

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 11 JANUARY 2011

**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 Tim Archer
Councillor Lesley Pavitt
Councillor Zenith Rahman
Councillor Rachael Saunders
Councillor Stephanie Eaton

Co-opted Members Present:

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

Other Councillors Present:

Councillor Oliur Rahman
Councillor Denise Jones
Councillor Ohid Ahmed
Councillor Alibor Choudhury
Councillor Bill Turner

Officers Present:

Afazul Hoque – (Scrutiny Policy Manager, Scrutiny & Equalities,
Chief Executive's)
David Galpin – (Head of Legal Services (Community), Legal
Services, Chief Executive's)
Mohammed Ahad – (Scrutiny Policy Officer, Scrutiny & Equalities,
Chief Executive's)
Hafsha Ali – (Acting Joint Service Head Scrutiny & Equalities,
Chief Executive's)
Michael Keating – (Service Head, Scrutiny & Equalities)
Isobel Cattermole – (Acting Corporate Director, Children, Schools &

	Families)
Lara Cerroni	– (Communications Officer)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture)
Karen Badgery	– (External Funding & Commissioning Manager, Strategy Partnership & Performance, Children, Schools & Families)
Keith Williams	– (Head of Health Borough Programme)
Robin Beattie	– (Acting Head, Strategy & Resources, Communities Localities & Culture)
Andy Bamber	– (Service Head Community Safety, Communities, Localities & Culture)
Chris Saunders	– (Political Advisor to the Labour Group, Chief Executive's)
Saheed Ullah	– (New Projects Developments Manager, Children Schools & Families)
Amanda Thompson	– (Team Leader - Democratic Services)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Oliur Rahman declared a personal and prejudicial interest in agenda item 6.1 on the basis that he was Member of the Cabinet when the original decision was taken, and he left the room during the Committee's decision making and voting on this item.

Rev James Olanipekun declared a personal interest in agenda item 9.1 as he had been involved in the submission of a 'Can Do' grant.

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 30 November 2010 be approved and signed by the Chair as a correct record of the proceedings subject to the inclusion of apologies for absence from Councillor Ahmed Adam Omer.

4. REQUESTS TO SUBMIT PETITIONS

None received.

5. REQUESTS FOR DEPUTATIONS

None received.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 Report Called In - Children, Schools and Families - Contract Awards

The Chair, Councillor Ann Jackson, advised that as she had been one of the signatories to the call-in requisition, she would take no part in the decision making or voting on this item and would ask the Vice-Chair, Councillor Ahmed Adam Omer, to take the Chair during this time.

Further to his respective declaration of a personal and prejudicial interest, Councillor Oliur Rahman left the room during the Committee's decision making and voting on this item.

Councillors Ohid Ahmed and Alibor Choudhury who had not been present for the previous agenda item also left the room during this time.

At the request of the Chair, David Galpin, Head of Legal Services (Community) advised those present on the Council's call-in procedure.

Councillor Bill Turner on behalf of 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 Acting Corporate Director – Children, Schools, and Families, be authorised to award the contracts for services to both Bupa and Allied Healthcare on behalf of the Authority.

Councillor Turner advised that the further detail provided to him by Mrs Cattermole had been very helpful, but this should have been included in the Cabinet report.

Councillor Turner stated that the report ultimately talked about awarding a care contract concerning vulnerable people to the private sector on the basis that it would provide a significant saving to the Council, and he asked whether this saving could be fully justified?

He further stated that disabled Bengalis required culturally matching care which local providers were able to give, and which a private company might not, and asked what safeguards and performance monitoring would be put in place to ensure continuity of care?

Councillor Turner then responded to questions from the Committee concerning the alternative course of action being proposed and the impact of any delays in the process, the fact that no local providers had submitted tenders, the switch to direct payments and the need to provide value for money.

He advised that the call-in was not necessarily asking for the contract to be re-tendered, but sought more information regarding how staff would be recruited, the possibility of smaller local companies being supported in order to win contracts, and whether or not contracting out was right for the Council.

Councillor Turner stated that smaller local companies were good at providing a service, but did not have the tendering ability of much larger companies. Also his main concern was whether or not existing service users would still be able to have the same carer. Value for money was also important but only if the level of service being obtained was the same.

Councillor Oliur Rahman, Cabinet Member for Children's Services, supported by Mrs Isobel Cattermole, Acting Corporate Director – Children, Schools and Families, then addressed the Committee on behalf of the Cabinet in response to the Call-in.

Councillor Rahman stated that his fundamental aim was to work with the services users, and if they were satisfied and happy then there was no real issue. The Council had consulted the service users, some of whom had been involved in the tender evaluation process, and they believed that they were still getting the best service. The Council had made a commitment to assisting all families who wished to remain with their existing carer with accessing direct payments, and there would be no restrictions on this.

Councillor Rahman stated that it was unclear what the call-in Members wanted the Cabinet to do as there was no concrete proposal.

He advised that no local providers had submitted tenders despite the offer of workshop sessions to assist them in making joint bids, and if a company wasn't even prepared to tender then he wasn't prepared to offer them a contract.

Councillor Rahman stated that he understood the importance of supporting the London Living Wage and recruiting local people, and the Council would work with the providers to ensure this.

Also no local companies were qualified to provide a nursing care service which had previously been obtained using spot purchasing. This had not achieved value for money and users had not got the service they deserved.

Councillor Rahman stated that as long as the service users were happy then so was he.

Committee Members then put detailed questions to Councillor Rahman on a number of issues concerning continuity of care, monitoring of the contract, the need for culturally matching care, local recruitment and the tender timescales.

Councillor Rahman advised that if children and their families opted to keep their current carer they would be able to do so as this would form part of the contract agreement. The services provided would be subject to very robust and strict monitoring which would be undertaken by the child's social worker.

The provision of culturally appropriate care would also form part of the contract agreement, and if anything went wrong then early termination of the agreement was very easy to do.

Councillor Rahman further advised that the two companies involved had indicated that they were willing to recruit locally to address issues of cultural matching.

The Committee was advised that the consultation process had commenced eighteen months ago and the tender process one year ago.

At this point the Chair asked Councillor Omer to Chair the remainder of the meeting as she was unable to take part in the discussion or vote.

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.

7. TRANSPORT FOR LONDON INVESTMENT PROGRAMME

This item was withdrawn as the representative from Transport for London was unable to attend the meeting.

8. SCRUTINY SPOTLIGHT

Councillor Ohid Ahmed, Deputy Mayor, gave a detailed presentation on aspects of his portfolio, focusing on areas set out below:-

Services covered by Deputy Mayor portfolio

- Highways & transport, street cleansing, waste, recycling, graffiti & flyposting removal, pest control, trading standards, licensing, markets &

street trading, parking, animal wardens, noise team, food hygiene, incontinence laundry, THEOs, drug and alcohol team, domestic violence, hate crime, ASB, CCTV, parks and open spaces, civil protection, smokefree environment team, mortuary

Highlights and successes

- Recycling rates increased from 19% to 26.5%
- Successful deployment of Tower Hamlets Enforcement Officers
- 5% drop in overall crime (952 fewer crimes)
- 409 arrests under the 'Dealer a Day' initiative.
- Successful introduction of first Cycle Super Highway network, and implementation of first London Cycle Hire Scheme docking stations
- Successful HLF bid for Victoria Park worth £4.55m
- Perception of parks, playgrounds and open spaces up by 8% to 61%
- Community payback teams at work across the borough
- 'Bike it' scheme won a London Transport Award
- Major parking enhancement programme
- Moving key partners rapidly towards the development and adoption of shared targets within a Public Realm strategy

Key Priorities 2011/12

Safer Communities

- Strategic Review of Community Safety and a new Crime & Drug Reduction Plan
- Adoption of Sexual Encounter Legislation
- Street Markets Strategy Implementation

Public Realm

- Parking Enhancement Programme
- Recycling Improvement Plan
- Waste Strategy
- London Cycle Hire Scheme Phase 2
- Winter Maintenance
- Victoria Park
- Integrated Public Realm & Safer Community Services

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which Councillor Ahmed, supported by Mr Stephen Halsey, Corporate Director and Andy Bamber Service Head Community Safety, responded. The question and answer session was centred on the following points:

While the increase in recycling rates was reassuring, it was recognised that some residents were still unaware of how to recycle and that the 'pink' recycling bags needed to be provided more efficiently.

The Council was working with Registered Social Landlords (RSLs) and Arms Length Management Organisations (Almos) to try and ensure that anti-social behaviour on housing estates was being properly addressed, and this was

also part of the 'Great Place to Live Delivery Plan' and CLC localisation and joint tasking work with the Police.

In response to a query about why no visible examples of recycling were not presented to residents, Mr Halsey stated that while there was no obvious visible reward from recycling for residents, any reduction in the amount of waste going to landfill was a financial benefit to the Community as it reduced the need for expensive land fill and carbon allowances to offset land fill tonnage exceeding the very limited government target and the carbon emissions generated by the Borough. This would also lead the Council to becoming more environmentally sustainable as well as reducing the financial pressures-

In response to a complaint that the pavements had not been properly gritted during the snow it was stated that gritting had been maintained through the recent bad weather but no Council had the resources to grit every single road and pavement in the Borough. The Council had implemented a new Winter Maintenance programme which had ensured that other services such as waste collection had been able to operate, while carriageways were kept clear and traffic had been moving on priority routes. The Council had also stockpiled 2000 tons of grit, some of which had been provided by Transport for London, which would help in case of any future national grit shortage and more grit storage facilities were planned.

Provision for the ability to remove chewing gum from roads and pavements using a special surface coating was being included in street cleansing contracts.

Following a very poor inspection by the Audit Commission two years previously, the Crown Prosecution Service (CPS) had introduced the London Reform Programme and was now much improved. The CPS was now co-located within police stations enabling a more integrated prosecutions team, and virtual courts dealing with domestic violence were being embedded.

The focus of the new Crime and Drug Reduction Plan didn't just target dealers, but also the drug users themselves as often they committed crime to support their drug habits. Funding for the Drug Intervention Programme would still be provided, and the Tower Hamlets Partnership also funded the Drugs and Alcohol Awareness (DAAT) teams and provided outreach workers.

The savings proposals for Communities, Localities and Culture were fully detailed in a report going to the Cabinet the following evening, and these would focus on reviews of the Parking Service, Pest Control Service and supervised adventure play activities, highways income and efficiencies opportunities, the restructure/redesign of Enforcement functions, service integration and commercial waste income opportunities.

Graffiti continued to be a major challenge and the Public Realm Strategy aimed to bring together all major land owners with a view to tackling the problems jointly.

From April 2011 integrated enforcement, community safety and street cleansing services would be provided and staff would be based in the area enabling residents' requests and concerns to be dealt with more quickly.

The Chair thanked the Deputy Mayor and officers for his very detailed presentation.

9. OVERVIEW AND SCRUTINY MANAGEMENT

9.1 Reducing Childhood Obesity Scrutiny Review Update

Mr Keith Williams, Head of the Healthy Borough Programme, introduced the report which provided an update on the progress and work undertaken so far on securing sustainability of the work programme for addressing the environmental causes of obesity.

He reported that the recent Public Health White paper and the proposal to transfer public health improvement functions to local authorities by 2013 provided a potentially positive environment to consider how the programme could continue post March 2011 when the current funding would cease.

The Committee noted that once all the evaluation work had been completed the intention was to produce a comprehensive report pulling together all the evaluation highlights and evidence of learning with a set of recommendations to influence future strategic direction.

The Chair **Moved** and it was

RESOLVED

That the report be noted.

9.2 Building Schools for the Future Scrutiny Review Update

Mr Saheed Ullah, Development Officer for Building Schools for the Future(BSF), gave a brief update on the design principles and aspirations driving BSF in relation to reducing childhood obesity via the provision of new sports and dining facilities, and advised that it was not yet possible to outline the effects of new lunch room areas and uptake of school meals as the evaluation exercise had not yet been completed.

The Chair **Moved** and it was

RESOLVED

That the report be noted.

10. VERBAL UPDATES FROM SCRUTINY LEADS

Due to time constraints it was agreed that this item be deferred.

11. 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 on 1 December 2010 for consideration:

6.1 Proposed Cycle Hire Scheme extension (CAB 066/101)

- 1) LAP 5 has twelve cycle location areas, but only about 3-4 are in BowEast. Can you explain why this is?
- 2) Has the Council considered the option of partnering with RSLs and NHS Tower Hamlets to develop estate cycle routes for school journeys?

7.1 Update on Building Schools for the Future Programme including authorisation to enter into contracts: update on PFI and School Estate Strategy (CAB 068/101)

- 1) The new school planned for Bow looks to be dependent on DfE contribution which could well be less than costs, and result in Bow not getting a badly needed secondary school. As there has been a need for another school for some years, why were the plans not progressed sooner to avoid the now almost certain funding shortfall?

8.1 Borough-Wide Drinking Control Zone (CAB 069/101)

- 1) Will the introduction of a borough wide drinking control zone displace drinkers to other parts of London?
- 2) How will we ensure that our support to drinkers with dependency problems is much more effective to ensure we reduce the problem of displacement and people are given the support required?
- 3) What plans are there to work across east London to better understand the problem and develop a more co-ordinated and long-term response?

10.1 General Fund Revenue Budget and Medium Term Financial Plan 2011/2012- 2013/2014 (CAB 070/101)

- 1) Without the full Equalities Impact Assessment it is difficult to understand the full impact of the proposed savings on our community and in particular vulnerable sections of our community. Can the Cabinet therefore confirm when the full EQiA will be available?
- 2) What has been the monetary impact of the recent VAT increase?
- 3) In regards to paragraph 10.2 where the Council has discretion on what expenditure it incurs, it has chosen to curtail spending on Dementia Services and Learning Disabilities as they have yet to be fully commissioned, this along with a possible reduction in spending on Freedom passes does in fact seem to be reducing and providing in the first place support for the most vulnerable in the borough. Can the Cabinet outline how they are to make these savings and provide sufficient front line services.
- 4) What is the Council's response to the Hutton Commission and its possible forthcoming recommendation to rebalance the future costs of the Council's Pension Scheme between taxpayers and beneficiaries in favour of the taxpayer?
- 5) With reference to paragraph 14.3 of the report the resource available to fund capital programme is now heavily dependent on the sale of major assets and receipts from this source can therefore not be relied upon. Alongside this funding for the revenue budget which can also fund capital programme is very tight. Can the Cabinet outline how this has occurred and what is the plan to rebalance this if any?

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

None.

13. EXCLUSION OF THE PRESS AND PUBLIC

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

Resolved:

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

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee