the nature of the new jobs coming into the Borough, training initiatives should be encouraged so that local people can have access to new opportunities.

13. Sustainable Action for a Greener Environment

- 13.1 There is a responsibility to ensure that development respects the environment of the Borough and to encourage development that improves the environment. This should include protection from pollution caused by development and the development process. Encouraging energy efficiency in the design of the buildings also needs to be a key factor.

14. Risk Management

- 14.1 There are no direct risk management implications arising from this report.

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