

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 1 APRIL 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 Alexander Heslop (Vice-Chair)
Councillor Ahmed Hussain
Councillor Mohammed Abdus Salique
Councillor Salim Ullah

Other Councillors Present:

Councillor Ohid Ahmed	- (Lead Member, Regeneration, Localisation and Community Partnerships)
Councillor Joshua Peck	- (Lead Member, Resources and Performance)
Councillor Motin Uz-Zaman	- (Lead Member, Health and Wellbeing)

Officers Present:

Afazul Hoque	- (Acting Scrutiny Policy Manager, Scrutiny and Equalities, Chief Executive's)
Michael Keating	- (Acting Assistant Chief Executive, Chief Executive's)
Graham White	- (Legal Adviser)
Edmund Wildish	- (Scrutiny Policy Officer, Scrutiny and Equalities , Chief Executive's)
Angus Dixon	- (Interim Senior Committee Officer, Democratic Services, Chief Executive's)
Amanda Thompson	- (Team Leader - Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephanie Eaton and Oliur Rahman and Terry Bennett, Co-opted Member.

2. DECLARATIONS OF INTEREST

Councillor Alibor Choudhury declared a personal interest in relation to item 6.2.

Councillor Ohid Ahmed declared a personal interest in relation to items 6.1 and 6.2.

3. UNRESTRICTED MINUTES

RESOLVED

That the Section One minutes of the meeting held on 4 March 2008 be confirmed as a correct record, subject to Councillor Peter Golds being added to the Members listed as present.

4. REQUESTS TO SUBMIT PETITIONS

No petitions were received.

5. REQUESTS FOR DEPUTATIONS

5.1 Deputation from Mr Michael Collins in respect of the Scrutiny Review of the Licensing of Strip Clubs.

The Chair welcomed the deputation and asked its representative to address the meeting.

Mr Michael Collins, on behalf of the deputation, addressed the meeting on the issue of controlling the impacts of sexploitation venues in the Borough and the recommendations of the Scrutiny Review Group. He outlined a number of issues raised by the deputation which focused on the need for residents views to be taken into account when determining planning/licensing applications for these venues, and the lack of enforcement and monitoring of them.

In response to a series of questions put by Members, Mr Collins stated that while he felt that the Council had taken the issue seriously, it was still work in progress and ultimately it would still be necessary to lobby Parliament with a view to a change in legislation. In addition the current levels of enforcement were not stringent enough and regular inspections of premises were needed.

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

5.2 Deputation by Mr Abdul Halim in respect of the Blackwell Reach Regeneration Project

The Chair welcomed the deputation and asked its representative to address the meeting.

Mr Abdul Halim, on the behalf of Robin Hood Garden residents, spoke of their opposition to the current proposals for redeveloping Robin Hood Gardens and Blackwall Reach, in particular that the development plan failed to address directly the demand from tenants that they retain council tenure.

In response to a series of questions put by Members, Mr Halim stated that residents wanted to stay with the Council, not a Registered Social Landlord (RSL), and this had not been adequately addressed during the consultation process. There were also concerns in relation to the decanting process. For example how long it would take and also whether residents would be moved out of the area. If they were then there was a risk that they might not be moved back. Although the majority of residents had chosen the rebuild option over the regeneration option, this was not expected to be at the expense of their tenancies.

The Chair sought clarification from Mr Halim that residents wished to stay in Blackwell Reach and wanted the rebuild option, however as they wished to remain Council tenants would they take the refurbishment option in order to achieve this.

Mr Halim replied that the majority of residents wanted the rebuild option and didn't want their tenancies to change.

The Chair thanked the deputation for attending the meeting.

6. ADJOURNMENT FOR PRAYERS

The meeting adjourned at 7:43pm and reconvened at 7.55pm.

7. SECTION ONE REPORTS 'CALLED IN'

7.1 Blackwall Reach Regeneration Project - Development Framework

The Chair outlined the call-in procedure to the Committee.

Councillor Dulal Uddin for the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the provisionally agreed proposed strategy for the Blackwall Reach Regeneration Project, namely that the development plan failed to address directly the demand from tenants that they retained council tenure in new or improved homes in the Robin Hood Gardens area.

Committee Members put detailed questions to the Lead Member for Regeneration, Localisation and Community Partnerships, Councillor Ohid

Ahmed, and Mr Owen Whalley, Service Head Major Project Development, on a number of issues including the consultation process, the regeneration needs of the area, clarification of the decanting process, and the value of the refurbishment of Robin Hood Gardens.

