

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 5.40 P.M. ON TUESDAY, 7 SEPTEMBER 2010

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

Members Present:

Councillor Ann Jackson (Chair)
Councillor Ahmed Adam Omer (Vice-Chair)
Councillor Lesley Pavitt
Councillor Tim Archer
Councillor Rajib Ahmed
Councillor Zenith Rahman

Other Councillors Present:

None.

Co-opted Members Present:

Canon Michael Ainsworth – (Church of England Representative)
Mr Ahbab Miah – (Parent Governor Representative)
Rev James Olanipekin – (Parent Governor Representative)
Jake Kemp – (Parent Governor Representative)

Guests Present:

None. –

Officers Present:

Afazul Hoque – (Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's)
Hafsha Ali – (Acting Joint Service Head Scrutiny & Equalities, Chief Executive's)
David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)
Jonny Moore – (Interim Strategy Officer, Development and Renewal)
Keiko Okawa – (Scrutiny Policy Officer Scrutiny & Equalities, Chief Executive's)
Chris Saunders – (Interim Political Advisor to the Labour Group, Chief Executive's)

Zoe Folley

– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harun Miah, Stephanie Eaton Rabina Khan and also Mushfique Uddin (Muslim Community Representative).

Apologies were also received from Councillor Josh Peck (Deputy Leader)

2. DECLARATIONS OF INTEREST

No declarations of Interest were made.

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 3rd August 2010 be approved and signed by the Chair as a correct record of the proceedings.

4. REQUESTS TO SUBMIT PETITIONS

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

5. REQUESTS FOR DEPUTATIONS

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

6. SECTION ONE REPORTS 'CALLED IN'

The Chair advised that no requests had been received by the Assistant Chief Executive to "call in" for further consideration, by the Overview and Scrutiny Committee, any provisional decisions taken by the Cabinet, at its meeting held on 4th August 2010.

7. SCRUTINY SPOTLIGHT

In view of Councillor Peck's unavailability, it was agreed that his spotlight session would be re – scheduled to a future meeting.

8. BUDGET AND POLICY FRAMEWORK ISSUES

8.1 The Local Development Framework (LDF) Core Strategy - Adoption of the Plan

Mr Jonny Moore (Interim Strategy Officer, Development and Renewal) presented the report regarding the Local Development Framework (LDF) Final Core Strategy.

Mr Moore advised that the Final Core Strategy had been through an extensive consultation exercise over the past 3 years including evidence base collection, options testing, public consultation, member approval and independent examination.

Overall the Inspector had found the strategy to be sound. Therefore it was recommended that the Strategy (Appendix 1) and the Inspectors required changes (Appendix 2) and the three Annexes be submitted to Cabinet and Full Council for adoption.

In considering the plan, the Committee raised the following points:

- In relation to the northern part of the Borough (Victoria Park, Hackney, Shoreditch area), there was nothing in it about the promotion of shops in that area. This was important as it provided an important link to the Olympic Site.
- The costs of implementing the strategy. Possibility that the costs would increase and there would be additional expenditure.
- Whether the comments of the Inspector would be feed into future assessments.
- Rational for submitting the strategy to the Committee ahead of Cabinet.

In relation the Inspectors comments, Members drew attention to the following comments and requested that they be addressed:

- The concerns around the diagrams for Millwall, Cubbitt Town (pg 43 of the agenda).
- The concerns around lack of sensitivity to local concerns (pg 44).
- The concerns around the document being too difficult for people to understand.
- Recommendation that the evidence base and decisions should be linked.

The Chair of the Committee requested that the finding of the Scrutiny Review on Childhood Obesity be factored into the LDF, arising from the review on affordable homeownership around open plan living space.

The Chair also stated that she had hoped that the Corporate Director for Development and Renewal would be present at the meeting to reply to questions especially on the budget as there were ongoing costs.

