

Meeting of the

# OVERVIEW & SCRUTINY COMMITTEE

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Tuesday, 1 December 2009 at 7.00 p.m.

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## AGENDA – SECTION ONE

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### VENUE

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Sirajul Islam</b> <b>Vice-Chair: Councillor Bill Turner</b>	
<b>Councillor Tim Archer</b> <b>Councillor Stephanie Eaton</b> <b>Councillor Alexander Heslop</b> <b>Councillor Ann Jackson</b> <b>Councillor Denise Jones</b> <b>Councillor Abjol Miah</b> <b>Councillor A A Sardar</b>	Councillor Shahed Ali, (Designated Deputy representing Councillors Sirajul Islam, Alex Heslop, Ann Jackson, Denise Jones, A. A. Sardar and Bill Turner) Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer) Councillor Shiria Khatun, (Designated Deputy representing Councillors Sirajul Islam, Alex Heslop, Ann Jackson, Denise Jones, A. A. Sardar and Bill Turner) Councillor Fozol Miah, (Designated Deputy representing Councillor Abjol Miah) Councillor Harun Miah, (Designated Deputy representing Councillor Abjol Miah) Councillor M. Mamun Rashid, (Designated Deputy representing Councillor Abjol Miah) Councillor David Snowdon, (Designated Deputy representing Councillor Tim Archer)

Councillor Salim Ullah, (Designated Deputy representing Councillors Sirajul Islam, Alex Heslop, Ann Jackson, Denise Jones, A. A. Sardar and Bill Turner)

**[Note: The quorum for this body is 3 voting Members].**

**Co-opted Members:**

Mr Ahbab Miah	– Parent Governor Representative
Mr Abdur Rouf	– Parent Governor Representative
Vacancy	– Church of England Diocese Representative
Vacancy	– Roman Catholic Diocese of Westminster Representative
Mr H Mueenuddin	– Muslim Community Representative

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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**LONDON BOROUGH OF TOWER HAMLETS**  
**OVERVIEW & SCRUTINY COMMITTEE**

**Tuesday, 1 December 2009**

**7.00 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

**1 - 2**

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 - 26**

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 03 November 2009.

**4. REQUESTS TO SUBMIT PETITIONS**

To receive any petitions (to be notified at the meeting).

**5. REQUESTS FOR DEPUTATIONS**

To receive any deputations (to be notified at the meeting).

**6. UNRESTRICTED REPORTS 'CALLED IN'**

There were no unrestricted reports 'called in' from the meeting of Cabinet held on 04 November 2009.

**7. SPECIAL ITEMS REQUESTED BY OVERVIEW  
AND SCRUTINY COMMITTEE**

**7.1 Transport for London Red Route Network Investment  
Plan**

A representative from Transport for London will be present to give a presentation and answer any questions Members may have.

(Time allocated – 30 minutes)

## **7.2 Domestic Violence Service - Sustainable Funding**

The Lead Member Cleaner Safer Greener and Service Head Community Safety will attend to report on this.

(Time allocated – 15 minutes)

## **8. SCRUTINY SPOTLIGHT**

The Lead Member Employment and Skills, Councillor Oliur Rahman, will attend to report on his portfolio.

(Time allocated – 30 minutes)

## **9. PERFORMANCE MONITORING**

### **9.1 Performance and Corporate Revenue Budget Monitoring - Performance to 30th September 2009 (To Follow)**

To consider and comment upon the contents of the report.

(Time allocated – 15 minutes)

### **9.2 Corporate Complaints - Half Year Report 2009/ 2010** **27 - 48**

To consider and comment upon the contents of the report.

(Time allocated – 15 minutes)

## **10. VERBAL UPDATES FROM SCRUTINY LEADS**

Scrutiny Lead Members will report on their portfolio areas.

(Time allocated – 10 minutes)

## **11. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET AGENDA**

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 5 minutes)

**12. ANY OTHER UNRESTRICTED BUSINESS  
CONSIDERED TO BE URGENT**

To consider any other unrestricted business that the Chair considers to be urgent.

**13. EXCLUSION OF THE PRESS AND PUBLIC**

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

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

**EXEMPT/CONFIDENTIAL SECTION (Pink Papers)**

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

**14. EXEMPT/ CONFIDENTIAL MINUTES**

**49 - 52**

To confirm as a correct record of the proceedings the exempt/ confidential minutes of the meeting of the Overview and Scrutiny Committee held on 03 November 2009.

**15. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'**

There were no exempt/ confidential reports 'called in' from the meeting of Cabinet held on 04 November 2009.

**16. PRE-DECISION SCRUTINY OF EXEMPT/  
CONFIDENTIAL CABINET AGENDA**

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 5 minutes)

**17. ANY OTHER EXEMPT/ CONFIDENTIAL  
BUSINESS CONSIDERED TO BE URGENT**

To consider any other exempt/ confidential business that the Chair considers to be urgent.

# 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 7.02 P.M. ON TUESDAY, 3 NOVEMBER 2009**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Bill Turner (Vice-Chair)

Councillor Stephanie Eaton  
Councillor Alexander Heslop  
Councillor Ann Jackson  
Councillor Denise Jones  
Councillor Abjol Miah  
Councillor A A Sardar  
Councillor David Snowdon

**Other Councillors Present:**

Councillor M. Shahid Ali –  
Councillor Rania Khan – (Lead Member, Regeneration, Localisation and  
Community Partnerships)  
Councillor Joshua Peck – (Deputy Leader of the Council)  
Councillor Abdal Ullah – (Lead Member, Cleaner, Safer, Greener)

**Guests Present:**

**Officers Present:**

Mohammed Ahad – (Scrutiny Policy Officer)  
David Galpin – (Head of Legal Services (Community))  
Afazul Hoque – (Scrutiny Policy Manager, Scrutiny & Equalities)  
Michael Keating – (Service Head, Scrutiny & Equalities)  
Colin Perrins – (Head, Trading Standards and Environmental  
Health Commercial)  
Kate Taylor – (Communications Officer)  
Matthew Vaughan – (Political Advisor to the Conservative Group)  
Alice Wallace – (Third Sector Development Manager)  
Angus Taylor – (Scrutiny and Regulatory Team Leader,  
Democratic Services)

**COUNCILLOR S. ISLAM (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor T. Archer, Scrutiny Lead – Healthy Communities, for whom Councillor D. Snowdon was deputising.
- Mr L. Ali, Assistant Chief Executive, for whom Mr M. Keating, Service Head Scrutiny and Equalities, Chief Executive’s Directorate, was deputising.

Apologies for lateness were received on behalf of Councillors B. Turner (Vice - Chair) and J. Peck, Deputy Leader of the Council.

Councillor S. Eaton gave apologies for having to leave the meeting early because of other commitments.

**Noted**

**2. DECLARATIONS OF INTEREST**

**Councillor D. Jones** declared a general personal interest on the basis that she was a non-executive member of the governing body of Tower Hamlets Primary Care Trust.

**Councillor D. Jones** declared a personal interest in Agenda item 9.1 “Third Sector Strategy” on the basis that the report contained recommendations relating to the approach to funding of Third Sector service provision and Councillor Jones was a representative of the Authority on the governing body of the following Third Sector organisations:

- Cultural Industries Development Agency
- St Katharine’s and Shadwell Trust.

**Councillor A. A. Sardar** declared a personal interest in Agenda item 9.1 “Third Sector Strategy” on the basis that the report contained recommendations relating to the approach to funding of Third Sector service provision and Councillor Sardar was a member of the governing body of the following Third Sector organisation: Council of Mosques.

**Councillor A. Heslop** declared a personal interest in Agenda item 10.2 “Overview & Scrutiny Committee Recommendation Tracking Report” on the basis that the report contained recommendations relating to monitoring the implementation of recommendations arising from previous Scrutiny Reviews including “Leaseholders - A study of Customer Care” and “Choice Based

Lettings” and Councillor Heslop was a representative of the Authority on the governing body of Tower Hamlets Homes and a Tower Hamlets Leaseholder.

**Noted.**

### **3. UNRESTRICTED MINUTES**

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

#### **Resolved**

That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee held on 6<sup>th</sup> October 2009 be approved and signed by the Chair, as a correct record of the proceedings.

### **4. REQUESTS TO SUBMIT PETITIONS**

The Chair advised that the Assistant Chief Executive had received no requests to present a petition in respect of the business contained in the agenda.

### **5. REQUESTS FOR DEPUTATIONS**

The chair advised that the Assistant Chief Executive had received no requests for a deputation in respect of the business contained in the agenda.

### **6. UNRESTRICTED REPORTS 'CALLED IN'**

The Chair advised that no requests had been received by the Assistant Chief Executive to “call in” for further consideration, by the Overview and Scrutiny Committee, any provisional decisions taken by the Cabinet, at its meeting held on 7<sup>th</sup> October 2009.

### **7. SCRUTINY SPOTLIGHT**

Councillor Joshua Peck, Deputy Leader of the Council, gave a presentation on the key issues, achievements and challenges arising from his portfolio which focused on the following points:

#### **Democratic Services**

- Achievements
  - On-going electoral canvass 70% of Borough residents contacted, up 8 or 9% on last year.

- Members Enquiry performance – 90% responded to within 10 days and Registered Social Landlords now hitting 85% although further improvement was needed.
- Burial Subsidy made permanent – proposed extension to Woodgrange Park, the rationale for this outlined.
- **Challenges**
  - Changes in legislation required a move to new executive arrangements, a directly elected Mayor with a 4 year term or a Leader with a 4 year term that appointed the Cabinet. There was a big difference between the two and any transition would require closely managed.
  - The running at least two elections next year. The positives of holding them on the same day and the challenges of administering the counts were outlined.
  - Delivery of effective induction programme for Members post-election, as well as roll out of IT, telephone and other services. There was a strong track record of Member Development, with the Council awarded the London Member Development Charter in May 2009.
  - Re-organising Registration Services within budgetary constraints to improve delivery (eg longer opening hours) and meet growing demand.

### **Equalities/Scrutiny**

- **Achievements**
  - Production of new Race, Sexual Orientation, Religion/Belief and Age Equality schemes following a comprehensive consultation exercise.
  - Achievement of Level 5 of Equality Standard for Local Government.
  - Establishment of Member Equality and Diversity Working Group to increase involvement in delivery.
- **Challenges**
  - Development of a Single Equality Duty to join up the suite of schemes and ensure appropriate interplay between them. Impact individually and collectively on communities across the Borough would be significant and therefore challenging.
  - Self-assessment against the new Equality Framework for Local Government and peer reviews.
  - Establishment of a pan-Disability Panel that was a model of best practice to develop policy and services in this area.

### **Communications**

- **Achievements**
  - East End Life continued to be the most popular/ widely read publication in the Borough, and the preferred avenue for most residents to obtain information about their council.
  - Improved campaigns capacity to deliver Council's well-being objectives eg around recycling more.

- Ensuring Best Value – the award winning shared newsprint contract reduced print bill by 25% (London Council's 'best collaborative procurement process').
- Challenges
  - Continuing to align communications across the Council into a single portal, a strategic function not one that was purely reactive (to the local press).
  - Strengthening full communications offer (including: internal communications; marketing; public affairs and e-communications). Combining customer access and communications functions on a reduced budget. For example on the Council website where customer wished to pay their Council Tax and find out about what the Council did.
  - Keeping East End Life an important and valued tool in delivery of Council objectives, in economic downturn.

### **Customer Access**

- Achievements
  - Maintenance of Contact Centre customer satisfaction level at over 90%. Customer Access Questionnaire implemented for calls.
  - Improvement in complaint handling times. Also a high rate of queries resolved on first contact.
  - Reduced waiting times in One Stop Shops with introduction of new working practices and refurbishment of Rushmead. 9 extra OSS staff in place.
- Challenges
  - New contact centre telephony – for Customer Contact Centre & Council Tax/Benefits. Bringing together several systems into one could be problematic.
  - New working arrangements with Tower Hamlets Homes in One Stop Shops: Rushmead and Cheviot dedicated counters and floorwalkers staffed by THH whilst THH services in Chrisp Street and Gladstone Place would now be provided by THH elsewhere.
  - Maintaining collection rates and encouraging take up of entitlement to benefits in light of current economic climate. Mitigating a lack of knowledge about benefit entitlement especially for elders so that informed choices on take up could be made.

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which the Deputy Leader of the Council responded. The question and answer session was centred on the following points:

- The Scrutiny Review of the Private Rented Sector had found that Tower Hamlets was one of only a few remaining Councils that did not offer a BACS payment system for housing benefits, which caused problems for residents and private landlords. Assurance was sought and given that this would be looked into and consideration given to its introduction.
- The fast tracking of a low budget "welcome pack", pulling together existing information, to be issued at citizenship ceremonies which would signpost new citizens to Council services, voter registration and

the take up of benefits. It was noted that Members had been asking East End Life (EEL) to produce a basic information pack with rudimentary history of the area and signposting to basic services without result. The Deputy Leader undertook to take this up with Communications Section and EEL, the latter being able to fund such an initiative through advertising.

- The importance of communication and resident consultation/ engagement in many day to day aspects of service delivery and ways to embed this, versus the dangers of too many staff undertaking this, not utilising expertise within the Council and therefore not doing it well.
- Whilst the general improvement in performance relating to Members Enquiries was noted, concern and frustration was expressed regarding poor quality and late responses from Registered Social Landlords. Clarification/ assurance was sought and given regarding the exploration of options to ensure RSL's fulfilled their obligations. The Deputy Leader undertook to ensure that the Council wrote to RSL's if their responses were late and of poor quality, and to ask the Strategic Housing Section to take this up with individual RSL's. He also welcomed the Chair's suggestion of a quality test for RSL Members Enquiries as a learning opportunity for the RSLs.
- Concern was expressed that the Pan Disability Forum had not been established in April 2009, as anticipated, and an explanation for the delay had not been forthcoming. It was considered that this excluded an element of the Community from commenting on and shaping services. Mr Michael Keating, Service Head Scrutiny and Equalities, outlined the reasons for the delay and updated members of the committee on the imminent enrolment process for the Forum. He emphasised that the additional time to think through a more active engagement process with disabled residents was worthwhile.
- Clarification/ assurance was sought and given in relation to residents satisfaction with the Burial Subsidy Scheme and whether creation of a burial ground in Tower Hamlets had been ruled out in the near future. The Deputy Leader outlined why take up of the scheme had been lower than expected and, the rationale behind the extension of the scheme to a third cemetery. He also outlined the nuances in customer satisfaction in relation to the scheme and how the underlying issues had been explored. A burial ground had not been ruled out but no space had been identified but the Council would continue to search to meet this need of the local community.
- Consideration, in the context of recent tragic events in the Community, that a communications protocol was required to ensure that Chief Officers kept Ward Members apprised of events and actions taken by the Council as a result. Clarification/ assurance was given that such a protocol did exist but that it would be refreshed.
- Consideration that a mechanism was required to ensure Members were notified of Licensing and Development applications pertinent to their Ward. The Deputy Leader considered this to be a good suggestion.

- Clarification/ assurance was sought and given in relation to the resolution of distribution issues concerning East End Life. Clarification was also sought and given regarding the possibility of ear marking a page of EEL for opposition groups to highlight their views with a view to encouraging democratic debate.
- Concern was expressed that the current was less “user friendly” than the former one in terms of accessing services and information; and clarification/ assurance was sought and given regarding creating an option on the website for users to feedback on their user experience. The Deputy Leader outlined the rationale behind the new website: one of of “fewer clicks” to achieve the customer objective. He undertook to look into the website feedback option.
- Consideration that the disfunctionality of the Website needed further exploration in the context of the debate as to its primary function being that of communications or customer access.
- Consideration that, in the context of currently available technologies and the level of information held corporately on residents, the requirement to queue annually at the Rushmead One Stop Shop for a resident parking permit was unnecessary. The Deputy Leader concurred and indicated that this could be included in the next stage of the huge piece of work to join up customer access.
- Clarification/ assurance was sought and given in relation to Customer Access satisfaction surveys being undertaken without Customer Call Centre operator knowledge.
- Clarification/ assurance was sought and given in relation to the consideration being given to arrangements for the two election counts in 2010.
- Clarification was sought and given regarding how the Council could make stronger representations to the Mayor of London regarding underground station closures.
- A number of ICT related problems that Members had encountered were raised and the Committee requested that these be addressed before the new intake of Members at the 2010 Local Government Elections. The Deputy Leader undertook to raise these with the appropriate parties
- Alerting the Deputy Leader that consultation and involvement was thought to still be part of the Deputy Leader’s portfolio, although there was a misnomer that it was part of the portfolio of the Lead Member Regeneration, Localisation and Community Partnerships.
- A member of the Committee requested that in future Powerpoint presentations for the Spotlight be distributed to members of the Overview and Scrutiny Committee in advance to enable more informed scrutiny and questions.

The Chair thanked Councillor Joshua Peck for his presentation.

## **8. BUDGET AND POLICY FRAMEWORK**

## 8.1 Gambling Policy

Mr Colin Perrins, Head of Trading Standards and Environmental Health Commercial, at the request of the Chair, in introducing the report, summarised the salient points contained therein highlighting in particular:

- That the Gambling Act 2005 had been introduced to comprehensively realign legislation relating to gambling, and placed a range of responsibilities on local authorities, but in particular the licensing of gambling on premises within the Borough.
- The Gambling Policy set out how the Council's responsibilities under the Act would be administered and associated powers exercised. Local Authorities were required to review their Gambling Policy every three years and therefore to adopt a new revised policy by the end of 2009.
- The consultation process in relation to the refresh of the Gambling Policy was prescribed by statute. Only two responses to consultation had been received, neither of which impacted on the current policy.
- The existing Gambling Policy had proven uncontroversial over the past four years, unlike its counterpart the Licensing Policy (regulated entertainment and supply of alcohol). Enforcement action had not engendered any serious problems and Officers therefore considered that the Gambling Policy had served the Authority well.
- Given the response to consultation and robustness of the existing Gambling Policy, Officers were recommending that the existing policy be readopted.

A discussion followed which was centred on the following points:

- Clarification was sought and given regarding the provisions under the 2005 Gambling Act for the Borough to remain "casino free", the Council's current neutral position on hosting a casino, the potential for future consideration of hosting a casino in the Borough and the process and consultation required around this.
- Clarification was sought and given as to whether the Children Schools and Families Directorate had been consulted in relation to the refresh of the Gambling Policy, as their comments on the location of gambling establishments in proximity to schools would be welcome.
- Clarification was sought and given as to whether faith organisations, such as churches and mosques had been consulted in relation to the refresh of the Gambling Policy. Noting that the consultation process was prescribed by statute, members of the Committee considered that the Authority should have the option to go beyond the statutory requirements and take local factors into account such as the views of non-statutory consultees. The Committee requested that in any future consultation process in respect of the Gambling Policy the views of faith groups/ organisations, community groups/organisations, young people and elders be sought. It was also considered that the services of the Council's Consultation and involvement Team be utilised to



- ensure greater engagement generally and that the Overview and Scrutiny Committee consider any proposed policy at an earlier stage.
- Clarification was sought and given regarding the proportion of betting shops comprising the approximately 80 premises in Tower Hamlets licensed for gambling. Also the number of new applications for such licenses each year. Members of the Committee subsequently expressed concern regarding the saturation of certain areas with betting shops together with the implications for poverty that this brought. Concerns were also raised regarding the proximity of a number betting shops and amusement arcades to schools, in particular with reference to Roman Road. Clarification was sought and given regarding what measures the Authority could take to safeguard against saturation and to what extent this had been examined in relation to the refresh of the Gambling Policy.
  - Consideration that local residents, particularly those from Black Minority Ethnic Communities were not aware of the process through which they could object to the licensing of establishments for gambling, and that work was needed to mitigate this. As a result applications would be granted by Officers without reference to Members, as Members only met to determine applications if an objection had been lodged.
  - Clarification was sought and given regarding the source and nature of the two responses to consultation.
  - Clarification was sought and given regarding the responsibilities and powers of the Authority in relation to the licensing of gaming machines.
  - Clarification was sought and given regarding the ratio of online gambling to gambling in licensed premises in the Borough. It was noted that the Gambling Commission and not the Authority was responsible for the regulation of online gambling, but was also considered that work with other agencies to mitigate the impact of online gambling on local residents would be worthwhile.

The Chair **Moved** the recommendations, as contained in the report, together with the additional resolution set out at 1. below; and it was:-

**Resolved**

1. That the advice and comments of the Overview and Scrutiny Committee in relation to the review of the Gambling Policy, distilled from their deliberation of the report, be presented to Cabinet for consideration;
2. That it be noted that the Gambling Policy would be submitted to full Council on December 2009 for adoption.

3. That full Council approve the Gambling Policy.

## 9. REPORTS FOR CONSIDERATION

### 9.1 Third Sector Strategy

**Councillor D. Jones** declared a personal interest in Agenda item 9.1 “Third Sector Strategy” on the basis that the report contained recommendations relating to the approach to funding of Third Sector service provision and Councillor Jones was a representative of the Authority on the governing body of the following Third Sector organisations:

- Cultural Industries Development Agency
- St Katharine’s and Shadwell Trust.

**Councillor A. A. Sardar** declared a personal interest in Agenda item 9.1 “Third Sector Strategy” on the basis that the report contained recommendations relating to the approach to funding of Third Sector service provision and Councillor Sardar was a member of the governing body of the following Third Sector organisation: Council of Mosques.

Councillor Rania Khan, Lead Member Regeneration, Localisation and Community Partnerships, at the request of the Chair, in introducing the report, summarised the salient points contained therein highlighting in particular:

- The objectives of the Third Sector Strategy to create a thriving Third Sector and open and transparent delivery of Third Sector service provision.
- The rigorous and lengthy development process and widespread consultation and engagement, across a range of organisations and geographical areas, which had informed the proposed Third Sector Strategy:
  - Development of the Strategy overseen by a Third Sector Delivery Group, with Officers across the Council and National Health Service Tower Hamlets.
  - A Third Sector Advisory Board with representatives from 17 Third Sector partners had been established
- The key proposals contained in the Strategy relating to: Infrastructure, (including establishment of a Council for Voluntary Services (CVS)) Volunteering, Commissioning and Funding.
- The ambitious action plan attached to the Strategy focused on enhancing the ability of the Third Sector to participate in delivering the Community Plan 2020 and in particular the objective of One Tower Hamlets.
- That it had not been an easy process given the number of stakeholders, but the journey had brought the Council and the Third Sector to a more positive place. The development of the Strategy was ongoing as it moved towards delivery.

A lengthy and wide-ranging discussion followed which was centred on the following points:

- Clarification was sought and given as to how the Council for Voluntary Services (CVS) would learn from the problems/ challenges/ mistakes of similar bodies in the past, such as COF (Community Organisations Forum) and SEN ( x Empowerment Network), including the transparency and accountability needed in any allocation of funds to local groups. Consideration that the Strategy could be strengthened by exploring the issue of Member interests and setting clear protocols for demarcation. Consideration also that it would be helpful to compile a report of historic problems/ challenges/ mistakes to signpost what needed to be avoided in the future.
- Consideration by Members that the existing Tower Hamlets Partnership (THP) could, with a little enhancement, undertake the governing body role envisaged for the CVS, and in many ways was already undertaking similar functions, so to create a separate body would be a duplication. The Lead Member and Officers, in response emphasised the need for the CVS to be autonomous from the Council for it to be credible to the Third Sector, however there would be a role for the THP in identifying the services needed from the CVS and developing an associated Service Level Agreement.
- Concern was expressed, and clarification sought and given regarding monitoring arrangements relating to the CVS to ensure effective delivery of Third Sector service provision, particularly in the context of the significant levels of funding proposed for this (approximate budget £55 million pa). It was noted that there was no funding map and consequently it could not be identified if diversity targets were being met, nor could the service requirements in different geographical areas be determined. Consideration that scrutiny arrangements were required to prevent duplication/ double funding of organisations. Consideration also that robust monitoring was needed to ensure Third Sector organisations met/ delivered the required targets/ outcomes. The Committee subsequently requested that the Assistant Chief Executive provide all members of the Overview and Scrutiny Committee with a written brief detailing proposed monitoring arrangements.
- Clarification was sought as to whether the SLA with the CVS would be submitted to Cabinet for consideration and endorsement. The role of the Third Sector Delivery Group and Third Sector Advisory Board in the development of and monitoring of the SLA was noted. However the Chair both considered and requested that this should be brought to the Overview and Scrutiny Committee for scrutiny and comment and subsequently submitted to Cabinet for consideration and endorsement, with a view to embedding the issues raised in the CVS and ensuring equitable service delivery.
- Consideration that the Council appeared to be rushing the establishment of a CVS and it would lack credibility as a result. Also that it was inappropriate for the Strategy to be a Council document and an alternative to the top down approach, which had not been

successful in the past, was needed. Consideration also that further work was needed to identify how Third Sector working with the Council could be strengthened.

- Concern was expressed that the Strategy did not contain a list of all voluntary organisations in Tower Hamlets, and one Member, considering this be a severe failing, sought and was given clarification regarding the background to this. The Committee considered that further efforts were needed to secure this information, much of which it considered to be available within the Council.
- Clarification was sought as to how the Strategy would ensure geographical equity of service provision and Officers undertook to consider this aspect further outside the meeting. The Committee noted what appeared to be an imbalance in representation of East and West of the Borough amongst the 17 Third Sector Organisations represented on the Third Sector Advisory Board.
- Consideration that the Strategy and Action Plan could be strengthened as follows:
  - Clarity regarding quality control/ improvement mechanisms with a view to improvement of the activities of the projects/ organisations funded.
  - Some organisations better than others and this needed challenged.
  - Community Cohesion was a legitimate objective of the Strategy and this needed further articulation in the documents.
  - In the context of a significant and growing African Community in Tower Hamlets, further outreach was needed to ensure this community was represented and its service needs advocated.
- Concern was expressed regarding provision for “grass roots” funding (amounts of approximately £5,000) within the Strategy and the avenues available to small voluntary organisations in other Boroughs with a CVS were noted. The Lead Member in response referred to the Community Chest proposal within the Strategy.
- Clarification was sought and given regarding the relationship between the current Community Industries Development Agency/ Change Up Consortium bid for £600,000 and the establishment of a CVS. The Committee subsequently requested that the Assistant Chief Executive provide all members of the Overview and Scrutiny Committee with a written brief regarding the relationship of the Change Up Consortium to the CVS, how this had come about and including details of the organisations leading the Consortium.
- Clarification was sought and given regarding how the CVS was to be constituted and the process by which the governing body of trustees would be determined.
- Clarification was sought and given regarding the identity of the 17 Third Sector Organisations represented on the Third Sector Advisory Board and the mechanism by which they had been selected. The Committee subsequently requested that the brief to be provided to all members of the Overview and Scrutiny Committee regarding the Change Up

Consortium detail the 17 Third Sector Organisations referred to above and associated selection mechanism.

- Clarification was sought regarding the linkage of the CVS to the Council and who would determine grant allocations.

Ms Alice Wallace, Third Sector Development Manager, in response to a question from the Chair undertook to take account of the Committee's comments in the developing action plan and the work of the Third Sector Delivery Group and Advisory Board.

The Chair summarised that although there was a Lead Member and Lead Officers for the Strategy, the Council was collectively responsible for ensuring the Strategy and in particular the CVS was a success, and would be held accountable for this. The Chair then **Moved** the recommendations, as contained in the report, and it was:-

### **Resolved**

1. That the Third Sector Strategy and Action Plan be noted and the comments of the Overview and Scrutiny Committee in relation to this be provided to the Cabinet.

## **10. SCRUTINY MANAGEMENT**

### **10.1 Scrutiny Challenge Session - Dangerous Dogs**

Councillor Bill Turner, Scrutiny Lead Excellent Public Services, at the request of the Chair, in introducing the report, summarised the salient points contained therein highlighting in particular:

- That one meeting had been held to examine the issue of dangerous dogs an apparently growing trend to use dogs in Anti Social Behaviour, to settle scores between gangs, and for organised dog fighting.
- The purpose of the meeting had been to:
  - Increase Members understanding of the common issues in dealing with dangerous dogs
  - To consider and evaluate the Council's approach to dealing with the rise of dangerous dogs and develop an approach for the future.
  - To give residents an opportunity to express their views and concerns.
- There was great public interest in this issue, and the meeting had been well attended with 75 members of the public and some Councillors present. All those present agreed that effective action was needed to address the problem.
- The meeting discussed the handful of gangs in Tower Hamlets that were using dangerous dogs in their activities. It heard presentations from the Metropolitan Police, the Council's Animal Warden Service and the Royal Society for the Prevention of Cruelty to Animals (RSPCA).

Senior police officers advised of the challenges of enforcing dog legislation and it became evident that the Animal Warden Service did not have the same enforcement powers as other local authorities, such as Newham, and he considered that the recommendations contained in the report arising from the scrutiny challenge session should mitigate this.

- There would be a future follow up meeting and the report would be presented to Cabinet with a view to the recommendations comprising the Administration's approach to dog enforcement.

A discussion followed, during which the report and recommendations contained therein were broadly welcomed, and which was centred on the following points:

- Clarification was sought and given as to whether the challenge session had examined the use of dangerous dogs by young people and drug dealers for security and the unsafe places the dogs were kept and the danger they were exposed to.
- Clarification was sought and given, with reference to paragraph 6.8 of the report, as to who dangerous dogs should be reported to. It was agreed that a dog reporting hotline would assist in addressing resident concerns on first contact with the Council and one portal would mitigate the current lack of joined up working around this issue. It was noted that the recommendations in the report would address this.
- Consideration that the communications strategy recommended in the report should include usage of the Bangladeshi media/ press. It was agreed that the report recommendations would reflect this suggestion. It was also agreed that translation of the press release on dangerous dogs into several Black Minority Ethnic (BME) languages would be helpful. Clarification was also sought as to how the communications strategy would ensure that those residents that did not receive East End Life were reached. The Committee emphasised the need for the communications strategy to be sensitive, as the great majority of dog owners in the borough were responsible, and it was important not to create a negative taboo in respect of dog ownership in general.
- Clarification was sought and given as to what had been the most widespread concern raised by residents at the meeting, and what of all the recommendations in the report required most urgent prioritisation:
  - improving community safety in relation to the use of dangerous dogs in ASB.
  - Prioritising the mitigation of dog fouling, which was directly linked to the increasing number of dangerous dogs
- Clarification was sought and given, with reference to paragraph 5.2 of the report, as to whether the Rotweiler breed of dog, considered by many to be intimidating and dangerous, was formally considered to be a dangerous dog. It was noted that police enforcement powers varied with the breed of dog and they could only automatically control the 4 breeds detailed, unless the law changed. Clarification was also sought

and given as to whether enforcement was possible to ensure dangerous dogs wore muzzles.

- Commented that in Altab Ali Park it was apparent that the branches of trees were being used by owners of dangerous dogs to strengthen the jaws of their animals, and this was damaging the growth of the trees. Clarification was sought as to whether the challenge session had examined this issue or might do so.
- Consideration that dog wardens, park rangers and tower hamlets environment officers (THEOs) all required training on handling dangerous dogs and around advising others on reporting them. Consideration also that the erection of signage in parks and elsewhere advising how to go about reporting dangerous dogs was needed. It was agreed that the recommendations in the report should reflect this.
- Consideration that many residents, both adults and young people, were frightened of dogs in general (and that there might be cultural reasons for this), and therefore that outreach work in schools about good and bad dogs would be helpful in allaying such fears. In particular it was suggested that the Junior Citizen Scheme might include a scenario on dangerous dogs. It was agreed that the recommendations in the report should reflect this suggestion.
- Consideration that more needed to be done to ensure that access to dog ownership became less easy for irresponsible owners. Clarification was sought and given in this context in relation to dog licensing.

The Chair, in **Moving**, the recommendations contained in the report (subject to revisions to reflect the points raised and agreed by members of the Committee during its consideration), formally extended his thanks to Councillor Turner and the Officer team, for their hard work in undertaking the challenge session, distilling the findings and honing the recommendations contained in the report, which the Committee commended.

and it was:-

### **Resolved**

1. That the information contained in the report regarding dangerous dogs be noted; and
2. That the recommendations in the report be endorsed, subject to revisions to reflect the points raised and agreed by members of the Overview and Scrutiny Committee during its consideration.

## **10.2 Overview & Scrutiny Committee Recommendation Tracking Report**

**Councillor A. Heslop** declared a personal interest in Agenda item 10.2 "Overview & Scrutiny Committee Recommendation Tracking Report" on the basis that the report contained recommendations relating to monitoring the implementation of recommendations arising from previous Scrutiny Reviews including "Leaseholders - A study of Customer Care" and "Choice Based

Lettings” and Councillor Heslop was a representative of the Authority on the governing body of Tower Hamlets Homes and a Tower Hamlets Leaseholder.

The Chair informed members of the Overview and Scrutiny Committee that:

- The report was a six monthly monitoring report which tracked progress in implementing recommendations arising from past scrutiny reviews.
- An addendum to the original report,, containing three tracking updates comprising part of Appendix 1, not available at the time of despatch, had been **Tabled**, a copy of which would be interleaved with the minutes.
- The Scrutiny Lead Members had re-visited one major review within their portfolio area and had met with the Officer leads in the service areas to discuss progress in implementing the recommendation and the impact of this. The Scrutiny Leads would verbally update the Committee on their findings.
- Overall the report highlighted there had been good progress in implementing recommendations, including those leading to major policy change Eg Choice Based Lettings Scheme. It was important that the Committee continued to monitor the progress and impact of our work to highlight areas for improvement.

#### **Scrutiny review – Leaseholders – A Study in Customer Care**

Councillor Alex Heslop, Scrutiny Lead – A Great Place to Live, updated those present in relation to the previous scrutiny review above which directly linked to the current scrutiny review on Private Rented Sector:

- Highlighting that Tower Hamlets Homes (THH also known as the ALMO) had now taken on responsibility for Council leaseholders and the associated finances. 40% of properties on Council estates were leased and 40% of those were sub-let to other tenants.
- Advising that there had been 19 recommendations of which 5 had been implemented, 12 partially implemented and 2 were yet to be implemented.
- Those implemented included:
  - Staff training and leaseholder open days to further improve leaseholder engagement.
  - All aspects of the Councils Customer Promise, in terms of both process and culture.
- Advising that in relation to recommendation 13 THH, had adopted a new neighbourhood based model for service delivery to tenants and leaseholders, intended to provide a more cohesive service. Scrutiny Members would observe developments going forward.
- Commenting that an introductory summary of recommendation implementation to enable Members to easily gauge what had been implemented and what remained to be done, would be helpful in future tracking reports.

#### **Scrutiny review –Domestic Violence**



Councillor Denise Jones, Scrutiny Lead – Safe and Supportive, updated those present in relation to the previous scrutiny review above, undertaken in September 2006:

- Advising that she had met with the Lead Officers for the review, who had informed her that progress had been made on all the recommendations made in the original review, except for the creation of a scheme where all services are offered in one place. Victims of Domestic Violence (DV) suffered as a result of having to go to different sources for advice and help and this needed to be addressed as a matter of urgency. DV booklets had been produced to raise awareness, staff in the Council's Customer Contact Centre and One Stop Shops had been trained to recognise DV, follow up calls to a sample of DV victims had been embedded and "Warrior Women", a DV self defence project was continuing.
- Current key concerns included:
  - Policy context: Government was due to announce a new national strategy on Violence Against Women and Girls and the Council would need to link this strategy and other strands of violence against women with its DV Policy and partnership strategy on violence.
  - Domestic Violence guidelines for schools, produced in 2004, needed a refresh.
  - Housing:
    - Registered Social Landlords were inconsistent in responding to tenants who were experiencing DV and also in their engagement with partnership work on DV and none contributed to resourcing specialist DV services.
    - The recent restructure of the Homeless and Housing Advice Service removed the specialist DV assessment officer role and it remained unclear how the victims of DV who sought housing assistance would receive specialist assistance. This needed to be addressed urgently.
  - Funding: some specialist Domestic Violence services in the Third Sector still lack sustainable funding and this needed to be addressed urgently.
    - One off funding of £45,000, from the Tower Hamlets Primary Care Trust, for a DV and Substance Misuse Worker would cease at the end of December 2009.
    - Crime and Disorder Reduction Partnership supplemental funding for 2 additional Independent DV Advocacy Posts, to the 3 full time posts funded by the Council, would cease at the end of March 2010 and it was unclear how the 5 posts recommended by the national MARAC implementation programme would be provided.

Members of the Committee expressed concern regarding the probable loss of specialist DV posts due to funding difficulties and it was proposed and subsequently **Resolved**:

That the appropriate Chief Officer and Lead Member be invited to the next meeting of the Overview and Scrutiny Committee to discuss the probable and imminent loss of specialist Domestic Violence posts due to funding difficulties.

The Committee also requested that its members be informed in advance of its next meeting which Officers would be attending for this item.

### **Noted**

#### **Scrutiny review – Translation and Interpretation Services**

Councillor Ann Jackson, Scrutiny Lead – One Tower Hamlets, updated those present in relation to the previous scrutiny review above, undertaken in April 2008:

- Advising that there had been 7 recommendations, 4 of which related to ESOL services and 3 related to interpreting and translation services and she had met Corporate Equalities Officers to discuss progress towards implementation and the impact of this.
- On the recommendations Working Neighbourhood Funding had been secured earlier in 2009, ensuring basic ESOL service provision and helping residents into employment. The Cabinet would be considering allocating an additional £200,000 to ESOL at their meeting on 3<sup>rd</sup> November.
- Highlighting the link between ESOL provision and the demand for interpreting and translation services and the need for joined up working in examining this linkage. A recent scrutiny challenge session indicated the need for basic ESOL services in Tower Hamlets, however there were also gaps in service provision; not necessarily those now the subject of national policy focus. The findings of the challenge session would be presented to the Committee for consideration at its next meeting.
- A review of interpreting and translation services, current contracted out to LB Newham, was underway with a view to ensuring the service met needs and was value for money. Councillor Jackson considered that engagement with partners to ensure a co-coordinated approach to delivery of these services was important. The potential for more joined up service delivery within the Council (similar service provision existed in adult and children's social services) might also deliver efficiency savings.
- She considered the challenge session had had a positive impact and this was helpful in raising this high profile issue vital to local residents.

### **Noted**

#### **Scrutiny review – Graduate Unemployment**

Councillor Abdul Aziz Sardar, Scrutiny Lead – A Prosperous Community, updated those present in relation to the previous scrutiny review above, undertaken in May 2007:

- Advising that he had met with the Lead Officer for the review, who had informed him that progress had been made on all the

recommendations made in the original review, except for one regarding the commissioning of research, for which no further funding has been identified.

- Giving a detailed update of implementation progress in relation to the following recommendations:
  - That the Employment Task group champions employment opportunities to local graduates.
  - Exploring and developing secondment and volunteering opportunities through Skillsmatch and its partners.
  - Council expansion of in-house graduate training programme.
- Concluding that the review had had a positive impact on graduate unemployment, with more employment opportunities open to them and all graduates advised of the information and guidance available to them.

### **Noted**

#### **Scrutiny review – Use of Consultants**

Councillor Bill Turner, Scrutiny Lead – Excellent Public Services, informed members of the Committee that his meeting with Corporate Director Resources and Service Head Corporate Finance, to examine progress in implementing the recommendations arising from the above review, had been rescheduled due to diary commitments and he would update the Committee on progress at its next meeting.

### **Noted**

#### **Scrutiny review – Access to GP and Dentistry Services**

##### **Scrutiny review – Tobacco Cessation**

Councillor David Snowdon, deputising for Councillor Archer, Scrutiny Lead – Healthy Communities, updated those present in relation to previous Scrutiny Reviews above:

##### **Access to GP and Dentistry Services**

- Advising that there had been 11 recommendations with all either implemented or the subject of ongoing work.
- Those implemented included:
  - Training and guidance being provided to GPs and Dental Practice reception staff with particular focus on Customer Services and understanding the needs of disabled and BME patients.
  - In response to the Tower Hamlets PCT being asked to customer survey information to identify areas for service improvement and improved performance monitoring of services, all practices now had an action plan in place aimed to reduce demand for appointments, increase supply of appointments and deliver 100% access to appointments within 48 hours.
  - In response to the PCT being asked to work with local schools, GDPs and community organisations to begin compilation of data about local peoples oral health and improve uptake of dental services, a pilot programme was run in two primary schools

("Happy Teeth") and the lessons would be used to roll out a screening and fluoride application programme in other schools in Tower Hamlets during this school year for nursery and reception children.

#### **Tobacco Cessation**

- Advising of progress in relation to the implementation of the 9 recommendations arising from the review. Those implemented included:
  - Widespread publicity and activity to increase demand for smoking cessation services from within the Bangladeshi community: street level activity and work based recruitment and good coverage in the Bengali press.
  - Tobacco Control Unit had developed a Service Level Agreement with the helpline provider to capture information to help understand user's needs and to gauge the effectiveness of communications resources.
  - PCT had commenced a project to ensure that all hospital based staff were trained to raise the issue of smoking and signpost to services.

#### **Noted**

### **11. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS**

The Chair informed members of the Overview and Scrutiny Committee that a sheet of pre-decision questions/ comments in respect of the unrestricted business contained in the agenda for consideration by the Cabinet, at their meeting to be held on 4<sup>th</sup> November 2009, had been **Tabled**, a copy of which would be interleaved with the minutes.

Councillor Jones, in referring to the pre-decision questions/ comments detailed in the tabled paper, in relation to Agenda item 10.3 "Accelerating Delivery of Key Priorities" on the agenda for consideration by the Cabinet at their meeting the following evening, commented that she considered it would be appropriate for the Cabinet to consult ward councillors and the chairs of Local Area Partnerships (LAPs) about the needs for extra funds for existing and new luncheon clubs before allocating any funding in the future. Councillor Jones therefore proposed, for the consideration of members of the Overview and Scrutiny Committee, that that the first pre-decision scrutiny question detailed in relation to Cabinet Agenda Item 10.3 be revised accordingly.

The Chair **Moved** (taking account of the amendment from Councillor Jones) and it was **Resolved**:-

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

#### **Agenda Item 6.2 Amendment of Community Involvement (CAB 061/090)**

1. With reference to Cabinet agenda page 66. Can Cabinet amend this so that LAP Steering Groups are proactively consulted on major planning applications?
2. Although the strategy presented is thorough it is very difficult to absorb and therefore there needs to be a summary version. Can the Directorate consider producing an easily understandable stage by stage guide to planning consultation and make this available on the Council website and also be sent to residents when consulting about planning application?

**Agenda Item 8.1 Gambling Act 2005 – Three year review of gambling policy (CAB 070/090)**

1. The paper does not address the issue of establishments such as social clubs that encourage informal gambling. Can Cabinet provide assurance that those establishments will be inspected? And institute criminal proceedings in respect of offences committed under the Gambling Act 2005.

**Agenda Item 10.1 Procurement Developments (CAB 076/090)**

1. Can Cabinet provide the synergy or linkages between the Corporate Procurement Strategy and the Third Sector Strategy? How they will complement each other?

**Agenda Item 10.3 Accelerating Delivery of key Priorities (CAB 078/090)**

1. Will Cabinet consult ward councillors and LAP Chairs about the need for extra funds for existing and new luncheon clubs before allocating any money in the future?
2. In reference to the final table on page 618 titled 'bids impacting on a number of themes'. Can Cabinet provide a breakdown of how the money is being spent?

**12. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

Clarification was sought and given regarding progress towards securing the attendance of Transport for London at a future meeting of the Overview and Scrutiny Committee, and the Chair subsequently requested that Officers continue their endeavours with a view to TfL attendance at the next meeting of the Overview and Scrutiny Committee, due to be held on 1<sup>st</sup> December 2009.

The Chair informed members of the Overview and Scrutiny Committee that he would be on leave at the beginning of December 2009 and therefore

Councillor Turner, Vice-Chair of the Overview and Scrutiny Committee, would be in the Chair for the next meeting of the Committee, due to be held on 1<sup>st</sup> December 2009.

**Noted.**

**13. EXCLUSION OF THE PRESS AND PUBLIC**

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

**Resolved:**

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

**14. EXEMPT/ CONFIDENTIAL MINUTES**

Minutes of Cabinet meeting held on 6<sup>th</sup> October 2009 agreed.

**15. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'**

Nil items.

**16. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL CABINET PAPERS**

Nil items.

**17. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT**

Nil items.

The meeting ended at 9.40 p.m.

Chair, Councillor Sirajul Islam



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# Agenda Item 9.2

<b>COMMITTEE:</b> Overview and Scrutiny	<b>DATE:</b> 01 December 2009	<b>CLASSIFICATION:</b> <b>UNRESTRICTED</b>	<b>REPORT NO.</b>	<b>AGENDA ITEM NO.</b>
<b>REPORT OF:</b>  CHRIS NAYLOR DIRECTOR OF RESOURCES  <b>ORIGINATING OFFICER(S):</b>  RUTH DOWDEN CORPORATE COMPLAINTS MANAGER		<b>TITLE:</b>  CORPORATE COMPLAINTS Half Year Report 2009 / 2010  Wards Affected: ALL		

## 1. SUMMARY

- 1.1 This report contains a summary of complaints received by the Council in the period 1 April 2009 to 31 September 2009 through the Corporate Complaints Procedure and those received and determined by the Local Government Ombudsman in the same period.
- 1.2 In general, improvements in complaint response times and early resolution of complaints are noted through the Corporate Complaints Procedure and by the Local Government Ombudsman.
- 1.3 The Service was awarded accreditation under the Customer Service Excellence scheme, (the new Chartermark) in March 2009 as part of the Customer Access Department. To achieve cost savings, the Service's previous quality accreditation to ISO 10002 Complaints Handling Standard was not renewed, however, it still endeavours to meet those standards.

## 2. RECOMMENDATIONS

- 2.1 The Overview and Scrutiny Committee is asked to consider and comment on the contents of the report.

### 3. **BACKGROUND**

3.1 Complaints reports are considered by the Standards Committee twice a year and this is the half year update. Six monthly reports are also considered by the Overview and Scrutiny Committee.

### 4. **CORPORATE COMPLAINTS**

4.1 The Corporate Complaints procedure deals with all matters not subject to an alternative means of review or appeal, and are reported in this section. Most Social Care complaints come under the statutory Adults and Children's complaints procedures; these are addressed in sections 9 and 10.

4.2 Figure 1 indicates the volume of corporate complaints received Council-wide, comparing the first six months of 2009/10 with the preceding six months.

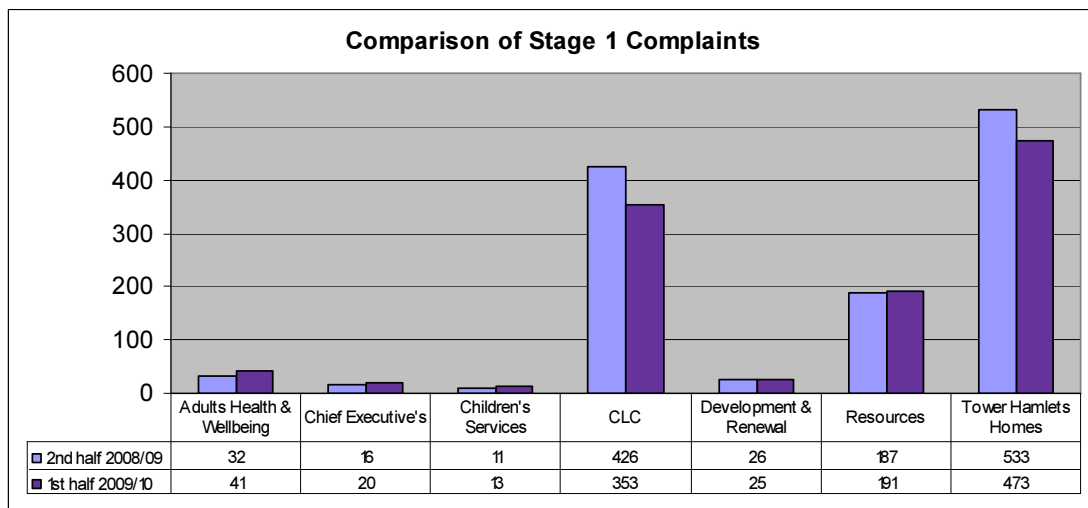
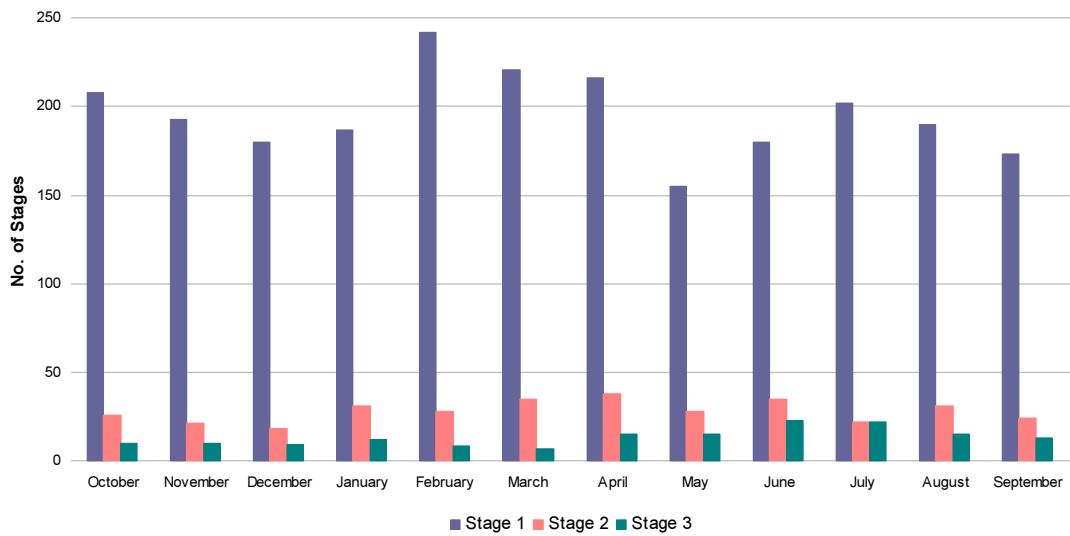
4.3 There is a small fall in Stage 1 complaints overall, but a small increase in Stage 2 complaints and a significant rise in Stage 3 complaints. This will be considered further under 4.16.

Figure 1: Corporate complaints volumes

VOLUME OF COMPLAINTS				
	2nd Half 2008/09	1st Half 2009/10	Change	
Stage 1	1231 85%	1116 80%	-115	-9%
Stage 2	159 11%	178 13%	19	12%
Stage 3	56 4%	103 7%	47	84%
Sum:	1446	1397	-49	-3%

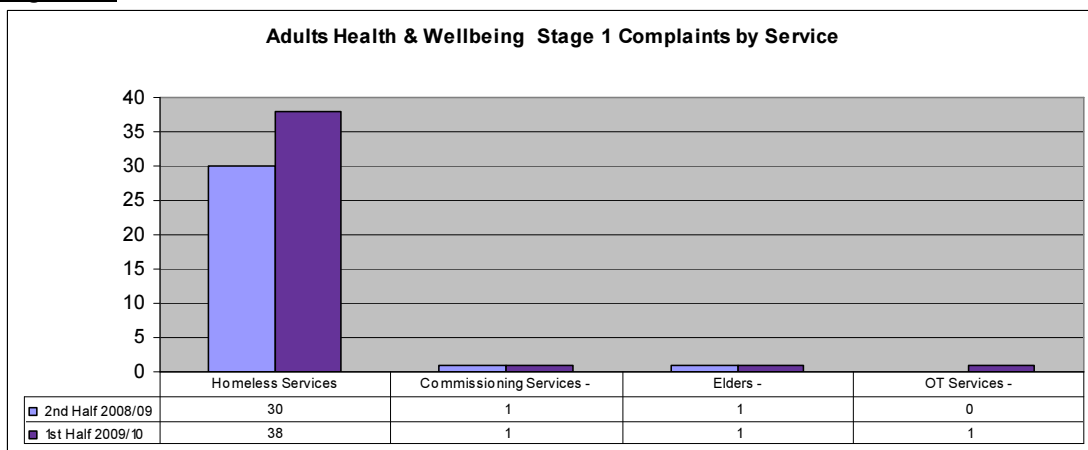
4.4 The distribution of complaints at all stages is shown in figure 2, overleaf, indicating a peak in Stage 1 complaints in February 2009 and Stage 2 complaints in April 2009. Volumes of Stage 3 complaints rose from April and peaked in May and June 2009.

**Figure 2 Distribution by Month and Stage**



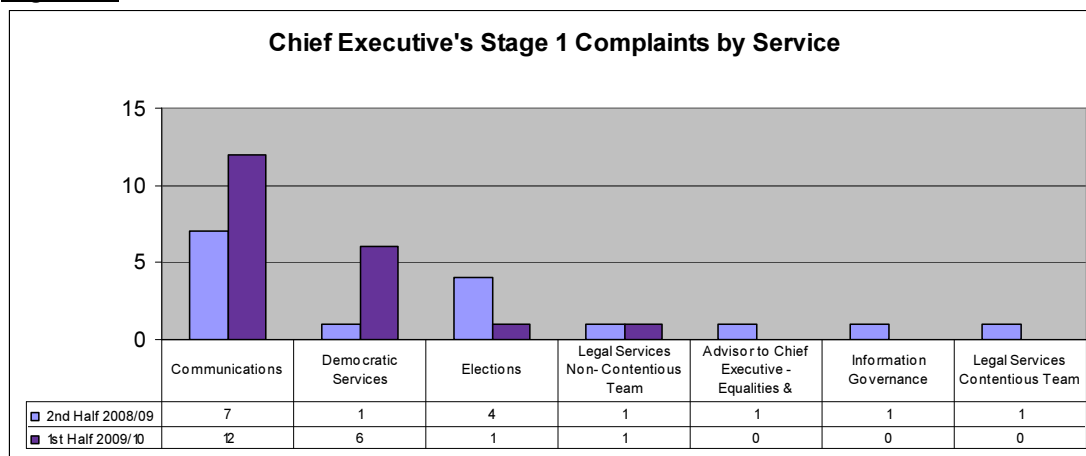
4.5 A more detailed breakdown of Stage 1 complaints volumes by Directorate and service area is provided below.

**Figure 3**



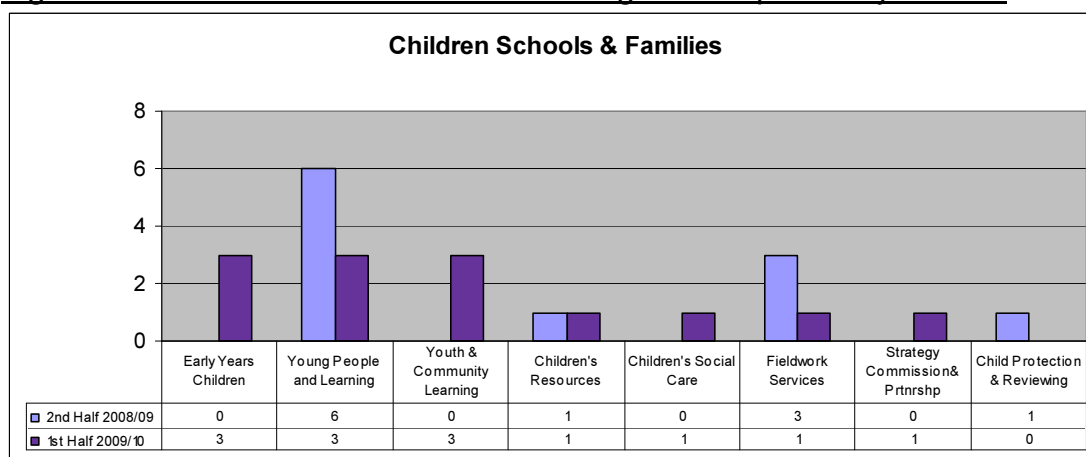
- 4.6 With the exception of Homeless Services, most Adults Health and Wellbeing complaints fall under the statutory Social Care complaints procedure – see section 9. In Homeless Services, the introduction of the Housing Options & Support Team has significantly increased the number of clients seen by Homeless Services. In addition, the nature of the service, requiring rigorous checks and often needing to decline eligibility, can lead to complaints.

**Figure 4**



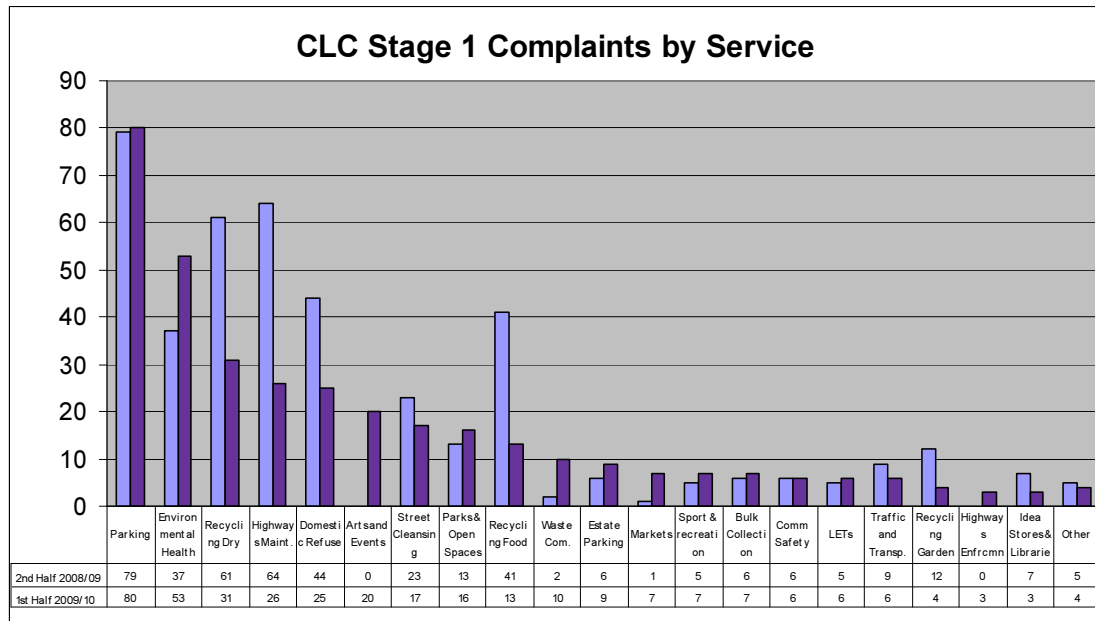
4.7 Numbers for all of these services are small. The rise in complaints in communications, were regarding the content of East End Life and in Democratic Services due to information not available on the website.

**Figure 5 Children Schools and Families Stage 1 Complaints by Service**



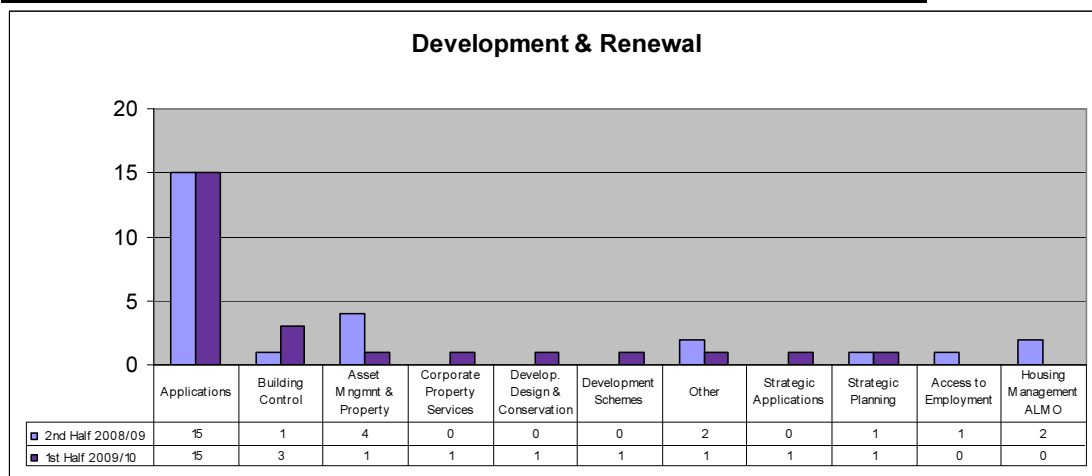
4.8 Children Schools and Families also receive few complaints, with Children's Social Care being considered under the statutory procedures reported under section 10, and school based complaints being considered within the school management.

Figure 6



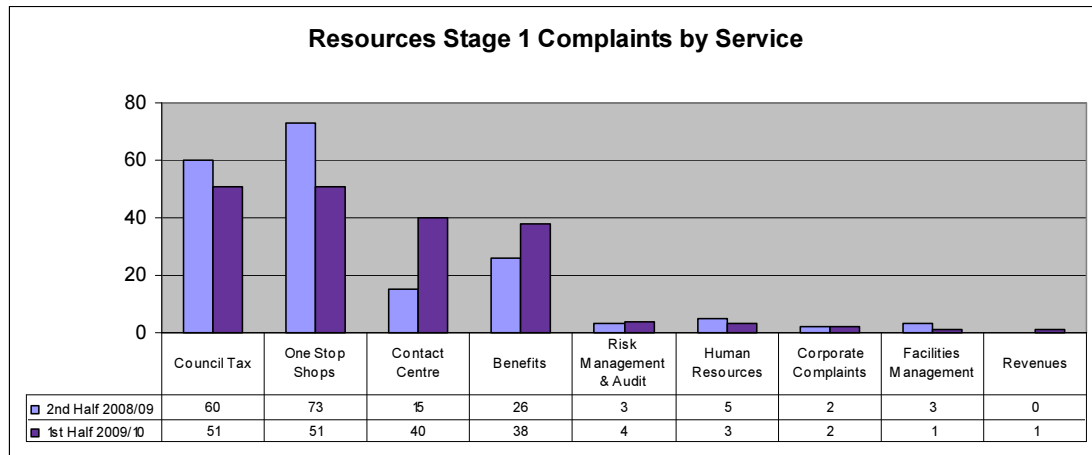
4.9 In Communities Localities and Culture There has been a significant reduction in complaints for all categories of recycling and refuse collection.

Figure 7 Development & Renewal Stage 1 Complaints by Service



4.10 There is little variance in Development and Renewal complaints and low numbers.

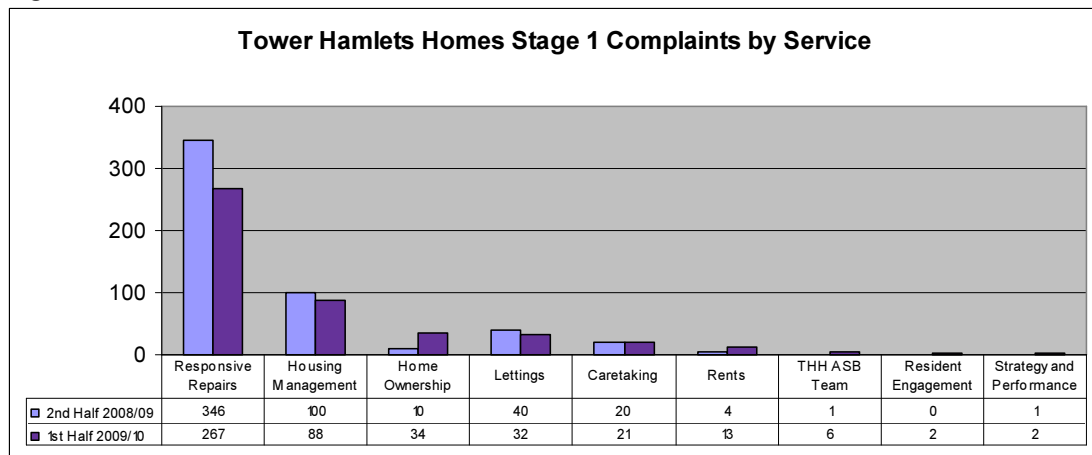
**Figure 8**



4.11 In Resources, complaints have fallen in One Stop Shops as action taken to reduce waiting times has taken effect and new services provided bedded in. Complaints to the Call Centre have risen due to changes in the Out of Hours Service starting in April 2009, when this service was out-sourced to a 3rd party supplier. Teething problems occurred and the managers have been working with Vangent to resolve these issues, including additional Vangent resources to help with overall wait times plus further improvements to Out of Hours processes. This has resulted in an overall improvement in the service provided to residents.

Following the economic downturn Benefits have seen sustained increases in caseload and workload. Despite active management of cases, this has resulted in a backlog of claims throughout the summer which at its peak was 4,248 items of work in July. Additional resources were made available to clear this backlog and there is currently a more manageable 1,402 items of work outstanding.

**Figure 9**



4.12 Tower Hamlets Homes have achieved a significant reduction in repairs complaints. The increases in complaints for Home Ownership have arisen following a change in methodology in charging for services and a more active debt recovery process. The Rents Service has also

adopted a more robust arrears recovery process which has impacted on complaint volumes.

- 4.13 Having explored the variance in volumes of Stage 1 complaints, it is also important to look at the outcomes. There is an overall decrease in the percentage of complaints upheld at Stage 1 and this will be seen to follow through in stages 2 and 3. See Figure 10 below.

Figure 10 Stage 1 Complaints

Comparison of Stage 1 Complaints Resolution												
	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed In Time		Average Days to Complete
2nd Half 2008/09	1231	565	46%	162	13%	474	39%	30	2%	1094	88%	7.4
1st Half 2009/10	1116	556	50%	185	17%	345	31%	30	3%	1006	90%	7.7
Change	-115	-9	4%	23	3%	-129	-8%	0	0%	-88	1%	0.3
	-9%	-2%		14%		-	27%	0%		-8%		3.7%

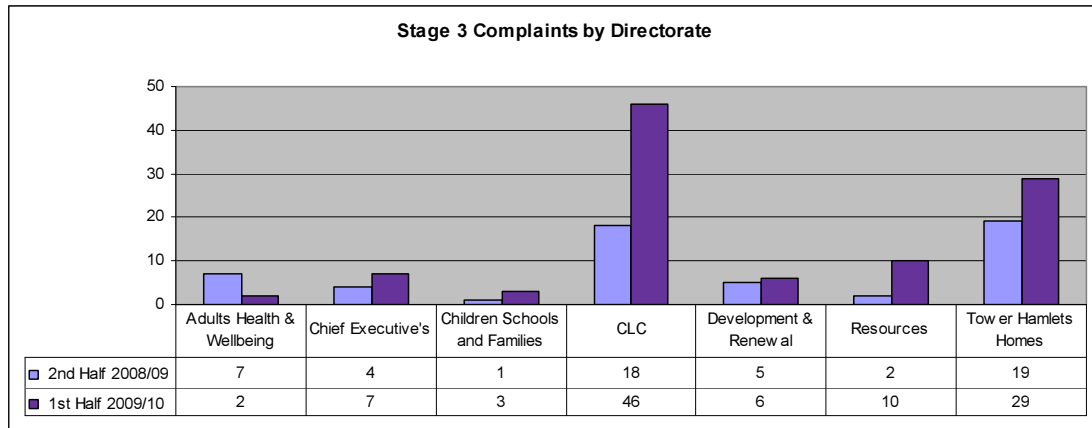
Figure 11 Stage 2 complaints

Comparison of Stage 2 Complaints Resolution												
	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed In Time		Average Days to Complete
2nd Half 2008/09	159	99	62%	14	9%	41	26%	5	3%	137	86.2%	15.4
1st Half 2009/10	178	113	63%	21	12%	39	22%	5	3%	157	88.2%	15.9
Change	19	14	1%	7	3%	-2	-4%	0	0%	20	2.0%	0.6
	12%	14%		50%		-	5%	0%		15%		3.8%

- 4.14 The balance of Stage 2 complaints upheld (combined with partially upheld) remains similar to that of the previous period.
- 4.15 The percentage of complaints escalated to Stage 2 has risen slightly. A significant proportion of complaints are still resolved at the first stage. Nevertheless, areas with increased escalation will be considered during the directorate complaint reviews now held quarterly.
- 4.16 Figure 12 below shows the volume of Stage 3 complaint by each Directorate. The detailed chart below (figure 15) indicates which services the complaints fall in. The major increase has come in Communities Localities and Culture, and fall mainly under Estate Parking where Estate Parking Appeals are now considered at Stage 3, following the local appeals process. Council Tax complaints can be seasonal in relation to the annual billing run, and a better comparison will be seen at the year end.

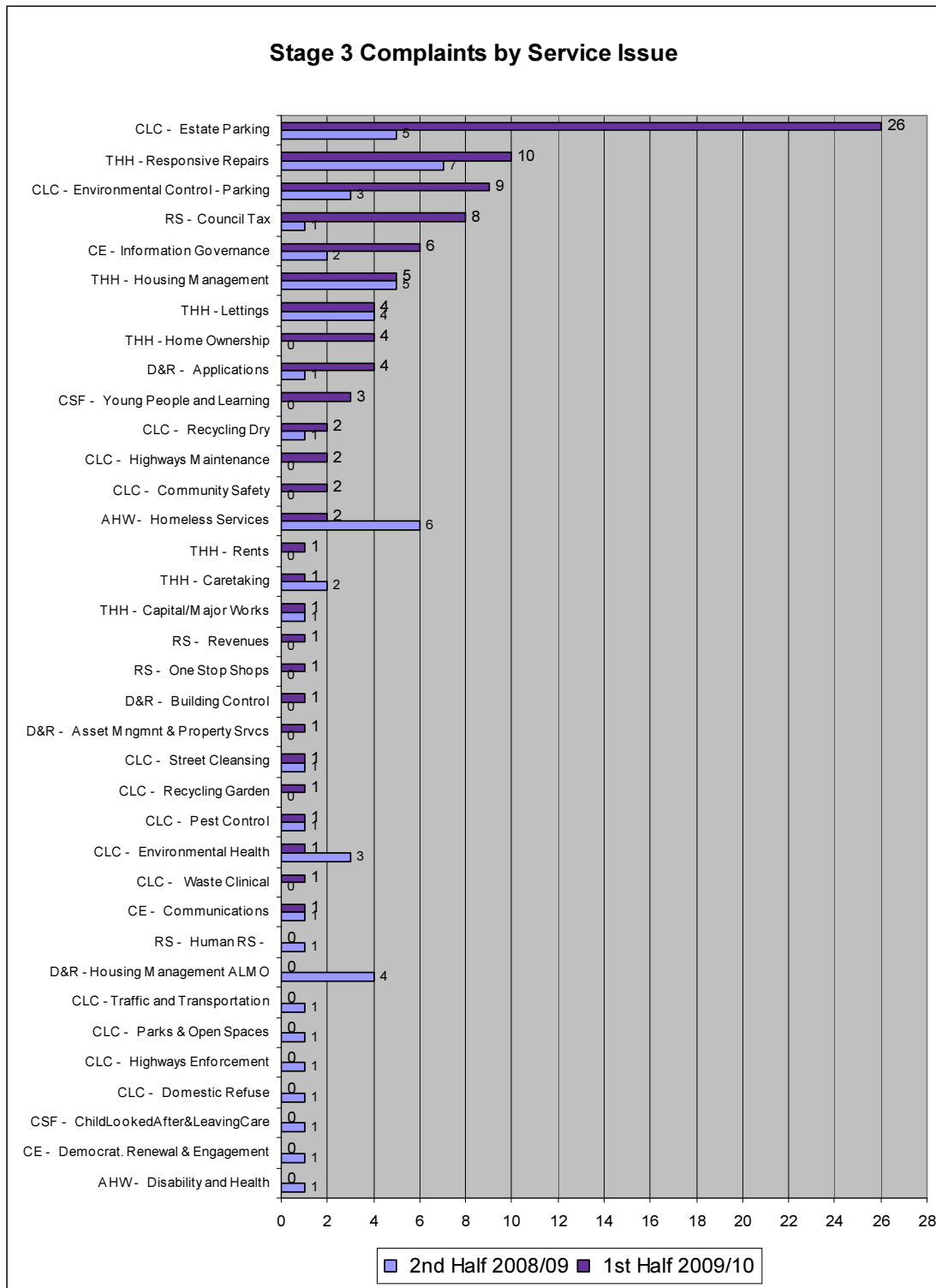


Figure 12: Stage 3 complaints



4.17 The few other changes follow on from the trends indicated in the increase in Stage 1 complaints set out above, relating to the early part of the reporting period. The increase in Estate Parking complaints under Communities Localities and Culture is due to the introduction of what is in essence a final appeal stage.

Figure 13



4.18 The proportion of complaints upheld has not risen with the increase in volume. In fact the proportion not upheld rose from almost one half to two thirds. See figure 14 below.

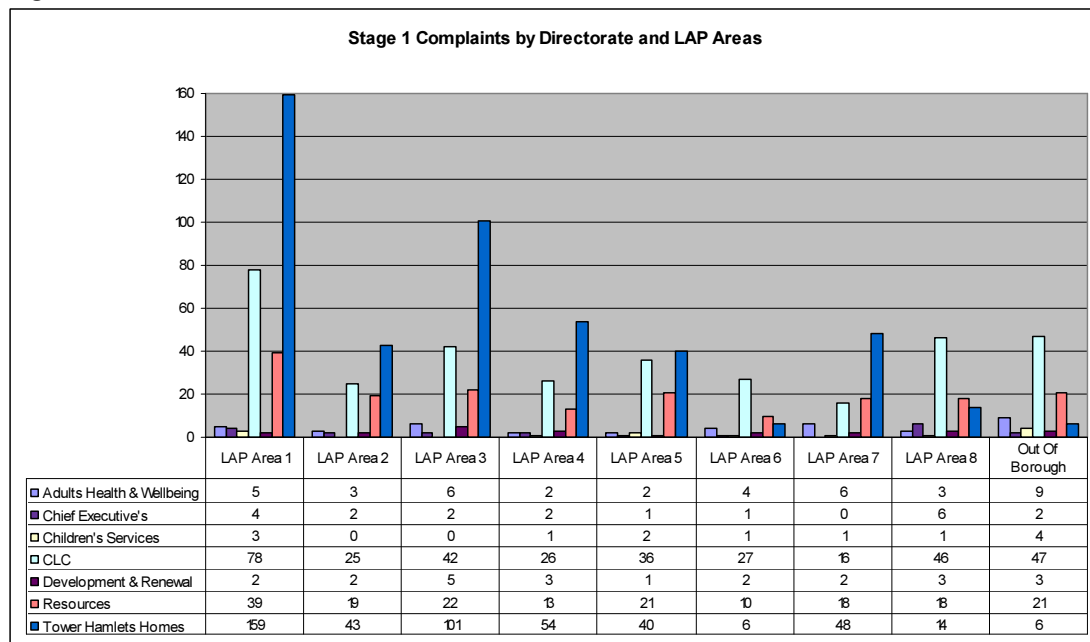
Figure 14: Stage 3 Complaints Resolution

Comparison of Stage 3 Complaints												
	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed In Time		Average Days to Complete
2nd Half 2008/09	56	27	48%	13	23%	16	29%			43	76.8%	18.5
1st Half 2009/10	103	68	66%	22	21%	12	12%	1	1%	70	68.0%	19.2
Change	47	41	18%	9	-2%	-4	-17%	1	1%	27	-8.8%	0.7
	84%	152%		69%		-25%				63%		4.0%

4.19 The proportion of Stage 3 complaints completed in time has fallen, in part due to the increase in workload due to a significant increase in volume. However, close monitoring of this and detailed case management is in place to ensure this performance is improving.

4.20 Comparing Corporate Complaints by LAP area demonstrates the different issues facing communities. It must be borne in mind that some areas have no Tower Hamlets Homes housing stock, and the uptake of services such as Parking will also depend on local facilities (off street parking, housing density). Chart 15 below shows the volumes of complaints by directorate for each lap. In order to provide a meaningful comparison over the period, a breakdown of the top 5 issues per LAP is provide at appendix 1.

