

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

**HELD AT 6.00 P.M. ON TUESDAY, 5 OCTOBER 2010**

**M72, 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 Stephanie Eaton  
Councillor Tim Archer  
Councillor Rajib Ahmed  
Councillor Lesley Pavitt

**Co-opted Members Present:**

Jake Kemp – (Parent Governor Representative)  
Rev James Olanipekun – (Parent Governor Representative)  
Mr Mushfique Uddin – (Muslim Community Representative)

**Other Councillors Present:**

Councillor Joshua Peck  
Councillor Marc Francis  
Councillor David Edgar

**Officers Present:**

Afazul Hoque – (Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's)  
David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)  
Hafsha Ali – (Acting Joint Service Head Scrutiny & Equalities, Chief Executive's)  
Alan Finch – (Service Head, Corporate Finance, Resources)  
Aman Dalvi – (Corporate Director, Development & Renewal)  
Stephanie Ford – (Interim Performance Manager, Strategy & Performance, Chief Executive's)  
Keiko Okawa – Scrutiny Policy Officer  
Chris Saunders – (Interim Political Advisor to the Labour Group, Chief Executive's)  
Amanda Thompson – (Team Leader - Democratic Services)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rabina Khan and Harun Miah, and from Co-opted Members, Canon Michael Ainsworth and Ahbab Miah.

**2. DECLARATIONS OF INTEREST**

Councillors Marc Francis and Josh Peck both declared a personal and prejudicial interest in agenda item 6.1 on the basis that they were Members of the Cabinet when the original decision was taken, and both left the room during the Committee's decision making and voting on this item.

**3. UNRESTRICTED MINUTES**

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

**RESOLVED**

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held 7 September be approved and signed by the Chair as a correct record of the proceedings.

**4. REQUESTS TO SUBMIT PETITIONS**

None.

**5. REQUESTS FOR DEPUTATIONS**

None.

**6. SECTION ONE REPORTS 'CALLED IN'**

**6.1 Report Called In - Enforcement Policy and RIPA**

Further to their respective declarations of a personal and prejudicial interest, Councillors Marc Francis and Joshua Peck and left the room during the Committee's decision making and voting on this item.

At the request of the Chair, Councillor Snowden for the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the Cabinet's provisionally agreed decision that the Council adopts an umbrella enforcement policy to govern its regulatory functions, and

that oversight of any enforcement action be exercised by the Standards Committee.

Councillor Snowden advised that the objection was not to the adoption of the policy itself, but to the delegation of the oversight role to the Standards Committee, as it was felt that this should be a function undertaken by the Overview and Scrutiny Committee. The Call-in Members considered that the role of the Standards Committee was more to do with maintaining high levels of conduct for Council Members, while the role of Overview and Scrutiny was to scrutinise policy issues.

Councillor Snowden then responded to questions from the Committee concerning the benefit of having a majority independent membership on the Standards Committee, and also the fact that it would still be possible for Overview and Scrutiny to play a role in monitoring the process.

Councillor Josh Peck, Deputy Leader of the Council, supported by Mr David Galpin, Head of Legal Services (Community), then addressed the Committee on behalf of the Cabinet in response to the Call-in and made the following points:

The Enforcement Policy would provide broad sound principles for enforcement, and would also provide guidance to officers when selecting from the enforcement options available to the Authority in individual cases.

The oversight of enforcement action was considered to sit appropriately with the ethical governance remit of the Standards Committee, which had a majority of independent members, and in any event the Overview and Scrutiny Committee could still scrutinise the process.

Committee Members then put detailed questions to Councillor Peck on a number of issues concerning the need for transparency when exercising such powers, what comprised 'effective oversight' of an action, and the request for an assurance that due regard for fairness would be applied to individual cases.

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

**RESOLVED:**

- 1) That the alternative course of action proposed in the Call-in be not pursued and the decision of the cabinet be confirmed; and
- 2) That the Overview and Scrutiny Committee maintain a supporting role and include the item in the Annual Work Programme to be reviewed on a regular basis.

## 7. SCRUTINY SPOTLIGHT

Councillor Marc Francis, Lead Member for Housing and Development, gave a detailed presentation on aspects of his portfolio, focusing on areas set out below:-

Achievements during 2009/10 included:

- Launch of the Borough's Housing Strategy
- Development of Overcrowding Reduction Strategy for Tower Hamlets
- Agreement of new allocations policy, that would deliver greater transparency, efficiency and opportunity to those on the housing register.
- Buy back of 75 ex-council RTB family sized properties as part of the Overcrowding strategy
- Secured £2.5 million from the HCA to start building Council Housing.
- Procured auditors for Leasehold service audit
- Delivered the Strategic Housing Market Assessment
- The Homeless and Housing Advice Service gained the Customer Service Excellence accreditation, providing external recognition of the work done to date on improving the service provided to residents
- Month-on-month reduction in the number of households in temporary accommodation, with numbers heading towards 2,000 by year's end, in comparison to approximately 3,000 in 2006
- Delivery of 1916 affordable homes in 09/10, of which 44% were family homes, in addition to bringing back 27 non-decent empty properties back into use.
- The council's Carbon Management Plan was approved by Cabinet in April 09, committing Council to 60% CO2 emissions reduction (on 2007 levels) by 2020
- Delivery of 137 adaptations to enable disabled occupants to remain living independently in their own homes
- Ocean Estate - Successful procurement and appointment of RSL/Developer Partner to deliver major refurbishment of 1200 homes, environmental improvements, a vibrant new shopping area, new community facility and the development of 819 new homes, including 400 affordable homes for rent and shared ownership. Commencement

of pilot refurbishment scheme in selected blocks: refurbishment works to 120 homes on route to completing 180 homes by May 2010.

- Blackwall Reach: In a difficult economic climate, negotiating with project partner the HCA to proceed with the regeneration project. The projected scheme will deliver a minimum of 1,600 new homes, additional education and community facilities, improved open space and new commercial space.

Challenges in relation to planning and building control would include:

- Managing the impacts of new or amended legislation. e.g. Localism: What will it mean for Planning? Will the Community Infrastructure Levy replace s106 for infrastructure?
- Continuing to deliver a high quality service with fewer resources e.g. next generation of planning documents lead the way on major projects
- Building control remaining competitive in a trading environment
- Viability v Expectations. Will we be able to continue to deliver affordable housing and infrastructure?
- Managing the demands of growing population in an historic environment

Opportunities in this area would include:

- Aiming to maximise opportunities from the huge investment on our doorstep with the Olympics, Crossrail and Wood Wharf
- Development Opportunities at Blackwall Reach circa 1600 – 2000 homes
- The Marsh Wall Development corridor and hundreds of new homes
- Creation of a new Town Centre at Bromely by Bow with a new anchor store, primary school, hundreds of new homes
- Starting the regeneration of Fish Island within a conserved environment to include new employment, new housing and improved connections to the Olympic Park and Stratford City

Challenges for housing would include:

- Reduced funding
- Increase affordable housing numbers especially family homes
- Improve access to private rented sector
- Further enhancements to lettings procedure to increase transparency

- Changes to housing benefit regulations
- Ocean Estate - The successful completion of the refurbishment of the Councils retained housing on the Estate, together with the delivery of over 350 new affordable rented and intermediate homes through the Partnership with East Thames HA and Bellway Homes“
- Successful delivery of Blackwall Reach
- Tower Hamlets Homes - attainment of two Stars and attraction of Decent Homes funding

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

- The increasing population in the Borough and the consequent effects on housing requirements for local people, together with the Council's obligations to meet that need.
- The requirement to address issues arising from overcrowding that affected people's aspirations and life choices. The Cabinet aimed to maximise the provision of socially rented homes and break the cycle of deprivation that had existed for many families.
- The devastating effects of the cuts in housing benefit.
- The need to put pressure on RSLs to keep rents down and not to increase in line with inflation
- Whether RSLs were still the best way to provide housing and were there any future stock transfers planned
- The expectation that a 2 star rating would be achieved and what would happen if not

The Chair thanked Councillor Francis for his detailed presentation.

## **8. PERFORMANCE MONITORING**

### **8.1 Strategic Performance and Corporate Revenue and Capital Budget Monitoring (Quarter 1)**

Councillor David Edgar, Lead Member for Resources, presented the Council's first combined service and financial performance monitoring report for 1010/11, which included an update on progress against the Strategic Indicator set, the 'You Decide!' participatory budgeting programme and its financial position.

Members noted the projected General Fund revenue overspend of £890,000, a forecast overspend of £877,000 on the Housing Revenue Account (HRA), and the actions that Corporate Directors were taking to contain expenditure within budget.

Councillor Edgar reported that 61% of the Strategic Indicators were on target, and 39% had improved performance since the same time in the previous year.

Members raised a number of questions expressing concern in connection with the following issues, to which Officers made the responses shown:

- The overspend on the Communications had been badly affected by the costs associated with East End Life and work was currently being undertaken to try and renegotiate the existing five year distribution contract.
- Budgets that were underspent in the early part of the year and overspent by the end of the year were not an indication of poor budget control, for example Building Schools ForThe Future projects were dictated by the need to schedule work during school holidays and often carried over into the following year.
- Dedicated Schools Grant (DSG) monies had not all been spent but the schools themselves had a say in how this was spent and the projects often involved complex works and improvements which took several terms to complete.
- Incidents of rape were not recorded within the performance indicators as victims were very reluctant to give information and therefore were never reported accurately.
- Remedial action had been put in place for the 'at risk' projects which were currently not expected to meet their targets.

The Chair thanked Councillor Edgar for attending and for his responses to questions.

## **RESOLVED**

That the Quarter 1 2010/11 performance and financial position be noted.

### **8.2 Councillor Call for Action Performance Digest Update**

Stephanie Ford, Interim Performance Manager, presented the report which detailed progress made in developing the Performance Digest Report which was intended to inform the Councillor Call to Action (CCfA) process.

The Committee were informed that the Performance Digest report was proposed as a means of providing the necessary evidence and context to Overview and Scrutiny so that it could properly evaluate issues brought to its attention, and currently included complaints and Members Enquiries information. Work was ongoing to improve and expand the report so that other

information sources, such as Freedom of Information (FOI) requests and petitions, could be included.

The Committee noted that there were limitations on what the data could be used for, and it was really intended as a management level tool to identify how things could be improved as opposed to providing sophisticated resident perception and satisfaction information.

During the discussion that followed Members expressed concern that there was no mention of anti-social behaviour, crime rates or school admissions which were all high on the list of concerns for residents.

## **RESOLVED**

That the contents of the report be noted and the Performance Digest Report be reviewed quarterly.

## **9. OVERVIEW AND SCRUTINY MONITORING AND MANAGEMENT**

### **9.1 Overview and Scrutiny Recommendation Tracking Update**

The Chair presented the first six monthly tracking report which monitored the progress of implementing past recommendations of scrutiny reviews.

The Chair considered that the report was very positive and indicated that both Council and Partner agencies were implementing the majority of the recommendations and outcomes suggested.

The Chair informed the meeting that during 2010 all the Scrutiny Lead Members had revisited a review within their portfolio area, either by meeting the service lead officer or actually visiting a service area, and she asked each of them to provide an update following her own regarding the Licensing Strip Clubs.

The Chair advised that her review on Licensing Strip Clubs was undertaken in 2007/08, following a cross party motion from Full Council for scrutiny to undertake this piece of work. The spirit of this review's recommendations had been captured by S27 of the Policing and Crime Act 2009 which reclassified strip clubs as sexual entertainment venues and gave local authorities the powers to regulate them, and also gave local people a greater say over where and how many strip clubs opened and operated in their neighbourhoods.

The Council was currently drafting a policy around licensing of strip clubs which would be fully consulted on and finalised in March 2011.

Councillor Lesley Pavitt, Lead Member for Safe and Supportive Communities, had revisited the Tackling Anti Social Behaviour review and reported that all 13 recommendations had either been completed or were ongoing. The



Council continued to identify anti-social behaviour (ASB) as a key priority which was being reflected through funding decisions such as the introduction of the Tower Hamlets Enforcement officers. 12 of the largest Registered Social Landlords in the Borough had also signed up to ASB minimum standards.