Councillor Ahmed and Mr Whalley responded on behalf of the Cabinet in detail on the points raised stating that the Council was committed to meeting residents' desire to remain in the neighbourhood following the redevelopment, and was fully committed to exploring how residents' aspirations in relation to tenure could be met. Furthermore, intensive consultation with residents would continue to be undertaken in a number of ways.

After responding to questions Councillor Ahmed left the meeting.

The Committee expressed concern about the cost of the Decent Homes estimate, and the inclusion of high density development within the project.

RESOLVED

That Cabinet be requested to agree that the implementation of the Blackwell Reach Regeneration Project be delayed in order to give further consideration to their concerns and recommendations including:

- 1) That the provisional decision of Cabinet 5.3.08 to consider a range of options for adapting the Blackwall Reach Development Framework, be extended to include consideration of alternative submissions which fully address the residents' demands as reflected in the Statement of community participation and residents' and TRA statements;
- 2) That options should clarify the number of rented Council and/or RSL homes to be included, and minimise disposal of publicly owned land. These should be considered by Members following full consultation with residents; and
- 3) That a condition be inserted in the agreement to ensure that the RSL do not use Ground 8 powers to evict residents for rent arrears.

7.2 Draft Ocean New Deal for Communities Delivery Plan 2008/9

The Chair outlined the Call-In procedure to the Committee.

In the absence of a representative from the Call-In Members, the Committee noted the reasons for the requisition and the main issues concerning the draft ONDC delivery plan for 2008/9 as detailed in the report.

Committee Members put detailed questions to the Lead Member for Regeneration, Localisation and Community Partnerships, Councillor Ohid Ahmed, and Ms Emma Peters, Corporate Director, Development and Renewal on a number of issues including governance of the Community

Interest Company (CIC), RSL involvement, housing proposals and community centres and facilities

Councillor Ahmed and Ms Peters responded on behalf of the Cabinet in detail on the points raised stating that the issues that were the subject of this call-in were fully reported in April and June 07 when Cabinet made the decision to set up the Ocean Regeneration Trust (ORT). Those decisions were not being reviewed or revisited in the NDC delivery plan.

It had been previously agreed that the Board of the ORT would consist of 12 members comprising 3 residents, 2 councillors, 5 independent specialists and 2 RSL/developer representatives, and the recruitment process was already underway.

A priority task for the interim board was to set up the three sub-boards, which will include residents, selected on the basis of their interest, experience and expertise. A Housing Management and a Neighbourhood Renewal Board would include a significant proportion of residents and they would be in a majority on the Housing Management Board. The Neighbourhood Renewal Board would have delegated responsibility to manage the delivery of the non-housing element of the NDC programme. Residents would therefore be making decisions on priorities, identifying needs in the community and monitoring performance of the housing management team.

The ORT would be independent of the Council but would enter into service level agreements with the Council to deliver some services. The Council would remain as the Accountable Body for the NDC programme until it ended in March 2010 and would continue to monitor the ongoing programme management and financial/governance probity of the ORT.

The timescales required to retain the essential NDC grant had driven this approach and Ocean couldn't afford any more lengthy delays in implementing the regeneration. The take-up of the NDC monies for the housing programme would depend upon being able to start refurbishment and infrastructure works immediately after the selection and appointment of the Council's RSL partner later this year.

After responding to questions Councillor Ahmed left the meeting.

During discussion the Committee expressed concern with regard to the future governance arrangements of the CIC, and the fact that no key stakeholders were represented on the ORT Board. However in the absence of any representative from the Call-In Members and the possible loss of NDC monies if any further delays were incurred, the Committee considered that the decisions did not need to be referred back to the Cabinet.

Following the debate the Committee voted on whether to refer the item back to the Cabinet for further consideration and it was

RESOLVED:

That the alternative course of action proposed in the Call-In not be pursued and the decision of the Cabinet confirmed.

8. SCRUTINY SPOTLIGHT: LEAD MEMBER

The Chair welcomed Councillor Motin Uz-Zaman, Lead Member for Adult Health and Wellbeing, and John Goldup, Corporate Director for Adult Health and Wellbeing, to the meeting.

Councillor Motin gave a short presentation on the key achievements of the directorate over the last year, including the independent assessment of Adult Social Care as being one of the best in the country with a three star score for the fourth year in a row.