Figure 14



## 5 ADULTS SOCIAL CARE COMPLAINTS (Statutory)

### 5.1 New Procedure

In April 2009 new legislation regulating the handling of Adults Social Care Complaints came into force. This legislation moves away from the previous 3 stage process and fixed time scales for investigation.

- 5.2 It allows one single stage of investigation and close liaison with the complainant to ensure that the complaint is effectively understood and the scope of the investigation is agreed. This includes the best means of investigating and resolving the issues, who will be involved and how long it might take.
- 5.3 The type of investigation and time taken must be proportional to the complexity of the complaint, but will make comparisons between complaints and performance measures difficult.
- 5.4 It also places a responsibility to cooperate and when required undertake joint investigations of matters overlapping with health provision or other care providers.
- 5.5 The Council has adopted a provisional procedure pending review later this month. The review will seek the views of service users, including those who have used the new process, and also obtain the views of staff.

Figure 16 Adults Social Care Complaints

	Received 2nd Half 2008/09 (Stage 1)	Received 1st Half 2009/10 (new procedure)
<b>Elders</b>	9	7
<b>OT Services</b>	8	4
<b>Disability &amp; Health</b>	1	2
<b>Resources</b>	4	1
<b>Learning Disability</b>	2	0
<b>Commissioning</b>	0	1
<b>TOTAL</b>	<b>24</b>	<b>15</b>

5.6 Figure 16 above does not compare like with like. However comparing the number of initial complaints received at Stage 1 with the numbers received under the new procedure provides some indication of the range of complaints received and the volumes. It would appear that less formal complaints have been raised.

5.7 The legislation places the complainant at the heart of the process and stresses the need to resolve matters to the complainant's satisfaction. The review will seek to identify whether there has been an impact on service based resolution of matters prior a formal complaint being registered

Figure 17 Response Times

	Completed April to September 2009	Completed 0 - 10 working days	Completed 11 - 20 working days	Completed 21 - 30 working days
<b>Elders</b>	5	2	3	0
<b>OT Services</b>	4	2	1	1
<b>Commissioning</b>	1	0	0	1
<b>Resources</b>	1	0	1	0
<b>TOTAL</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>2</b>

5.8 Of the 15 complaints received under the new procedure, 11 have been responded to. Figure 17 above indicates that nine were responded to within 20 working days and two completed in under 30 days. The average response time overall is 11 working days.

5.9 The Complaints Team, and service managers, have put in considerable time and effort to find effective resolution, including holding three-way resolution meetings and negotiating individual outcomes as well as conducting formal investigations.

- 5.10 Further analysis of the impact of this procedure, the methods used to resolve matters, and complaint outcomes will be provided in the 2009/10 Annual Report.
- 5.11 Old Procedure  
Complaints first registered prior to 1 April 2009 were eligible to complete escalation through the old, 3-stage procedure. During the first half of 2009/10, three complaints were considered at Stage 2 of the old procedure, (the same number as in the previous period), and three Stage 3 Review Panels were completed, against four in the previous period.
- 5.12 It is difficult to draw conclusions from this as the new procedures have only been operating for such a short period. However, there are early indications that this might result in greater service user satisfaction with the outcomes. The Review will pay particular attention to evaluating this.

## 6 CHILDREN'S SOCIAL CARE COMPLAINTS (statutory)

- 6.1 Children's Social Care Complaints still follow the statutory 3 stage procedure. Legislation for Children's Social Care complaints allows two target times at each stage. Stage 1 complaints have a target of 10 working days, which can be extended to 20 working days. At Stage 2, the target is 25 working days, which can be extended to 65 working days.

Figure 18: Children's Social Care Complaints

TOTAL CHILDREN'S SOCIAL CARE COMPLAINTS				
SC Stage	2nd Half 2008/09	1st Half 2009/10	Change	
Stage 1	14	19	5	36%
Stage 2	3	7	4	133%
Review Panel	0	1	1	
	17	27	10	59%

- 6.2 Efforts to ensure that more complaints are completed in the extended timescale have had a positive effect with 95% completed in 20 days, and 67% were completed in 10 days, see figure 20 below.

Figure 19

Stage 1	2nd Half 2008/09	1st Half 2009/10	Not Upheld	Partially Upheld	Upheld	Withdrawn or Referred On	Answered Within 10 Working Days		Answered Within 20 Working Days		Answered Outside of Timescale		Average Days to Complete
ChildLookedAfter& LeavingCare	3	2	0	0	1	1	2	100%	0		0	0%	8
Children's EDT	0	1	1	0	0	0	1	100%	0		0	0%	9
Children's Resources	1	2	2	0	0	0	1	50%	1	100%	0		15
Fieldwork Services	10	12	6	5	1	0	8	67%	3	92%	1	8%	14
Int.ServicesChildren Disability	0	2	1	1	0	0	2	100%	0		0		5
<b>Totals:</b>	<b>14</b>	<b>19</b>	<b>10</b> <b>53%</b>	<b>6</b> <b>32%</b>	<b>2</b> <b>10%</b>	<b>1</b> <b>5%</b>	<b>14</b>	<b>74%</b>	<b>4</b>	<b>95%</b>	<b>1</b>	<b>5%</b>	<b>12</b>

6.3 At Stage 2, the investigation is monitored by an independent person. 6 of the 7 complaints were completed within the extended timescale of 65 working days, with just one exceeding this.

Figure 20

Stage 2	2nd Half 2008/09	1st Half 2009/10	Not Upheld	Partially Upheld	Upheld	Withdrawn or Referred On	Answered Within 25 Working Days		Answered Within 65 Working Days		Answered Outside of Timescale		Average Days to Complete
ChildLookedAfter& LeavingCare	1	0	0	0	0	0	0	0	0		0		0
Children's EDT	0	0	0	0	0	0	0	0	0		0		0
Children's Resources	1	1	0	1	0	0	0	0	0		1	100%	83
Fieldwork Services	1	6	2	2	2	0	0	6	100%	0			51
Int.ServicesChildren Disability	0	0	0	0	0	0	0	0	0		0		0
<b>Totals:</b>	<b>3</b>	<b>7</b>	<b>2</b> <b>29%</b>	<b>3</b> <b>43%</b>	<b>2</b> <b>29%</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>86%</b>	<b>1</b>	<b>14%</b>	<b>55</b>	

## 7 LOCAL GOVERNMENT OMBUDSMAN (LGO)

### 7.1 First Enquiries 2009/10

7.2 Table 21 below sets out the Council's response record to new Ombudsman complaints for last six months of 2008/09 compared with the first six months of 2009/10.

Figure 21: First Response Rates

	number of initial enquiries		ave days to respond		% in time	
	2nd Half 2008/09	1st Half 2009/10	2nd Half 2008/09	1st Half 2009/10	2nd Half 2008/09	1st Half 2009/10
Adults Health and Wellbeing	5	3	17	21	100%	67%
Chief Executive's	0	0	N/A	20	N/A	100%
Children Schools & Families	1	2	16	16	100%	100%
Communities, Localities and Culture	7	6	18	20	86%	83%
Development and Renewal	3	1	14	21	67%	100%
Resources	1	1	20	37	100%	0%
Tower Hamlets Homes	3	10	20	20	67%	70%
<b>Total</b>	<b>20</b>	<b>23</b>	<b>18</b>	<b>20</b>	<b>85%</b>	<b>86%</b>

7.3 There was a small increase in requests for first responses on complaints considered by the Ombudsman. The Council maintains a good response rate, with 86% completed within our stringent response target.

Figure 22 Complaints Determined by the Ombudsman

	2nd Half 2008/09	Change		1st Half 2009/10	Report Maladministration	Local Settlement	No Maladministration	Ombudsman Discretion	Out of Jurisdiction	Premature
Adults Health & Wellbeing	4	4	100%	8	0	2	1	2	1	2
Chief Executive's	2	-1	-50%	1	0	0	0	0	1	0
Children's Schools & Families	7	-6	-86%	1	0	0	1	0	0	0
CLC	11	-1	-9%	10	0	0	4	0	4	2
Development & Renewal	8	-6	-75%	2	1	0	1	0	0	0
Housing	1	0	0%	1	0	1	0	0	0	0
Resources	4	1	25%	5	0	1	1	0	2	1
Tower Hamlets Homes	9	9	100%	18	0	2	7	1	1	7
<b>Totals</b>	<b>46</b>	<b>0</b>	<b>0%</b>	<b>46</b>	<b>1</b>	<b>6</b>	<b>15</b>	<b>3</b>	<b>9</b>	<b>12</b>

7.4 The Council received a report determining maladministration in a planning case, indicating that the consultation process in this case was flawed and denied the adjoining property the opportunity to comment on the application. The Council is still considering its response to this



complaint and the matter was considered at the Strategic Planning Committee on 10 November 2009.

- 7.5 As is required following the issuing of a report, a notice was published in two papers and the report made available to the public.
- 7.6 Other than this finding, the local settlements were few. The Council has sought the early resolution of complaints where there is some indication of fault, or where it is appropriate to pay compensation or make a gesture of goodwill to improve the complainant's position.

Figure 23

Ombudsman Local Settlements by Directorate and Service Issue			
Directorate	Service Issue	2nd Half 2008/09	1 <sup>st</sup> Half 2009/10
Adults Health & Wellbeing	Homeless Services	1	2
CLC	Highways Enforcement	1	0
Housing	IOD / S Poplar	0	1
Resources	Benefits	0	1
Tower Hamlets Homes	AMS -SP LSC Housing Management	1	1
Tower Hamlets Homes	HID - Responsive Repairs	0	1
Total:		3	6

7.7 The local settlements achieved were as follows:

### Housing

A complaint about inadequate breakdown of Service Charges and no system to trigger repayment in cases of service failure was addressed by improving systems across the service and offering £150 in compensation.

Compensation of £400 was paid in respect of a persistent roof leak which could have been resolved sooner.

While Tower Hamlets Homes was actively managing a case of anti social behaviour there was a sequence of problems with correspondence and £150 was offered in compensation.

### Homeless Services

The Ombudsman endorsed the agreement reached at stage 3 of the Council's complaints procedure for a Property Agent paid compensation of £750 to a Homeless Service client for damage to her property.

Another applicant was offered a re-assessment and a written decision letter with £50 paid for time and trouble. The Service has agreed to

review their literature to ensure that all applicants are aware of the right to request a formal decision letter.

### **Benefits**

An oversight led to a claim not being determined promptly. Although it might not have otherwise changed the outcome of court proceedings for eviction, the complainant was paid £500 for lost opportunity.

## **8 SUMMARY**

- 8.1 The Council's Corporate Complaints Procedure is assessed as compliant with the Customer Services excellence award.
- 8.2 Procedures are subject to ongoing review and with particular interest are the changes in Adults Social Care complaints now under new statutory procedure.
- 8.3 Quarterly Reviews have been established since April 2009 for all directorates to provide better learning opportunities.
- 8.4 Measures are in place to ensure that issues with significant implications for the Council or indicating impropriety are dealt with promptly and appropriately.
- 8.5 External review through the Ombudsman has found one case of maladministration in the past four years and all service delivery issues arising from this have been addressed.

## **9. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 9.1 Service procedures and quality checks are designed to minimise the cost of putting service provision right and compensation, but where this is necessary, payment is contained within the Directorate budget.

## **10. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

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

## **11 ONE TOWER HAMLETS CONSIDERATIONS**

- 11.1 Corporate Complaint Procedures have been subject to Equalities Impact Assessments and endeavour to capture data on the six equalities strands. Each complaint is considered in the light of any perceived discrimination and monitoring data is analysed annually to consider any wider trends or implications.

11.2 Continuing publicity, and analysis of levels of awareness of the process within the community, will ensure that all residents and service users will have better awareness of their right to voice any concerns.

**12. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

12.1 There are no key considerations

**13. RISK MANAGEMENT IMPLICATIONS**

13.1 Risk is managed through the internal review processes, and where appropriate legal and risk management advice is sought when considering complaint resolution.

**14 EFFICIENCY STATEMENT**

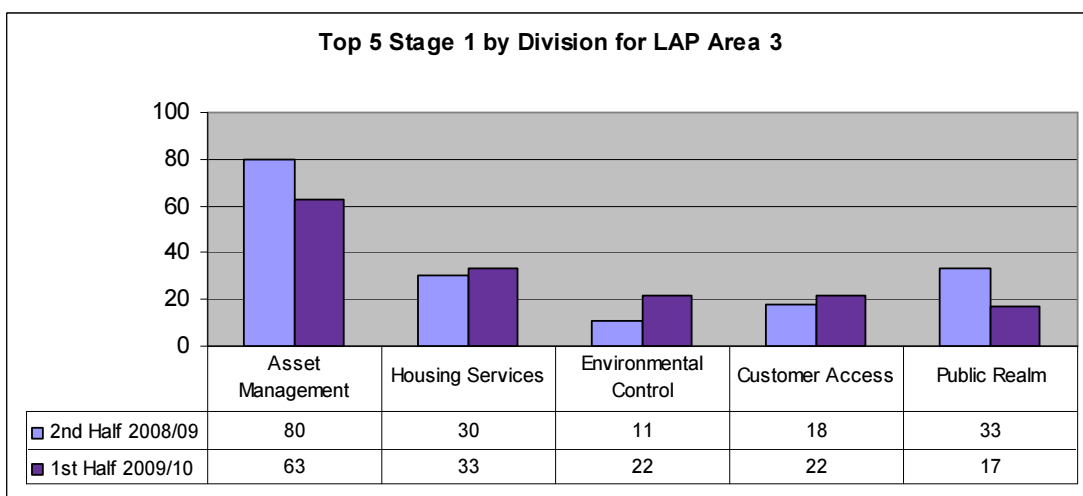
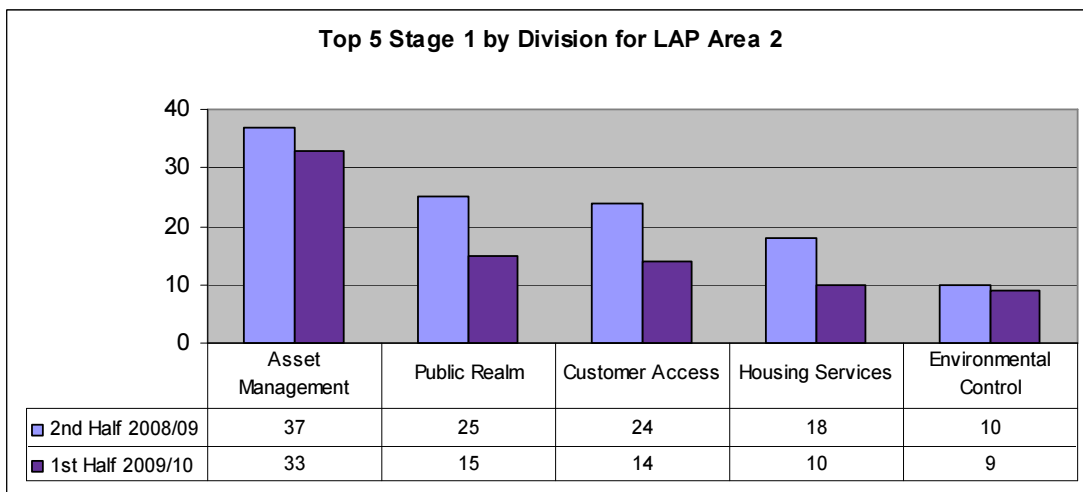
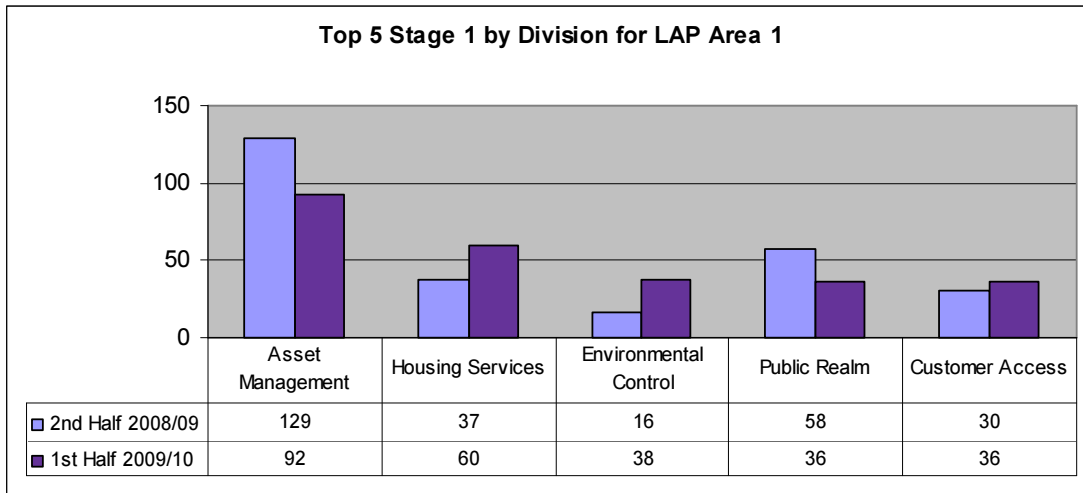
14.1 Where appropriate, service improvements and efficiencies are proposed and considered by the relevant services.

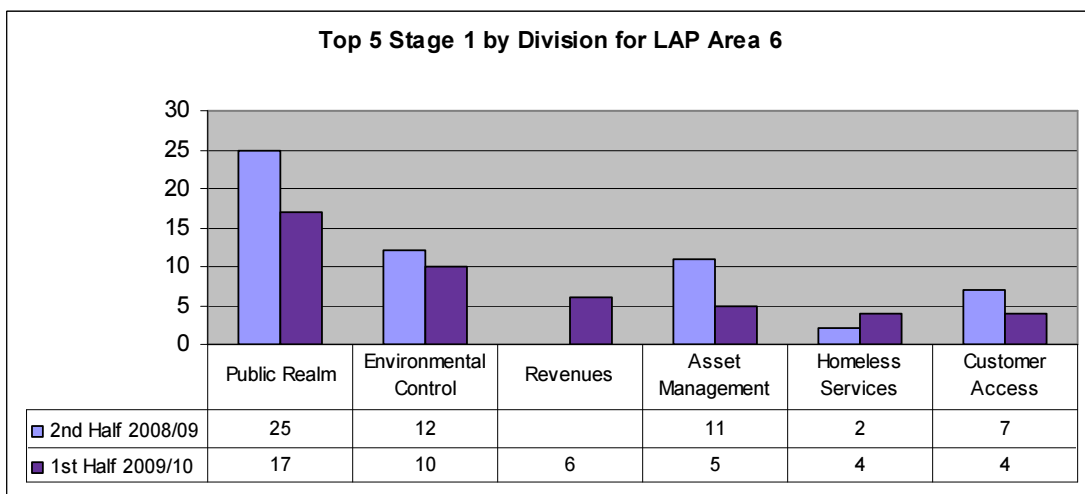
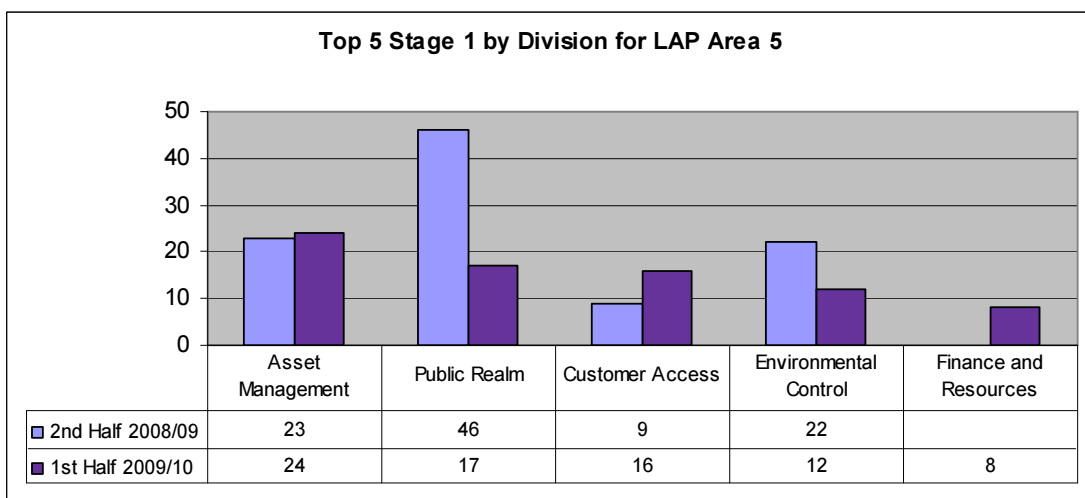
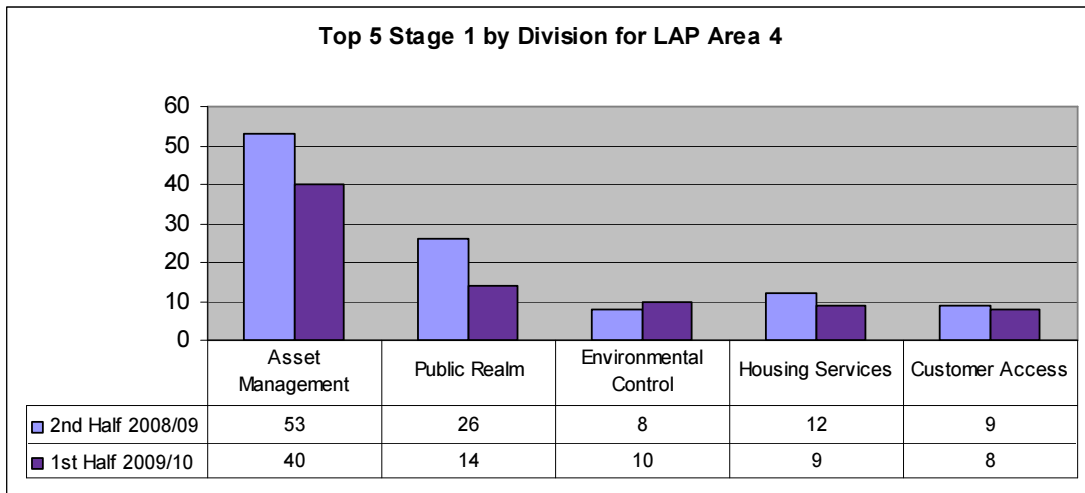
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**Local Government Act, 1972 Section 100D (As amended)  
List of “Background Papers” used in the preparation of this report**

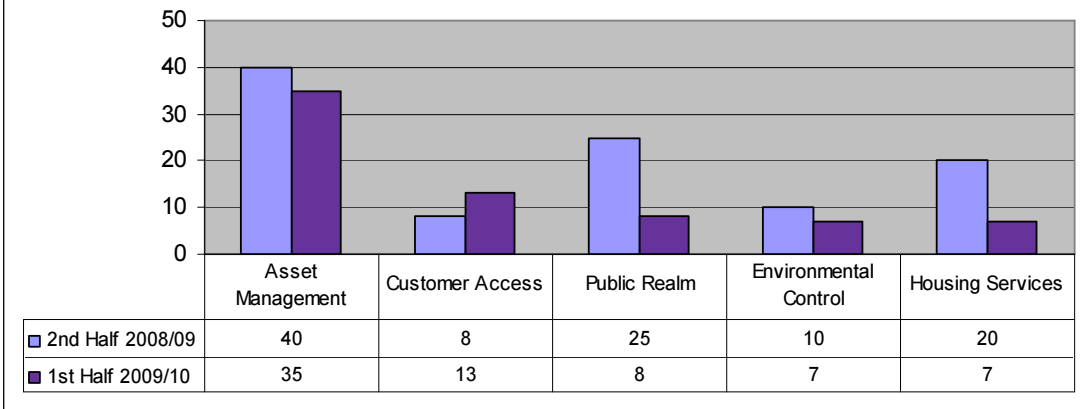
## Appendix 1

### Top 5 Issues by LAP Area

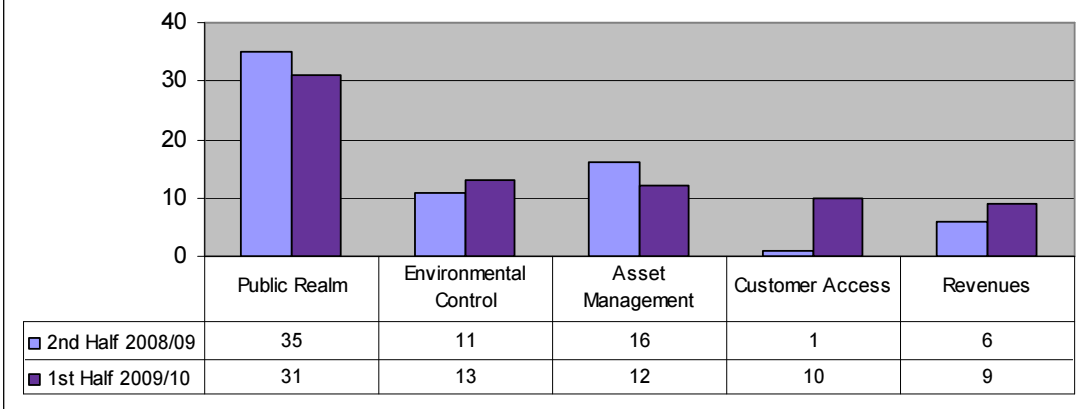




**Top 5 Stage 1 by Division for LAP Area 7**



**Top 5 Stage 1 by Division for LAP Area 8**



# Agenda Item 14

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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