Councillor Ahmed Omer, Lead Member for One Tower Hamlets, reported that his focus had been on a previous challenge session on Interpreting and Translation provisions within the Council. Significant progress had been made on all the recommendations which included:

- An Accessible Communications review being undertaken intended to improve the efficiency and effectiveness of the Council's approach to accessible communication in response to changing business and community needs
- Alternative resources found for ESOL classes through the Council's "You Decide" participatory Budgeting programme
- The option of joining shared interpreting and translation services with neighbouring Boroughs was being explored.

Councillor Rajib Ahmed, Lead Member for Excellent Public Services, reported that he had revisited the review on the Use of Consultants. There had been progress with all of the recommendations and a policy had been developed regarding procurement of consultants.

In general, use of consultants had significantly reduced in the Council and in-house staff were now trained so that skills could be retained.

Councillor Tim Archer, Lead Member for A Healthy Community, had revisited two reviews in the tracking report – Tobacco Cessation and Young Peoples Participation in Sports leading up to the Olympics.

The work done on Tobacco Cessation had been a valuable contribution to the Tobacco Control Alliance Strategy set up by the Council and the PCT, and had included a large programme of activities which had positive results.

The majority of the recommendations from the Young People's Participation in Sports leading up to the Olympics review had now been completed despite many challenges to budget availability and following the announcement that some of the Olympic focus was being taken away from East London. Unfortunately it had also been made clear that there would be no free tickets for young people.

## **RESOLVED**

That the report be noted.

## **9.2 Tower Hamlets Enforcement Officers - Scrutiny Challenge Session Report**

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

The Chair **Moved** and it was:

### **RESOLVED**

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

## **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:

#### **6.1 Conservation Strategy (CAB 042/101)**

1. In paragraph 9.5 it states that current statutory List of Listed Buildings was identified as poor. With this in mind have we identified the best way on keeping this List updated?
2. The report says we have one of the highest tallies of new listings of buildings in London, what is included in here and what percentage of it are Historical updates that needed to be done, and what percentage are 'new' decisions?
3. With reference to paragraph 10.7 what is the anticipated enforcement measures that we expect to be taken to protect the heritage and will this extend to Conservation areas?
4. Given the current workload of TH planning staff is there going to be extra pressures brought to bear on them to extend their area of responsibility, with this perhaps leading to a lack of rigour in applying these new guidelines?

#### **6.2 Neighbourhood Shops Policy (CAB 043/101)**

1. Last year's scrutiny review on reducing childhood obesity also recommended that the Council should work with Tower Hamlets Homes and RSLs to review the way they lease their properties, ensuring that encouraging healthy eating is a pre-requisite for any new food business.

Can you clarify what work has been undertaken with Tower Hamlets Homes and RSLs in this regard?

### **6.3 Future Contracting Approach for Waste and Public Realm Services (CAB 044/101)**

1. Can you outline how you will ensure that tenders for contract of both Public Realm and Waste Disposal Contract ensure we have documented proof on competency in all needed areas, with penalty clauses for non compliance to Council standards or loss of service?

### **7.1 Contracts Forward Plan (CAB 045/101)**

1. In light of the fact that we have changed telephony suppliers a number of times over the last 5 years can you provide a breakdown of costs of the network changes during that period and also explain if we are making the right choices?
2. With reference to the £350k contract for materials recycling facility can you clarify if this will require the tender to meet energy efficiency objectives or will this be considered in the Contracting strategy currently being developed?

### **7.3 Mainstream Grants Advice Services and Corporate Match Funding Programmes – Arrangements for 2011 and Beyond (CAB 047/101)**

1. With reference to paragraph 6.24 and the reduction in the Corporate Match Funding (CMF) Budget and Working Neighbourhood Fund Programme coming to an end, can you outline if any further resources have been identified to support third sector organisations? In addition to financial support can the Cabinet outline what other support will be available to third sector organisations?
2. Can you explain how much external funding has been secured by third sector organisations for the borough through the CMF Programme in the last year?
3. Can you provide a list of third sector BME organisations that have received CMF and how much they have received?
4. Can you outline what will be the future priority for allocation of CMF?

### **8.1 Food Law Enforcement Service Plan 2010-2011 (CAB 048/101)**

1. The report mentions food imports being on the rise, with worries about ingredients and hygiene. Do we have any kind of figures on the rises seen here?

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

None.

The meeting ended at 8.45 p.m.

Chair, Councillor Ann Jackson  
Overview & Scrutiny Committee