

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 4 October 2011 at 7.00 p.m.

A G E N D A

VENUE

Room M71, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Ann Jackson Vice-Chair: Councillor Rachael Saunders, Scrutiny Lead, Health	
Councillor Tim Archer, Scrutiny Lead, Chief Executive's Councillor Stephanie Eaton Councillor Fozol Miah Councillor Sirajul Islam, Scrutiny Lead, Resources Councillor Amy Whitelock, Scrutiny Lead, Children & Adults Councillor Zenith Rahman, Scrutiny Lead, CLC Councillor Helal Uddin, Scrutiny Lead, D & R	Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer) Councillor David Snowdon, (Designated Deputy representing Councillor Tim Archer) Councillor Harun Miah, (Designated Deputy representing Councillor Fozol Miah) Councillor Judith Gardiner, (Designated Deputy representing Sirajul Islam, Ann Jackson, Rachael Saunders, Zenith Rahman, Helal Uddin and Amy Whitelock) Councillor Ahmed Adam Omer, (Designated Deputy representing Ann Jackson, Sirajul Islam, Zenith Rahman, Helal Uddin and Amy Whitelock) Councillor Bill Turner, (Designated Deputy representing Ann Jackson, Sirajul Islam, Zenith Rahman, Helal Uddin and Amy Whitelock)
<p>[Note: The quorum for this body is 3 voting Members].</p>	

Co-opted Members:	
Mr Mushfique Uddin	– (Muslim Community Representative)
1 Vacancy	– Roman Catholic Diocese of Westminster Representative
Canon Michael Ainsworth	– (Church of England Diocese Representative)
Memory Kampiyawo	– Education Representative
Jake Kemp	– (Parent Governor Representative)
Rev James Olanipekun	– (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, 4 October 2011

7.00 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

3 - 12

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 6th September 2011.

4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting.

5. SECTION ONE REPORTS 'CALLED IN'

There was one Section One report 'called in' from the meeting of Cabinet held on 7th September 2011.

5.1 Call-In - Recording / Webcasting of Council Meetings

13 - 24

To consider a call-in request made in respect of Cabinet's decision on the recording / webcasting of Council meetings.

6. REPORTS FOR CONSIDERATION

6.1 Disposal of Northumberland Wharf Waste Transfer Station

25 - 36

In accordance with its terms of reference given at Article 6.02 (ii) of the Council's Constitution, the Overview and Scrutiny Committee will consider any key issues /questions

arising in relation to the attached report to be considered by the Mayor or Cabinet concerning the disposal of Northumberland Wharf Waste Transfer Station.

6 .2 Appointments to Inner North East London Standing Joint Health Overview and Scrutiny Committee **37 - 54**

To appoint three Councillors to Inner North East London Standing Joint Health Overview and Scrutiny Committee (INEL SJHOSC).

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

(Time allocated – 40 minutes).

8. VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated – 5 minutes each)

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

Agenda Item 2

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

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 6 SEPTEMBER 2011

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

Members Present:

Councillor Ann Jackson (Chair)
Councillor Rachael Saunders (Vice-Chair)
Councillor Tim Archer
Councillor Fozol Miah
Councillor Sirajul Islam
Councillor Amy Whitelock
Councillor Zenith Rahman
Councillor Helal Uddin

Other Councillors Present:

Councillor Peter Golds
Councillor Alibor Choudhury
Councillor Rania Khan

Co-opted Members Present:

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

Officers Present:

David Galpin	– (Head of Legal Services (Community), Legal Services, Chief Executive's)
Kevin Kewin	– (Service Manager, Strategy Policy & Performance, One Tower Hamlets, Chief Executive's)
Heather Bonfield	– (Interim Service Head Cultural Services , Communities Localities & Culture)
Sarah Barr	– (Senior Strategy Policy and Performance Officer, Strategy Policy and Performance, One Tower Hamlets, Chief Executive's)
Michael Keating	– (Service Head, One Tower Hamlets)
Chris Naylor	– (Corporate Director Resources)
Colin Perrins	– (Head of Commercial Services)
John Williams	– (Service Head, Democratic Services, Chief Executive's)
Antonella Burgio	– (Democractic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stephanie Eaton and Co-opted Member Canon Michael Ainsworth.

Peter Hayday Service Head, Financial Risk and Accountability apologised that he was unable to attend to present the report at agenda item 6.1.

2. DECLARATIONS OF INTEREST

Councillor Ann Jackson declared a personal interest in regard to agenda item 5.1 in that she was newly employed by Deloitte. Deloitte had been involved in a review carried out in 2008 which had assessed the management of the Mela event under the previous operational Trust.

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 2nd August 2011 be approved and signed by the Chair as a correct record of the proceedings.

4. REQUESTS TO SUBMIT PETITIONS

Nil items

5. SECTION ONE REPORTS 'CALLED IN'

5.1 Call-In - The Baishakhi Mela in Banglatown, Brick Lane : Transfer to Community Management (CAB 021/112)

The Chair invited Councillor Peter Golds, on behalf of the Call-in Members, to present the reasons for the call-in requisition.

Councillor Golds highlighted the following issues that had caused the request to be made:

- There was insufficient evidence to demonstrate that the community management issues by the Baishakhi Mela Trust had been resolved. These had necessitated that the Council take over the management

of the event and this had been reported to Cabinet in November 2008 (CAB 065/089)

- There were issues concerning the inappropriate media use of the Baishakhi Mela as a platform for political purposes and an Ofcom investigation was being undertaken.
- The length of the agreement was too long and raised operational and contractual risks
- The issues identified in Cabinet's report in 2008 had not been resolved

The Committee did not wish to ask any questions of Councillor Golds.

Councillor Rania Khan, Cabinet Member for Culture and Heather Bonfield, Interim Head of Culture responded to the issues raised. The following information was given:

- The Council's management of the event had been undertaken as a temporary measure; it was always the Council's intention that the management of the Mela be returned to the community. The decision put before Cabinet fulfilled this intention.
- The Ofcom investigation had not raised any concerns around the Council's running of the Mela for political gain but had criticised media coverage of the event by Channel S broadcaster
- The proposed 9 year agreement allowed sponsorship relationships to be developed. Any potential risks had been mitigated by the incorporation of reviews after 1, 3 and 6 years within the 9 year period. The agreement concerned permission to use Weavers Field and was not a contractual term.
- Since the Council had been managing the Mela, a new Trust had been established. The Council intended to consider applications from the community/non profit sector to manage the Mela under an SLA."

It was the Mayors wish that the Mela be delivered independently from the Council therefore the Interim Head of Culture was investigating external organisers, through a competitive commissioning process, who would bring a fresh approach and understood the business.

In response to questions to the Cabinet Member and Interim Head of Culture, the Committee received the following information:

- Whilst the Council had delivered successful events in its management of the Mela, there had been community consultation strongly indicating that the community wanted the festival to return to community management.
- Community views and feedback had informed the Council's belief that issues which had necessitated that the Mela be managed by the Council had been resolved and its management could be put back to the community.
- £30,000 had been set aside from S106 agreements for Mela support. Other funding was expected to be required but sources had yet to be identified.

- The success of the event, once returned to community management, would be measured by turnout, levels of community engagement and public feedback.
- Concerning questions about the length of the agreement, the Head of Service acknowledged that some sponsorships had already been developed. However the nine-year term was not a guaranteed period and should issues arise, it would be possible to terminate the arrangement at the review periods.
- A contractual party would normally be able to challenge an early termination of an agreement if it so wished. To mitigate this, the Council would need to ensure that any such termination proposal had been thoroughly researched and prepared for.
- There would be no issues concerning how the community would be consulted as the Council proposed remain involved in clean-up operations.
- Regarding management training for any Mela organisation selected, the Council would work alongside the chosen organisation but, for selection purposes, would look for an organisation that could demonstrate the necessary skills.
- A robust selection process would mitigate risks around applications from previous organisers.
- Should there be any future disputes; the Council anticipated that the arbitrating body would comprise Members and community representatives.
- Suggestions to relocate the event way from Weavers Field were not supported as it had an historic association with the area. The Head of Service agreed to respond to individual complaints on this matter.

Councillor Rania Khan, Cabinet Member for Culture and Heather Bonfield, Interim Head of Culture retired from the meeting at 7:35p.m.

The Committee discussed the responses that had been given and concluded that the following concerns remained:

- The proposed length of the agreement was too long and should be reduced as it was not consistent with those of other events and at a time when efficiencies are being made in relation to other resident events.
- There was no indication of how the agreement will be managed. This raised concerns that legal issues might arise should the Council find it necessary to terminate the arrangement early.
- The roles and responsibilities for the community management organisation and Council were not sufficiently defined. The Council was expecting to provide support to the new organisers, but its extent and nature had not been agreed. The committee felt this amounted to giving the community organisation a 'blank cheque', running the event with an unspecified amount of Council officer resource.
- All the funding required for the running of the Mela had not been identified. £30,000 of Section 106 funding has been set aside but other funding was still unspecified.

- The composition of the independent selection panel (to select the community management organisation) was not confirmed. It was felt that both the selection panel and the wider community consultation needed to reflect the diversity of the borough as much as possible, particularly given the wide range of people who have attended and become involved with the Mela in recent years.
- To completely hand over management to a new organisation too early risked future failure; the Committee therefore wished Cabinet to consider undertaking an in-tandem management arrangement for a period, building the capacity of the new organisation, before undertaking to transfer the event entirely to community management.
- The Committee was concerned that individuals involved in the organisation that had previously failed to run the event effectively, may become involved in the new community management arrangements and would like reassurance that the independent selection panel will not allow this to happen.

Having considered the matter, the Committee decided that it wished to refer the matter back to the Cabinet for future consideration setting out the above concerns

RESOLVED

That the matter be referred back to Cabinet for further consideration on the basis of the above concerns

6. REPORTS FOR CONSIDERATION

6.1 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q1 2011/12

Co-opted Member, Mr Mushufique Uddin joined the meeting at 7:55 p.m., during the presentation of this item.

Councillor Choudhury, Cabinet Member for Resources, Chris Naylor, Corporate Director for Resources and Kevin Kewin, Strategy and Performance Manager presented the report circulated at item 6.1.

The Committee was invited to comment on the style of presentation of the performance data which had been adapted in order to give year-on-year comparison for the same time at each reporting period (current performance could be compared to that in the same period in the previous year). No comments were made.

In response to Members' questions on the performance monitor, the Committee received the following information:

- Due the economic downturn, presentation of the Enterprise Strategy to Cabinet had been delayed in order to allow more time for the paper to

be prepared.

- Performance data against aspirational targets had been added with the aim of comparative of reporting year-on-year performance.
- The monitor also reported on residents' perceptions. This data was gathered from residents' surveys but results would not be available until the next quarter.
- Concerning the "red" RAG rating for target J 18 (Olympics), the Committee was informed that this data was reported less frequently. Activity had been measured against the strategic plan and the RAG rating enabled the Committee to see whether the target was on schedule or if there had been slippage.

The Cabinet Member for Resources informed the Committee that the Council presently was on track to achieve savings targets but the economic prospects were unfavourable. The Council had vired some funds from its growth provision to some other budgets. The Corporate Director, Resources informed the Committee that Section 3 of the report gave data on the expected General Fund outturn position in the first quarter and Directorates' forecasts this year incorporating a higher level of budget scrutiny. The Council was reviewing its spending profiles and looking at what plans were in place to ensure that savings were delivered against these. This year, budgets had been scrutinised before allocating them in order to test that specified funds were needed. There was also a higher level of scrutiny of employment costs. Monitoring of the forthcoming quarter would give an indication of how performance was progressing.

In response to Members' questions on financial performance for the quarter, the Committee received the following information:

- No slippage had been reported in the Adults Health and Wellbeing Community Strategy.
- The Children Schools and Families Directorate had projected nil variance in its budgets. This would be monitored by the Corporate Director, Resources.
- Third Sector budgets were now incorporated into Development and Renewal Directorate. The risk of overspend had been identified and was reported but was not considered a risk at this time in the budgetary year.
- Budgets for East End Life publication and home to school travel were being monitored and no specific areas of concern presently existed.
- Adults Health and Wellbeing Directorate forecast that measurements against equality impact assessments were at breakeven. The Corporate Equality Steering Group was monitoring performance and, as part of the Council's monitor, was looking at variation in quality of savings and the means through which savings were being made.
- The Corporate Director confirmed that the costs experienced in Adults Health and Wellbeing were £100,000 higher than budgeted presently.

RESOLVED

1. That the Council's financial position as outlined in Paragraphs 3 and 4 and at Appendices 1-4 of the report be noted.
2. That the budget virements detailed in Appendix 3, (to be tabled at Cabinet for approval) be noted.

6.2 Sex Establishments - A Consultation

Colin Perrins Head of Commercial Services presented the report circulated at agenda item 6.2.

The Committee was informed that, as a result of new legislation on the regulation of sex establishments; the Council had produced a draft policy. Overview and Scrutiny Committee was invited to submit its comments as part of the consultation. The community would also be consulted by utilising focus groups and East End Life publication.

Councillors requested that supermarkets, day centres, hospitals and doctors surgeries be added to the consultation scope and asked to be informed of consultation outcomes.

Action: Colin Perrins Head of Commercial Services

In response to Members' questions, the Committee received the following information:

- The new legislation did not allow sex establishments to be banned on moral grounds. However the Council was able to use equality impact assessments and a range of criteria to gauge where in the borough such establishments would be suitable or not. Demographics of the Wards within the borough could also be taken into account.
- Comments on all aspects of the policy were sought. A consultation team had been established to advise how to convey the message extensively throughout the borough.
- Implementation of the new legislation would require all sex establishments to reapply for a licence. The Council was expecting legal challenges and had therefore sought legal advice on how to carry out the process.
- The policy was discretionary therefore neighbouring councils had discretion to implement the policy as they wished within the scope of the legislation.
- Four focus group sessions (face-to-face consultation) were held in paired LAP areas.
- Although there was no specific figure for the consultation response stipulated in the guidance, Trading Standards and Environmental Health Service was looking to achieve the highest possible return. This would be published.

RESOLVED

1. That the report be noted
2. That the Committee's consultation response be completed, collated and submitted to Colin Perrins Head of Commercial Services

6.3 Executive Decision Making by the Mayor

John Williams, Service Head, Democratic Services presented the report circulated agenda item 6.3 outlining a new process that enabled the Mayor to take individual executive decisions. A process, set out in the report, had been established to ensure that decisions were transparent and could be scrutinised. Once taken, the decisions could also be called-in.

Mayoral decisions would be reported regularly as part of Overview and Scrutiny Committee business

Action: Democratic Services

In response to Members' questions, the Committee received the following information:

- Any Mayoral decisions would follow the call-in procedure used for Cabinet decisions.
- Overview and Scrutiny Committee would be able to refer any called-in Mayoral decisions back to Cabinet.
- It was not anticipated that there would be need for any special Overview and Scrutiny Committee meetings as the procedure would follow the same process as that for Cabinet decisions. In the same way, any urgent decisions taken by the Mayor were required to be agreed through the Chair of Overview and Scrutiny. The Chair informed the Committee that she would consider whether to call a special Overview and Scrutiny Committee meeting in certain circumstances.

RESOLVED

1. That the report be noted.
2. That a standing item be added to the agenda so that key decisions taken by the Mayor may be reported to the committee.

6.4 Re-established Inner North East London Joint Health Overview and Scrutiny Committee as a Standing Committee

John Williams, Service Head Democratic Services gave a verbal update on appointments to the North East London Joint Health Overview and Scrutiny Standing Committee. He informed the Committee that powers of appointment to this external body lay with Council. A report would be presented to the next Council meeting to formally approve its establishment, note the number of representatives allocated to London Borough of Tower Hamlets which were to be politically proportionate and delegate powers of appointment to Overview and Scrutiny Committee. The Authority had not been advised of any future meetings at this time; therefore appointments would be undertaken within the normal cycle of meetings.

RESOLVED

That the verbal update be noted.

6.5 Overview and Scrutiny Committee Work Programme

Sarah Barr, Senior Strategy Policy and Performance Officer presented the report circulated agenda item 6.5. Following the Committee's workshop held in August 2011, a work programme had been proposed containing work which would be undertaken by the committee throughout the year. Reports and findings from this work would be reported at the Committee's monthly meetings. The work programme circulated at appendix A was divided according to the relevant portfolio areas.

To ensure that scrutiny remained reactive Members were asked to have regard to over-commitment to the work programme.

The Chair invited Co-opted Members to indicate any areas of the work programme in which they wish to become involved.

The following responses were given:

Rev James Olanipekun indicated that he wished to participate in the topics concerned with One Tower Hamlets matters and as well as education matters.

On behalf of Canon Ainsworth the Chair advised that he wished to participate in work with cultural issues.

Jake Kemp indicated that he would be interested to participate in broader topics involved with children's schools and families in addition to education matters.

RESOLVED

That the work programme be noted.

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

Nil items.

8. VERBAL UPDATES FROM SCRUTINY LEADS

The following updates were given by Committee Members in regard to their Scrutiny Lead areas:

Councillor Uddin had recently met with Sarah Barr to progress housing policy scrutiny and would be looking to scrutinise S106 matters.

Councillor Whitelock was monitoring how the Children's Centres were progressing following their restructuring.

Councillor Z Rahman was pursuing her investigations on cultural matters relating to the Authority's services.

Councillor Saunders informed the Committee that a letter had been drafted to the mergers and competition commission concerning the merger between Newham, Barts and the Royal London and Whipps Cross NHS Hospital Trusts

RESOLVED

That the report be noted

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

Nil items.