In reply to the comments, officers reported that:

- Officers had held a series of workshops in the Bethnal Green /Shoreditch area as part of the consultation exercise. The aims identified at which mirrored those within the Core Strategy.
- In relation to the shops in the northern part of the Borough, there was other policies and initiatives outside the Core Strategy that supported such aims.
- Officers would be taking forward the next phase of the LDF process and it was possible that during which, new ideas may come to light.
- Explained the purpose of the diagrams for growth in Millwall and Cubbitt Town.
- Referred to the amount of work involved in preparing the detailed documents. This would be funded through existing identified resources.
- The decisions were evidence based, however the link between the evidence and the decisions could have been made clearer and this would be addressed.
- In relation to the Inspectors comments, officers would certainly bear them in mind when producing future documents, especially in determining appropriate consultation levels, and the need to engage residents in the process right from the start. Future documents would clearly explain the purpose of the proposals in more detail.
- The CS had identified a need for a land area for house waste facilities. Consideration was being given to identifying a suitable site for such facilities. Currently a number of sites were being looked at.

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

RESOLVED

- (1) That the recommendations to Cabinet included in the report be endorsed.
- (2) That Cabinet be notified of the Committee's comments as set out above.

9. OVERVIEW AND SCRUTINY MONITORING AND MANAGEMENT

9.1 Appointment of Co-opted Members

The Committee were asked to agree the co-option of representatives in respect of educational matters. It was noted that 7 people put themselves forward for the two positions and following an election Rev James Olanipekin and Jake Kemp were elected.

The Chair welcomed the two representatives to the Committee as Parent Governors.

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

RESOLVED

That the co-option of representatives in respect of education matters as set out below be agreed:

Parent Governor representative	Rev James Olanipekin
Parent Governor representative	Jake Kemp

Please note that the order of business was varied by resolution of the Committee earlier in the proceedings in order to allow this item to be considered following Agenda Item 6. "Section One Reports Called - In", however for ease of reference the items are set in the order detailed in the agenda.

9.2 Overview and Scrutiny Committee Work Programme 2010/2011

The Chair presented the Overview and Scrutiny work programme for 2010/11. She encouraged Members to forward ideas for inclusion to the plan.

The Chair reported that two further meetings had been scheduled for the review on holding the Mayor to account and the role of Scrutiny. The next meeting for which would be held on 21st September 2010. Members were hoping to interview two Authorities with a directly Elected Mayor and were intending to gather anecdotal evidence as well.

Safe and Supportive Community

Councillor Pavitt reported on the Safeguarding Vulnerable Adults review. She reported that she had recently attended a meeting with the Adults Health and Wellbeing Directorate who were supportive of the review and had identified possible areas of investigation. She reported that the first meeting of the Panel had been rescheduled. However officers had e-mailed Members to confirm the new arrangements.

Councillor Pavitt also reported on the review of Tower Hamlets Enforcement Officers (THEOs). The Panel had received a response to their findings however Councillor Pavitt expressed concern over the content of it. In reply,

the Scrutiny and Policy Manager, Scrutiny and Equalities **Agreed** to look into the response and report back to Councillor Pavitt.

Healthy Communities

Councillor Archer reported on the work of the Health Scrutiny Panel. It was reported that a Scrutiny Challenge session would to be held on Polysystems and the reconfiguration of local services. The date of which had recently been moved. It would now be held on 29th September 2010. All Members were welcomed to attend. It was initially planned that the review be split into two sessions covering internal and external issues. However consideration was now being given to pulling the two sessions together.

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

RESOLVED

1. That the Overview and Scrutiny Committee for 2010/11 be noted.
2. That the Acting Joint Service Head of Scrutiny and Equalities after consultation with the Chair of Overview and Scrutiny Committee be authorised to finalise the work programme.

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

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

RESOLVED

That the following Section 1 pre-decision questions be submitted to Cabinet for consideration subject to the following amendment:

Agenda Item 6.3 (Carbon Reduction Commitment (CRC) Energy Efficiency Scheme). Question 1 be amended to recommend that large buildings be required to have automatic switch off lights.

