

Meeting of the

# OVERVIEW & SCRUTINY COMMITTEE

---

Tuesday, 8 June 2010 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

Members:	Deputies (if any):
Chair: Councillor Ann Jackson Vice-Chair:	
Councillor Stephanie Eaton Councillor Tim Archer Councillor Harun Miah Councillor Rajib Ahmed Councillor Ahmed Adam Omer Councillor Rabina Khan Councillor Lesley Pavitt Councillor Zenith Rahman	Councillor Alibor Choudhury, (Designated Deputy representing Councillors Ann Jackson, Ahmed Omer, Rajib Ahmed, Rabina Khan, Lesley Pavitt and Zenith Rahman) Councillor Lutfur Rahman, (Designated Deputy representing Councillors Ann Jackson, Ahmed Omer, Rajib Ahmed, Rabina Khan, Lesley Pavitt and Zenith Rahman) Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer) Councillor David Snowdon, (Designated Deputy representing Councillor Tim Archer)

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

Co-opted Members:
Vacancy – (Parent Governor Representative)
Vacancy – (Muslim Community Representative)

Vacancy	– Church of England Diocese Representative
Vacancy	– Roman Catholic Diocese of Westminster Representative
Vacancy	– (Parent Governor 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, 8 June 2010

7.00 p.m.

### 1. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2010/ 2011

At the Annual Council meeting held on 26 May 2010, Councillor Ann Jackson was appointed Chair of the Overview and Scrutiny Committee for the Municipal Year 2010/2011.

However, it is necessary to elect a Vice-Chair of the Overview and Scrutiny Committee for the Municipal Year 2010/2011.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. 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.

### 4. UNRESTRICTED MINUTES

3 - 14

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 06 April 2010.

### 5. OVERVIEW AND SCRUTINY PROCEDURAL MATTERS

#### 5.1 Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance

15 - 50

To note the Overview and Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof. Also to adopt the protocols and note the guidance set out in the report.

(Time allocated – 10 minutes)

**5.2 Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments** **51 - 62**

To appoint Lead Scrutiny Members and agree the co-option of representatives in respect of education matters. Also to note the establishment of the Health Scrutiny Panel by Council with terms of reference and quorum as set out in the report, appoint members of the Health Scrutiny Panel for the Municipal Year 2010/2011 and agree the co-option of representatives thereto.

(Time allocated – 10 minutes)

**6. REQUESTS TO SUBMIT PETITIONS**

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

**7. REQUESTS FOR DEPUTATIONS**

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

**8. UNRESTRICTED REPORTS 'CALLED IN'**

There were no unrestricted reports 'called in' from the meeting of Cabinet held on 07 April 2010.

**9. SCRUTINY MANAGEMENT**

**9.1 Reducing Childhood Obesity and Increasing the Availability of Healthy Choices - Report of the Scrutiny Review Working Group** **63 - 102**

To consider and comment on the outcomes of the Scrutiny Review.

(Time allocated – 15 minutes)

**10. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET AGENDA**

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

(Time allocated – 10 minutes)

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

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

**12. 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.

**13. EXEMPT/ CONFIDENTIAL MINUTES**

Nil items.

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

There were no exempt/confidential reports 'called in' from the meeting of Cabinet held on 07 April 2010.

**15. 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)

**16. 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 3

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

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

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

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



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

**HELD AT 7.00 P.M. ON TUESDAY, 6 APRIL 2010**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Tim Archer  
Councillor Stephanie Eaton  
Councillor Alexander Heslop  
Councillor Ann Jackson  
Councillor Denise Jones  
Councillor A A Sardar

**Other Councillors Present:**

Councillor Marc Francis  
Councillor Lutfur Rahman

**Co-opted Members Present:**

Nil

**Guests Present:**

Nil

**Officers Present:**

Afazul Hoque	– (Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's)
David Galpin	– (Head of Legal Services (Community))
Aman Dalvi	– (Corporate Director, Development & Renewal)
David Williams	– (Development Manager, Development & Renewal)
Bryan Jones	– (Service Head, Environmental Control, Communities, Localities & Culture)
Richard Finch	– (Team Leader, Strategic Transport Development)
Sarah Gullo	– (Communications Officer, Corporate Communications)
Mohammed Ahad	– (Scrutiny Policy Officer)
Hafsha Ali	– (Acting Joint Service Head Scrutiny & Equalities)
Farhana Khan	– (Scrutiny & Equalities Admin Officer)
James Walsh	– (Housing Regeneration Officer)
John Williams	– (Service Head, Democratic Services)
Alan Ingram	– (Democratic Services)

**COUNCILLOR SIRAJUL ISLAM (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Bill Turner, who was attending a local event in his Ward, Mr Kevan Collins (Chief Executive) and Ms Isabella Freeman (Assistant Chief Executive, Legal Services).

**2. DECLARATIONS OF INTEREST**

Councillor A.A. Sardar declared a personal interest in agenda item 9.1 "Report of the Scrutiny Review Working Group on the Private Rented Sector" on the basis that he was a housing leaseholder and in agenda item 9.4 "Scrutiny Challenge Session: Anti-Bullying Initiatives in Schools" on the basis that he was a school governor.

**3. UNRESTRICTED MINUTES**

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

**RESOLVED**

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 9 March 2010 be approved and signed by the Chair as a correct record of the proceedings.

**4. REQUESTS TO SUBMIT PETITIONS**

Nil items.

**5. REQUESTS FOR DEPUTATIONS**

The Chair indicated that a deputation would be received from residents of Gaverick Mews, on the matter of removal of LBTH parking permits. The deputation was linked to agenda item 7.1 "Car-Free Development Schemes and Parking Permit Arrangements".

Mr Abdul Kamal, a resident of Gaverick Mews, stated that he was speaking on behalf of all parking permit holders in that location, who were complaining of injustice and maladministration due to failures of communications by the Parking Service. Some residents had been issued parking permits for up to 8 years and were now being told they could not have permits in future as the street had been designated a car-free zone under the original S106 planning agreement. Residents had not been informed of this by their Housing Association, East Thames Homes. The contract between the Housing

Association and the residents confirmed that they could park on the street and LBTH had issued parking permits accordingly. It was felt that this decision had been taken as the development was social housing and residents had received a letter effectively requiring them to give up their parking rights after one final year.

In response to queries from Members, Mr Kamal indicated that:

- The residents were tenants of East Thames Homes and the contract signed by them confirmed that parking was permitted in on-street bays.
- The matter had been raised with the appropriate Housing Association officer who supported them strongly. All LBTH Members had been approached but only Councillor Tim Archer had replied.
- There would be a significant impact on residents if permits were withdrawn. There were 6-bed properties with large families on the development and none had been informed that it was a car-free zone. They would be severely affected socially and for shopping, dropping off children for school and other pursuits. One resident was a mini-cab driver who earned a living with his car. Several residents had recently bought new cars and the car-free ruling appeared to have been brought in overnight.

Councillor Marc Francis, Lead Member Housing & Development, stated that the residents' case had been made well and he sympathised with them. He added that it was important to remind people of the reasons for the introduction of car-free zones, which had been introduced as there were now almost as many parking permits as the 20,000 parking spaces in the Borough. Issuing more permits than spaces would only lead to problems and disagreements between permit holders. At the last Council meeting the car-free policy had been refined subject to further legal advice. It would not be legally possible to ignore the S106 agreement. Responsibility for informing residents of the agreement lay with the site developers and the Housing Association, not principally with the Council. The development of Gaverick Mews had been advertised in East End Life and, if there had not been any reference to a car-free zone, the Council might also have some responsibilities. Councillor Francis had requested copies of all relevant advertisements and, if any fault was found on behalf of the Council, East Thames Homes could be invited to apply for a variation of the S106 agreement, although no guarantee on the outcome of the application could be given.

The Chair thanked Mr Kamal and 16 other residents for attending the meeting and stated that their views would be taken into account when agenda item 7.1 was being considered.

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

Nil items.

## **7. ITEMS OF BUSINESS REQUESTED BY MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

### **7.1 Car-Free Development Schemes and Parking Permit Arrangements**

The Chair asked Councillor Tim Archer to outline the reasons for his request for a review of car-free development schemes and related permit arrangements.

Councillor Archer stated that the Committee had heard from the residents of Gaverick Mews and he was not requesting a review of all car-free agreements. However, there were other examples in the Borough of such arrangements not being properly implemented. The way the Council responded to such issues was what needed to be addressed. It was not right to expect residents to come to Council or Overview and Scrutiny Committee meetings to have complaints considered piecemeal. Now that the problems were understood, it was likely that other similar situations would emerge. The matter should be examined proactively across the Borough and the Committee could undertake a piece of work to look at what had gone wrong and how the position could be remedied. He was not looking to unpick all car-free agreements in the Borough but social housing tenants had been misled. All Gaverick Mews households were social tenants and had held Council parking permits for up to eight years. It was not now right to say that permits would be refused after one final year and was not a mature or sensible way to proceed. He had much sympathy for the tenants, who felt annoyed and let down.

Councillor Archer expressed suggestions to correct the problem by stating that there should be a holistic review of the car-free policy, together with arrangements for correcting any errors. Where residents had held parking permits for years this should be acknowledged and honoured, although any new tenants entering the development would not be allowed to have parking permits – this could be undertaken proactively across the Borough. He added that he was aware of the problems of over-supply of permits but was not asking for any additions, just for the error to be admitted and a resolution found. Some people based their livelihoods on owning a car and it was not right to effectively put them out of work.

The Chair then invited questions from Members to which Councillor Archer replied that:

- There was a high likelihood of similar cases across the Borough and a piece of work was necessary to identify and address the situation.
- The position regarding communications with East Thames Housing Association eight years ago was unclear but the Council had been at fault since then for issuing permits to residents, who were now effectively caught between the two agencies.
- There did not seem to be parking problems in the area around Gaverick Mews but there was always competition for parking spaces

in the Borough. However, allowing residents of the Mews to retain their permits would not cause any additional problems.

Councillor Francis referred to his earlier statement and added that any legal agreement that existed could not simply be ignored and had to be enforced. The solution, if the Council was at fault would be to invite the Housing Association to apply for a variation to the S106 agreement. Other similar cases were known and steps would be taken to address the problems but responsibility lay principally with the relevant housing associations and developers.

Mr B. Jones, Service Head Environmental Control, stated that residents claimed not to have been informed of the car free agreement by their landlord but the agreement had been signed by Ballymore, the Council, Toynbee Housing Association and other agencies. The document made it clear that the housing association had responsibility to inform its tenants. S106 funding had been provided to pay for a traffic management order to create the car free zone and there would be legal problems if attempts were made to undo this.

Further discussion ensued during which Members made points relating to the rights of residents who had been issued with parking permits for several years; the likely timescale for the procedure for varying a S106 order; the position of the Council in taking a degree of responsibility to remedy the Gaverick Mews situation.

Councillor Francis added that he had requested Officers over the next month to locate advertisements showing how the car free zone had been originally publicised, to determine any degree of fault that might have occurred on the Council's part and possible remedies would be considered. Updates would be sent to all affected residents after the matter was investigated.

The Chair **Moved** and it was:

### **RESOLVED**

That the Overview and Scrutiny Committee in the Municipal Year 2010/11 be recommended to undertake a review of Car Free Developments and Parking Arrangements, to look at the issue on a Borough-wide basis.

## **7.2 Section 106 Funding 3 Limeharbour (former Jaguar showroom)**

The Chair indicated that this item had been withdrawn.

## **8. SCRUTINY SPOTLIGHT**

The Chair invited Councillor Lutfur Rahman, Leader of the Council, to address the Committee in the final Scrutiny Spotlight session for the current Municipal Year.

Councillor Rahman thanked the Members of the Committee for their excellent work over the past year, which had been a very challenging period due to the economic recession. He made particular points regarding the Council's performance in that:

- The Care Quality Commission had rated the Council as excellent in some areas and capable of improving in others.
- OFSTED had given the Children's Service an excellent rating, with services for vulnerable children being rated as outstanding quality.
- There had been an 11% improvement in GCSE results of 5 A – C passes. Significant performance improvements had been achieved at Bethnal Green College of Technology, George Green's School and Bishop Challoner School, and the Building Schools for the Future programme and work around Youth Services would make a huge difference over the next few years.
- Beacon awards had been given for Older People's Services and our work on reducing Child Poverty.
- Work had started on the Ocean Estate, with £42m having been made available for the refurbishment of 1200 homes and building of 800 more homes, half of which would be affordable. At Robin Hood Gardens, 1600 new homes would be built, 35% of which would be affordable social housing. 10,000 homes had been brought up to Decent Homes standards.
- £25m had been set aside to enable the buy-back of 3 and 4 bed ex-Council properties in connection with the Council's overcrowding strategy.
- Redressing youth unemployment was very important and there had been great achievements in reducing the number categorised as NEETs. Skillsmatch had helped some 600 young persons into sustained employment and 100 new jobs had been created at the Olympics site.
- Supporting older residents was now a priority, with funds having been made available for luncheon clubs and other events. In home care, the charges had been removed for the Telecare service and a Council Tax rebate for households with a member over 60 years old had helped people cope with the coldest winter for 30 years.
- Challenges still remained in tackling crime, in view of a recent spate of stabbings and homophobic attacks but overall, reduction in crime and anti-social behaviour in the Borough was the biggest in London. 20 new Police Officers had been funded and were now on the streets and more had been agreed by individual LAPs. £500,000 had been allocated to improve the CCTV network and £200,000 was to be spent on new street lighting.
- £9m of S106 funding from the Bishop's Square project would help with improvements in the LAP 2 area building the cultural trail; £1m match funding was being provided by English Heritage to enhance the Olympic route and £4m was made available for the Victoria Park Masterplan.

Councillor Rahman added that work on services was proceeding on the assumption of future reduction in Government grants owing to the financial climate and this was being addressed in association with the Institute of Fiscal Studies. He was confident that front line services could be maintained by streamlining back of house arrangements, better use of resources and efficiency savings. Overall, he considered that the Council's position was strong.

In response to questions from Members, Councillor Rahman indicated that:

- He was fully supportive of transparent processes for recruitment of top staff. He was prepared to look into any concerns expressed but was confident that the process in place was good.
- He was satisfied that the governance structure in place linking Tower Hamlets Homes and the Council was sound but would investigate any issues brought to his attention.
- The 2012 Olympics comprised a unique opportunity to reap legacy benefits for the surrounding area and he was proud that Tower Hamlets was one of the host Boroughs.
- The CAA results showed how much progress had been made as the new regime was tougher, with more robust assessments and showed that the Council was on the right path although there was always room for improvement in service delivery.
- The Council was committed to keeping the Mudchute Farm operational although any discussion on its funding would need discussion at a separate forum.
- Despite disparities of data, crime figures were demonstrably down and the Borough had improved as a place to live over the last 10-15 years. However, the community as a whole needed to make all efforts towards further reductions in view of incidents of knife crime over the past few months.
- Tower Hamlets was at the forefront of new home building and was ahead of any other borough with 9,000 homes built over the last few years, a substantial number of such properties being affordable. Construction targets were ambitious but realistic, with 1,500 new homes to be provided next year. The Ocean Estate and Robin Hood Gardens would provide a great environment with better homes for residents.
- To improve the lives of young people he was prepared to work on literacy rates and investigate the causes of crime, so as to improve life chances. The direction of youth facilities, particularly for girls, would also receive further consideration.
- He confirmed that Councillor Heslop's comments regarding the new telephony system, possible alternative arrangements arising from top level staff vacancies and the use of premises other than Mulberry Place as an administrative headquarters would be taken up with appropriate Directors.
- He was satisfied that services were now being delivered well over the whole spectrum of Council activities, although it was essential not to be

complacent. He further supported the preference for new governance arrangements as agreed recently at full Council.

The Chair thanked the Leader and Mr A. Dalvi, Corporate Director Development & Renewal, for their attendance and comprehensive presentation.

## **9. SCRUTINY MANAGEMENT**

### **9.1 Report of the Scrutiny Review Working Group on The Private Rented Sector**

The report was introduced by Councillor Heslop, who had chaired the working group. He indicated that this had met over a six month period with cross party involvement. The main purposes of the review had been to address the previously ambivalent attitude to the private rented sector, identify gaps and issues that existed therein and recommend potential initiatives that could improve service delivery. Councillor Heslop referred to recommendations made by the working group, along with detailing tools now available for monitoring private landlords and other options for offering them a management service.

The Chair thanked Councillor Heslop for leading the group. He **Moved** and it was:

#### **RESOLVED**

- (1) That the report be agreed.
- (2) That the Service Head for Scrutiny and Equalities be authorised to amend the final report for submission to Cabinet, after consultation with the Scrutiny Lead for A Great Place to Live.

### **9.2 Report of the Scrutiny Review Working Group on Strengthening Local Community Leadership**

The report was introduced by Councillor Jackson, Chair of the working group. The need for empowerment of back bench Members was a matter that required attention. A number of evidence gathering sessions had been held, including local people and younger members of the community. Councillor Jackson pointed out particular recommendations made by the working group, relating to the development of the Performance Digest report; development of local scrutiny arrangements; Member Champion roles for all equality strands; Member involvement with LAP structures; local focusing of LAP agendas and work programmes.

She then answered questions put by Members regarding holding committee meetings in the community when specific local issues are raised and further measures to address homophobic hate crime.



The Chair **Moved** and it was:

**RESOLVED**

- (1) That the draft report be agreed.
- (2) That the Service Head for Scrutiny and Equalities be authorised to amend the final report before submission to Cabinet, after consultation with the Scrutiny Lead for One Tower Hamlets.

**9.3 Report of the Scrutiny Review Working Group on Reducing Youth Offending - Supporting Our Most Vulnerable Young People**

The report was presented by Councillor Jones, who had acted as Chair of the working group. Councillor Jones indicated that much had been learned through the review and she thanked Officers for their work in sometimes difficult circumstances. The group had worked with the YOT regarding the national and local situation and had ensured that young people, including offenders, and persons from other age groups had been interviewed. A pattern had emerged showing that disengagement with education was a major factor that affected offending and it was necessary to examine when and why it happened. To this end, the need for agencies to work closer together had emerged.

Councillor Jones referred to particular recommendations made by the group, concerning the desirability of signing up to the London Youth Resettlement Pledge and the possibility of working with neighbouring boroughs to establish a young offenders' academy.

After further discussion, the Chair **Moved** and it was:

**RESOLVED**

- (1) That the report be agreed.
- (2) That the Service Head for Scrutiny and Equalities be authorised to amend the final report before submission to Cabinet, after consultation with the Scrutiny Lead for Safe and Supportive Communities.

**9.4 Scrutiny Challenge Session: Anti-Bullying Initiatives in Schools**

The report was introduced by Councillor Jones, who had chaired the challenge session in January 2010.

In response to queries, Councillor Jones confirmed that cyber-bullying had been one of the topics under discussion. A Member's suggestion that recommendation 5 should include a reference to children with special educational needs was noted.

The Chair **Moved** and it was:

**RESOLVED**

That the outcome of the Scrutiny Challenge Session be noted and agreed.

**9.5 Overview and Scrutiny Committee Annual Report 2009/ 2010**

The Chair introduced the report which provided a summary of the work undertaken by the Committee and Scrutiny Lead Members during the municipal year 2009/10. It formed the basis of the Overview and Scrutiny Annual report that would be reported to a future Council meeting.

The Chair **Moved** and it was:

**RESOLVED**

- (1) That the report be submitted to Full Council.
- (2) That the Service Head, Scrutiny and Equalities be authorised to amend the final report before its submission to Council, after consultation with the Chair and relevant Scrutiny Leads.

**9.5A Childhood Obesity Report**

The Chair commented that he had agreed to receive an update from Councillor Archer on the progress of his review into Childhood Obesity. The document was tabled for information.

Councillor Archer indicated that it had not yet been possible to put together a complete report, however the tabled document summarised recommendations that would be made. Much good work was underway and the principles were supported by NHS Tower Hamlets. One major conclusion was that there should be a push for free school meals for all Tower Hamlets children and this was considered a step-change to address obesity. Consideration also needed to be given to restricting the provision of fast food outlets near schools.

The tabled document was noted.

**10. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET AGENDA**

Nil items.

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

Nil items.

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

The agenda circulated contained no Section Two business (business containing information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972, nor were any such items of business tabled or considered to be urgent. There was therefore no requirement to adopt the standard recommended motion to exclude the press and public, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, to allow for consideration of such business prior to the conclusion of the meeting.

**13. EXEMPT/ CONFIDENTIAL MINUTES**

Nil items.

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

Nil items.

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

Nil items.

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

Nil items.

The Chair stated that this was the final meeting of the Committee in the current Municipal Year and thanked all Members, Mr Afazul Hoque and other officers, for their hard work in facilitating the functions and responsibilities of the Committee. He further thanked Councillors Heslop and A.A. Sardar, who would not be standing at the local elections to be held in May.

The meeting ended at 9.25 p.m.

Chair, Councillor Sirajul Islam  
Overview & Scrutiny Committee

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# Agenda Item 5.1

<b>Committee</b>	<b>Date</b>	<b>Classification</b>	<b>Report No.</b>	<b>Agenda Item No.</b>
Overview & Scrutiny Committee	8 June 2010	Unrestricted		
<b>Report of:</b> Assistant Chief Executive		<b>Title :</b> Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance		
<b>Originating Officer(s) :</b> Angus Taylor, Team Leader Democratic Services Afazul Hoque, Scrutiny Policy Manager		<b>Ward(s) affected:</b> All		

## 1. Summary

- 1.1 This report sets out the Terms of Reference, Membership, Quorum and Dates of meetings of the Overview & Scrutiny Committee for the Municipal Year 2010/11 for the information of members of the Committee.
- 1.2 The report also sets out suggested protocols and guidance to facilitate the conduct of the Committee's business and thereby meet its statutory and constitutional requirements. It subsequently requests that the Committee adopt these protocols and note the guidance.

## 2. Recommendation

- 2.1 That the Overview & Scrutiny Committee note its Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to this report;
- 2.2 That the Overview & Scrutiny Committee adopt the protocols and note the guidance to facilitate the conduct of the Committee's business, in line with statutory and constitutional requirements, as set out at Appendix 4 to this report.

## 3. Background

- 3.1 At the Annual General Meeting of the full Council held on 26<sup>th</sup> May 2010, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their terms of reference, Membership and Quorum for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.

3.3 The Committee's meetings for the remainder of the year, as agreed at the meeting of the Council on 24<sup>th</sup> March 2010 and confirmed by the Council (new membership) on 26<sup>th</sup> May 2010 are as set out in Appendix 3 to this report.

3.4 Meetings are scheduled to take place at 7.00pm in accordance with the programme of meetings for principal meetings.

#### **4. Protocols for the conduct of business**

4.1 The protocols and guidance attached at Appendix 4 to this report have been prepared with the intention of assisting the Committee to carry out its Constitutional and statutory obligations. They provide a viable framework for the practical functioning of the Committee and outline how the Committee will manage its work.

4.2 Accordingly the Overview and Scrutiny Committee is requested to adopt the protocols and note the guidance set out at Appendix 4 to this report.

#### **5. Comments of the Chief Financial Officer**

5.1 This report describes the Terms of Reference, Membership, Quorum and Dates of meetings of the Overview & Scrutiny Committee for the Municipal Year 2010/11 for the information of members of the Committee.

5.2 There are no specific financial implications arising from the reports recommendations however in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

#### **6. Concurrent report of the Assistant Chief Executive (Legal)**

6.1 Section 21 of the Local Government Act 2000 requires authorities to set up an Overview and Scrutiny Committee. The report properly informs the Committee of the Constitutional arrangements and proposes protocols and guidance for adoption by the Committee to supplement the implementation of those arrangements.

#### **7. One Tower Hamlets Considerations**

7.1 Equal opportunities and reducing poverty will be central to the work of the OSC. The report will allow the Committee and its members to function well over the coming year and work towards reducing poverty in the borough and improve equal opportunities.

#### **8. Sustainable Action for a Greener Environment**

8.1 There are no specific SAGE implications arising from the recommendations in the report.

## **9. Risk Management Implications**

9.1 The adoption of the protocols and guidance set out in Appendix 1 will assist in the effective and efficient functioning of the OSC and therefore reduce the risk of poor delivery of the Council's Overview and Scrutiny function.

## **10. Crime and Disorder Reduction Implications**

10.1 The report indicates for Member's information that the Overview and Scrutiny Committee has within its Terms of Reference the discharge of functions required of the Authority under the provisions of the Police and Justice Act 2006.

## **11. Appendices**

Appendix 1 Overview and Scrutiny Committee Terms of Reference and Quorum

Appendix 2 Overview and Scrutiny Committee Membership 2010/11

Appendix 3 Overview and Scrutiny Committee Meeting Dates 2010/11

Appendix 4 Overview and Scrutiny Committee Protocols and guidance for conduct of business

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

Brief description of "background paper"

If not supplied  
Name and telephone  
number of holder

n/a

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## APPENDIX 1

### OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

(Council Constitution Part 3 “Responsibility for Functions”, Section 3.3 “Council and Statutory Bodies”, Paragraph 3.3.2 “Overview and Scrutiny Committee”)

<b>Membership:</b> Nine Councillors. Up to three substitutes may be appointed for each Member. A Church of England and a Roman Catholic representative and two Parent Governor representatives as required by paragraph 7 of Schedule 1 of the Local Government Act 2000 and a non voting Muslim faith representative.	
<b>Functions</b>	<b>Delegation of Functions</b>
To discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act in accordance with the arrangements specified for the discharge of the Overview and Scrutiny function and the establishment of an Overview and Scrutiny Committee contained within Part 4 (section 4.5) and Article 6 of the Constitution.	No delegations
To discharge the functions conferred by sections 119 – 128 of the Local Government and Public Involvement in Health Act 2007	
To discharge the functions conferred by the Police and Justice Act 2006 as the Council’s Crime & Disorder Committee	
<b>Quorum</b> Three voting Members of the Committee	

#### NOTE

The contents of the Council’s Constitution Part 2 “Articles of the Constitution”, Article 6 “Overview and Scrutiny Committee and Scrutiny Panels”, referred to above, is attached for ease of reference at Appendix 1a.

The contents of the Council’s Constitution Part 4 “Rules of Procedure”, Section 4.5 “Overview and Scrutiny Procedure Rules”, referred to above, is attached for ease of reference at Appendix 1b.

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## **APPENDIX 1a**

### **OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE (CONTINUED)**

#### **(Council Constitution Part 2 “Articles of the Constitution”, Article 6 - Overview and Scrutiny Committee and Scrutiny Panels)**

#### **Article 6 - Overview and Scrutiny Committee and Scrutiny Panels**

##### **6.01 Terms of Reference**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act; by sections 119 to 128 of the Local Government and Public Involvement in Health Act 2007; and by the Police and Justice Act 2006 as the Council’s Crime and Disorder Committee.

The Committee will appoint a standing Sub-Committee to discharge the Council’s functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel; it will also appoint such other Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

##### **6.02 General Role**

Within its terms of reference, the Overview and Scrutiny Committee shall:

- (i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions.
- (ii) Advise the Cabinet of key issues/questions arising in relation to reports due to be considered by Cabinet.
- (iii) Make reports and/or recommendations to the full Council and/or the Executive in connection with the discharge of any functions.
- (iv) Consider any matter affecting the area or its inhabitants.
- (v) Exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive.
- (vi) Refer any report it receives with implications for ethical standards to the Standards Committee for its consideration.

### 6.03 Specific Functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee:
- (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
  - (ii) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.
  - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
  - (iv) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
  - (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Overview and Scrutiny Committee and the Scrutiny Panels may:
- (i) Review and scrutinise decisions made by the Executive and the performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time.
  - (ii) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
  - (iii) Question members of the Executive and or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
  - (iv) Make recommendations to the Executive and/or appropriate Committees and/or Council arising from the outcome of the scrutiny process.
  - (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.

- (vi) Question and gather evidence from any person.
- (c) **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.
- (d) **Annual Report.** The Overview and Scrutiny Committee must report annually to full Council on its work.

#### **6.04 Allocation of Responsibilities**

The Overview and Scrutiny Committee will have a strategic and co-ordinating role over the Council's scrutiny function and also consider executive decisions 'called-in' as detailed in Part 4 of this constitution.

The Overview and Scrutiny Committee will select from among its Councillor Members six Lead Scrutiny Members, one for each of the following themes:

- A safe and supportive community
- A great place to live
- A prosperous community
- A healthy community
- Excellent public services
- One Tower Hamlets

The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the Health and Social Care Act 2000. This will be a standing Sub-Committee and will meet at least four times a year.

It shall:

- a) review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
- b) respond to consultation exercises undertaken by an NHS body; and
- c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.

The Scrutiny Lead Member for a healthy community shall be appointed as a Member and Chair of the Health Scrutiny Panel.

Other Scrutiny Panels may be established by the Overview and Scrutiny Committee in line with its work programme and will consider specific reviews, their terms of reference to be set by the Committee.

### **6.05 Reports**

The Overview and Scrutiny Committee will report to full Council, Cabinet or the appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Panels shall first be considered by the Overview and Scrutiny Committee before being reported to full Council, Cabinet or the appropriate Cabinet member, as appropriate.

### **6.06 Proceedings of Scrutiny Panels**

The Overview and Scrutiny Committee and its Scrutiny Panels will generally meet in public and conduct their proceedings in accordance with the Procedure Rules in Part 4 of this Constitution.

## Appendix 1b

### OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE (CONTINUED)

#### (Council Constitution Part 4 “Rules of Procedure”, Section 4.5 - Overview and Scrutiny Procedure Rules)

#### 4.5. Overview and Scrutiny Procedure Rules

#### CONTENTS

<b>Rule</b>	<b>Subject</b>
<b>1</b>	The Arrangements for Overview and Scrutiny
<b>2</b>	Who may sit on Overview and Scrutiny?
<b>3</b>	Co-optees
<b>4</b>	Education Representatives
<b>5</b>	Meetings
<b>6</b>	Quorum
<b>7</b>	Who chairs the Overview and Scrutiny Committee and the Scrutiny Panels
<b>8</b>	Work Programme
<b>9</b>	Agenda Items
<b>10</b>	Policy Review and Development
<b>11</b>	Reports from Overview and Scrutiny
<b>12</b>	Making sure that Overview and Scrutiny Reports are Considered by the Executive
<b>13</b>	Rights of Committee Members to Documents
<b>14</b>	Members and Officers Giving Account
<b>15</b>	Attendance by Others
<b>16</b>	Call-In
<b>17</b>	Call-In and Urgency
<b>18</b>	The Party Whip
<b>19</b>	Procedure at Overview and Scrutiny Committee Meetings
<b>20</b>	Suspension

#### 1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

- 1.1 The Council will establish the Overview and Scrutiny Committee and Sub-Committees or Scrutiny Panels set out in Article 6. The Council will appoint Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint Members of the Sub-Committees or Scrutiny Panels.

- 1.2** There will be one standing Scrutiny Panel to discharge the Council's functions under the Health and Social Care Act 2001. There will be such other Scrutiny Panels during the course of the municipal year as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 1.3** The Overview and Scrutiny Committee will comprise nine Members of the Council. Up to three substitutes may be appointed for each Member. Its terms of reference are:
- (a) The performance of all overview and scrutiny functions on behalf of the Council.
  - (b) The appointment of such Sub-Committees (Scrutiny Panels) as it considers appropriate to fulfil those functions, determining those Scrutiny Panels composition (including any co-opted Members) and terms of reference.
  - (c) To approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Panels it appoints to ensure that there is efficient and effective use of the Committee's time and the time of the Council's Scrutiny Panels.
  - (d) To advise the Cabinet of key issues/questions to be considered in relation to reports due to be considered by Cabinet.
  - (e) To exercise the right to call in for reconsideration of any executive decisions taken but not yet implemented.
  - (f) To determine whether to request full Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
  - (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
  - (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.
  - (i) To consider any matters relevant to the remit of the Committee required by a Committee Member to be considered under s.21 (8) Local Government Act 2000.
  - (j) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.



(k) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

**1.4** The Health Scrutiny Panel will undertake the Council's functions under the Health and Social Care Act 2001 and to consider matters to the local health service as provided by the NHS and other bodies including the Council:

(a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;

(b) To respond to consultation exercises undertaken by an NHS body; and

(c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

**1.5** The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

(a) To investigate, scrutinise, monitor and advise in relation to:

- How services are being delivered and the Council's functions discharged.
- How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, anti-poverty and crime and disorder).
- The development of relevant policy.
- How resources are being used, spent and managed.
- Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

## **2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?**

**2.1** All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

**2.2** The Overview and Scrutiny Committee will select from among its Councillor Members six lead Scrutiny Members, one for each of the themes set out in Article 6.04 of this Constitution. These themes may be subject to change from time to time.

**2.3** The Lead Scrutiny Member for a Healthy Community shall be appointed as a member and Chair of the Health Scrutiny Panel.

### **3. CO-OPTEEES**

- 3.1** The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Panels. Co-opted Members will be non-voting.

### **4. EDUCATION REPRESENTATIVES**

- 4.1** The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:

**4.1.1** One Church of England diocese representative;

**4.1.2** One Roman Catholic diocese representative; and

**4.1.3** Two parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

This Rule and Rule 4.2 and 4.3 below also apply to any Scrutiny Panel established in respect of education matters.

- 4.2** The Committee may also include a Muslim representative in a non-voting capacity.
- 4.3** These Members may speak but not vote on any other (i.e. non educational) matters.

### **5. MEETINGS**

- 5.1** The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by full Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules.
- 5.2** The Scrutiny Panels shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of Scrutiny may decide to lead any scrutiny panels.

### **6. QUORUM**

- 6.1** The quorum for the Overview and Scrutiny Committee and the Scrutiny Panels shall be three voting Members.

**7. WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS**

**7.1** The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Panels will be drawn from among the Councillors sitting on the Committee. Subject to this requirement, the Committee may appoint such a person as it considers appropriate as Chair.

**8. WORK PROGRAMME**

**8.1** The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

**9. AGENDA ITEMS**

**9.1** Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Panel shall be entitled to give notice to the Assistant Chief Executive that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Assistant Chief Executive will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

**9.2** The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Executive shall consider at one of its next two meetings following the date. If the matter is relevant to the Council only then will they consider the report at their next meeting.

**9.3** Any Member of the Council may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to the authority or the executive on the matter.

**9.4** A “local government matter” at 9.3 above is one that: (a) relates to the discharge of any function of the authority; (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and (c) is not an excluded matter. Excluded matters are: any matter relating to a planning decision; any matter relating to a licensing decision; any matter relating to an individual in respect of which the individual has a right of appeal; and any matter which is

vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Panel.

- 9.5** If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 9.3 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Act regarding confidential or exempt information.

## **10. POLICY REVIEW AND DEVELOPMENT**

- 10.1** The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2** In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive for developments in so far as they relate to matters within its terms of reference.
- 10.3** The Overview and Scrutiny Committee or any Scrutiny Panel established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **11. REPORTS FROM OVERVIEW AND SCRUTINY**

- 11.1** All reports from Scrutiny Panels must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Assistant Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework) or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

**11.2** The Executive shall consider the report of the Overview and Scrutiny Committee one of its next two meetings following submission of the report to the Assistant Chief Executive. The Council will consider the report at its next ordinary meeting if appropriate.

**11.3** Where the Overview and Scrutiny Committee makes a report or recommendations in relation to a local improvement target which relates to certain partner authorities, and is specified in a local area agreement of the authority, the Committee may in accordance with section 21C of the Local Government Act 2000 (as amended) by notice in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. Such notice will be accompanied by a copy of the report or recommendations (subject to the provisions of section 21D of the Act regarding confidential or exempt information). It is the duty of a relevant partner authority to which the notice is given to comply with the requirement specified in the notice.

**12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE**

**12.1** Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Assistant Chief Executive who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.

**12.2** If the Assistant Chief Executive refers the matter to Council, s/he may first refer it to Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Executive will then refer the report, along with their own additional comments and recommendations, to the Council. When the Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or recommendations of the Executive to the Overview and Scrutiny Committee proposals.

**12.3** For the avoidance of doubt, the Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if the Council does not agree with the Executive's recommendations, the disputes resolution procedure in Part 4.3 – Budget and Policy Framework Procedure Rules – Rule 2 – will apply.

**12.4** If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Assistant Chief Executive, the Executive will have 2 weeks in which to consider the matter and respond to the overview and scrutiny report.

**12.5** Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or executive:-

(a) to consider the report or recommendations;

(b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take;

(c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,

(d) if the Overview and Scrutiny committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules, to provide that Member with a copy of the response,

and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

**12.6** It is the duty of the authority or executive to which a notice is given under 12.5 above to comply with the requirements specified in the notice.

### **13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS**

**13.1** In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Panel have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

**13.2** Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14. MEMBERS AND OFFICERS GIVING ACCOUNT**

**14.1** The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Leader, any other Member of the

Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- 14.1.1** any particular decision or series of decisions;
  - 14.1.2** the extent to which the actions taken implement Council policy; and/or
  - 14.1.3** their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
  - 14.1.4** any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.
- 14.2** Where any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Panel under this provision, the Chair of the Committee or Panel will inform the Chief Executive. The Chief Executive shall inform the Member or officer in writing giving at least 15 working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 14.3** Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance, to take place within a maximum of 21 working days from the date of the original request.

## **15. ATTENDANCE BY OTHERS**

- 15.1** The Overview and Scrutiny Committee or a Scrutiny Panel may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

## **16. CALL-IN**

- 16.1** When a decision is made by the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic

means, and shall be available at the main offices of the Council normally within 5 working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

**16.2** That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Assistant Chief Executive calls the decision in.

**16.3** During that period, the Assistant Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

**16.3.1** Not less than five Members of the Council; or

**16.3.2** Two voting church, faith or parent governor representative in respect of any education matters only;

**16.3.3** The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

**16.4** The Assistant Chief Executive shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Assistant Chief Executive will not call-in:

**16.4.1** Any decision which has already been the subject of call-in;

**16.4.2** A decision which is urgent as defined in Rule 17.1 below and has to be implemented prior to the completion of any review. In such circumstances the decision – taker(s) shall give reasons to the Overview and Scrutiny Committee; and

**16.4.3** Decisions by regulatory and other Committees discharging non-executive functions;

**16.4.4** Day to day management and operational decisions taken by officers;

**16.4.5** A resolution which merely notes the report or the actions of officers;



- 16.4.6** A resolution making recommendations to full Council.
- 16.5** Where the matter is in dispute, both the Assistant Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
- 16.6** The Assistant Chief Executive shall then notify the decision-taker of the call-in, who shall suspend implementation of the decision.
- 16.7** If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to full Council. If referred to the decision-maker they shall then reconsider within a further 5 clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
- 16.8** For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
- 16.9** If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- 16.10** If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, then the Council will refer any decision to which it objects back to the decision making person or body together with the Council's views on the decision. That decision making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five clear working days of the Council request.
- 16.11** If the Council does not meet, or it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## **17. CALL-IN AND URGENCY**

- 17.1** The call-in procedure set out in Rule 16 above shall not apply where the decision being taken by the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interests.
- 17.2** The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 17.3** The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Mayor's consent shall be required. In the absence of both, the consent of the Deputy Mayor or the Head of Paid Service or her/his nominee shall be required.
- 17.4** Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 17.5** The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18. THE PARTY WHIP**

- 18.1** The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Panels is inappropriate.
- 18.2** In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should s/he speak or vote in any particular manner.

## **19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- 19.1** The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

- (i) Minutes of the last meeting;
- (ii) Declarations of interest;
- (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in;
- (iv) Responses of the Executive to reports of Overview and Scrutiny;
- (v) The business otherwise set out on the agenda for the meeting.

**19.2** Where the Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

**19.2.1** that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

**19.2.2** that those assisting the Committee by giving evidence be treated with respect and courtesy; and

**19.2.3** that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

**19.3** Following any investigation or review, the Committee or Panel shall prepare a report, for submission to the Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

## **20. SUSPENSION**

**20.1** Any part of these Rules may be suspended in accordance with Council Procedure Rule 27 of Part 4.1 of this Constitution provided such suspension is not contrary to the law.

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**OVERVIEW AND SCRUTINY COMMITTEE  
MEMBERSHIP 2010/11**

<b>Labour Group Nominations (and deputies)</b>	<b>Conservative Group Nomination (and deputy)</b>	<b>Other Nomination Liberal Democrat</b>	<b>Other Nomination Respect</b>
Cllr Ann Jackson (Chair)  Cllr Rajib Ahmed Cllr Rabina Khan Cllr Ahmed Omer Cllr Lesley Pavitt Cllr Zenith Rahman  (Deputies:- Cllr Alibor Choudhury Cllr Lutfur Rahman)	Cllr Tim Archer          (Deputies:- Cllr Peter Golds Cllr David Snowdon)	Cllr Stephanie Eaton	Cllr Harun Miah

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### **APPENDIX 3**

#### **OVERVIEW AND SCRUTINY COMMITTEE**

#### **SCHEDULE OF MEETING DATES 2010/11**

Tuesday 6<sup>th</sup> July 2010  
Tuesday 3<sup>rd</sup> August 2010  
Tuesday 7<sup>th</sup> September 2010 (5.30pm)  
Tuesday 5<sup>th</sup> October 2010  
Tuesday 2<sup>nd</sup> November 2010  
Tuesday 30<sup>th</sup> November 2010  
Tuesday 11<sup>th</sup> January 2011  
Tuesday 8<sup>th</sup> February 2011  
Tuesday 8<sup>th</sup> March 2011  
Tuesday 5<sup>th</sup> April 2011  
Tuesday 10<sup>th</sup> May 2011

#### **Note**

Meetings are scheduled to take place at 7.00pm in accordance with the programme of meetings for principal meetings, with the exception of the meeting in September which is scheduled to commence at 5.30pm, as it falls towards the end of the holy month of Ramadan.

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## Overview and Scrutiny Committee – Protocols and Guidance

### 1. Introduction

- 1.1 The report outlines protocols and guidance for the functioning of the Overview and Scrutiny Committee (OSC) in Tower Hamlets. The protocols and guidance are intended to assist the OSC to implement the requirements of the Local Government Act 2000 and the Council's Constitution. To the extent of any inconsistency, the Act and the Constitution prevail.

### Guidance

### 2. Roles and Responsibilities for Scrutiny Members

- 2.1 The overall purpose of each position will be to strengthen the Scrutiny process in Tower Hamlets and to make it part of the process of improvement. To accomplish this Members will have the following roles and responsibilities.

#### 2.2 Chair of Overview and Scrutiny

- co-ordinates the work of Scrutiny by developing the Committee's work programme in line with the Council's Forward Plan
- chairs the Committee meetings
- plans co-operatively meeting agendas and timetables with officers and other members (from both minority and majority parties) to ensure all areas of Scrutiny business are undertaken effectively
- leads the work of OSC on budget matters
- represents Overview and Scrutiny at Executive meetings and at community and other outside events
- represents Tower Hamlets at London Scrutiny Network meetings
- works in a cross-party and consensual manner to ensure the effectiveness of Scrutiny
- contributes to developing the community leadership role of Scrutiny
- Delegate to scrutiny Members to represent the Committee at Council meetings and external events.

#### 2.3 Overview and Scrutiny Committee will appoint Scrutiny Leads who will:

- ensure the accountability of those Executive members and chief officers who have primary responsibility within their portfolio theme
- assess the effectiveness of existing policy in the portfolio area
- support the development of new and revised policy
- ensure effective liaison with the Tower Hamlets Partnership
- lead and co-ordinate scrutiny activity in his/her area including reviews, investigations and challenge sessions
- ensure effective liaison with internal and external stakeholders
- work in a cross-party and consensual manner to ensure the effectiveness of Scrutiny
- contribute to developing the community leadership role of Scrutiny

#### 2.4 Skills and aptitudes

Members will require the following skills and aptitudes to undertake the above roles effectively:

- understanding of the Scrutiny process and its place within the Council's overall objectives
- understanding of how Scrutiny can help improve performance management by effective performance monitoring
- willingness to help develop Scrutiny's role within the local Partnership agenda and, where appropriate, within London-wide and national arena
- willingness to work co-operatively with members from all political parties, officers and partners (outside organisations)
- ability to chair meetings
- ability to question constructively and get the best from those attending Scrutiny meetings
- willingness to liaise with officers in the drafting of reports and refining reporting mechanisms
- willingness to participate in developmental work to strengthen the Scrutiny process including training and seminars

A willingness to develop these skills through Member Learning and Development will be as crucial as being able to demonstrate them.

### 3. Agenda

3.1 The Committee's regular agenda items will comprise of the following in the course of the year:

<b>Report</b>	<b>Timing</b>
Call-in	When these occur – see paragraph 4.1
Overview and Scrutiny Committee Work Programme including the programme of topics for review. Subsequent reports allow OSC to monitor its progress.	Beginning of the municipal year and thereafter every 2 months - see paragraph 4.2
Budget and Policy Framework items	At least 10 days before the item is to be considered by Cabinet (unless there are special factors requiring a shorter timescale) - see paragraph 4.3
Performance Information and Monitoring reports	Timetabled through the year - see 4.4
Tracking progress of Overview and Scrutiny recommendations	Twice during the year
Pre-decision overview and scrutiny	When items are raised – see paragraph 4.6
Scrutiny Spotlights	Monthly

3.2 Ad hoc agenda items might include the following:

- Items of business requested by members of the Overview and Scrutiny Committee under the provisions of the Council's Constitution as amended (Part 4 – "Rules of Procedure", Section 4.5 – "Overview and Scrutiny Procedure Rules", Rule 9.1). See paragraph 4.7.
- Matters referred to the Overview and Scrutiny Committee under the provisions of the Council's Constitution as amended (Part 4 – "Rules of Procedure", Section 4.5 – "Overview and Scrutiny Procedure Rules", Rule 9.3) in accordance with Section 119

of the Local Government and Public Involvement in Health Act 2007. See paragraph 4.8.

## **4. Procedures/ Protocols**

### **4.1 Call-in**

4.1.1 For details of the call-in procedure, please see Appendix 1b to this report and in particular paragraphs 16.1 to 16.4.

4.1.2 Protocol for transacting a “Call In” at OSC:

If a decision is called in, the OSC will consider it at its next meeting in a strictly time limited slot of up to one hour. The protocol for transacting this business would be as follows:

- presentation of the call-in by one of the call-in Members followed by questions from OSC Members
- response from Lead Members/officers followed by questions from OSC Members
- general debate among OSC Members followed by a decision
- The call-in Member who presented to OSC would not be allowed to speak again or vote on the item
- the Committee would then either resolve to take no action (in effect endorsing the original decision) or refer the matter back to Cabinet for further discussion, setting out the nature of its concerns and possibly recommending an alternative course of action.

### **4.2 Overview and Scrutiny work programme**

4.2.1 OSC will agree its work programme at the beginning of the municipal year and consider progress every two months. The work programme will take into account the Cabinet’s Forward Plan. The programme will include when OSC will consider budget and policy framework reports and performance and information reports.

### **4.3 Budget and policy framework items**

4.3.1 The policy framework, set out in Article 4 of the Constitution, outlines the plans and strategies required by statute to be approved by the full Council and which OSC should examine:

- Annual Library Plan
- Best Value Performance Plan
- Children and Young People’s Plan
- Crime and Disorder Reduction Strategy
- Development Plan Documents and plans/ alterations which together comprise the Development Plan.
- Licensing Authority Policy Statement
- Local Transport Plan
- Sustainable Community Strategy
- Youth Justice Plan

4.3.2 The Council’s budget which the OSC should examine includes the annual allocation of financial resources to different services and projects following the announcement of the government’s grant to the authority, the treatment of risk including level of reserves and proposed contingency funds, setting the council tax (including the

recommended council tax base), and decisions relating to the control of the Council's borrowing, the control of its capital expenditure and the setting of virement limits.

#### **4.4 Performance and information monitoring**

4.4.1 OSC will throughout the course of the year regularly monitor and examine reports on the Strategic Plan and budget monitoring (Quarterly) plus Annual Review, Tower Hamlets Index (bimonthly), Diversity & Equality Action Plan (6 monthly) and the Performance Digest Report which will bring together data from Corporate Complaints and Members Enquiries (6 monthly). Within the Scrutiny Spotlight session, it will also receive presentations from Lead Members and Corporate Directors on the performance and challenges facing key Council services.

#### **4.5 Reviews, Investigations and Challenge Sessions**

- 4.5.1 As part of its work programme for the year, OSC will include issues and services for investigation, review and challenge sessions. This must be:
- flexible to allow some capacity to address new issues during the year or to delve deeper into some issues following initial work.
  - achievable and reflect the capacity available to support Scrutiny's work.
- 4.5.2 The Work Programme will be drawn up after consideration of key documents such as the Annual Residents' Survey, Annual Audit and Inspection Letter, Strategic Plan monitoring, Tower Hamlets Index and the Local Area Partnership Plans to identify potential scrutiny issues. It will also consider issues raised through Scrutiny's own work such as the performance monitoring role, as well as specific reviews.
- 4.5.3 The following criteria act as a guide in prioritising the selection of issues:
- a service or issue that requires significant improvement
  - a service or issue of poor or challenging performance
  - an area of national policy development that impacts or has the potential to impact on one or more sections of the community
  - an inspection is planned for the service where Scrutiny would add value to Council and partner performance
  - a controversial or sensitive issue that would benefit from a risk-management approach and the pro-active engagement of partners and local communities.
- 4.5.4 Where Scrutiny Panels are established to deliver the Committee's work, their membership will be constituted according to proportionality rules and in liaison with Party whips. It would be expected that membership would be based on the expressed interests of Members.
- 4.5.5 Please see Appendix 1b paragraph 19.2 to this report for further details on the conduct of scrutiny reviews.
- 4.5.6 A report on all investigations, reviews and challenges sessions will be presented to OSC. Where there are recommendations that Cabinet need to consider, the review report will be submitted to Cabinet with an action plan (via the usual pre-agenda planning process). Reports may also be submitted to partner organisations for their response following consideration by Cabinet. Challenge Session reports are agreed by OSC following this an action plan is developed by the department which is then monitored through the recommendation tracking report. In circumstances, where there resource implications the report will be presented to Cabinet.

4.5.7 A progress check on the implementation of recommendations will be considered twice a year by OSC through the recommendation tracking report.

#### **4.6 Pre-decision scrutiny of Cabinet business**

4.6.1 Consideration of the Forward Plan will allow the OSC to highlight upcoming issues for the review programme or for further work by the relevant Lead Scrutiny Member.

4.6.2 The OSC meets the night before Cabinet and has the opportunity to raise questions which it considers Cabinet should take into account in reaching its decisions. OSC Members receive the Cabinet papers on their initial despatch the week before the meeting.

4.6.3 Protocol for submission of pre-decision scrutiny questions:

- Members must notify the Chair in writing (via the Scrutiny Policy team) of any questions they wish to raise by 12 noon on the Monday of the same week of OSC and Cabinet meetings.
- When necessary, the Chair, Vice Chair and a nominated Minority Member will meet prior to OSC meeting to determine how the time allocated for pre-decision scrutiny questions at the OSC meeting could best be used if there are a significant number of questions raised. The following criteria would be used:
  - questions should be new and not ones already addressed in the report or that have been the subject of correspondence or review elsewhere
  - questions for information should be raised directly with the report author
  - first priority should be given to consideration of reports with large scale, cross-borough policy implications
  - questions should consider they can influence the decision of the Cabinet to ensure it meets local needs.

4.6.4 Protocol for transacting pre-decision scrutiny at OSC:

- There will be a maximum time slot of 45 minutes to consider pre-decision scrutiny questions for Cabinet.
- Members will be able to raise questions and comments only, not to have a full scale debate on issues.
- The OSC will aim for a consensual agreement on the issues/ questions to be raised with Cabinet.

4.6.5 The Chair of the Overview and Scrutiny Committee will have an allocated 10 minute slot on the Cabinet agenda to feedback any questions together with any other issues from the Committee's deliberations. The Chair may also appoint a delegate to undertake this function if he/she is unavailable to attend.

#### **4.7 Items of business requested by members of the OSC under the provisions of the Overview and Scrutiny Procedure Rule 9.1**

4.7.1 Members of the OSC may request the Assistant Chief Executive to include an item relevant to the functions of the Committee on the agenda of the next available meeting. Please see Appendix 1b to this report for full details.

4.7.2 Protocol for transacting such business at OSC:

- "Presentation" by requesting Member to the Committee - Time allowed 10 minutes. Member to outline why he/she thinks the OSC should initiate a review of the matter and set out his/her alternative course of action.

- OSC members then to be given the opportunity to ask questions of clarification and receive answers from requesting Member.
- Corporate Director response to be asked to address the points raised by the requesting Member (brief written response to be tabled providing sufficient information for the Committee to take a view) and any remaining points raised by the OSC members in the Question and Answer session.
- Lead Member (who may be present) may be given an opportunity, by the Chair, to make a contribution on specific points if he/she so wishes but this not to be a generalised right of reply or a lengthy matter.
- OSC members to discuss and reach a determination. The Chair to summarise the deliberations and move a motion for consideration/ agreement of the Committee.

### Deliberations

- The Committee are required to decide whether or not further scrutiny of the matter in question is appropriate.
- The OSC must be satisfied that the matter is relevant to its work programme, and if it is not the request for consideration must be refused. If the request is determined to be relevant to the work programme the Committee should identify the item in the work programme to which it relates.
- If the committee decide that further scrutiny is required it should indicate how the matter should be dealt within the context of the work programme item ie specify what form the further scrutiny should take. Perhaps requesting a detailed report from officers and their attendance at the next OSC meeting to address the issues, or perhaps a scrutiny review.
- Should the Committee decide to undertake a scrutiny review:
  - The broad terms the terms of reference of the Scrutiny Working Group should be stated.
  - A date should be set for submission of a report upon the Working Group's findings to the Committee.
  - It should be established upon a representational basis as per paragraph 4.5.4 above.

#### 4.7.3 Scrutiny Review Groups

Once appointed it is the responsibility of a Scrutiny Working Group:

- To scope the review and establish a timetable to meet the Committee's reporting requirement
- To convene one or more meetings to scrutinise/review the issues under consideration
- To prepare a report with such recommendations as the Working Group considers appropriate for submission to the Committee.

## **4.8 Items referred to OSC by councillors under the provisions of the Overview and Scrutiny Procedure Rule 9.3**

- 4.8.1 Any member of the Council may refer a local government matter to the OSC for examination under the Councillor Call for Action (CCfA) provisions introduced by Section 119 of the Local Government and Public Involvement in Health Act 2007 that came into force on 1<sup>st</sup> April 2009. IOSC agreed a local proposal for implementing CCfA in September 2009. This includes pooling together the joint information gleaned from complaints, petitions, members enquiries and FOI requests into one performance report that can be used both corporately and by councillors to spot patterns and problem-solve on behalf of the community. This Performance Digest report will be

prepared at six-monthly intervals for use at OSC to consider issues strategically and a local version would be presented to LAP Steering Group Members. The combination of the two would aim to ensure that both neighborhood and borough-wide aspects are covered. Last year's review on Strengthening Local Community Leadership tested this model and made a number of recommendations for improvements including the development of a toolkit for use by Members. This will be developed in July 2010 and available for use by Members.

## **5. Health Scrutiny**

- 5.1 The Health Scrutiny Panel is a sub-committee of the Overview and Scrutiny Committee which meets on a quarterly basis. With terms of reference and membership as set out in the Constitution (Article 6 and Part 4 – “Rules of Procedure”, Section 4.5 – “Overview and Scrutiny Procedure Rules”. As well as its statutory obligations the Panel will also consider a work programme agreed by the Overview and Scrutiny Committee. The Scrutiny Lead for A Healthier Community chairs the Health Scrutiny Panel must regularly report to OSC on the work of the Panel.

## **6. Protocol for the Conduct of Business**

- 6.1 Given the Terms of Reference of the Committee, the nature of business that it will consider will vary depending upon the role it is undertaking. It can also be assumed that in addition to Committee Members, a variety of persons, in differing capacities are likely to attend meetings of the Committee. These would include:
- Church/Faith or Parent Governor representatives
  - the Leader of the Council and Lead Members
  - non-executive members
  - members of the Health Scrutiny Panel
  - chief officers or their representatives
  - external witnesses invited by the Committee to give evidence and advice
  - members of the public
- 6.2 In order to facilitate the smooth conduct of business it will be necessary for all concerned to have an understanding of when and how it is appropriate for them to participate in meetings of the Committee. It is therefore suggested in accordance with the provisions of the Council's Constitution, the Committee continues to use the protocol previously adopted for the conduct of business as detailed below:
- (i) Voting Members to occupy specified seats (nearest to the Chair and Vice-Chair and Lead Officer.)
  - (ii) 'Call In' Members to occupy specified seats.
  - (iii) Lead Member(s) to occupy specified seats.
  - (iv) Subject to any variance agreed by the Committee, items of business to be dealt within the order that they appear on the agenda.
  - (v) The agenda be structured so that business is considered in the order set out in Appendix 1b paragraph 19.1 to this report.

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# Agenda Item 5.2

Committee <b>Overview and Scrutiny</b>	Date <b>8 June 2010</b>	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
Report of: <b>Service Head Democratic Services</b>  Originating Officer(s): <b>Angus Taylor, Team Leader Democratic Services</b>		Title <b>Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments</b>  Ward(s) affected: <b>All</b>		

## 1. Summary

- 1.1 This report requests the Overview & Scrutiny Committee (OSC) to note the Scrutiny Lead portfolios based on the Community Plan Themes and consider the appointment of Lead Scrutiny Members for those portfolios, in accordance with the Council's Constitution (as amended).
- 1.2 The OSC is also requested to agree the co-option of representatives in respect of education matters in accordance with statutory requirements and the Council's Constitution (as amended).
- 1.3 This report informs the OSC of the establishment, by full Council, of the Health Scrutiny Panel, to discharge the Council's functions under the Health and Social Care Act 2001, with terms of reference and quorum as set out in the Council's Constitution (as amended) and detailed/ appended to this report.
- 1.4 The OSC is also requested to consider making appointments to the Health Scrutiny Panel for the Municipal Year 2010/2011, the exact membership of which remains a matter for its determination (provided it is congruent with proportionality requirements and other specific constitutional provisions).
- 1.5 The OSC is further requested to agree the co-option of 2 representatives from the Tower Hamlets Local Involvement Network in accordance with constitutional provisions.

## 2. Recommendations

That the Overview & Scrutiny Committee:

- 2.1 Note the six Scrutiny Lead portfolios based on the Community Plan Themes as set out at paragraph 3.1 of this report;
- 2.2 Appoint Lead Scrutiny Members for the Scrutiny Lead portfolios;
- 2.2 Agree the co-option of representatives in respect of education matters, as set out at paragraphs 4.1 to 4.8 of this report;

- 2.3 Note the establishment of the Health Scrutiny Panel by full Council, to discharge the Council's functions under the National Health Service Act 2006 and the Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions Regulations) 2002, as set out in paragraph 5.1 of this report; with terms of reference and quorum as set out in paragraph 5.2 and Appendix 1 to this report;
- 2.4 Appoint members to the Health Scrutiny Panel for the Municipal Year 2010/2011 as set out at paragraph 5.3 of this report; and
- 2.5 Agree the co-option of representatives from the Tower Hamlets Local Involvement Network to the membership of the Health Scrutiny Panel for the Municipal Year 2010/2011, as set out at paragraph 5.4 of this report.

### **3. Scrutiny Lead Portfolios**

- 3.1 The Constitution as amended (Part 2 – “Articles of the Constitution”, Article 6 “Overview and Scrutiny Committee and Scrutiny Panels”, Section 6.04 “Allocation of Responsibilities”) states that “The Overview and Scrutiny Committee will select from among its Councillor Members six Lead Scrutiny Members, one for each of the following themes:
- A safe and supportive community
  - A great place to live
  - A prosperous community
  - A healthy community
  - Excellent public services
  - One Tower Hamlets
- 3.2 Accordingly the Overview and Scrutiny Committee is requested to consider the appointment of Lead Scrutiny Members for the portfolios set out above.

### **4. Co-option of Education Representatives to Overview and Scrutiny Committee**

- 4.1 Section 21(10) of the Local Government Act 2000 provides that an overview and scrutiny committee of a local Council may include persons who are not members of the Council. This provision empowers, rather than obliges, local authorities to have co-opted members on their overview and scrutiny committees.
- 4.2 However Schedule 1 to the LGA 2000 also has effect in relation to the Council's executive arrangements. Paragraph 7 of Schedule 1 makes provision for overview and scrutiny committees to have church representatives. The Council must have a Church of England co-opted member on its overview and scrutiny committee if the committee's functions relate wholly or partly to education functions and if the Council maintains one or more Church of England Schools. Similarly, the Council must have a Roman Catholic representative on its overview and scrutiny committee if the committee's functions relate wholly or partly to education functions and if the Council maintains one or more Roman Catholic schools.

- 4.3 Paragraph 7 of Schedule 1 to the LGA 2000 also deals with appointment of the church representatives. The Church of England representative must be nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in Tower Hamlets. The Roman Catholic representative must be a nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in Tower Hamlets.
- 4.4 Paragraph 9(4) of Schedule 1 to the LGA 2000 sets out power for the Secretary of State to make regulations requiring local authorities to have representatives of parent governors at maintained schools included on their overview and scrutiny committees. The Secretary of State has made the Parent Governor Representatives (England) Regulations 2001 in pursuit of these powers. Regulation 3 provides that a local education Council shall appoint at least two, but not more than five, parent governor representatives to any overview and scrutiny committee that has functions which relate wholly or partly to any education functions which are the responsibility of the Council's executive. The Regulations specify the process for electing representatives.
- 4.5 Consistent with the statutory provisions, the Council's Constitution provides in Part 3 "Responsibility for Functions", for the membership of the overview and scrutiny committee to include a Church of England representative, a Roman Catholic representative and two Parent Governor representatives. The Constitution also provides for the committee to have a non-voting Muslim faith representative, although this is not a statutory requirement.
- 4.6 The Constitution as amended (Part 4 – "Rules of Procedure", Section 4.5 – "Overview and Scrutiny Procedure Rules", Paragraph 4 "Education Representatives" Rule 4.1 states that "The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:
- 4.1.1 One Church of England diocese representative;
  - 4.1.2 One Roman Catholic diocese representative; and
  - 4.1.3 Two parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001."

Rule 4.2 states that "The Committee may also include a Muslim representative in a non-voting capacity. "

Rule 4.3 states that "These members may speak but not vote on any other (i.e. non educational) matters. "

4.7 Accordingly the Overview & Scrutiny Committee is requested to agree the co-option of nominated representatives in respect of education matters as set out in the table below.

Church of England Diocese representative	Reverend Michael Ainsworth
Roman Catholic Diocese representative	A nomination is awaited
Parent Governor representative	A nomination is awaited
Parent Governor representative	A nomination is awaited
Muslim Community Representative	Mr Mushfique Uddin (provisional nomination)

4.8 Source of nominations:

- The Church of England nomination was received from Friar Alan Green, Area Dean of Tower Hamlets, on 27 April 2010.
- The Roman Catholic Church nomination is still being sought from Mr Paul Barber, Diocesan Schools Commissioner, in conjunction with Friar Peter Harris, Dean of Tower Hamlets.
- The Parent Governor representative nominations are to be chosen by way of a ballot of all Parent Governors in Tower Hamlets, undertaken by Governor Services in liaison with the Scrutiny and Equalities Section. The outcome of this process to be reported to the Committee at its first meeting.
- The Muslim Community Representative, Mr Mushfique Uddin (Assistant Secretary General of the Council of Mosques, Tower Hamlets) is a provisional nomination by the Chair of the Executive Committee of the Council of Mosques, pending formal consideration of a full nomination at the meeting of Executive Committee of the Council of Mosques Tower Hamlets to be held in June 2010.

## 5. Health Scrutiny Panel

### 5.1 Establishment

5.1.1 The Constitution states that the Annual Council Meeting will establish “such other committees/panels as it considers appropriate to deal with matters which are neither Executive Functions nor reserved to the Council”.

5.1.2 The Council’s Constitution refers to the establishment of “a standing Sub-Committee to discharge the Council’s functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel”. The reference to the Health and Social Care Act 2001 is out of date and this should be taken as a reference to the National Health Service Act 2006 and the Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions Regulations) 2002.

5.1.3 At the Annual General Meeting of the Council, held on 26 May 2010 the full Council considered a report that set out the membership of the Council following the elections held on 6 May 2010 and reviewed proportionality as required by section 15 of the Local Government & Housing Act 1989. Full Council subsequently agreed the establishment of various committees and panels for the Municipal Year 2010/2011 as set out in the constitution (including the Health Scrutiny Panel) and proposed the allocation of places on those committees and panels between the political groups on the Council.

5.1.4 Accordingly the Health Scrutiny Panel was established for the Municipal Year 2010/2011 with a membership numbering 7, and an allocation of places in accordance with overall proportionality requirements as follows: 6 Majority Group Members (Labour) and 1 Minority Group Member (Conservative). The OSC is therefore requested to note the establishment of the Health Scrutiny Panel, its total membership and the allocation of places between the political groups.

## **5.2 Terms of Reference and Quorum**

5.2.1 The **Terms of Reference** for the Health Scrutiny Panel are set out in Article 6 of the Council's Constitution. These are supplemented by the Overview and Scrutiny Committee Procedure Rules, which are contained in Part 4 of the Constitution. The Terms of Reference are set out at Appendix 1 to this report for ease of reference.

5.2.2 The Council Procedure Rules, set out in the Constitution, apply to meetings of all Committees and Sub-Committees. Rule 8 "**Quorum**" states that

"Subject to any specific statutory requirement, and to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Members or three voting Members, whichever is the greater. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting."

5.2.3 The OSC is requested to note the terms of reference and quorum of the Health Scrutiny Panel as set out in paragraph 5.2.2 above and Appendix 1 to this report.

## **5.3 Appointment of Members to Health Scrutiny Panel**

5.3.1. The Overview and Scrutiny Procedure Rules state the following:

- Rule 1.1 "The Council will appoint Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint Members of the Sub-Committees or Scrutiny Panels. "

- Rule 1.3(a) The terms of reference of the OSC include: “The appointment of such Sub-Committees (Scrutiny Panels) as it considers appropriate to fulfil those functions, determining those Scrutiny Panels composition (including any co-opted Members)...”

Paragraph 2 “Who May Sit on Overview and Scrutiny” states the following:

- Rule 2.3 “The Lead Scrutiny Member for a Healthy Community shall be appointed as a member and Chair of the Health Scrutiny Panel.”

5.3.3 As indicated in paragraph 5.1.4 above the total membership for the Health Scrutiny Panel and the allocation of these places between the political groups has been determined by the full Council, at the Annual General Meeting held on 26<sup>th</sup> May 2010.

5.3.4 However the exact membership of the Health Scrutiny Panel remains a matter for the determination of the OSC (provided it is congruent with proportionality requirements and other specific constitutional provisions). The OSC should note that the Scrutiny Lead Member: A Healthy Community should have been determined by it, following a motion from the Chair, at recommendation 2.1 above and this Member must be appointed as a member and Chair of the Health Scrutiny Panel.

5.3.5 Accordingly the OSC is requested to consider making appointments to the Health Scrutiny Panel for the Municipal Year 2010/2011.

#### **5.4 Co-option of Representatives to the Health Scrutiny Panel**

5.4.1 The Overview and Scrutiny Procedure Rules state that:

“The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Panels. Co-opted Members will be non-voting.”

5.4.2 Two representatives from the Tower Hamlets Local Involvement Network were recruited and served as co-opted members of the Health Scrutiny Panel in the Municipal Year 2009/10. It is recommended that these representatives be co-opted to the membership of the Health Scrutiny Panel in 2010/2011.

5.4.3 Accordingly the OSC is requested to agree the co-option of representatives from the Tower Hamlets Local Involvement Network to the membership of the Health Scrutiny Panel for the Municipal Year 2010/2011, as set out below:

Myra Garrett  
Amjad Rahi

#### **6. Comments of the Chief Financial Officer**

6.1 This report describes the Overview & Scrutiny Committee (OSC) request to note the Scrutiny Lead portfolios based on the Community Plan Themes and consider the appointment of Lead Scrutiny Members for those portfolios, in accordance with the Council’s Constitution (as amended).

6.2 There are no specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report’s recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

#### **7. Concurrent report of the Assistant Chief Executive (Legal)**

- 7.1 Most of the relevant statutory and constitutional provisions are set out in the body of the report. It is also proposed that independent members be co-opted to the Health Scrutiny Panel. In accordance with section 102(3) of the Local Government Act 1972 independent members may be appointed to committees and sub-committees.

## **8. One Tower Hamlets Considerations**

The establishment of the Health Scrutiny Panel may contribute to the reduction of any health inequalities that exist in the borough.

## **9. Sustainable Action for a Greener Environment**

9.1 There are no specific SAGE implications arising from the recommendations in the report.

## **10. Risk Management Implications**

10.1 The appointment of Scrutiny Lead Members, Co option of representatives in respect of education matters and establishment of the Health Scrutiny Panel is necessary for the Overview and Scrutiny Committee to meet its statutory and constitutional obligations and in particular the functions conferred on the Council by section 102(3) of the Local Government Act 1972 and also section 21 of the Local Government Act 2000 and the Health and Social Care Act 2001.

## **11. Crime and Disorder Reduction Implications**

11.1 There are no specific Crime and Disorder Reduction implications arising from the recommendations in the report.

## **12. Appendices**

Appendix 1 - Health Scrutiny Panel Terms of Reference

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

Brief description of "background paper"	If not supplied
	Name and telephone
	number of holder

n/a



## APPENDIX 1

### HEALTH SCRUTINY PANEL TERMS OF REFERENCE

#### (Council Constitution Part 2 “Articles of the Constitution”, Article 6 - Overview and Scrutiny Committee and Scrutiny Panels)

#### Article 6 - Overview and Scrutiny Committee and Scrutiny Panels

##### 6.01 Terms of Reference

The Committee will appoint a standing Sub-Committee to discharge the Council’s functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel; it will also appoint such other Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

##### 6.03 Specific Functions

- (b) **Scrutiny.** The Overview and Scrutiny Committee and the Scrutiny Panels may:
- (i) Review and scrutinise decisions made by the Executive and the performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time.
  - (ii) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
  - (iii) Question members of the Executive and or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
  - (iv) Make recommendations to the Executive and/or appropriate Committees and/or Council arising from the outcome of the scrutiny process.
  - (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.

- (vi) Question and gather evidence from any person.

#### **6.04 Allocation of Responsibilities**

The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the Health and Social Care Act 2000. This will be a standing Sub-Committee and will meet at least four times a year.

It shall:

- a) review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
- b) respond to consultation exercises undertaken by an NHS body; and
- c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.

The Scrutiny Lead Member for a healthy community shall be appointed as a Member and Chair of the Health Scrutiny Panel.

#### **6.05 Reports**

The Overview and Scrutiny Committee will report to full Council, Cabinet or the appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Panels shall first be considered by the Overview and Scrutiny Committee before being reported to full Council, Cabinet or the appropriate Cabinet member, as appropriate.

#### **6.06 Proceedings of Scrutiny Panels**

The Overview and Scrutiny Committee and its Scrutiny Panels will generally meet in public and conduct their proceedings in accordance with the Procedure Rules in Part 4 of this Constitution.

**(Council Constitution Part 4 “Rules of Procedure”, Section 4.5 -  
Overview and Scrutiny Procedure Rules)**

**4.5. Overview and Scrutiny Procedure Rules (Extracts relating to Health Scrutiny Panel.**

**1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY**

**1.1** The Council will establish the Overview and Scrutiny Committee and Sub-Committees or Scrutiny Panels set out in Article 6. The Council will appoint Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint Members of the Sub-Committees or Scrutiny Panels.

**1.2** There will be one standing Scrutiny Panel to discharge the Council’s functions under the Health and Social Care Act 2001.

**1.4** The Health Scrutiny Panel will undertake the Council’s functions under the Health and Social Care Act 2001 and to consider matters to the local health service as provided by the NHS and other bodies including the Council:

- (a) To review and scrutinise matters relating to the health service within the Council’s area and make reports and recommendations in accordance with any regulations made thereunder;
- (b) To respond to consultation exercises undertaken by an NHS body; and
- (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

**1.5** The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

- (a) To investigate, scrutinise, monitor and advise in relation to:
  - How services are being delivered and the Council’s functions discharged.
  - How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, anti-poverty and crime and disorder).
  - The development of relevant policy.
  - How resources are being used, spent and managed.

- Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

## **2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?**

**2.1** All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

**2.3** The Lead Scrutiny Member for a Healthy Community shall be appointed as a member and Chair of the Health Scrutiny Panel.

# Agenda Item 9.1

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny Committee	8 June 2010	Unrestricted		
<b>Report of:</b> Assistant Chief Executive		<b>Title:</b> <i>Report of the Scrutiny Review Working Group on Reducing Childhood Obesity – increasing the ability of healthy choices.</i>		
<b>Originating Officer(s):</b> Katie McDonald Scrutiny Policy Officer		<b>Ward(s) affected: All</b>		

## 1. SUMMARY

- 1.1 This report submits the report and recommendations of the Reducing Childhood Obesity Working Group for consideration by the Overview and Scrutiny Committee.

## 2. RECOMMENDATIONS

It is recommended that the Overview and Scrutiny Committee:

- 2.1 Agree the draft report.
- 2.2 Authorise the Acting Service Head for Scrutiny and Equalities to agree the final report before submission to Cabinet, after consultation with the Scrutiny Lead for A Healthy Community.

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### LOCAL GOVERNMENT ACT, 1972 (AS AMENDED) SECTION 100D

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

Background papers	Name and telephone number of and address where open to inspection
None	N/A

### 3. BACKGROUND

- 3.1 The Childhood Obesity Scrutiny Review Working Group was established in September 2010 and undertook its work over six months. Chaired by Councillor Tim Archer, Scrutiny Lead for a Healthy Community, the aim of the review was to investigate the steps that health partners and the Council need to take to play their part in reducing childhood obesity in the borough.
- 3.2 The review had a number of key objectives.
- To develop appropriate recommendations to ensure the issue around prevention of an over-concentration of fast food outlets can be operationalised.
  - To explore the possibility for offering healthy free school meals for all.
  - To support schools to maintain their commitment to providing food in a pleasant, sociable environment with promotion of healthy choices.
  - To examine the possibility of further investment into improving school dining facilities.
  - To continue to develop current initiatives particularly under the Healthy Borough programme such as business advice to encourage healthier food choices.
- 3.3 At the first meeting in October the Working Group met with representatives from the Healthy Borough, Strategy Partnership and Performance and the Development and Renewal teams. The Group were given an overview of the healthy borough spatial planning process and how strategic planning is working with NHS Tower Hamlets to shape emerging planning policy by setting health policy within the Core Strategy. Members were keen to discuss the number of planning applications the Council receives for fast food outlets and what could be done to control this through tighter restrictions as well as influencing fast food outlets to sell healthier options.
- 3.4 The Healthy Borough team and Parental Engagement team arranged a total of five focus groups representing different groups within the community as part of the Tower Hamlets Healthy Borough Programme. The working Group were able to take part in these focus groups which enabled them to understand the perception of child obesity in the borough as well the barriers for parents trying to encourage children to eat healthily.
- 3.5 The Working Group heard from the Contract Services Manager, who provided the group with a sample of a healthy school meal and presented on the challenges of reducing child obesity within the school setting, for example, encouraging pupils not to leave school during lunchtime as well as ensuring that the money that they were given from parents or guardians was spent on healthy food. At the same meeting the Head of Building Development at Tower Hamlets informed members that given the current impetus to reduce childhood obesity levels among young people, combined with an increase in capital funding available through Building Schools for the Future for investment in school buildings presented an invaluable opportunity to meet the aspirations of the Healthy Schools agenda. This meeting informed and inspired Members to hold a high level of debate around the key issues and possible solutions.

- 3.6 The report with recommendations is attached at Appendix A. The recommendations cover three main areas; the school environment, a healthy school meal for every child, fast food outlets and planning regulations and partnership working to reduce obesity.
- 3.7 Once agreed, the Working Group's report and action plan will be submitted to Cabinet for a response to the recommendations.

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

- 4.1 The Council is required by section 21 of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for Cabinet to provide a response.
- 4.2 The report makes recommendations in relation to tackling childhood obesity. Such recommendations are capable of relating to discharge of the Council's functions, some of which are referred to below.
- 4.3 The Council is empowered under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the social, economic or environmental well being of Tower Hamlets, provided the action is not otherwise prohibited by statute. This power includes the ability to incur expenditure or to give financial assistance to or enter into arrangements or agreements with any other person. The power may be exercised in relation to, or for the benefit of: (a) the whole or any part of Tower Hamlets; or (b) all or any persons resident in Tower Hamlets. In exercising the power, regard must be had to the Community Plan. Under the theme of "A Healthy Community", the Community Plan states it is a priority to improve health and reduce differences in people's health by promoting health lifestyles, more particularly by slowing down the increase in obesity.
- 4.4 The Council is subject to a duty as a children's services authority to make arrangements to promote cooperation with its partners and other appropriate persons with a view to improving the well-being (including the physical, mental health and emotional well-being) of children in Tower Hamlets.
- 4.5 The Council has spatial planning powers under the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, although the Council must take care before using these in respect of childhood obesity. When developing sound planning policy, the Council needs to ensure that: (a) the policy has a firm policy base (from higher level documents such as the Unitary Development Plan or Core Strategy); (b) that it is supported by robust and credible evidence; and (c) that it has been prepared in accordance with due process, including appropriate consultation.

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

- 5.1 This report describes the outcome of the report and recommendations of the Reducing Childhood Obesity Working Group for consideration by the Overview and Scrutiny Committee.
- 5.2 There are no specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

## **6. ONE TOWER HAMLETS CONSIDERATION**

- 6.1 A number of the recommendations in this report have One Tower Hamlets implications; the overarching theme is to reduce health inequalities in the Borough with a focus on reducing Childhood obesity levels. The Community Plan outlines that obesity levels are set to increase in the future and the recommendations in this report intend to reverse this increasing trend through early intervention measures with our youngest residents.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 This report has positive implications for sustainable action for a greener environment through its aim to address issues of littering outside fast food outlets (recommendation 12).

## **8. RISK MANAGEMENT**

- 8.1 There are no direct risk management implications arising from the Working Group's report or recommendations.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no crime and disorder reduction implications arising from this report.

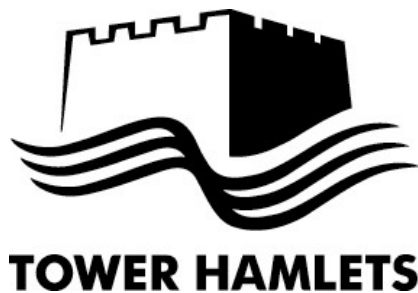
## **11. EFFICIENCY STATEMENT**

- 11.1 There are no direct efficiency implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations (in particular recommendation one) then Officers will be required to consider the appropriate efficiency assessments before any decisions on changes to services or financial commitments are made.



**Appendix A**

**Report of the Scrutiny Review Working Group  
on Reducing Childhood Obesity – increasing  
the availability of healthy choices.**



**London Borough of Tower Hamlets  
May 2010**

**Acknowledgments**

**Chair's Foreward**

**Summary and Recommendations**

**Introduction**

**Background**

**School environment and a healthy school meal for every child**

**Fast food outlets and planning regulations**

**Improving partnership working to tackle child obesity**

**Conclusion**

## Acknowledgments

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The Working Group would like to thank all officers and partners that embraced this review. The views and perspectives of all that were involved have been fundamental in shaping the final recommendations of this report. We want to thank particularly our colleagues from NHS Tower Hamlets who participated throughout, and willingly shared their expertise with us.

### **Working Group Chair:**

Councillor Tim Archer

### **Working Group Members:**

Councillor Bill Turner

Councillor Abjol Miah

Councillor Lutfa Begum

Councillor Alex Heslop

Councillor Ann Jackson

### **London Borough of Tower Hamlets:**

Owen Whalley

Service Head, Major Project Development

Peter Farham

Strategic Planner, Strategy – Innovation and Sustainability

Keith Williams

Head of Healthy Borough Programme, Tower Hamlets Partnership

Layla Richards

Service Manager, Strategy Partnership and Performance

Pat Watson

Head of Building Development,

Ann Sutcliffe

Service Head Building Schools for the Future (BSF)

Saheed Ullah

New Projects Development Manager, BSF

Michael Hales

Head of Contract Service, Children, Schools and Families

Abul Ahmed

Parent Support Co-ordinator, Early Years Children and Learning

### **Scrutiny and Equalities:**

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Scrutiny Policy Officer

Afazul Hoque

Scrutiny Policy Manager

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### **NHS Tower Hamlets:**

Esther Tranchard-Mabere

Associate Director of Public Health, NHS Tower Hamlets

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Senior Public Health Specialist, NHS Tower

Hamlets

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Senior Public Health Strategist, NHS Tower Hamlets

Tim Madelin

Senior Public Health Strategist, NHS Tower Hamlets

**Cllr Tim Archer**  
**Scrutiny Lead, A Healthy Community**

## SUMMARY AND RECOMMENDATIONS

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The Working Group recommendations set out the areas requiring consideration and action by the Council and the Partnership to tackle childhood obesity and promote healthy eating. The recommendations cover three main areas:

- School environment and a healthy school meal for every child
- Fast food outlets and planning regulations
- Improving partnership working to tackle child obesity

### **SCHOOL ENVIRONMENT AND A HEALTHY SCHOOL MEAL FOR EVERY CHILD**

The Working Group noted that pupils in two areas of the country have been offered free school meals in a pilot scheme which, if proved to make a marked difference to pupils' health and concentration, could be expanded nationwide. Given that 70% of Tower Hamlets pupils already receive a free school meal, the Working Group strongly believes such a proposal would be of benefit to the local community and merits further investigation. The Group proposes that the Children, Schools and Families Directorate find resources to provide free school meals for all pupils.

**Recommendation 1 – That the Children, Schools and Families Directorate find additional resources to provide free school meals for all pupils in Tower Hamlets.**

The Working Group was aware that some pupils who receive lunch money from parents and guardians often purchase food outside of school premises. The result can be that pupils purchase less healthy foods including crisp, sweets and fast food. The Working Group heard that better regulation of what pupils eat during school time is required and that schools should seek to discourage parents out of giving lunch money to their children by introducing a cashless payment system for purchasing school lunch. This would work by providing pupils with an electronic card that is topped up with credit that can then be used to buy food. It should be noted that if recommendation one is adopted then this recommendation will be obsolete.

**Recommendation 2 – That the Children, Schools and Families Directorate in collaboration with schools explore the possibility of introducing a cashless lunch payment system for all pupils to use when purchasing school lunch.**

The Working Group's meeting with the Contract Service highlighted the challenges to encouraging pupils not to leave school during lunch time. It emerged that pupils became tired of having to wait for lunch in long queues. The Group heard that often this would lead to pupils either saving their money to buy food after school, or leave the school premises during lunch times. The Working Group request that schools look at staggered lunch hours to minimise the wait.

**Recommendation 3 – That Children, Schools and Families Directorate work with schools to develop a staggered lunch hour, so that pupils are not queuing for long periods over lunch.**

The Working Group encourages all Tower Hamlets schools to adopt a closed gate policy during lunch hours. This will increase the uptake of school meals and reduce the opportunity for pupils to eat fast food or other less healthy food.

**Recommendation 4 – That Children, Schools and Families Directorate work with all secondary schools in the borough to adopt a closed gate policy preventing all pupils from routinely leaving school premises during lunch hours.**

The Working Group noted the development of the lunch room environment as part of the Building Schools for the Future programme (BSF). The Working Group request that updates are given to the Overview and Scrutiny Committee every year, reporting on the effects of new developments on children's dining experience. In particular, focus should be given to any increase on the number using dining rooms as a result of new developments.

**Recommendations 5 – That Children, Schools and Families Directorate provide updates on progress of the BSF programme to the Overview and Scrutiny Committee. This should outline the effects new lunch room areas are having on the uptake of school meals.**

The Working Group recognises that many of the local fast food outlets are owned by local business people. With the current economic climate already putting strains on local business, the last thing that the Group wants is for local businesses to close. However the Group is concerned at the huge concentration of fast food outlets in the borough, and ask that those places do more to encourage healthier eating. One suggestion is for all fast food outlets in the borough having calorie contents on menus.

**Recommendation 6 – That the Environmental Health Team requests all fast food outlets to have calorie contents on menus.**

#### **FAST FOOD OUTLETS AND PLANNING REGULATIONS**

The Working Group heard that the London Borough of Waltham Forest consulted on a new planning policy to restrict the opening of new fast food outlets within a specified distance of schools. Whilst the draft policy has proved popular with those who have responded to the consultation in Waltham Forest, the Group was concerned that the proposal did not appear to be rooted in solid evidence about the health benefits of such a move. There was also concern that a 400m exclusion zone around schools was not practical in a geographically small and densely populated borough like Tower Hamlets... The Working Group is aware that the Development and Renewal Directorate will be submitting a paper to Cabinet titled 'Healthy Borough Programme – Managing Fast Food Outlets via Planning'. The Working Group would like to see proposals come forward to the cabinet as quickly as possible so that action can be implemented before the end of 2010.

**Recommendation 7 – That Development and Renewal Directorate develop an evidence base to underpin emerging policy on managing fast food outlets in Tower Hamlets as outlined in the 'Healthy Borough Programme' report with a view of developing a means to restrict the over-concentration of fast food outlets in the borough, particularly those outside of town centres and within close proximity to schools.**

The Working Group believe that tackling childhood obesity will require the Council to work more closely with fast food outlets. The Council and other partners need to review the way they lease their properties ensuring that encouraging healthy eating is a pre-requisite for any new food business. Moreover the Council needs to consider increasing levy charges to those that do not offer a healthy option, and reduce charges and business rates for those that do. As well as considering rewarding those owners of fast food outlets who are changing their menus towards healthy options.

**Recommendation 8 -That tackling childhood obesity will require the Council, Tower Hamlets Homes and RSLs to work more closely with fast food outlets. The Group suggest the following recommendations that will enable this:**

- **The Council, Tower Hamlets Homes and RSLs review the way they lease their properties ensuring that encouraging healthy eating is a pre-requisite for any new food business**
- **Consider increasing levy charges to those that do not offer a healthy option, and reduce charges and business rates for those that do**
- **Recognising owners of fast food outlets who are changing their menus towards healthy eating and rewarding those businesses**

### **IMPROVING PARTNERSHIP WORKING TO TACKLE CHILD OBESITY**

The Working Group recommends that in order to promote healthy eating the Partnership needs to lead by example. The Working Group requests that vending machines found within Council and partnership buildings need to store healthier options. This will encourage adults to eat healthily, setting good examples for young people to follow. To that end, the Group recommends that the Council, NHS Tower Hamlets, Registered Social Landlords (RSLs) and other Partnership bodies including leisure centres and youth clubs provide healthy options in vending machines, or remove the vending machines if it is not practical to provide healthy options.

**Recommendation 9 – That all vending machines found at Council and Partner buildings have healthy options.**

The Group is acutely aware that the problem of childhood obesity is prevalent across London. In order to learn and adopt best practice and share experiences, the Group requests that a London wide group, made up of local authorities is set up.

**Recommendation 10 – That the Council leads on developing a London Wide Network of practitioners to share best practice and develop strategic solutions to childhood obesity.**

The Working Group noted that encouraging young people to grow their own food is an effective way to get them to eat healthily. The Group heard that such activities already exist and recommend that the Council and Registered Social Landlords (RSLs) use its land to continue with programmes that encourage food growing.

**Recommendation 11 – That the Council and Registered Social Landlords utilise land for community food growing initiatives, encouraging residents to actively learn and enjoy techniques for growing their own food.**

Visits to fast food outlets highlighted the effects on the environment as a result of litter from take away boxes. The Group recommends that Tower Hamlets Enforcement Officers (THEOs) target resources to areas with fast food outlets and report incidents back to the Council's Environmental Health Team to profile and target fast food outlets that are responsible for litter found on streets.

**Recommendation 12 – That THEOs allocate resources towards targeting fast food outlets that are responsible for waste and litter around their shops.**

The Working Group would like a review undertaken to look at the sustainability and legacy of the Healthy Borough Programme after March 2011. The Group noted that this programme has improved partnership working and relationships with fast food outlets and that it would be a shame to lose this resource.

**Recommendation 13 – That a report be presented to the Overview and Scrutiny Committee detailing the success of the Healthy Borough Programme. This paper should form the basis for strengthening proposals for requesting further funding beyond March 2011.**



## Introduction

1. The Government's National Obesity Strategy for England launched in 2007 set an ambitious target of "Being the first major country to reverse the rising tide of obesity in the population...by 2020 we will have reduced the proportion of overweight and obese children to 2000 levels."<sup>1</sup>
2. The aim of this review was to investigate the steps that health partners and the Council need to take to play their part in achieving this national goal. However given the seriousness of the childhood obesity problem in the borough, the challenge of this review was to identify ways in which we can reverse the tide of children eating fast food and accelerate the number of children eating healthy food.
3. It is well documented that the Council and local health partners have invested in a range of initiatives, including free swimming for under 18s and schools being supported to achieve Healthy School status. These are warmly welcomed but we need to ask whether they are sufficient given the challenges faced by the borough.
4. The first step in addressing childhood obesity is recognition of the scale of the problem. In Tower Hamlets nearly 1 in 7 children in reception (4-5 year olds) and over 1 in 4 children in year 6 (10-11 year olds) are now obese. We have the fifth highest proportion of obese 10-11 year olds in London and the sixth highest in the country. Self reported data from children surveyed in years 6, 8 and 10 shows that compared to the national average, fewer of our children eat three or more portions of fruit and vegetables per day and fewer participate in physical activity on three or more days per week.
5. More importantly, the impact on the life chances of those individuals who are overweight will be significant. A much increased chance of suffering from diabetes, heart disease, cancer and liver failure. A greater risk of depression and other mental health problems. Poorer social, educational and economic prospects. With obesity more prevalent amongst children growing up in poverty, a failure to tackle the problem will simply put more barriers in front of those children who already struggle to make the most of their potential. Childhood obesity is not therefore simply a health issue; it is an issue of fairness and equality of opportunity.
6. In 2005/2006 the Health Scrutiny Panel considered the Government's Delivering Healthy Choice Agenda and used obesity as a case study to undertake a review. This report was successful in bringing many of the issues surrounding obesity and choosing healthy lifestyles to the forefront. There were nine recommendations in total, with a focus on partnership working and the strategic action required by the Council, PCT and other stakeholders to improve action on obesity, which it suggested could be approached through the Local Development Framework and Local Area Agreement. Importantly, the report highlighted in one of its recommendations that childhood obesity would need more focus and discussion in future work programmes.

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<sup>1</sup> Healthy Weight, Healthy Lives Strategy – Cross Government Strategy for England, *Department of Health*, published January 2008.

7. In July 2009, the Chair of the Health Scrutiny Panel and Scrutiny Lead for Healthy Communities, Councillor Tim Archer, identified tackling childhood obesity as a priority area for review and in the same month a Scrutiny Working Group was established. The key aim of the review was to identify ways the Council and NHS Tower Hamlets can promote healthy eating by increasing the availability of and access to healthy food choices and reducing the availability of and access to foods that are high in fat, sugar and salt.
8. The review had a number of key objectives:
  - To develop appropriate recommendations to ensure the issue around prevention of an over-concentration of fast food outlets can be operationalised.
  - To explore the possibility for offering healthy free school meals for all.
  - To support schools to maintain their commitment to providing food in a pleasant, sociable environment with promotion of healthy choices.
  - To examine the possibility of further investment into improving school dining facilities.
  - To continue to develop current initiatives particularly under the Healthy Borough programme such as business advice to encourage healthier food choices.
9. This report details findings from the review and lists recommendations agreed by the Working Group. The Working Group recommendations cover three main areas: School environment and healthy school meal for every child, Fast food outlets and planning regulations, Partnership working to reduce child obesity.

### **Review Meetings**

The group agreed the following timetable and methodology for the review:

#### **10. Introductory review meeting (September 2009)**

- Fact finding session to understand level of obesity amongst children and agree review plan.

#### **Understanding planning regulations around fast food outlets (October 2009)**

- Lettings Policy
- Planning Policy
- Developmental Control Mechanisms
- Local Development Framework Strategy

#### **Focus Groups (throughout January 2010)**

The Healthy Borough Team arranged a series of focus groups, to gather views of local residents about child obesity. A total of 5 focus groups took place, plus another one arranged by the Parental Engagement team. Those that attended represented the following groups:

- Somali Mums and Carers
- Male Carers and dads
- Bangladeshi female carers and mums
- White working class female carers and mums
- Secondary School Children
- Mothers

#### **School setting - encouraging healthy eating (February 2010)**

- Evaluate the quality of school meals
- Consider the lunch environment to see if it can be changed to promote healthy eating
- Evaluate BSF plans to see how it will embed healthy eating
- Consider the possibility of free school meals for all

## Background

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11. Since 2000, the Government has taken action to promote healthier food choices and greater access to physical activity, especially among children. In particular, significant improvements have been made to food standards in schools, and to the amount of physical activity children do at school. However, the extent of the challenge means that more needs to be done to give people the opportunities to make healthy choices about activity and food.
12. To reflect this, the Government has set itself a new ambition of being the first major country to reverse the rising tide of obesity in the population by ensuring that all individuals are able to maintain a healthy weight. Initial focus is on children, the Government has suggested that “by 2020 we will have reduced the proportion of overweight and obese children to 2000 levels”<sup>2</sup>.
13. The publication of the Government’s White Paper ‘*Choosing health, making healthier choices easier*’<sup>3</sup> identified obesity as a key area for action and was a key driver in raising the profile of obesity as a major public health concern.
14. Nationally, obesity is a growing problem; it was anticipated in the Government’s White Paper that without concerted intervention the majority of people in the UK will be obese by 2050 (and 1 in five British children will be obese by 2010) with an estimated cost to society of more than £50 billion per year. Obesity is estimated to be responsible for more than 9,000 premature deaths each year in England, as a risk factor for a number of chronic diseases including heart disease, stroke, some cancers and type 2 diabetes and reduces life expectancy by, on average, 9 years.
15. Obese people are also more likely to suffer from social and psychological problems such as low self esteem, depression, discrimination and stigmatisation. Obesity among children aged 2–10 years rose from 9.6% amongst boys and 10.3% amongst girls in 1995 to 17.1% and 13.2% in 2006. In 11–15 year olds obesity rose from 13.5% and 15.4% to 17.7% and 17.0% in boys and girls over the same period. The prevalence of an overweight population has remained at a similar level although there has been fluctuation between years.
16. It has been predicted that by 2020 about 33% of men, 28% of women, 20% of children could be obese. Also, if these trends continue, by 2050 60% of men, 50% of women and 25% of children in the UK could be obese. The implications of these trends are that today’s children could have a shorter life expectancy than their parents.
17. Growing concern about the prevalence of child obesity and obesity in the population as a whole led the Government to develop a Public Service Agreement (PSA) target jointly owned by the Department of Health (DOH), Department for Children, Schools and Families (DCSF) and Department for

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<sup>2</sup> Healthy Weight, Healthy Lives Strategy – Cross Government Strategy for England, *Department of Health*, published January 2008.

<sup>3</sup> Choosing Health, Making Health Choices easier, Department of Health, published November 2004.

Culture Media and Sports (DCMS). PSAs are announced in the Government's Comprehensive Spending Reviews and a PSA is a voluntary agreement negotiated between a local authority and the government that aims to improve delivery of local public services by focusing on a targeted outcome. PSAs detail the aims and objectives of UK Government department (or departments if jointly owned) over a three-year period.

18. In response to the Government raising awareness of the prevalence of childhood obesity as a public health concern, the National Institute of Clinical Excellence (NICE) produced guidance which stated interventions aimed at preventing and treating obesity in children outlining who and what should be focused on.

19. NICE guidance states that local authorities and partners should work with other local partners, such as industry and voluntary organisations, to create and manage safe spaces for incidental and planned physical activity, addressing as a priority any concerns about safety, crime and inclusion, by:

- Providing facilities and schemes such as cycling and walking routes, cycle parking, area maps and safe play areas.
- Making streets cleaner and safer, through measures such as traffic calming, congestion charging, pedestrian crossings, cycle routes, lighting and walking schemes.
- Ensuring buildings and spaces are designed to encourage people to be more physically active (for example, through positioning and signing of stairs, entrances and walkways).
- Considering in particular people who require tailored information and support, especially inactive, vulnerable groups.

20. An overview of the NICE recommendations associated to childhood obesity is that: all school policies should encourage healthy eating, physical activity and maintaining a healthy weight.

- Teaching, support and catering staff should be trained in healthy school policies.
- Links should be established with relevant organisations and Professionals to promote sports for children and young people.

21. Furthermore the report commissioned by the IDeAs 'Healthy Communities Programme Foresight Report and Implications for Local Government identified four key functions where local government could contribute to tackling obesity:

- Planning
- Children's Services
- Adult Social Care
- Parks and Leisure.

22. The report also highlighted the five main policy areas the Government should focus on:

- Increase the walkability and cyclability of the built environment
- Target interventions for people at risk
- Control obesogenic food and drinks

- Early life interventions at birth or in infancy
- Increase the responsibility of organisations for employees.

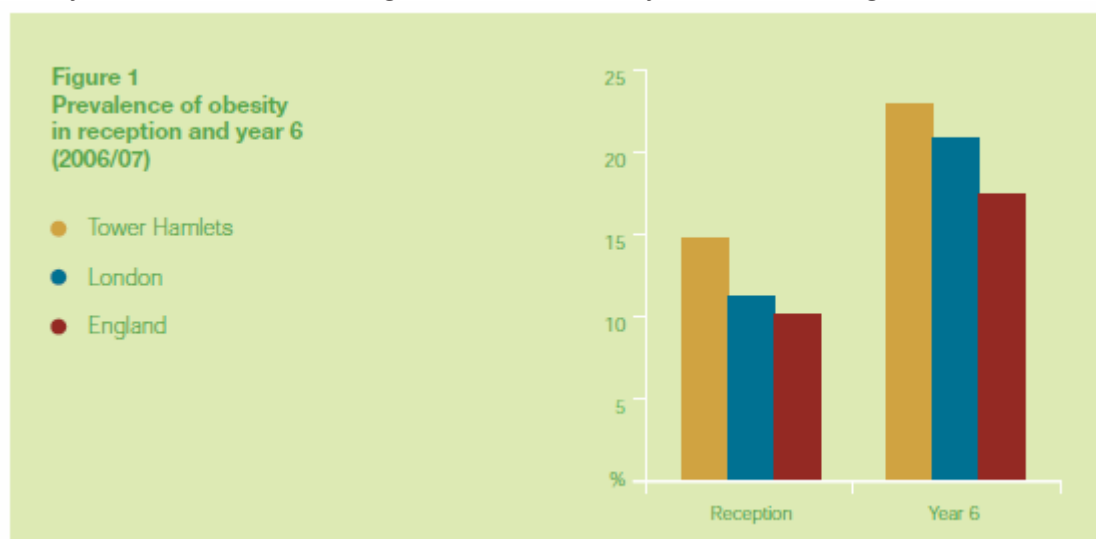
23. One element of ‘obsegenenic food’ is the availability of fast food. There has been much media speculation about the role played by fast food in the rising levels of obesity but as the Foresight Report makes clear obesity is a multi faceted problem of which a prevalence of fast food outlets is but one strand which could be seen as much as a symptom rather than a cause. The Working Group spent considerable time discussing the link between obesity and the high concentration of fast food outlets in the borough. Discussions around this can be found later on in the report.

### **The Local Perspective**

24. The Wanless Report (2007) highlighted that national levels of overweight and obesity figures have increased even faster than predicted and currently shows no sign of slowing down. The available local data indicates a similar picture in Tower Hamlets, which has some of the highest rates of childhood obesity in the country, reflecting an observed relationship between levels of obesity and areas of high deprivation.

25. The main source of local data is from the national child measurement programme. The height and weight of primary school children (state schools only) in reception and year 6 is recorded annually by school nurses. Data is currently available from 2006/07 and 2007/08 (academic years). In 2006/07 82.6% of children in reception and 88.6% of children in year 6 were measured and in 2007/08 85.8% of children in reception and 86.7% in year 6 were measured.

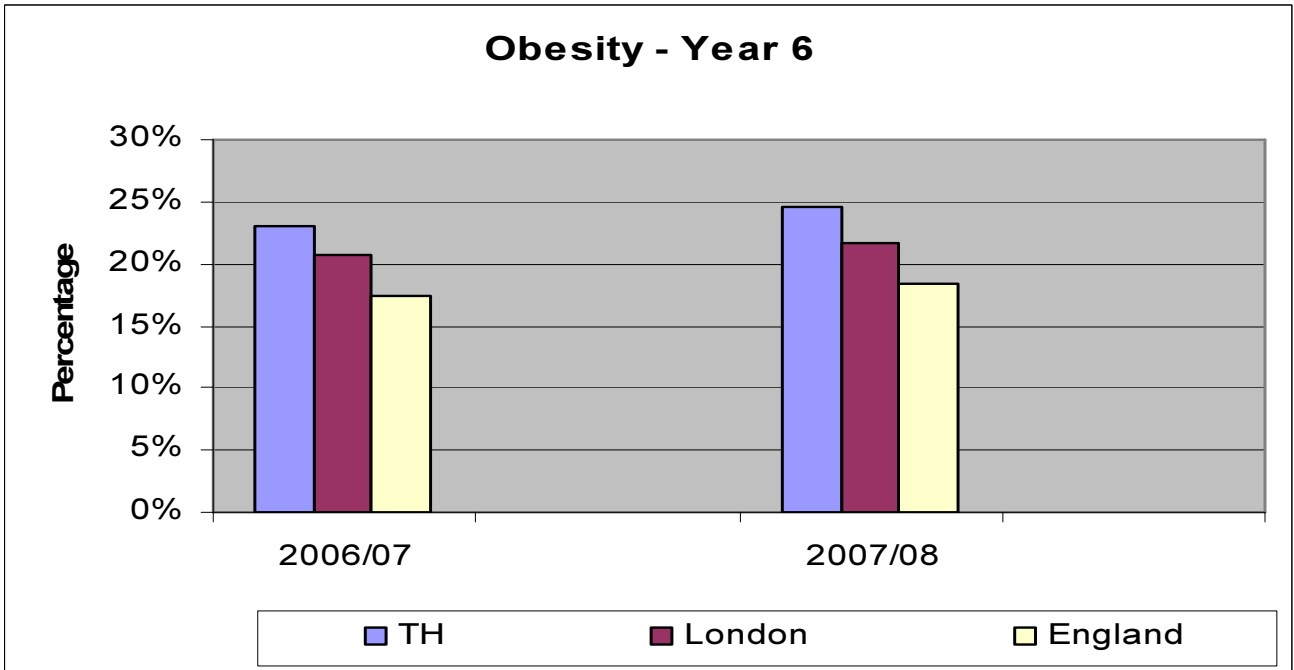
26. The results from the national child measurement programme (academic year 2006/07) shown below, indicate that levels of childhood obesity in Tower Hamlets are higher than average for London and England. The prevalence of obesity in children measured in reception was the 3rd highest in the country and the 2nd highest in London. The prevalence of obesity in children measured in year 6 was the 13th highest in the country and the 9th highest in London.



27. Data from 2007/08 has also been analysed by ethnicity and shows that the prevalence of overweight and obesity is highest in Black, followed by White children but, due to the local demographics, the largest numbers of overweight and obese children are of Bangladeshi origin. The graph below shows that although obesity amongst reception children has reduced in 2007/08, it still remains significantly higher than London and National rates.



28. Data for Year 6 pupils (graph below) shows that obesity has increased in 2007/08 compared with 2006/07. Like figures for reception pupils, rates are higher than that of London and national rates.



29. Self reported data from children in years 6, 8 and 10 on consumption of fruit and vegetable and participation in sports and active pursuits is available from the Ofsted 'TellUs' survey 2006/07 and 2007/08. This indicates that children in Tower Hamlets are significantly less likely to eat 5 or more portions of fruit and vegetables per day or to participate in regular physical activity than the national average.

30. The table on the next page shows prevalence of obesity in reception and Year 6 compared to London and England 2008-09.

Academic Year	Prevalence of Obesity – Reception				Prevalence of Obesity – Year 6			
	TH	Rank*	London	England	TH	Rank*	London	England
2006/07	14.6%	2 (L) 3 (E)	11.3%	9.9%	23.0%	9 (L) 13 (E)	20.8%	17.5%
2007/08	13.7%	4 (L) 5 (E)	10.9%	9.6%	24.5%	5 (L) 6 (E)	21.6%	18.3%
2008/09	13.4%	5 (L) 6 (E)	11.2%	9.6%	25.7%	2 (L) 2 (E)	21.3%	18.3%
Change between 2007/08 and 2008/09**	-.3%	-1 (L) -1 (E)	.3 %	0	1.2%	+3 (L) +4 (L)	-.3%	0

\*Rank shows Tower Hamlets compared to London and England, 1 = highest

\*\* Negative value shows reduction in prevalence or fall in ranking, positive shows increase in prevalence or rise in ranking

31. We can see from the above table that in 2008/09 children of reception age in Tower Hamlets were ranked 5th highest in respect to prevalence of childhood obesity and 6th amongst all local authorities in England. Ranking is then 2<sup>nd</sup> for year 6 children. It should be noted that

## **SCHOOL ENVIRONMENT AND HEALTHY SCHOOL MEAL FOR EVERY CHILD**

### **Free School Meals**

32. The Working Group was informed that since September 2009, Newham has provided Free School Meals to all primary school children. The pilot, jointly funded by the Department of Health and the Department of Children, Schools and Families, has been running for two years.

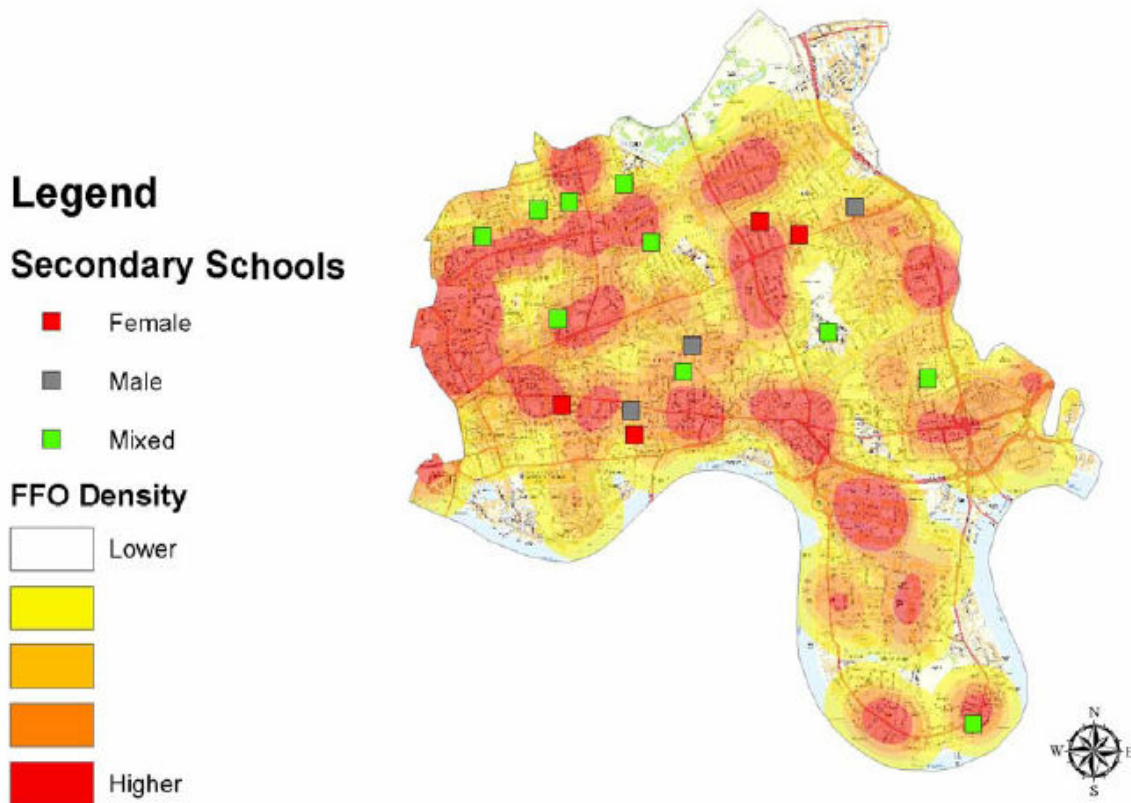


33. The current uptake in Newham has raised a borough-wide average of around 75% compared with 51% of children last year who were either having a free school meal or paying for it. Twenty schools now have over 80% take-up, two of which are at 98%. Newham Council says the figures, which are being regularly and closely monitored, are still rising. There has also been a knock-on effect on secondary schools: Newham has achieved a school meal uptake increase of about 15% compared with the same time last year.

34. The Working Group noted that pupils in two areas of the country have been offered free school meals in a pilot scheme which, if proved to make a marked difference to pupils' health and concentration, could be expanded nationwide. The Group argued that given 70% of Tower Hamlets pupils already receive free school meals; A similar proposal merits further investigation by the Council. The Group proposes that the Children, Schools and Families Directorate find resources to provide free school meals for all pupils in Tower Hamlets.

**Recommendation 1 – That the Children, Schools and Families Directorate find additional resources to provide free school meal for all pupils in Tower Hamlets.**

35. The Working Group was specifically told that given the huge concentration of fast food outlets in the borough, inevitably they will be close to schools. The map below supports this. Each school shown in green is close to a fast food outlet.



**Figure 2 - Density of Fast Food Outlets and Secondary Schools**

36. The Group were told that those who left school premises for lunch purchased food around the school area. Whilst an accurate picture of how many eat at fast food outlets is not available, it can be assumed that pupils will eat at those places. A study by City University on schools and fast food outlets in Tower Hamlets found from focus groups that:

- The students and their friends obtain food from local shops as opposed to from the school; some reported a deliberate abstinence from school lunches in order to be able to use their 'lunch money' to buy from a take-away on the way home from school.
- Where there was no closed-gate policy (Morpeth) some of those who could not or did not have permission to leave the school grounds got others with such permission to buy food from Fast Food Outlets for them.
- Many reported being hungry at the end of the school day and this was a reason for eating from Fast Food Outlets on the way from school to home.
- When students were paying for school meals they were extremely price sensitive and felt that school meals offered poor value in relation to what they could buy from local shops and Fast Food Outlets.
- While there were some expressions of dissatisfaction with the quality of school meals, there was a greater concern with the canteen atmosphere in terms of queuing, noise and time allocations.

37. The Working group was aware that some pupils who receive lunch money from parents and guardians often purchase food outside of school premises. The result being that pupils are able to purchase less healthy food including crisps, sweets and fast food. The Group heard that better regulation of what pupils eat at school times is required and that schools should seek to discourage parents out of giving lunch money to their children by introducing a cashless payment system for purchasing school lunch. This would work by providing pupils with an electronic card that is topped up with credit that can then be then used to buy food. This would mean that parents would not be required to give lunch money. But more importantly will result in pupils eating a nutritious school meal. However, this would be obsolete if Recommendation 1 to provide free school meals to all pupils was implemented.

38. The Working Group's meeting with Contract Services highlighted the challenges to encouraging pupils not to leave school during lunch time. It emerged that pupils tired of having to wait for lunch in long queues are often either saving their money to buy food after school, or leaving the school premises during lunch times. The Working Group request that schools look at staggered lunch hours to minimise the wait.

39. In light of this the Working Group suggested that all Tower Hamlets schools should adopt a closed gate policy during lunch hours which would lead to an increase in the uptake of school meals and reduce the opportunity for pupils to eat fast food or other less healthy food.

**Recommendation 2 – That the Children, Schools and Families Directorate in collaboration with schools explore the possibility of introducing a cashless lunch payment system for all pupils to use when purchasing school lunch.**

**Recommendation 3 – That Children, Schools and Families Directorate work with schools to develop a staggered lunch hour, so that pupils are not queuing long periods for lunch.**

**Recommendation 4 – That Children, Schools and Families Directorate work with all secondary schools in the borough to adopt a closed gate policy preventing all pupils from routinely leaving school premises during lunch hours.**

### **Building Schools for the Future (BSF)**

40. The Working Group heard from Pat Watson, Head of Building Development, that the current impetus to reduce obesity levels among young people, combined with an increase in capital funding available through BSF for investment in school buildings, presents an invaluable opportunity to meet the aspirations of the Healthy Schools agenda.

41. Members heard that the BSF investment can support a reduction in levels of obesity in schools across a range of areas, through direct consideration of:

- the design approach for the preparing and serving of food in schools;
- the use of modern and fit for purpose Physical Education facilities; and
- additional support in curriculum areas relating to health and wellbeing, making use of enhanced ICT provision to underpin this.

42. Moreover a well designed kitchen and dining spaces are an important part of any school, and key to encouraging children and young people to enjoy good healthy food. The Department of Health's "Obesity Guidance for Healthy Schools Coordinators and their Partners" (January 2007) indicates a number of key factors which schools should consider in seeking to reduce obesity levels. This includes the provision of a welcoming eating environment which encourages the positive social interaction of pupils, promotes healthy eating, considers appropriate logistic/queuing arrangements, and is clean.

43. LBTH has followed the principles of the Department for Children Schools and Families, "Inspirational Design for Kitchen & Dining Spaces" (2007) which provides guidance to authorities on ensuring design quality in school dining which should foster good social interaction and provide an interesting context for enjoying eating. Guidance suggests that a dining space should express the ethos and ambitions of a school and should be a place where the school is proud to welcome visitors and the wider community.

44. The Group noted the development of the lunch room environment as part of the Building Schools for the Future programme. The Working Group request that updates are given to the Overview and Scrutiny Committee every year, reporting on the effects of new developments on children's dining experience.

In particular, focus should be given to any increase, as a result of new developments, to the numbers using dining rooms.

**Recommendations 5 – That Children, Schools and Families Directorate provide updates on progress of the Building Schools for the Future programme to the Overview and Scrutiny Community. This should outline the effects new lunch room areas are having on the uptake of school meals.**

#### **Health effects of eating fast food**

45. During the Introductory meeting NHS Tower Hamlets informed Members that fast foods are extremely high in fat, sugar and calories than other food items; which make them low on nutritional value. Fast food and childhood obesity are very much interrelated due to the popularity of the various fast food dishes. The Group were told that fast food also contains high levels of the following:

- **Sugar** - High sugar levels make children more prone to developing type 2 diabetes. Getting affected by diabetes at such an early age reduces or actually stops the insulin production in their body, which can be very harmful.
- **Fats** - Saturated fats in fast food are really very harmful for children's health, which leads to heightened levels of blood cholesterol (LDL) and triglycerides, leading to many early age problems with respect to heart health and many other cardiovascular diseases like dyslipidemia and coronary heart diseases.
- **Salt** - Excessive salt levels in fast food ultimately results in high blood pressure which leads to rupturing and cracking of the arteries and veins.

46. The Working Group noted other effects including high consumption of fast food which makes children more prone to illnesses, including loss of appetite, constipation, tiredness, fatigue, lack of concentration and conditions like anaemia which are caused by vitamin deficiencies. Fast foods are very high in starch, which raises the food cravings in children and as a result they are likely to eat more and thus gain more weight. High consumption of fast food can often make healthy foods like vegetables; fruits and other natural food almost vanish from the daily diets of children, which further results in the calcium deficiencies that can seriously damage the health of nails and teeth.

47. The Working Group were told that better information about the dangers of consuming fast food is required to get the message across to young people that over consumption of fried chicken and chips is bad for them. Members recognise that many local fast food outlets are owned by local business people. With the current economic climate already putting strains on local business, the last thing that the Group wants is for local businesses to close. However the Group is concerned at the huge concentration of fast food outlets in the borough, and ask that those places do more to encourage healthier eating. One suggestion is for all fast food outlets in the borough having calorie contents on food packaging.

**Recommendation 6 – That the Environmental Health Team requests all fast food outlets to have calorie and nutritional contents on menus.**

## **FAST FOOD OUTLETS AND PLANNING REGULATIONS**

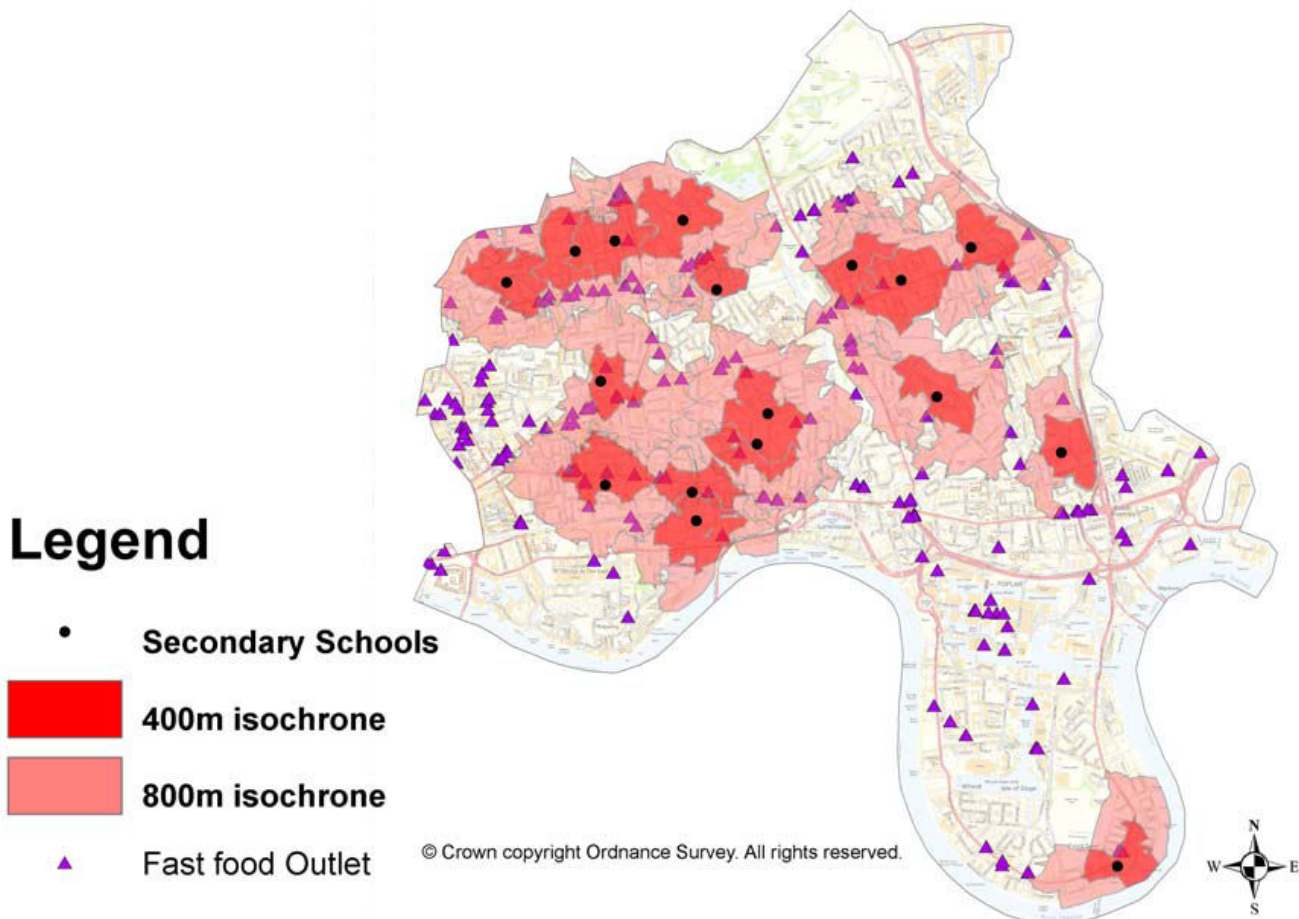
### **Obesity and fast food**

48. A key contributor towards obesity is the widespread availability of fast food as identified by Healthy Weight, Healthy Lives (2008), the cross Government strategy document. Fast food refers to the consumption of energy dense fried food high in saturated fats. Such foods contribute towards an over consumption of calories and saturated fats which is associated with an increase in people being overweight and obese.
49. When people think of fast food, the common image is of McDonalds, Burger King or KFC, however within Tower Hamlets the nature of fast food outlets is completely different. These outlets are small often locally owned and run by businesses selling fried chicken, burgers and donar kebab meals. Often these types of food are offered together by owners to ensure that regular customers have choice under one roof, thereby maximising sales. Research commissioned by the Tower Hamlets Healthy Borough Programme suggests the outlets are highly profitable with higher profit margins than other small retail businesses such as corner shops.
50. For fast food outlets in Tower Hamlets, school children are an important customer group because of volume. Consequently owners work hard to satisfy the needs of school children by selling foods within their price range and offering special deals.

### **Location of fast food outlets in Tower Hamlets**

51. In Tower Hamlets there are 203 hot food takeaways and 604 restaurants and cafes as of September 2008 (Environmental Health database). These are clustered along the main thoroughfares in the borough, namely Bethnal Green Road/Roman Road, Whitechapel Road/Mile End Road and Commercial Road/East India Dock Road.
52. Tower Hamlets is a small borough by area and the concentrations of fast food outlets are more focused and distanced less than in some other London boroughs where outlets can be more dispersed with regards to location. Fast food outlets do not appear to be over concentrated near schools, although due to the compact size of the borough the majority of schools have fast food outlets within a ten minute walk. Analysis below shows 12% of fast food outlets and 17% of all households were located within 400 metres of a school (5 minutes walk). Within 800 metres (10 minutes walk) this increased to 43% of fast food outlets and 52% of all households within the borough. The map below outlines the location of fast food outlets to secondary schools within the borough.

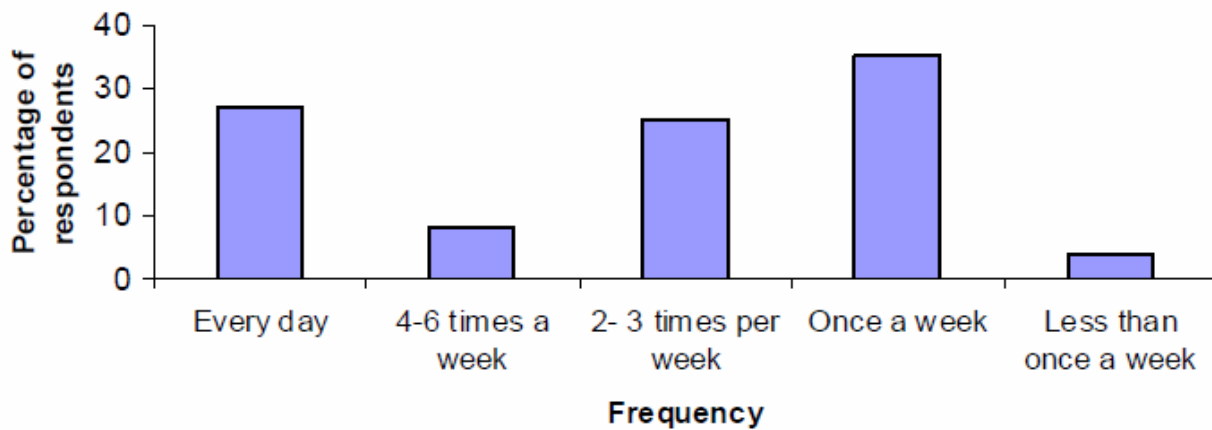
## Map of Fast Food Outlets



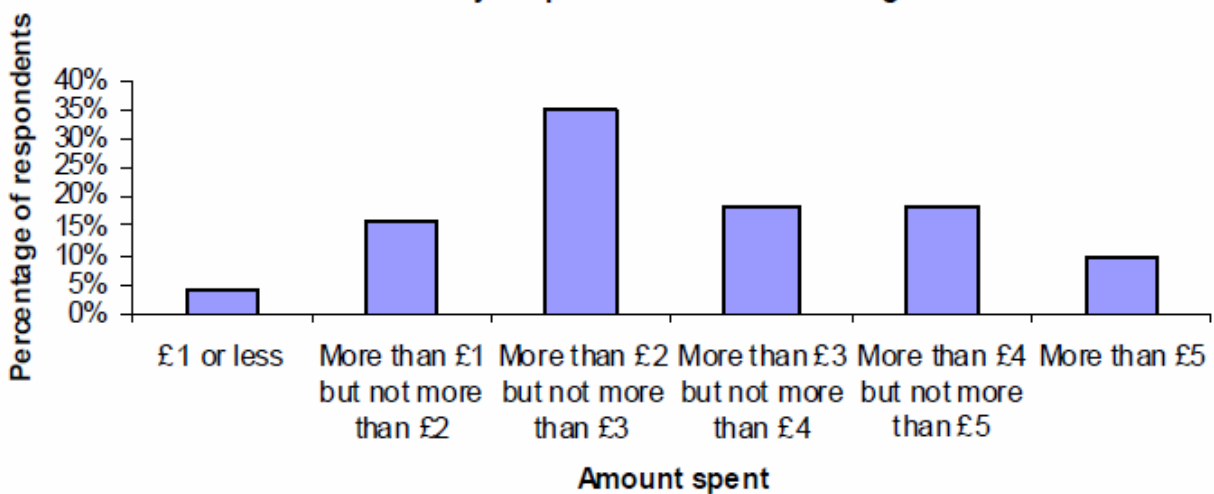
### Consumption of Fast Food in Tower Hamlets

53. The Working Group learnt about a study of fast food outlets in Tower Hamlets carried out by the Metropolitan University in 2009. Results from this study showed that young men form the vast majority of customers (74.5%). 96% were under 40 years of age with 67% being 25 or under. 43% of those interviewed were school or college students and 47% were in employment. Over half the respondents bought food from a fast food outlet at least 2-3 times a week with 27% purchasing food every day. (See graphs below). The majority of customers spent less than £3 on their meal.

**How often do you buy food from a Fast Food Outlet such as this one?**



**How much do you spend on a meal on average?**



54. The Working Group was concerned at the frequency of purchase and the relative low cost. During the session with Michael Hales, Head of Contract Services, it was suggested that young people possibly saved their lunch money to spend on fast food on their way home. In fact a study by City University found that some secondary students, also in Tower Hamlets, are skipping lunch so they can fill up on junk food on their way home. Also school children questioned said they found local chip shops in Tower Hamlets offered better value than school meals.

**Role of planning in managing fast food outlets**

55. Owen Whalley, Service Head of Major Project Development informed Members that spatial planning is the statutory means by which places are planned and managed in line with the principles of the borough community plan. In regulatory terms, spatial planning primarily deals with matters relating to land use, relationship with the built environment and building control. It has to adhere to specific legislation such as the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.

56. In relation to managing the proliferation of fast food outlets, it is important to bear in mind the limitations of planning. Firstly, there is no planning definition of fast food outlets, instead such outlets are commonly encompassed within the broad town planning Use Class Order as A5 'hot food takeaways'. Secondly, the town planning use class order process does not define what kind of food is offered in these premises only that it has to be 'hot' and for 'takeaway'. Furthermore it cannot dictate what type of food is sold within approved premises or deal with established and permitted fast food businesses already operating within the borough. What it can do is recommend the location of specific uses (i.e. type of activity defined under the 'Use Class Order') to guide and manage permissible development within the borough through policy.

### **Use Class Order**

57. Planning regulations can be used to manage the spread of certain 'uses' within the borough in terms of guiding new development and change of use. Local planning authorities have responsibilities for town planning functions i.e. managing development or land use within their administrative areas. Planning permission is not only needed to allow development (i.e. new build) but also substantive changes of use relating to existing properties.

58. The Town and Country Planning (Use Classes) Order 1987 as amended defines broad classes of use for buildings or other land. Within this statutory instrument there is currently no clear legal definition of what constitutes fast food so consequently there is no specific Use Class Order for fast food outlets. As outlined above, such types of businesses are normally incorporated within the A5 use class (hot food takeaways). Restaurants or cafes are classed as A3 (consumption of food and drink within the premises), drinking establishments are classed as A4 while shops are A1. Planning permission is sometimes not required for changes of use within the same use class, this includes A5 into A1, A2 or A3, however an A1, A2, A3 premises cannot change its use to A5 without planning permission.

59. There are difficulties with the adopted definition of A5 use (hot food takeaway) as it is very broad encapsulating healthy and unhealthy foods or a combination of both. Furthermore, fast food outlets such as McDonalds, Burger King, and KFC, often come under A3 use classification in terms of consumption of food and drink within the premises as they provide seating, under the Use Class Order this is classed as a restaurant. While A3 and A5 uses have often become blurred with regards to primary and ancillary uses, premises which are granted A3 use may also sell hot food which can be taken off site without planning permission.

60. The Working Group is aware that the Development and Renewal Directorate will be submitting a paper to Cabinet titled 'Healthy Borough Programme – Managing Fast Food Outlets via Planning'. The Group welcomed this report and would like to endorse it and the recommendations made, which include:

- Working with NHS Tower Hamlets to develop a strong overarching policy in the Core Strategy to manage the health issues in the borough, including fast food takeaways.
- Developing an evidence base to underpin emerging policy on managing fast food take-away and other A5 uses in Tower Hamlets. Consult with



stakeholders as required (publish findings and use as a material consideration for planning applications in the short term).

- Informing and develop policy to manage fast food takeaway through: a) Development Management DPD and possibly a Supplementary Planning Document (SPD) if required.

### **Examples of other Planning Authorities approaches to managing fast food takeaways**

61. A number of other local authorities in London and across the country have sought to develop a means to manage fast food outlets in their local areas. These authorities include Waltham Forest and Barking and Dagenham who have chosen the option of developing Supplementary Planning Documents (SPD).
62. Waltham Forest was the first London borough to release an SPD on fast food takeaways. The driver for this being as much about revitalising town centres as it was for tackling issues of obesity.
63. Each SPD has a common approach including tackling over concentration by restricting the quantum of A5 uses both in town centres and outside of town centres as well as tackling obesity by restricting access to fast food takeaway near schools and parks. They also seek to address the issue of residential amenity in terms of noise, vibrations, odour, traffic disturbance, litter or hours of operation.
64. Whilst these other Council examples provide some helpful ideas for Tower Hamlets, further work needs to be undertaken to ensure the policy development is both sound and robust. For example, unlike Waltham Forest and Barking and Dagenham where schools are often situated in more suburban locations, using the 400 metres exclusion zone in Tower Hamlets is not practical since the borough is highly urbanised and densely populated.
65. The Group heard that LB Waltham Forest consulted on a new planning policy to restrict the opening of new fast food outlets within a specified distance of schools. Whilst the draft policy has proved popular with those who have responded to the consultation in Waltham Forest, the Group was concerned that the proposal did not appear to be rooted in solid evidence about the health benefits of such a move. The Group recommends that the Council follow Waltham Forest, but ensure that a solid evidence base is in place.

**Recommendation 7 – That Development and Renewal Directorate develop an evidence base to underpin emerging policy on managing fast food outlets in Tower Hamlets as outlined in the ‘Healthy Borough Programme’ report with a view of developing a means to restrict the over-concentration of fast food outlets in the borough, particularly those outside of town centres and within close proximity to schools.**

## Food for Health Award

66. The Working Group noted that the Tower Hamlets Healthy Borough Programme is running a number of projects to make it easier for people to become more active and eat more healthily in the borough. One of those projects included the Food for Health Awards, which recognises restaurants, cafés and fast food outlets that have made healthy changes to menus or ingredients to reduce the amount of calories, fat and sugar. The award indicates to customers that by buying from one of the places with a Gold, Silver or Bronze award, they will be able to make a healthier choice.
67. The Working Group was encouraged to hear that the Council and its partners are working together with fast food outlets to promote healthier choices. However, only a few fast food outlets have signed up to the Food for Health Award. Members argued that more is required to change attitudes of fast food owners when it comes to offering a healthy choice.
68. The Working Group heard that changes to the way it leases its properties can influence the type of food served at fast food outlets. For example it should ask for higher levy charges to those that want to use Council owned properties for fast food restaurants, or reducing business rates for food business that serve healthier choices.
69. The Working Group believes that tackling child obesity will require the Council to work more closely with fast food outlets. The Council, Tower Hamlets Homes and RSLs need to review the way they lease their properties ensuring that encouraging healthy eating is a pre-requisite for any new food business. Moreover the Council needs to consider increasing levy charges to those that do not offer a healthy option, and reduce charges and business rates for those that do. As well as rewarding those owners of fast food outlets who are changing their menus to include healthier alternatives.

**Recommendation 8 -That tackling child obesity will require the Council, Tower Hamlet's Homes and RSL's to work more closely with fast food outlets. The Group suggest the following recommendations that will enable this:**

- **The Council, Tower Hamlet's Homes and RSLs review the way it leases it's properties ensuring that encouraging healthy eating is a pre-requisite for any new food business**
- **Consider increasing levy charges to those that do not offer a healthy option, and reduce charges and business rates for those that do**
- **Recognising owners of fast food outlets who are changing their attitudes towards healthy eating and rewarding those businesses**

## Focus Groups with Residents

70. The Tower Hamlets Healthy Borough Programme (HBP) is piloting environmental approaches to make it easier for children and families to be more physically active and to eat more healthily. To support delivery of this programme, a Community Engagement Strategy was developed. The strategy sets out a range of consultation activities involving diverse communities as a means of finding out how and if the HBP is reaching all communities and is making a difference.

71. One aspect of the strategy was to hold a series of focus groups asking for participants' perception of the programme to assess if it has made a difference and invite feedback on services. The Working Group were able to take part in these focus groups.

72. All groups demonstrated an understanding of the link between obesity, lifestyle and health and the potential impact on the individual through conditions such as diabetes, cholesterol and high blood pressure. The Young People 16+ group pointed out the link between ethnicity and health risk. Two groups (Male Carers and White, Working Class Women) also highlighted the potential cost to the NHS. In answering the question "Is it a problem in your area / community / the people around you?" The answers pertained more to lifestyle issues rather than obesity itself, although some groups addressed obesity directly:

*"Yes it is an issue; you can see it all around us" (Somali Women)*

*"These are all issues we've experienced in our own families, in our parents' generation and even among people in our own age group" (Bangladeshi Women)*

*"They (the children) think they'll lose the weight as they get older" (White, Working Class women)*

*"Eating lots of fatty food will catch up with us" (Young People 16+)*

73. All groups showed a good understanding of the issues that affect obesity with some common themes emerging including lack of exercise and the availability of cheap, fast foods. Three groups - Somali Women, Bangladeshi Women and Young People 16+ commented on the cultural aspects of food such as the use of oil in cooking. There was also recognition in all of the groups that being physically active could include day-to-day activities as well as doing exercise classes or sport.

74. The main messages around current lifestyles seem to be that:

- With regard to food, people are aware of what constitutes healthy and unhealthy eating and move between the two i.e. sometimes eat healthily and sometimes not.
- A lot of the physical activity undertaken by adults is as a result of a busy lifestyle – walking to work, taking children to school etc.
- Children of school age tend towards unhealthy snacks.

- Levels of physical activity in children is varied with some leading sedentary lifestyles outside of school and others joining clubs, taking part in sports etc. This was evidenced from both the young people's groups and the adults talking about their own children.

75. With regard to barriers to a healthy lifestyle, some common themes emerged from most of the groups:

- A perception that healthy food is more expensive than unhealthy food.
- People are busy and therefore go for the easiest option.
- The prevalence of chicken shops in the area contributes to young people having unhealthy diets.
- It can be expensive for both adults and young people to take part in physical activity e.g. cost of swimming and gym membership.
- For parents with more than one child the expense increases.
- A perception that primary schools are better than secondary schools in providing opportunities for physical activity.
- Nowhere for children to play - limitations due to lack of green spaces, particularly for those living in flats.
- Parks perceived as unsafe.
- A perception that open spaces are used for building programmes rather than being developed as play areas.
- Free bus travel for children.

76. When looking at how these barriers can be overcome, again there were some common themes:

- Education and raising awareness for adults, children and school catering staff.
- Taking steps to limit or reduce the number of chicken shops in the area.
- Addressing the costs of physical activity e.g. swimming and gym membership, particularly in peak times where those in employment or education would need access. In particular there was a view that concessions should apply to those on low income as well as those unemployed.

77. Although the adult groups raised the issue of making children more aware of the factors influencing health, the evidence from the two young people's groups was that they have quite a good knowledge of what constitutes healthy eating, with the '5 a day' message, and also an understanding of different food types, for example which foods contain protein, carbohydrates, iron etc. The issue seems to be more about how they can act on this information. What they eat at home may be outside of their control but their choice of food throughout the day falls more within their control.

78. When asked about current initiatives both nationally and within Tower Hamlets, most groups recognised the Change4Life branding but were unaware of the Healthy Borough Programme and its associated initiatives. One person had taken part in the Family Bike Rides Cycling Club at Victoria Park, although she did not associate it with the Healthy Borough Programme.

79. Groups were then asked what else they felt would be helpful in enabling people to have a more healthy lifestyle. Suggestions related to:

- Food available in schools – as snacks and at meal times.
- Classes available in schools – more cookery to teach healthy cooking techniques / information from dieticians and nutritionists.
- Suggestions for parents including how to adapt e.g. Asian dishes to make them healthier, how to disguise vegetables to encourage children to eat them, provision of healthy cook books / pamphlets.
- Vegetable growing projects.
- Funding for activities to cover summer break.
- More swimming for women and children only.
- Offer a range of different sports for children e.g. abseiling, rock climbing, horse riding, canoeing, karate, judo, trampoline.
- Easier access to parks and leisure centres.

### **Focus Groups with parents at Old Palace School**

80. In December 2009, the Working Group attended a focus group with parents of children that attend Old Palace Primary School. The aim was to understand and listen to parent's views about barriers to encourage children to eat healthily. Over 15 parents attended, the key discussion points are summarised below:

- **Perception of obesity** – overall most parents agreed that obesity is a problem in Tower Hamlets and that the local authority needs to do more to help parents support their children to eat healthily. However a few believed that there is too much emphasis on this issue and that at times it was unsubstantiated.
- **Home** – when asked what prevented parents from providing healthy options at home. Most agreed that modern lifestyles i.e. parents working, meant that less time was spent preparing food at home. As a result, parents get takeaways. Also some said children are bored of eating traditional food all the time (reference made to Bangladeshi children). This leads to children buying alternative food, of less nutritional value from fast food shops.
- **Schools** – the majority of parents were aware of the types of food provided at their child's school. A menu is sent to all parents. Nearly all parents agreed that the food available is healthy and nutritious. However, some parents did say that the dining area needed modernising to encourage children to stay within school premises. Parents also said the school should teach children, as part of the national curriculum, the benefits of eating well. This should start at a very young age so that positive attitudes towards healthy food are developed early.
- **Fast Food** – all parents agreed that fast food outlets encouraged obesity, mainly due to the cheap cost of buying a meal. Parents suggested that they have noticed a sharp rise in new fast food outlets in their area. Parents also commented that many of these areas encouraged anti- social behaviour, with young people 'hanging around' fast food shops and causing nuisance for local residents. Parents recommended that fast food shops provide a healthy option to offer customers an alternative.
- **Parks and Open Spaces** – parents felt that there are adequate open spaces around their local area for children to participate in physical

activities. Some said that more gyms needed to be provided with concessions for children. Parents argued the need to better promote activities in the borough, to increase and encourage participation.

## **IMPROVING PARTNERSHIP WORKING TO TACKLE CHILD OBESITY**

81. At the final meeting NHS Tower Hamlets informed the Working Group that there are many health initiatives currently in progress, for example the Tower Hamlets Partnership is holding a series of consultation events on the 'Improving Health and Wellbeing Strategy'. These events give local residents an opportunity to tell experts what the health priorities and issues are in their local area. Also as mentioned earlier the food for health award is a project which involves the partnership.
82. The Working Group was encouraged to hear that partnership working is happening and stressed that it was the best way to tackle the issue of childhood obesity. Members argued that Partnership working should exist to:
- Determine the priority that should be attached to child obesity in their area and decide on the best means to bring together the relevant agencies and a process for establishing a lead;
  - Ensure data is available at a local level to support appropriate targeting of resources;
  - Ensure appropriate linkages and communication between children's trusts and Local Strategic Partners, using Local Area Agreements as appropriate;
  - Identify available resources and mechanisms (such as Local Area Agreements) to bring together funding so that resources can be more sharply focused around agreed priorities;
  - Establish local indicators to measure progress against priorities.
83. During discussions at the final review meeting, the Working Group was told that if we are to tackle child obesity we would need to lead by example and change our own attitudes towards less healthy food. NHS Tower Hamlets raised alarm around the type of food employees eat. They were very critical about the vending machines found at Council and Partnership buildings which only seemed to store high sugary and salt products.
84. The Working Group recommends that in order to promote healthy eating the Partnership needs to lead by example. The Working Group request that vending machines found within Council and partnership buildings need to store healthier options. This will encourage adults to eat healthily, setting good examples for young people to follow. To that end, the Group recommends that the Council, NHS Tower Hamlets, Registered Social Landlords (RSLs) and other Partnership bodies including leisure centres and youth clubs provide healthy options in vending machine.
85. The Group noted that childhood obesity rates in London are higher than in the United Kingdom. London faces many challenges as it is a city with a highly mobile population, child poverty and overcrowding. Nearly 23 per cent

of London's four year olds are obese, rising to 36.3 per cent by the age of eleven. Also obesity rates are higher in boys than in girls, and tend to be found in the poorest children.

86. The Group is acutely aware that the problem of child obesity is prevalent across all of London. In order to learn and adopt best practice and share experiences, the Group requests that a London wide group, made up of local authorities is set up.
87. The Working Group noted that encouraging young people to grow their own food is an effective way to get them to eat healthy food. The Group heard that such activities already exist and recommend that the Council and Registered Social Landlords (RSLs) use its land to continue with programmes that encourage food growing.

**Recommendations 9 – That all vending machines found at Council and Partner buildings have healthy options.**

**Recommendation 10 – That the council leads on developing a London Wide Network of practitioners share best practice and develop strategic solution to childhood obesity.**

**Recommendation 11 – That the Council and RSLs utilise land for community food growing initiatives, encouraging residents to actively learn and enjoy techniques for growing their own food.**

### **Visits to fast food Outlets**

88. In November 2009, the Working Group visited Mile End Road in E1 to understand and observe activities inside and around fast food outlets. The visit was on a Friday during school lunch time. Key observations were:

- Majority of eaters were Bangladeshi
- Mostly male.
- Young boys mainly in groups
- Fast food litter on street

89. Visits to fast food outlets highlighted the effects on the environment as a result of litter from take away boxes. During visits to fast food outlets, the Group saw that boxes and food waste surrounded fast food outlets. The Group recommends that Tower Hamlets Enforcement Officers (THEOs) target resources to areas with fast food outlets and report incidents back to the Council's Environmental Health team. The Environmental Health team is then asked to profile and target fast food outlets that are responsible for litter found on streets.

**Recommendation 12 – That THEOs allocate resources towards targeting fast food outlets that are responsible for waste and litter around their shops.**

## Healthy Weight, Healthy Lives in Tower Hamlets

90. The key components of the PSA target are: 'To reduce the rate of increase in obesity in children under 11 as a first step towards the long-term national ambition by 2020 to reduce the proportion of overweight and obese children to 2000 levels in the context of tackling obesity across the population'. To achieve this ambitious target, the Healthy Weight, Healthy Lives Strategy was introduced.

91. The strategic objectives of the Healthy Weight, Healthy Lives strategy are:

- To gain high level support and commitment from all members of the Tower Hamlets Partnership to the strategy and to integrate the strategic objectives across relevant policy areas
- To actively involve the wider community in developing and implementing the strategy
- To increase participation in physical activity by creating social, cultural and physical environments that encourage and support active lives
- To promote healthy eating by increasing the availability of and access to healthy food choices and reducing the availability of and access to foods that are high in fat, sugar and salt
- To create healthy organisations that encourage and support physical activity and healthy eating
- To provide consistent, evidence based information, education and advice on how to maintain a healthy weight
- To provide evidence based advice, support and treatment for people who are overweight or obese, targeting high risk groups

## Change 4 life

92. Tower Hamlets is the only London borough to be awarded 'healthy town' status along with eight other 'healthy towns' nationally. It is part of the Government's national Change 4 Life initiative.

93. The Change 4 Life initiative aims to prevent people from becoming overweight by encouraging them to eat better and move more. It is a marketing component of the Government's response to the rise in obesity. The campaign aims to inspire a societal movement in which everyone who has an interest in preventing obesity, be they Government, businesses, healthcare professionals, charities, schools, families or individuals, can play their part.

94. Change 4 Life corner shops have been launched across Tower Hamlets to give people a new way to get their 'five-a-day' of fruit and vegetables. Participating Stores which sign up to take part in the initiative will be encouraged to stock more fruit and vegetables, appoint a 'fruit and veg champion' to work in the shop, and be given Change 4 Life posters and signs to show they are taking part.



## Healthy Borough Programme

95. The Tower Hamlets Healthy Borough Programme is piloting new environmental approaches to make it easier for children and families to be more physically active and eat more healthily wherever they live, work, travel, play or learn. The long-term goal is to help everyone to maintain a healthy weight throughout their lives which will also reduce the risk of diseases such as diabetes, cardiovascular disease and cancer.
96. The Programme is part of the *Healthy Weight; Healthy Lives in Tower Hamlets* strategy. The Programme brings together NHS Tower Hamlets, the local authority, voluntary and community organisations, the private sector and local people.
97. The Healthy Borough Programme aims to make it easier for children, families and the wider community to be more physically active, eat well and maintain a healthy weight throughout their lives. The programme takes a whole systems approach to tackling the environmental causes of obesity across three themes: healthy environments, healthy organisations and healthy communities. Each theme has three cross cutting strands: active travel, active lives and healthy food and supports the Council's sustainable land use and transport planning strategies. With policies and actions to promote greener, healthier, more active, less car dependent, energy intensive lifestyles and better public spaces.
98. The 'Healthy Environments' theme includes:
- Proposals to transform spatial planning for health and to develop a green grid
  - Active travel routes – which will help to improve walking and cycling routes
  - Active Lives – which is promoting physical activity through parks and open spaces, active play and access to swimming for women
  - Healthy food – including a pilot awards scheme for restaurants and work with fast food outlets.
99. It was noted during review meetings that the Healthy Borough programme has proposed a comprehensive whole systems approach to managing the consumption of fast food by local people in the borough. Members heard this programme of work is being undertaken by a number of different organisations such as NHS Tower Hamlets and Council departments and includes:
1. Improved education for children and families on the importance of healthy food choices and regular physical activity, primarily through work with parents in school and early years settings.
  2. Working with fast food owners to improve the healthiness of their products as well as promote healthier options.
  3. Reviewing the Council's own commercial letting policies to promote healthier food offer in local retail centres.
  4. Undertaking a social marketing programme to help overcome perceived barriers to healthy eating in Tower Hamlets, including identifying healthy options.

100. The Working Group was keen to ensure that the knowledge and skills obtained as part of this programme remained. The Group was told that joint working with fast food outlets had improved since the initiation of the Healthy Borough Programme. Members were keen for this to remain. Whilst the Group was pleased to hear that the programme had received £4.68 million of funding, it raised concerns that the programme was only funded until March 2011. Members argued that tackling child obesity will always be an issue for the Council and that funding programmes such as the Healthy Borough will help tackle the issue.
101. The Working Group would like a review undertaken to look at the sustainability and legacy of the Healthy Borough Programme after March 2011. The Group noted that this programme has improved partnership working and relationships with fast food outlets and that it would be a shame to lose this resource.

**Recommendation 13 – That a report be presented to Overview and Scrutiny detailing the success of the Healthy Borough Programme. This paper should form the basis for strengthening proposals for requesting further funding beyond March 2011.**

## Conclusion

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102. The local authority and the local community have a significant role to play in increasing the opportunities people have to make healthy choices for themselves and their families. Making sure that people have clear and effective information about food, exercise and their well-being; and in ensuring that policies across the piece support people in their effort to maintain a healthy weight.
103. Tackling child obesity in Tower Hamlets will involve major social changes and development of difficult approaches to raising awareness and changing behaviour, as well as the use of a comprehensive range of policy measures and interventions. Notwithstanding emphasising the need for the food and advertising industries to make significant changes.
104. This review and report fundamentally asks the question, how do we manage and better regulate fast food outlets? It is important that the reader understands the important need to carry out recommendations found within this report to fully realise the radical culture shift that is required in order to avoid our local communities slowly, unwittingly and mistakenly falling into a position of decline where the list of challenges to overcome will only become greater and greater still.
105. The Working Group requests that the Council and NHS Tower Hamlets continue working closely together to encourage fast food outlets to be healthier. The Working Group Members hope that this report will act as a catalyst for much of the good work already being undertaken, result in improved co-ordination and capture some much needed momentum in this important public health area.

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