The meeting ended at 9.10 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee

Agenda Item 5.1

Committee: OVERVIEW AND SCRUTINY	Date: 4th October 2011	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services Originating Officer(s): Antonella Burgio, Democratic Services			Title: Cabinet Decision Called-in: Wards: All	

1. SUMMARY

- 1.1 The attached report of the Assistant Chief Executive (Legal Services) was considered by the Cabinet on 7th September 2011 and has been "Called-In" by Councillors Motin Uz-Zaman, Shiria Katun, Bill Turner, Carli Harper-Penman and Joshua Peck in accordance with the provisions of Part Four Sections 16 and 17 of the Council's Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet's provisional decisions arising and
- 2.2 decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

**Cabinet Report CAB 034/112 –
8 September 2011**

Name and telephone number of holder and address
where open to inspection

Antonella Burgio

0207 3644881

3. BACKGROUND

- 3.1** The request to call-in the Cabinet's decision dated 7th September 2011 was submitted under Overview and Scrutiny (O and S) Procedure Rules Sections 16 and 17. It was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria. The call-in request fulfilled the required criteria and the decision is referred to Overview and Scrutiny Committee in order to consider whether or not to refer the item back to the Cabinet at its meeting on 5th October 2011 for further consideration. Implementation of the Cabinet decision is suspended whilst the call-in is considered.

4. THE CABINET'S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided:-

“That in relation to future recording and/or webcasting of Council meetings, Option 4, as set out in Section 6 of the report (CAB 034/112), be agreed.”

4.2 Reasons for Decisions

These were detailed in paragraph 3.1 of the report (CAB 034/112) and stated that *“The decision above will address the resolution of the Council of 2nd February 2011 and, if option 1, 2 or 3 is agreed, will facilitate implementation of that resolution.”*

4.3 Alternative Options Considered

These were detailed fully in paragraph 6 of the report (CAB 034/112); in summary the options were:

Option 1 – use existing equipment

Option 2 – upgrade existing equipment

Option 3 – full webcasting service

Option 4 – take no action

5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE 'CALL IN'

5.1 The Call-in requisition signed by the five Councillors listed gives the following reason for the Call-in:

"The option was chosen because *'funding wasn't available'* for other options. This is untrue as Councillor Uz-Zaman suggested at the meeting how this could be funded. This wasn't considered."

5.2 The requisition also proposed the following alternative course of action:

"to choose option 3 to allow residents to see decisions being taken and to fund this by the Mayor returning his chauffeur-driven car and not recruiting to the communications advisor position in his office, recently advertised."

6. CONSIDERATION OF THE "CALL IN"

6.1 Having fulfilled the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Cabinet at its next meeting. The implementation of the Cabinet decision regarding "Recording / Webcasting Council meetings" is suspended pending the Committee's decision in accordance with call-in procedures.

6.2 The following procedure is to be followed for consideration of the "Call In":

- (a) Presentation of the "Call In" by one of the "Call In" Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the "Call In" is not eligible to participate in the general debate.

6.3 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

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Committee/Meeting: Cabinet	Date: 7 September 2011	Classification: Unrestricted	Report No: CAB 034/112
Report of: Assistant Chief Executive (Legal Services)		Title: Recording/Webcasting Council Meetings	
Originating officer(s) John S. Williams, Service Head, Democratic Services		Wards Affected: All	

Lead Member	Deputy Mayor, Councillor Ohid Ahmed
Community Plan Theme	One Tower Hamlets
Strategic Priority	Efficient and effective services

1. **SUMMARY**

- 1.1 On 2nd February 2011 the Council considered a motion concerning recording of future Council meetings and agreed to audio and video record each meeting of the Full Council and to make the recording available online within 48 hours (for the full Council resolution see paragraph 5.1 below)
- 1.2 The Council's resolution relates to an executive matter which has resource implications and it therefore stands in the form of a recommendation to the Executive.
- 1.3 This report identifies the action required to implement the Council's resolution and sets out a number of options for consideration and the resource implications of these.

2. **DECISIONS REQUIRED**

Cabinet is recommended to:-

- 2.1 Consider the four options identified in section 6 of the report in relation to future recording and/or webcasting of Council meetings and decide which of the options should be pursued; and
- 2.2 If option 1 (utilising the existing equipment to implement a basic, low quality service) is the preferred option, to agree that this shall commence immediately subject to the Monitoring Officer agreeing the necessary amendment to the Council's Constitution; or
- 2.3 If option 2 (upgrading of equipment) or option 3 (a full webcasting service) is the preferred option, to agree that the officers report back to the next meeting with a full proposal including the source of funding and tender process for the project.

3. REASONS FOR THE DECISIONS

- 3.1 The decision above will address the resolution of the Council of 2nd February 2011 and, if option 1, 2 or 3 is agreed, will facilitate implementation of that resolution.

4. ALTERNATIVE OPTIONS

- 4.1 The report sets out four possible options for consideration at section 6 below.

5. BACKGROUND – THE COUNCIL RESOLUTION

- 5.1 On 2nd February 2011 the Council agreed the following motion:-

“RESOLVED

This Council notes that:

It is able to audibly and visually record council meetings using current technical equipment available in the council chamber.

It is able to record business conducted at Full Council with little or no cost to the taxpayer.

This council believes that:

democracy and accountability are important concepts in order to gain public trust in the decision making in the London Borough of Tower Hamlets.

residents should be able to refer to and view council meetings through the use of audio visual equipment.

conduct of Members of the Council will be positively affected by the knowledge that footage is in the public domain.

This Council resolves: -

To audio and video record each meeting of the Full Council to enable reference for members of the public, Council Members and officers and to increase transparency and accountability

To amend the Tower Hamlets Council Constitution, Part 4, Rule 27.1 to read ‘No photography or video or audio recording of any kind by guests and members of the public may take place at any Council Meeting without the express permission of the Chair.’

To introduce to the Tower Hamlets Council Constitution, Part 4, Rule 27.2 to read 'The Council Chamber, whilst the public gallery is open and the Council is conducting its business at the Meeting of the Tower Hamlets Council, will be video and audio recorded by the Council and made available online within 48 hours'.

- 5.2 Because the Council's resolution calls on the authority to take action in relation to an executive matter, it has the status of a recommendation to the Executive (Mayor and Cabinet), for consideration in the light of any resource and other implications.

6. OPTIONS FOR CONSIDERATION

- 6.1 Four options are set out below in respect of the resolution of the Council. In determining which of these, if any, to pursue the Executive will wish to consider the extent to which they will deliver the two main benefits proposed by the Council motion i.e.:-

(a) To enhance transparency of the democratic decision-making process and to enable access to the Council proceedings by residents who would otherwise not attend the meetings; and

(b) To capture a full record of the Council proceedings for future reference in case of any subsequent requirement e.g. to assist in the investigation of a complaint or other enquiry.

Option 1 – use existing equipment

- 6.2 The Council Chamber is already equipped with video cameras, microphones and a processing unit that can capture the proceedings. These have been used in the past to provide audio and video coverage of the proceedings to an overflow area when the public gallery is full, and it would be possible to utilise this equipment at future meetings to produce a video/audio record that could be posted on the Council's website.
- 6.3 However, the system is old and unreliable. The video output is in the form of a split screen of four sections, each fed by a fixed camera which does not follow the debate. The sound quality is poor and is dependent on Members remembering to switch on their microphones – any comments not made into an open microphone will not be recorded. The Council's existing AV contractors have confirmed that 'the better the content gathering package the better the experience for the user ... sound is even less forgiving and if not thought through and designed correctly will give you very poor results and make the experience for the user who is watching on their laptop ... impossible to follow.' In addition, the resulting record provides no indexing or search facility to assist a viewer who may wish to find a particular item or section of the debate rather than view the whole meeting.
- 6.4 There would be some minor resource implications arising from this option – in the main relating to computer consumables to record the meeting and staff

time to oversee this and transfer the file to the website. These could be contained within the existing Democratic Services budget, at least for recording of Council meetings only, subject to other tasks being re-prioritised as necessary.

Option 2 – upgrade existing equipment

- 6.5 A second option would be to upgrade the existing equipment to provide a better quality and more complete record although still using ‘static’ camera(s) and posting a simple video/audio file for viewing on the internet without the addition of an index or search facility.
- 6.6 The Council’s existing contractors have suggested a number of ways in which the Council Chamber installation could be improved. These include the provision of new cameras, microphones and if required direct feed of PC Powerpoint material from the meeting.
- 6.7 These improvements would also have the benefit of improving the quality of sound for persons attending the meeting itself e.g. in the public gallery. However, there would be a one-off financial cost which is estimated at up to £75k for the highest quality option (supply and installation of equipment including ambient microphone pick up to cover the whole room, audio sound processors, three cameras on ‘pan tilt’ and zoom moving heads, a control console and local monitors; but not including any lighting improvements that may be advised). It is likely that a mid-range solution could be identified that would reduce this cost by up to 50% by cutting out features not required.

Option 3 – full webcasting service

- 6.8 The third option would be to contract with a webcasting service provider to record and host webcasts of Council meetings. A number of local authorities including approximately six London boroughs plus the GLA already offer webcasts of their meetings and there are a number of service providers in the market place. Officers have had initial discussion with a number of providers and the Council’s existing AV providers are also able to offer a hosted web application in conjunction with the system improvements at option 2.
- 6.9 Webcasting (‘web broadcasting’) uses streaming technology to distribute video and audio coverage of a meeting/event or other material via the internet. By using webcasting, council meetings can be accessed live (if the Council so decided) or subsequently by anyone with a computer and internet access, anywhere in the world.
- 6.10 A webcasting service would provide additional features to the options set out above. Typically a webcast consists of a video window showing the meeting, with synchronised sound and subtitles to indicate who is speaking. The title of the report or motion under discussion is displayed and the viewer can click on links to the published agenda, presentations, explanatory information and/or speaker biographies. Some services provide for

interactive functions such as viewer comments or surveys – these are particularly relevant where a webcast is used for consultation purposes.

- 6.11 After a live webcast has finished (or following a meeting, if it is not webcast live), the record is loaded into an archive and remains accessible for an agreed period – normally 6 or 12 months. Within this period any viewer can replay all or part of the meeting. When viewing an archived webcast the viewer also has the benefit of pause, rewind and fast-forward functions as well as index points so they can cut straight to a particular discussion item or speaker/speech as required.
- 6.12 Some councils have reported viewing figures of between 1,000 and 2,000 visits per month, with individual meetings attracting anything from 50 to 4-500 viewers. However these are combined figures for live and archived viewings – normally of a range of committee/cabinet meetings as well as the full Council - and the technical limitations of the monitoring process mean that it is not always possible to tell accurately the number of different individuals viewing or what proportion are from within the borough or even internal to the council.
- 6.13 Typically the webcasting service provider would install fixed cameras in the Chamber and would lease to the Council a specialist PC and associated hardware. Three or four cameras would be installed to enable good coverage of the whole meeting including close up shots of the member speaking and wide angle shots as required. Contract fees would be payable from approximately £25k per annum and there would also be some staffing costs.

Option 4 – take no action

- 6.14 A further option would be to take no action in relation to the recording and publication of the Council proceedings.

7. RESOURCE IMPLICATIONS AND ASSESSMENT OF OPTIONS

- 7.1 A brief assessment of the four options is set out below. Cabinet is asked to consider which of these it wishes to pursue. If options 2 or 3 are chosen, the officers will report back to the next meeting with a full proposal on the technical aspects, source of funding and tender process for the project:-

Assessment of option 1: It would be possible, within existing budgets, simply to utilise the existing equipment to record the meeting and then post the resulting files on the website but the resultant record is likely to be of poor quality, possibly incomplete and not user-friendly. Therefore although this option would be an economic way of implementing the Council's resolution, particularly in relation to capturing a record for future reference; in terms of public accessibility and ease of use it is not recommended.

Assessment of option 2: Upgrading the existing equipment would enable a higher quality record of the proceedings to be made for reference purposes

which would also be suitable for publication. It would also improve the experience for those actually attending the meeting. However, there would be a one-off cost estimated at between £35k and £75k; and the published record would still have limited functionality in terms of indexing, search and links to other records etc.

Assessment of option 3: Of the three options, a webcasting service would provide the most flexible and user-friendly means of viewing Council meetings. Depending on the solution chosen (which would need to be subject to tender under the Council's procedure rules), initial set up costs could be low as the equipment could be leased from the service provider rather than purchased. However, there would be ongoing revenue implications in the form of a contract, hosting and lease fee estimated at approximately £25k p.a. or more if additional meetings were webcast in future, and staffing costs as a webcast operator would be required at each meeting in addition to the committee clerk (estimated at approximately £2k p.a. initially).

Assessment of option 4: This option would have the effect of continuing current practice of not recording the Council meetings. This option would be lawful and would give rise to no budgetary implications.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 There is currently no budget provision for recording/webcasting the Council meetings. The report sets out three possible options for taking forward the resolution of the Council on 2nd February 2011 on this matter together with a fourth option, to take no action.
- 8.2 The first option, using existing equipment, would give rise to minimal costs which can be contained within existing budget provision for Democratic Services although there would be some knock-on effect to delivery of other function by that team.
- 8.3 The second option, upgrading the existing equipment would incur one-off set up costs estimated at between £35k and £75k but minimal ongoing costs. In relation to the third option – a full webcasting service which would provide significantly better functionality – initial set up costs would be lower if a leasing option was chosen, but there would be ongoing annual costs of providing the service estimated at a minimum of approximately £27k per year.
- 8.4 If the Cabinet wishes to pursue either option 2 or option 3 therefore, funding will need to be identified of the sums mentioned in the current and/or future years as applicable. The Cabinet will wish to consider whether the benefits are commensurate with these costs and if webcasting is the most effective way of using this resource to open up the democratic process and enhance community engagement with local democracy.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

9.1 As noted in the Council's resolution, an amendment to the Council's Constitution will be required to qualify the current prohibition on photography and recording of Council meetings to enable webcasting of those meetings within the agreed webcasting programme.

9.2 Webcasting raises a number of issues in relation to the Human Rights Act and Data Protection Act. Images of members of the public that may be captured by the webcasting are potentially 'personal information' under the DPA. It will be necessary to agree a protocol to ensure that the Council meets its statutory obligations, for example by ensuring that members of the public are made aware that a particular meeting is being webcast and that by remaining in the room they are deemed to have given their consent for any images of themselves that may be taken to be used for broadcast or training purposes within the Council.

9.3 The proposed protocol will also provide for the Democratic Services officer to confirm that webcasting has ceased, once any Camera Resolution for Part 2 of the Agenda has been passed. In addition, Members will be aware that absolute privilege does not apply to council meetings. The protocol will provide for the Chair or Monitoring Officer to cease the webcast if there is a possibility of inappropriate material being transmitted.

10. ONE TOWER HAMLETS CONSIDERATIONS

10.1 Webcasting is one way of opening up access to the democratic decision-making process for residents who for whatever reason are unable or unwilling to attend meetings in the Town Hall and therefore has the potential to reach groups of residents who are currently not engaged in that process.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Webcasting will enable residents who wish to do so, to view meetings from home. This may decrease the need for journeys by car or public transport, thereby reducing the impact of such journeys on the environment.

12. RISK MANAGEMENT IMPLICATIONS

12.1 There are no direct risk management implications arising from the recommendations in this report.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

13.1 There are no direct crime and disorder reduction implications arising from the recommendations in this report.

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

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
E-mails of 3 August and 4 August 2011 from AVM ltd to LBTH.	John S. Williams Tel: 020 7364 4204 Mulberry Place, E14 2BG

Agenda Item 6.1

Committee/Meeting: OVERVIEW AND SCRUTINY COMMITTEE / CABINET	Date: 4th / 5th October 2011	Classification: Unrestricted	Report No:
Report of: Corporate Director Communities, Localities and Culture Originating officer(s) Jamie Blake, Service Head Public Realm and Fiona Heyland, Head of Waste Strategy, Policy and Procurement		Title: Disposal of Northumberland Wharf Waste Transfer Station Wards Affected: All	

Lead Member	Author to insert portfolio title(s) of relevant Lead Member(s) Cllr Shahed Ali
Community Plan Theme	A Great Place to Live
Strategic Priority	Author to insert Strategic Priority(ies) supported by the proposal

1. SUMMARY

- 1.1 Members will be aware that the Council is in the process of developing a new Waste Strategy for Tower Hamlets, a key part of which is reviewing the options for the long term arrangements for the transport, treatment and disposal of the Council's residual waste.

At present the Council has a contract in place for waste treatment and disposal services. This is in the process of being varied and extended through to 2017 to allow the review of long term options to take place and any resulting procurement process to be undertaken. Waste is currently transferred to barges at the Northumberland Wharf Waste Transfer Station and taken to the Rainham Landfill Disposal site.

- 1.2 The Council as part of its budget planning process took the decision earlier this year to cease transfer of waste activities through Northumberland Wharf and move to direct haul of residual waste to alternative waste treatment facilities with effect from 1st April 2012. This report sets out how that decision is to be implemented.
- 1.3 Whilst the site needs to be retained to cover longer term strategic risks specific to the provision of waste transfer services by the Council, the cessation of council waste transfer services at Northumberland Wharf renders the site surplus to requirements in the medium term. As such this allows the

site to be offered for lease on the open market to a third party/an external waste services provider to generate additional income for the Council.

- 1.4 The provision of the Re-use and Recycling Centre (RRC) (previously known as a Civic Amenity Site) service is also one of the Council's responsibilities as a Waste Disposal Authority and has been based at Northumberland Wharf. The future use of Northumberland Wharf by a third party may require the RRC service to be provided through alternative contractual arrangements.
- 1.5 This report below sets out the issues that will need to be managed as part of the disposal process and recommends the way forward.

2. **DECISIONS REQUIRED**

Cabinet is recommended to:-

- 2.1 Agree and formally declare that the Northumberland Wharf site is surplus to requirements in the medium term only;
- 2.2 Authorise the Corporate Director of Development & Renewal to market the site as a waste management facility with RRC service safeguarded on site at no cost to the Council and to complete a medium term lease (no more than five years, ending in 2017) based on terms that represent best value for the Council.
- 2.3 Authorise the Assistant Chief Executive to execute all necessary documents to implement the decision at 2.2 above

3. **REASONS FOR THE DECISIONS**

- 3.1 The cessation of waste transfer activities at Northumberland Wharf will render the facility surplus to service requirements for the five year period from 1st April 2012 until 31st March 2017. However, given that the long term arrangements (post 2017) for the treatment and disposal of the Council's residual Municipal Waste have yet to be determined Northumberland Wharf may be required again for the delivery of waste treatment and disposal services.
- 3.2 In order for the Council to minimise or eliminate any costs associated with maintaining the site within the five year period and to generate an additional income stream for the Council the decision to offer Northumberland Wharf as an operating waste management facility on a medium term commercial lease is being proposed.

4. **ALTERNATIVE OPTIONS**

- 4.1 Outright sale of the property (freehold / long leasehold)

It is not considered appropriate to dispose of the asset freehold / long leasehold for the following reasons:

- § This is a strategic asset used in the delivery of core Council Services to the residents of Tower Hamlets. Although it does not serve an operational purpose at present the asset may be required in the future as outlined in 3.1 above.
- § Current disposal procedures don't allow the sale of the freehold of Council assets

4.2 Long term lease

- § A long term lease of the site is not considered appropriate as the asset may have an operational use from 2017. Therefore any long term leasing of the site will lock the asset preventing the Council from using it for the purposes of waste management from 2017.

5. **BACKGROUND**

- 5.1 To discharge its statutory obligation as a Waste Disposal Authority, the Council has historically relied on landfill as the disposal route for its Municipal residual waste.
- 5.2 The use of Northumberland Wharf Waste Transfer Station and Re-use and Recycling Centre has been an integral part of the Council's waste disposal activities over time. However, because of the transposition of the EU Landfill Directive into UK law and the Governments increased escalator on the Landfill Tax, the Council has been moving away from landfill as the disposal option for its residual waste.
- 5.3 Within the current Waste Disposal Contract the cost of running Northumberland Wharf has been set as a fixed annual management charge, rather than a variable cost associated to tonnage passing through. Residual waste tonnage needing to be transferred through Northumberland Wharf to Rainham Landfill site is set to reduce significantly over the next 5 years, as operating capacity at alternative waste treatment facilities increases. No savings would be generated by the reduced level of use.
- 5.4 The Council has therefore taken the decision to cease the transfer of its own waste through Northumberland Wharf for the time being in order to generate cashable savings to contribute to the MTFS.
- 5.5 The provision of the Re-use and Recycling Centre (RRC) (previously known as a Civic Amenity Site) service is also one of the Council's responsibilities as a Waste Disposal Authority and historically the Council has utilised the Northumberland Wharf site to discharge this function.
- 5.6 The cessation of waste transfer at Northumberland Wharf and change to direct hauling of the Council's residual waste affords the Council the opportunity to make significant savings on the current cost of waste treatment and disposal and generate an income or receipt from the leasehold "disposal" of the asset.

6. NEXT STEPS

6.1 Future provision of RRC service

6.1.1 Local Authorities are obliged to provide places for the deposit of residents' household waste for disposal through two key pieces of legislation:-

1. The Refuse Disposal Amenity Act 1978 (RDA)
2. The Environmental Protection Act 1990 (EPA)

Both pieces of legislation place a duty on local authorities to provide places where refuse may be deposited by residents free of charge. The EPA has largely replaced the RDA for the everyday provision of the majority of reuse and recycling centres, whereby the duty is clearly defined as a function of a waste disposal authority. Tower Hamlets has discharged this duty through the provision of the RRC service at Northumberland Wharf.

6.1.2 The RRC is also currently being made available to residents of the City of London, through an arrangement that was agreed between LBTH and the City in 1993.

6.1.3 In order to facilitate the disposal of Northumberland Wharf consideration for the future provision of the RRC services was necessary. Officers have undertaken a review of the options which are discussed below.

Option 1 – Close the RRC (no future RRC service provision)

6.1.4 The Council as a Waste Disposal Authority has a statutory obligation to provide an RRC service. Closure of the RRC service without alternative re-provision is not an option.

Option 2 - Provide a new RRC facility at an alternative new location

6.1.5 This would involve locating and developing a new site from scratch and at its most complex, could involve:-

- site location
- site acquisition
- site development & layout plans
- gain planning permission
- construction / remedial works
- gain relevant waste license
- purchase / relocate equipment & plant
- relocation of staff
- provide COTC holder

Given the current financial climate this option is unlikely to be possible to deliver in the required timeframe.

Option 3 - Make alternative provision using other existing waste handling sites

6.1.6 To comply with the EPA 1990 any alternative facility would need to be 'reasonably accessible' to Tower Hamlets residents. The table below sets out the potential to use neighbouring Boroughs' RRC facilities:

Borough	Facility	Location	Comments
LB Newham (ELWA managed facility)	Jenkins Lane	Off A13/junction A406 N Circ Rd	Comprehensive site but not user friendly for non-car users
Corporation of London	No facility		Residents have use of N/Wharf facility
LB Hackney	No facility		Residents have use of Islington's Hornsey Rd facility
City of Westminster	No facility		Residents have use of WRWA's facilities in Wandsworth at Smugglers Way or Cringle Street, Battersea
LB Greenwich	Nathan Way	Eastern side of Greenwich Peninsula	Comprehensive site but not user friendly for non-car users
LB Lewisham	Landmann Way	Next to Selchp, Deptford	Comprehensive site but not user friendly for non-car users
LB Southwark	Manor Place Depot	Walworth Road	Old site and not user friendly for non-car users

Officers have made an initial approach to ELWA to discuss the option to allow LBTH residents to use the Jenkins Lane facility. ELWA have indicated they would not be opposed to such an arrangement but would require payment to be made to cover the cost of managing LBTH waste. A cost mechanism has not yet been proposed and ELWA Officers would need to obtain approval from the Authority Committee in order to put such an arrangement into effect.

6.1.7 It can be seen that all other existing Local Authority RRC facilities are unlikely to offer a suitable alternative in their own right, including Jenkins Lane because of the accessibility issues.

Option 4 - Continue to Provide RRC Service at Northumberland Wharf via New Tenant

6.1.8 Alongside of the other 3 options, Officers have explored the possibility of continuing to provide the RRC service at Northumberland Wharf as part of the lease arrangement with the new tenant. This option would provide continuity of service and would ensure that the Council fully discharges its duties as a Waste Disposal Authority.

6.2 Planning Issues and Asset Disposal Options

- 6.2.1 Northumberland Wharf is currently protected through a Town and Country Planning Order and is identified in the London Plan as a “protected wharf”.
- 6.2.2 In addition, the site is also identified in the London Plan and the Tower Hamlets Core Strategy as a waste management facility.
- 6.2.3 The overriding planning policies surrounding the use of the site for Waste Management and Protected Wharf status mean that a diligent and sequential approach must be followed in order to assess the possible future uses of the site.
- 6.2.4 Firstly it must be demonstrated that the site is no longer viable for use as a Safeguarded Wharf. Given the evidence base presented by the GLA on this matter it is clear that they have concluded that the site is viable for future use and it is unlikely that this could be disputed.
- 6.2.5 The site is also covered by policies concerning Waste Management designations and as such a replacement site would need to be identified, acquired and operational before the Northumberland Wharf site could be declared surplus to any such requirements. Waste and Planning Officers at the GLA have indicated that they would not approve any application for alternative uses at Northumberland Wharf until such time as the Council is able to fully demonstrate that it is able to meet the Waste Apportionment target set in the London Plan. Officers at the GLA have indicated that the Council’s Planning Framework would not gain GLA approval should Tower Hamlets not demonstrate that it is able to meet its Waste Apportionment targets.
- 6.2.6 The Council engaged GVA Grimley to undertake a market appraisal of Northumberland Wharf WTS and RRC and to act as the Council’s agents in subsequently marketing the site for disposal.
- 6.2.9 GVA considered the different options for disposal of the facility, which are summarised in the table below.

Open Market Disposal Option	Comments
Outright disposal of the freehold	GVA did not consider this as an option for the Council at this time
Long leasehold disposal for an alternative use such as residential or commercial development	GVA suggest this is not suitable at this stage due to the uncertainty of waste disposal arrangements for the long term. Also the planning constraints identified by the planners make it unlikely that a change of planning consent could be achieved on grounds there would be satisfactory demand from WHARF operators/waster transfer companies to use the facility. This is in addition to the comments made by the GLA.

Open Market Disposal Option	Comments
Short/medium leasehold disposal (5 years)	GVA consider this to be the most suitable option at this time, given that the future provision of waste disposal services, beyond 2017 is currently unknown

6.2.8 In view of the position taken by the GLA in relation to the status of Northumberland Wharf as a protected waste management facility and their refusal at this stage to agree a change of use, GVA's recommendation to offer the facility as an operating waste management site on a short term lease is considered the only viable option available to the Council to secure additional income to contribute to the MTFs.

6.2.9 In their report GVA indicate that there are a number of letting options:

- I. Full existing Waste Management use, civic amenity site and infrastructure with a single operator across the whole site.
- II. Waste transfer station with/without wharf and infrastructure. This would require a separate letting of the civic amenity site as per III below.
- III. Civic amenity site only.

6.2.10 In order to maximise the level of income from the letting of the facility it would be best if the Council could let the entire site to a single operator that would then run both the waste management plant and RRC. Options ii and iii would not maximise the income opportunity and therefore not give best value to the Council.

6.2.11 An indicative timetable for the marketing process and the conclusion of the lease arrangements to a third party is set out below:

Action	Date
Prepare marketing material	August
Place advertisements	October
Undertake viewings	October/November
Receipt of informal tender response	Mid November
Evaluate tender responses	Late November
Agree Heads of Terms	December
Exchange contracts for lease	February 2012
Commencement of lease	1 st April 2012

7. COMMENTS OF THE SERVICE HEAD ASSET MANAGEMENT

7.1 This report states that for operational reasons the waste transfer services at this facility will cease and upon cessation of these services it is noted that facility will be vacated by the current occupier except for the running of the RCC. It is noted that the Council is in the process developing a Waste Strategy that will start from 2017. As the strategy is still in the process of

being developed and that this asset has a strategic importance to the Council it is not appropriate to undertake an indefinite disposal of the property for either an existing, and if possible, an alternative use.

- 7.2 In addition to this it is noted that both the Greater London Authority (GLA) and the planning authority have given the asset protected WHARF status, which is regarded by the respective parties as being viable as WHARF. In their advice the planners have stated that planning consent for an alternative use, without a clear Waste strategy or an alternative site will not be granted.
- 7.3 Taking the above points into consideration external advice has been obtained from GVA Grimley and their waste management team. GVA have stated that until the Council does not have a firm waste management strategy it would be prudent to openly market the facility as an existing use and complete a short term five year lease. Asset Management agree with GVA's recommendations, which will also ensure the use of the asset is optimised and the asset is used to generate income for the Council.

However, it is noted that amount of income from the letting could potentially be reduced depending on the markets appetite to provide an RRC facility from this site and the current level of subsidy being passed to the existing contractor. This is also referred to in sections 8.3 and 8.4

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 The cessation of the Council's waste transfer services at Northumberland Wharf has already been identified as a £1.2m savings item within the MTFs.
- 8.2 The disposal of the site, through a leasehold disposal, affords the Council the opportunity to deliver a new income stream, reduce other financial liabilities, such as ongoing maintenance and utility costs, and allow the Council to further develop its Waste Strategy. The GVA market appraisal indicates that the open marketing of the facility for Waste management will enable the Council to maximise the rental income as indicated in Para. 6.2.8. This would enable further savings to be achieved that contribute towards the MTFs.
- 8.3 The marketing of the Wharf and the evaluation of the bids/expressions of interest will provide clarity around the financial implications of continuing to provide a RRC service. Maintaining the service at the Northumberland Wharf site is likely to provide continuity of service and be the lowest cost option for the Council.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 9.1. The report correctly summarises the Council's obligations, as both a London borough council and a waste disposal authority, to provide places where residents may dispose of household waste.

- 9.2. The Council originally entered into a contract for a number of waste management services with Veolia, a part of which was the provision of services from and at Northumberland Wharf
- 9.3. The Council has renegotiated the original contract by agreeing a new set of services to be provided by Veolia as part of the Council's need to drive efficiencies and savings out of the agreement. The new contract which is being agreed with Veolia does not include the use of Northumberland Warf for dealing with LBTH waste and therefore the Wharf is surplus to the council's requirements
- 9.4. The original contract required certain levels of notice to be given, should there be the exclusion of Northumberland Wharf from future services provision. However, the cessation of the use of Northumberland Wharf has been agreed with Veolia as part of the wider negotiation and therefore, breach of the original contract is not an issue.
- 9.5. The Council does not need the site in the short to medium term. Without an incumbent tenant, the site would present a risk to the Council as the Council will have to engage in expense to maintain the site even though we are not using it. Use by another department is not available as the Wharf is a protected site, which means it may only be used as a waste related facility.
- 9.6. The Council is duty bound to provide an RRC service for Tower Hamlets. Alternatives to the facility are being examined, but initially the only certain approach is to include the provision of an RRC service within the tenancy proposal. However, as the options develop, and subject to the wishes of the incoming tenant, it may be possible to negotiate later about removing or transferring the RRC service once we have suitable alternatives.
- 9.7. The inclusion of Veolia in any RRC proposal does not cause an issue at this stage. The ongoing provision of an RRC service either through the Tenant or directly with the Council is subject to the new agreement the Council is negotiating with Veolia. In essence, whether or not Veolia have a role in providing the RRC service is flexible dependent upon the options proposed by an incoming tenant
- 9.8. In considering this disposal through a 5 year lease Members need to have regard to the power in section 123 of the Local Government Act 1972 for the Council to dispose of land. This requires any disposal to achieve the best consideration reasonably obtainable unless the Secretary of State consents to the disposal.
- 9.9. In deciding whether or not to authorise leasehold disposal of the Northumberland Wharf site, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The report indicates that continuity of services will be maintained and that the disposal will yield additional revenue that may be used to support delivery of the Council's functions in accordance with the medium term financial plan.

10. ONE TOWER HAMLETS CONSIDERATIONS

- 10.1 The proposal to lease Northumberland Wharf as a working waste management facility for a period of five years including the continued provision of the RRC service on site will ensure continuity of service provision for residents and others needing to access a facility for the disposal of waste.
- 10.2 The rental of the facility to a third party for the five year period during which the facility is not required for its own services will eliminate the Council's burden for the responsibility of management and maintenance ensuring best value for the residents of the borough

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1 There would be medium term implications for carbon emissions specific to additional road haulage. However the efficiency gains made by the switch will help to maintain waste and recycling services at a higher level than would otherwise be possible during a period of intense financial pressure.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The risks associated with the Council's statutory duty to provide an RRC service will be mitigated through the inclusion of the requirement to continue to provide the RRC service on the site.
- 12.2 The inclusion of the requirement to provide the RRC on site as part of the lease arrangement may have an implication on the rental value of the property but this will be managed through the marketing process to ensure the targeted rental income is achieved.
- 12.3 By offering Northumberland Wharf to the market as an operating waste management facility will mitigate any risk of challenge to the short term disposal by the GLA.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 The proposed short term rental of Northumberland Wharf has no direct link to crime and disorder reduction. However the continued provision of the RRC service on site as part of the lease arrangement will help to mitigate the effects of environmental crime, particularly flytipping.

13. EFFICIENCY STATEMENT

- 13.1 The proposals set out in this report will mitigate costs to the Council in association with the maintenance and upkeep of Northumberland Wharf Waste Transfer Station and seek to generate an additional revenue stream for the short to medium term.

14. APPENDICES

None

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

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	N/A

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Agenda Item 6.2

Committee	Date	Classification	Report No.	Agenda Item No.
OVERVIEW AND SCRUTINY COMMITTEE	4th October 2011	Unrestricted		
Report of: Assistant Chief Executive (Legal Services) Originating Officer(s): John S. Williams, Service Head, Democratic Services		Title: Appointment of Members to Inner North East London Standing Joint Overview and Scrutiny Committee on Health Ward(s) affected: All		

1. SUMMARY

- 1.1 The Council has agreed, along with the London Boroughs of Hackney and Newham and the City of London Corporation, to establish a Standing Joint Overview and Scrutiny Committee on Health.
- 1.2 The Joint Committee will consider health matters where a substantial variation or development to health services covers more than one local authority area. Full details and the terms of reference and procedure rules for the Joint Committee are set out in the attached report that was considered by the Council meeting on 21st September 2011.
- 1.3 The Council agreed to establish the Joint Overview and Scrutiny Committee and delegated to the Overview and Scrutiny Committee authority to appoint Tower Hamlets' three representatives to the Joint Committee. The Committee is therefore invited to make these appointments.
- 1.4 Members will recall that the Committee in July agreed interim appointments to enable Tower Hamlets to be represented at an initial meeting of the Joint Committee – these will be superceded by the formal appointments that are now to be made in accordance with the agreed procedure rules.

2. RECOMMENDATIONS

- 2.1 That the Committee appoint three Councillors (two from the majority Labour Group and one from the minority Conservative Group), drawn from the membership of the either the Overview and Scrutiny Committee or the Health Scrutiny Panel, to represent Tower Hamlets on the Inner North East London Standing Joint Overview and Scrutiny Committee on Health.

3. APPOINTMENTS TO THE JOINT OVERVIEW & SCRUTINY COMMITTEE

- 3.1 The membership of the Joint Overview and Scrutiny Committee must by law reflect the political proportionality of the constituent authorities, unless those Councils resolve that it shall not. No such resolution has been agreed so the three Tower Hamlets representatives to the Committee must be drawn two from the majority group and one from the largest minority group on the Council.
- 3.2 The Council has further agreed that the nominees to the Joint Committee shall be members of either the Overview and Scrutiny Committee or the Health Scrutiny Panel. The relevant political groups have been invited to propose nominations in accordance with the above and any nominations received before the meeting will be notified to the Committee.
- 3.3 Meetings of the Joint Committee will take place as required to scrutinise relevant matters. The day and start time of the meetings will be for the Joint Committee to determine. However, for information the initial meeting in July took place at 4.00 p.m. on a Friday and it is understood that a further meeting is likely to take place on Friday 21st October, also with a 4.00 p.m. start.
- 3.4 Although consistency of attendance is strongly encouraged, the procedure rules do provide for the Council to nominate a named substitute to attend if an appointed Member is unable to attend a particular meeting of the Joint Committee. However, officers understand that in the event of the Joint Committee taking a vote on any matter, only the appointed Member him/herself may cast a vote.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 Any costs arising from the establishment of the INEL JOSC, including occasional hosting by Tower Hamlets of meetings of the Joint Committee, are minimal and can be met from the existing budgets for Overview and Scrutiny and Democratic Services.

5. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

- 5.1 The concurrent report of the Chief Legal Officer is set out at section 7 of the attached report to the Council Meeting on 21st September 2011.

6. IMPLICATIONS FOR ONE TOWER HAMLETS, RISK MANAGEMENT, SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE) AND CRIME AND DISORDER REDUCTION

- 6.1 Any implications as listed above arising from the recommendations in this report are set out at sections 8 to 10 of the attached report to the Council meeting on 21st September 2011.

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

Brief description of “background papers”

Name and telephone number of holder and address where open to inspection.

Health and Social Care Act 2001 - Directions to Local Authorities (Overview And Scrutiny Committees, Health Scrutiny Functions), issued 17th July 2003.

John S. Williams
Tel: 020 7364 4204
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 21ST SEPTEMBER 2011

**ESTABLISHMENT OF INNER NORTH EAST LONDON STANDING
JOINT OVERVIEW AND SCRUTINY COMMITTEE**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

1. Summary

- 1.1 This report sets out proposals to establish a Standing Inner North East London Joint Overview and Scrutiny Committee (JOSC) comprising of the London Borough of Tower Hamlets, Newham, Hackney and the City of London; and proposes that the Council agree the establishment of the JOSC and delegate to the Overview and Scrutiny Committee authority to appoint Tower Hamlets' representatives to the Joint Committee.

2. Recommendations

- 2.1 That the Council agree the establishment of a Standing Inner North East London Joint Overview and Scrutiny Committee, comprising the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London to consider those health matters where a substantial variation or development to health services covers more than one local authority area, in accordance with the attached Terms of Reference (Appendix A) and Procedure Rules (Appendix B).
- 2.2 That Tower Hamlets appoint three Members to serve on the Joint Overview and Scrutiny Committee and the Overview and Scrutiny Committee be delegated authority to make those appointments from amongst the members of the Overview and Scrutiny Committee and the Health Scrutiny Panel in accordance with the required political proportionality on behalf of the Council.
- 2.3 That the Monitoring Officer be authorised to make any necessary amendments to the Council's Constitution pursuant to the establishment of the Standing Joint Overview and Scrutiny Committee.

3. Background

- 3.1 The Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002 give local authorities the power to establish joint overview and scrutiny committees with general or specific health-related functions. The Secretary of State may make a direction under Regulation 10 requiring local authorities in certain circumstances to establish such a joint committee.
- 3.2 On 27th July 2003 the Secretary of State issued a Regulation 10 Direction requiring that local authorities of those areas where a substantial variation or development to health services covers more than one area establish a Joint Overview and Scrutiny Committee. Only the joint committee may then report back and the NHS need only report to and attend the joint committee.
- 3.3 There are a number of NHS consultations currently affecting the Inner North-East London sub-region which could require the establishment of a Joint Overview and Scrutiny Committee (JOSC) under the 17th July 2003 Regulation 10 Direction a standing JOSC is therefore proposed to undertake scrutiny and respond to these as required.

4. Previous ad hoc Joint O&S Committees

- 4.1 Tower Hamlets has previously participated in a number of ad hoc Joint Overview and Scrutiny Committees which have been established to consider particular NHS service change consultations, most recently the Inner North East London (INEL) Joint Overview and Scrutiny Committee which looked at the Health for North East London proposals for change to acute services. The Council was also previously involved in a pan-London Joint Overview and Scrutiny Committee looking at Stroke and Trauma services.

5. Current and forthcoming issues

- 5.1 There are a number of current issues affecting the Inner North-East London sub-region. At present there are NHS consultations around proposed changes to mental health in-patient services and to London cancer services. In addition a consultation is proposed on changes to IVF services.
- 5.2 These consultations could each require the establishment of a JOSC under the 2003 Secretary of State Regulation 10 Direction mentioned above, and the Primary Care Trusts have requested that the Inner North-East London authorities consider forming a standing joint committee that would meet as required to consider sector based proposals for service changes or developments.

- 5.3 In April 2011, the 3 Primary Care Trusts covering inner north east London (NHS Newham, NHS Tower Hamlets and NHS City and Hackney) joined together in order to achieve the significant savings in management costs that the Government required them to make.
- 5.4 There are currently proposals to merge three of the four acute trusts within the East London region (Newham, Whipps Cross and Barts and the Royal London), with this merger due to take place in early 2012.
- 5.5 There is a trend of centralising highly specialised health services in fewer centres which means that residents may be treated away from their local acute or primary care providers more frequently. This will increasingly mean that local authorities across the region will need to come together and look collectively at health issues. The establishment of a standing joint committee will ensure that they are able to respond quickly to developments without having to formally establish a new Committee every time an issue arises.
- 5.6 Under current legislation the Secretary of State may require local authorities to meet jointly to consider consultations which substantially change services. A standing Inner North East London Joint Overview and Scrutiny Committee could consider such consultations alongside any other work programme areas that participating boroughs consider appropriate.
- 5.7 Appendices A and B set out respectively the proposed draft Terms of Reference and Procedure Rules for the Joint Committee.

6. Comments of the Chief Finance Officer

- 6.1 Any costs arising from the establishment of the INEL JOSC, including occasional hosting by Tower Hamlets of meetings of the Joint Committee, are minimal and can be met from the existing budgets for Overview and Scrutiny and Democratic Services.

7. Concurrent report of the Chief Legal Officer

- 7.1 The report correctly refers to the power in the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 for one or more local authorities to appoint a joint committee and arrange for that committee to exercise their functions to review and scrutinise matters relating to the planning, provision and operation of health services in the area of each local authority. The authorities may make the exercise of functions by the joint committee subject to such terms and conditions as they consider appropriate. A joint committee may not discharge any other functions than the health scrutiny functions the subject of the arrangements made by the authorities.

- 7.2 The joint committee will be subject to sections 21(6) to 21(15) of the Local Government Act 2000, in the same way as is the Council's own Overview and Scrutiny Committee. In this way, the joint committee may not include any member of the executive of one of the participating authorities. Those provisions also deal with: (1) the power to appointment sub-committees and the exercise of functions by those sub-committees; (2) the power to co-opt non-voting members; (3) the requirement to comply with the access to information provisions of Part VA of the Local Government Act 1972; (4) the duty to allocate seats according to the requirement for political balance; and (5) the power to require members and officers to attend and answer questions.
- 7.3 It is proposed that the Council should appoint 3 members to the joint committee and that each of the participating authorities should appoint up to this number. The setting of the number of members of the committee is a matter falling within the arrangements that the authorities may make (as specified in 7.1 above), but is also specifically permitted by section 102(2) of the Local Government Act 1972.
- 7.4 It is proposed that the Council delegate to the Council's own Overview and Scrutiny Committee its power to make appointments to the joint committee. This delegation is permissible pursuant to the power in section 101(1)(a) of the Local Government Act 1972.
- 7.5 Before establishing the joint committee, the Council is required under the Equality Act 2010 to have due regard to the need to avoid unlawful conduct under the Act, such as discrimination, the need to promote equality of opportunity and the need to promote good relations between those who share protected characteristics and those who do not. The Council may take the view that joint scrutiny of health functions will have a positive effect when judged against these requirements.

8. Implications for One Tower Hamlets

- 8.1 The proposed establishment of the Joint O&S Committee will ensure efficient scrutiny of any NHS consultations affecting the four Inner North-east London authorities to the benefit of all local communities.

9. Risk Management implications

- 9.1 There are no direct risk management implications arising from the recommendations in this report. The establishment of a JOSOC will ensure the requirements of the 2003 Direction are fulfilled and will mitigate any risk that the Council does not have sufficient time to respond and react to health developments.

10. Sustainable Action for a Greener Environment (SAGE)

10.1 There are no direct SAGE implications arising from the recommendations in this report.

11. Crime and Disorder Reduction Implications

11.1 There are no direct crime and disorder reduction implications arising from the recommendations in this report.

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

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Health and Social Care Act 2001 - Directions to Local Authorities (Overview And Scrutiny Committees, Health Scrutiny Functions), issued 17 th July 2003.	John S. Williams Tel: 020 7364 4204 Mulberry Place, E14 2BG

JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE
PROPOSED STANDING INNER NORTH EAST LONDON JOINT
OVERVIEW AND SCRUTINY COMMITTEE
DRAFT TERMS OF REFERENCE

1. Consider and respond to any health matter which:
 - *Impacts on two or more participating authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the NHS Act 2006, and*
 - *All 4 participating authorities agree to consider as an INEL JOSOC*

2. To constitute and meet as a Committee as and when participant boroughs agree to do so subject to the statutory public meeting notice period.

**INNER NORTH EAST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY
COMMITTEE
(INEL JHOSC)**

Proposed Committee Procedure Rules

1. Establishment

- 1.1. The establishment of the committee is for London boroughs: London Borough of Hackney, London Borough of Newham, London Borough of Tower Hamlets and the City of London Corporation. This is in accordance with s.245 of the NHS Act 2006 and the Local Authority (Overview and Scrutiny Committees Healthy Scrutiny Functions) Regulations 2002.

2. Chair

- 2.1. The INEL JOSC will elect the Chair and Vice Chair at the first formal meeting of the INEL JOSC. The preference is the Chair and the Vice Chair will be drawn from different participating authorities.
- 2.2. Members of the Committee interested in either post will provide a written submission to the Committee support officer a week before the first meeting.
- 2.3. The written submissions will be circulated to all the Members of the INEL JOSC and at the first meeting one Member will nominate for the position of Chair / Vice Chair and a second Member will second the nomination.
- 2.4. A vote (by show of hands) will follow and the results will be collated by the supporting Officer.
- 2.5. It is assumed that in addition to Chairing the meetings of the INEL JOSC the Chair and Vice Chair will act as the member steering group for the INEL JOSC.
- 2.6. The appointments of Chair and Vice Chair will be for a period of two municipal years, following which the JOSC will again elect a Chair and Vice-chair on the basis of the provisions contained in clauses 2.1 to 2.5 above. If the INEL JOSC wishes to or is required to change the appointed Chair or Vice Chair, an agenda item should be requested supported by three of the four constituent Authorities following which the appointments will be put to a vote.

3. Membership of Committee

- 3.1. London Borough of Hackney, London Borough of Newham and London Borough of Tower Hamlets will each nominate up to 3 members of the INEL JOSC. The City of London Corporation will nominate up to two members. Appointments will be until further notice. Individual boroughs may change appointees at any time (providing they have acted in accordance with their own procedure rules) but should inform the supporting officers of any such changes.
- 3.2. Political proportionality rules apply to this Committee and each participating Borough's nomination should represent the political proportionality of their Borough.

4. Co-optees

- 4.1. If the Committee chooses it can co-opt non-voting persons as it deems appropriate to the Committee.
- 4.2. Confirmed appointments of co-optees will be for a duration as determined by the JOSC.

5. Substitutions

- 5.1. Named substitutes may attend Committee meetings in lieu of nominated members. Continuity of attendance is strongly encouraged.
- 5.2. It will be the responsibility of individual committee members and their local authorities to arrange substitutions and to ensure the supporting officer is informed of any changes prior to the meeting.
- 5.3. Where a named substitute is attending the meeting, it will be the responsibility of the nominated member to brief them in advance of the meeting.

6. Quorum

- 6.1. The quorum of a meeting of the INEL JOSC will be the presence of a member from each of three of the four participating authorities. In an instance where only three authorities choose to participate in responding to a consultation, quorum will be the presence of a member from two of the three participating authorities. Where only two authorities choose to participate in a consultation, quorum will be the presence of a member from both authorities.

7. Voting

- 7.1. Members of the INEL JOSC should endeavour to reach a consensus of views. In the event that a vote is required, each member present will have one vote. In the event of there being an equality of votes the Chair of the meeting will have the casting vote.
- 7.2. Where the Committee has reviewed a topic or proposed service change and it wishes to make recommendations to a statutory health body, the Committee shall produce a single final report, agreed by consensus and reflecting the views of all the scrutiny committees involved.

8. INEL JOSC Role, Powers and Function

- 8.1. The INEL JOSC can co-operate with any other Health Overview and Scrutiny Committee, joint health overview and scrutiny committee or committee established by two or more local authorities within the greater London area.
- 8.2. INEL JOSC will have the same statutory scrutiny powers as an individual health overview and scrutiny committee that is:
 - accessing information requested
 - requiring members, officers or partners to attend and answer questions
 - making reports or recommendations to any NHS body or unitary authority with social care responsibility.
- 8.3. Efforts will be made to avoid duplication. The individual health overview and scrutiny committees of individual authorities shall endeavour not to replicate any work undertaken by the INEL JOSC. All scrutiny statutory powers for that topic being reviewed will be transferred to the INEL JOSC.

9. Support

- 9.1. The lead administrative and research support will be provided by the Health Scrutiny officer from the London Borough of Hackney with assistance as required from the officers of the participating borough.
- 9.2. Meetings of the JOSC will be rotated between participating authorities as agreed by the JOSC. The host authority for each meeting of the INEL JOSC will be responsible for arranging appropriate meeting rooms; ensuring that refreshments are available providing spare copies of agenda papers on the day of the meeting; and producing minutes of the meeting within five working days.

- 9.3. Each authority will identify a key point of contact for all arrangements and Statutory Scrutiny Officers are at all times to be kept abreast of arrangements for the JOSC.

10. Meetings

- 10.1. Meetings of the INEL JOSC will be held in public unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000 and will take place at venues in one of the four INEL authorities. Accessibility issues may mean that locations in the authorities main Council Office i.e. Council Chamber would be the preferred option.
- 10.2. However, there may be occasions on which the INEL JOSC may need to hold site visits outside of the formal Committee meeting setting. Arrangements for these site visits will be made by the officers nominated to support the INEL JOSC with assistance from the officers of the borough being visited.
- 10.3. A written record of information from any site visit undertaken will be made for noting purposes for the INEL JOSC.

11. Agenda

- 11.1. The agenda will be prepared by the officer supporting the INEL JOSC guided by the Chair. The officer will send, by email, the agenda to all members of the INEL JOSC, the Statutory Scrutiny Officers and their support officers.
- 11.2. It will then be the responsibility of each borough to:
- publish official notice of the meeting
 - put the agenda on public deposit
 - make the agenda available on their Council website; and
 - make copies of the agenda papers available locally to other Members and officers of that Authority and stakeholder groups as they feel appropriate.

12. Local Overview and Scrutiny Committees

- 12.1. The INEL JOSC will invite participating authority's health overview and scrutiny committees and other partners to make known their views on the proposal(s) or review(s) being conducted.
- 12.2. The INEL JOSC will consider those views in making its conclusions and comments on the proposals outlined or reviews

13. Representations

- 13.1. The INEL JOSC will identify and invite witnesses to address the committee and may wish to undertake consultation with a range of stakeholders. However as a general principle the committee will consider any written or verbal submissions from individual members of the public and interest groups that represent geographical areas in Inner North East London that are contained within one of the participating local authority areas.
- 13.2. The INEL JOSC will specifically request that the NHS bodies conducting consultations consider reviews undertaken by participating Borough's Overview and Scrutiny Committees. Summaries of the key points from these submissions will be appended to the INEL JOSC's final report for submission to the consulting NHS body decision making board.

14. Timescale

- 14.1. This Inner North East London Health Overview and Scrutiny Committee (INEL JOSC) is constituted until further notice and insofar as it continues to have the support of the constituent participating authorities. It may be dissolved upon agreement of the participating authorities.

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