Councillor Motin then spoke of some of the challenges facing the Borough including continuing cost pressures, with care costs rising across London at 5-6% a year, an increasing demand for services, very high levels of illness, overcrowding and poor housing. The Council was also required to meet challenging Government targets over the next three years, in particular the move towards all service users controlling their own care through a personalised budget.

Members of the Committee asked questions on a number of related issues including service review timescales, closure of care homes, adult commissioning, savings and efficiency, improved outcomes for vulnerable adults, impacts of the smoking ban, and the taking over of GP practices by private healthcare Companies.

Councillor Motin and John Goldup then responded in detail to the points raised.

The Committee noted that the Council was in the top quartile for service reviews and was committed to sustaining and improving current high levels of performance. The number of care homes closing had remained stable although some were not taking any new admissions. There was a need to encourage more residents to receive care whilst living at home which meant that suitable housing also needed to form part of the commissioning process.

The Directorate had a balanced three year budget which would protect front line services and deliver genuine efficiency savings. With regard to vulnerable adults the move to choice based independence would require the delivery of more joined up services across health and social care, and the need to ensure accountability of support services.

The effects of the smoking ban had been very positive and the Health Scrutiny Panel had identified areas where the Primary Care Trust and the Council needed to improve methods of dealing with the problems that arose in the community.

The Chair thanked Councillor Uz Zaman and John Goldup for their attendance at the meeting and for answering Members' questions.

9. PERFORMANCE MANAGEMENT

9.1 Tower Hamlets Index

Councillor Joshua Peck, Lead Member for Resources and Performance, presented the end of January monitoring report for the Tower Hamlets Index 2007/08.

Councillor Peck reported that 15 of the performance indicators (34.88%) were on track to achieve their end of year target (green), and he detailed areas where performance was well above the estimated level for the end of January target. A total of 7 indicators were amber (16.28%) with action plans in place to ensure they got back on track by the end of the year, and 21 (48.84%) were at red which, based on the Manager's comments, were not expected to meet their year-end targets.

In response to a number of questions the Committee noted the following:

Recycling performance had reached 18.8% in January, the highest ever score, and the Director was confident that 40% could be achieved by 2010.

The 'Top 5% earners from an ethnic minority' indicator was nationally set and allowed easier comparisons with other Boroughs. The issue around identifying top earners was about progression – people needed to be earning well lower down the scale to earn well at the top.

Although the indicator for 'Cleanliness of land and highways' remained the same, the streets were cleaner than they had ever been. However the way the contracts were managed needed improving.

The indicator for 'Library items issued to under 16s' continued to fluctuate although wasn't that short of the target. A lot of under 16s did use the service but didn't 'borrow' items.

Although only 15 out of 43 targets had been met, 8 out of the 12 amber indicators were very close to achieving their targets.

RESOLVED

That the report be noted.

10. RULES OF PROCEDURE

At 10.10pm In accordance with Paragraph 9.2 of Part 4 of the Council's Constitution the Chair **MOVED** and it was

RESOLVED

That the meeting be extended for 30 minutes to enable the business to be concluded.

11. SCRUTINY MONITORING AND MANAGEMENT

11.1 Report of Scrutiny Review Group: Licensing of Strip Clubs

The Chair introduced the report to the Committee and additionally took the opportunity to thank all the Council officers who contributed to compiling the document, and also Ex-Councillor Louise Alexander.

The Committee agreed that the clear public statement referred to in Recommendation 8 should be multi-lingual, and also that it would be useful to engage other communities in the pan-London event referred to in Recommendation 14.

The Chair also reported that Edmund Wildish, Scrutiny Support Officer, would shortly be leaving the Scrutiny Policy Team to take up a position in another section of the Council. The Committee asked that their appreciation for all his hard work be placed on record and wished him well for the future.

RESOLVED

That the Overview and Scrutiny Committee:

1. Endorse the draft report subject to the clear public statement referred to in Recommendation 8 being multi-lingual; and
2. Authorise the Acting Assistant Chief Executive to agree the final report before its submission to Cabinet.

11.2 Report of Health Scrutiny Panel Review Group: Smoking/Tobacco Cessation

The Chair introduced the report to the Committee and additionally took the opportunity to thank all the Council officers who contributed to compiling the document.

The Committee asked that clarification be sought on whether the Elected Member referred to in Recommendation 1 was the Cabinet Member or the Scrutiny Lead for Health.

RESOLVED

That the Overview and Scrutiny Committee:

1. Endorse the draft report; and
2. Authorise the Acting Assistant Chief Executive to agree the final report before its submission to Cabinet, after consultation with the Chair of Health Scrutiny Panel.

11.3 Verbal updates from Scrutiny Lead Members

Scrutiny Lead members reported on progress within their respective Scrutiny areas:

Councillor Alibor Choudhury (Creating & Sharing Prosperity) reported on progress of the Evaluation of NRF Funding Scrutiny Review. At the last meeting on 27 March, representatives from NRF funded statutory and voluntary organisations attended to give their experiences of NRF. On the 20 March a focus group had taken place with residents to identify how NRF had impacted upon local people. The final meeting was due to take place on Thursday 3 April during which Members hoped to reflect on the evidence heard so far and consider the draft recommendations. Officers were currently drafting a report which was expected to be reported to the Committee at the May meeting.

Councillor Mohammed Abdul Salique (Excellent Public Services) advised that the next Challenge session for Translating and Interpreting Services was due to take place on Tuesday 22 April 2008 and he asked that as many Members as possible were in attendance.

Councillor Ahmed Hussain (Learning Achievement & Leisure) reported on the Scrutiny Review of Young Peoples Participation in Sports leading up to the Olympics. He advised that the last meeting had been cancelled and the report would be agreed with the Working Group via email before the 14th of April 2008. The review had been filmed from the start to produce a DVD about how Councillors in their role as community leaders could lead on reviews to make recommendations which made an impact on the lives of local people, and this would be available to view in May.

Councillor Alex Heslop (Living Well) reported on the Choice Based Lettings Review which was shortly due to draw to a conclusion. The recommendations in the report addressed issues ranging from access for those with sensory disabilities to the impact of CBL on community cohesion and could potentially mean changes to the way the allocations policy operated. The final session for the CBL review would take place on Monday 7 April and the report would be presented to Cabinet in May.

Councillor Salim Ullah (Living Safely) reported on the Evaluation of the Tackling Anti Social Behaviour Scrutiny Review. The next meeting was on Wednesday 2 April and during the session Members would meet with the Youth Partnership to consider young peoples views on ASB, and what the Council should be doing to help young people and some of the challenges facing the Council on tackling ASB. The draft recommendations would also be discussed at this meeting with the final report being presented to the Committee in May.

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

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

RESOLVED

That the following pre-decision questions be submitted to Cabinet for consideration.

Agenda Item 9.1 Leasing of Premises for Children's Centres (CAB 151/078)

1. What assessment has been made of the impact on Mowlem, Old Church and Olga Primary Schools of basing a Children's Centre within their premises/grounds?

Agenda Item 9.2 Lifelong Learning Service: Proposed Fees and Charges for the 2008/09 Academic Year (CAB 152/078)

1. Given the increased cost of living, what consideration has been given to the effect that an increase in fees of 10% (far above inflation) will have on the uptake of courses by elder mature students?
2. How many Tower Hamlets employees have taken up courses with LLL? How has that helped the council in terms of work efficiency?

Agenda Item 19.1 Disposal of Land 10 Backchurch Lane E1 (CAB 156/078)

1. Why have the current sitting tenants (leaseholders, tenants/licensees) been excluded from any discussions with regard to the disposal over the past 4 years and have they been approached to determine any interest in continuing with the development of the site or to purchase the land themselves?
2. How have the current sitting tenants been consulted over the last 5 years
3. Other than clawback of ERDF monies, has any consideration been given regarding financial compensation for additional private investment by the sitting tenant into the development of the building?

4. Has any consideration been given to the impact of the disposal on the livelihood both legal and economic re provision of services, contracts, agreements and undertakings between current leaseholders and tenants and their customers/users?
5. Has any consideration been given to the wellbeing of the leaseholder with regard to their business/activities development in the exposure of the details of the proposed disposal during the past 4 to 5 years and future years?
6. Has priority been given to the Environment Trust and have they been in receipt of confidential information regarding the current leaseholders?
7. To what extent is the sale reliant on securing the ownership of adjoining land re the Environment Trust's total development proposal? Otherwise for what purpose has the proposed sale of the specific property been made?
8. Why have the tenancy rights under the 1954 Business Tenancy Act been ignored? What are the Council's obligations?
9. Why didn't the report brief members of the Cabinet that there are approximately 15 small businesses employing 100-120 employees currently using the site?

13. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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.

14. RESTRICTED MINUTES

RESOLVED

That the Section Two minutes of the meeting held on 4 March 2008 be confirmed as a correct record, subject to Councillor Peter Golds being added to the Members listed as present.

The meeting ended at 10.40pm

Chair, Overview and Scrutiny Committee