Agenda Item 6.2 Adoption of Housing Investment Programme Capital Estimates – 2010/11 (CAB 030/101)

1. With reference to paragraph 6.6 has the Council or Tower Hamlets Homes identified a discrete project which could be undertaken as a decent homes pilot programme and if so what will this involve?
2. The first column in Table 2 outlines available resources of only £38K for 2010/11 - is this prudent? Does the contingency mentioned in 7.6 of £500,000 relate to risks in this area

Agenda Item 6.3 Carbon Reduction Commitment (CRC) Energy Efficiency Scheme (CAB 031/101)

1. Where does street lighting come into the calculations? Are we investigating a centrally controlled system for the borough, which could give the option of dimming lights during periods of least need, and could save up to 40% of the lighting costs in future years, with a subsequent large saving in carbon footprint.
2. With reference to paragraph 7.5, is the Council's general fund budget sufficient to cover a possible penalty payment on carbon emissions, given that cash flow is mentioned as being a factor in payment of the initial carbon payment?
3. Will we update the Council's Procurement Policy to reflect our energy efficiency objectives in awarding contracts?

Agenda Item 6.4 Renewal of Housing General Build Repair and Gas Servicing and Repair Contracts (CAB 032/101)

1. A key issue raised with Members by residents is around repeat visits because of the unacceptable condition of the area left by contractors. Can the Cabinet explain how this will be addressed by the new contractor?
2. In relation to paragraph 16.1, what areas of duplication exist between THH and the contractor, and why?

Agenda Item 6.6 Poplar Baths – proposed procurement route (CAB 034/101)

1. With reference to paragraph 7.5 can the Cabinet clarify how much we may have to pay back developers if the scheme does not go ahead?

Agenda Item 7.1 Childcare Capital Projects (CAB036/101)

1. Can the Cabinet confirm how the borough is meeting the needs for affordable childcare in the borough?
2. In relation to paragraph 5.10, the two projects for consideration are part of the uncommitted budget, and in the process of appeal, what are the implications if the appeal fails (beyond the fact that they will not progress and keeping in mind provision of childcare in the borough)?

Agenda Item 7.2 Culloden Primary School – Proposed Expansion (CAB 037/101)

1. In paragraph 6.7 it states that there are some unfilled places in upper years due to movement out of the borough. Is this a general trend and

if so, how many places does it leave unfilled in our primary schools. Do we have a plan to manage this?

Agenda Item 10.1 2009/10 Capital Outturn (CAB 040/101)

1. In Appendix 1.1 it outlines plans for additional funding from TfL. Can you explain what this is for?

Agenda Item 12.1 Exercise of Corporate Director Discretion

1. Can the Corporate Director for Children, Schools and Families clarify if we would have saved money if the 3 contracts being renewed were re-tended at the right time and is there an issue with management of contract in Children, Schools and Families Directorate?

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

The Committee received a supplemental report regarding Enforcement Policy and the Regulatory and Investigatory Powers Act (RIPA). Permission was sought for this to be submitted to the Cabinet as an urgent item.

Mr David Galpin, (Head of Legal Services, Community) explained the reasons for urgency.

One of the key objectives of the policy was to establish a Council wide enforcement policy to govern its regulatory functions. The policy also updates the conduct for covert investigations and proposed that the Standard Committee should have oversight of enforcement action.

In response to the report, Members raised questions around the timing of the proposals, why now? Members also questioned the reasons for proposing that the Standard Committee monitor the process rather than this Committee, whether the policy covered Registered Social Landlords, would they be required to comply with it? whether the Police had been consulted, use of the word covert, costs of implementing the policy, when the guidance would be produced.

In response, Officers reported the following points:

- The Secretary of State had implemented a new Code of Conduct under the RIPA procedure and it was considered good practice that the Council complied with this and implemented the new policy.
- It was also considered good practice to implement the proposals to promote sound principles of enforcement .
- Part of the Standards Committee's role involved monitoring the Council's Code of Conduct therefore oversight of this process would sit comfortable within its remit.
- The policy only applied to Councils.

- Any additional work would be adsorbed within the existing capacity.

The Committee agreed that the Standard Committee should have oversight of the policy, but also felt that the OSC should have a role in reviewing the operation of the process to ensure it was working well. Subject to this, it was agreed that the report should be submitted to the Cabinet for consideration.

RESOLVED

- (3) That the recommendations to Cabinet included in the report be endorsed.
- (4) That Cabinet be notified of the Committee's comments as set out above.

The meeting ended at 6.25 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee