

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

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

**ROOM M71, 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 Stephanie Eaton
Councillor Sirajul Islam
Councillor Zenith Rahman
Councillor Helal Uddin

Other Councillors Present:

Councillor Alibor Choudhury

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)
Jake Kemp – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)

Officers Present:

Michael Keating – (Service Head, One Tower Hamlets)
Sarah Barr – (Senior Strategy Policy and Performance Officer,
Strategy Policy and Performance, One Tower
Hamlets, Chief Executive's)
Ruth Dowden – (Complaints Manager)
Chris Naylor – (Corporate Director Resources)
Jill Bell – (Head of Legal Services (Environment), Legal
Services)
Michael Bell – (Strategic Planning Manager, Strategic Planning,
Planning & Building Control, Development &
Renewal)
Kevin Kewin – (Strategy Policy & Performance Service Manager,
One Tower Hamlets, Chief Executive's)
Antonella Burgio – (Democractic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Amy Whitelock and Co-opted Members Canon Ainsworth and Mr Mushfique Uddin.

2. DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interests were made.

3. UNRESTRICTED MINUTES

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

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 1st November 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'

No decisions were called-in arising from the Cabinet meeting held on 2nd November 2011.

6. REPORTS FOR CONSIDERATION

6.1 Corporate Complaints - Half Year Report 2011 / 2012

Cabinet Member for Resources, Councillor Alibor Choudhury introduced the item. Ruth Dowden Complaints and Information Manager presented the report circulated at agenda item 6.1 containing statistics of complaints received through the corporate complaints procedure, adults and children social care complaints procedures and by the local government ombudsman between 1 April 2011 and 30 September 2011.

In response to Members' questions the following information was provided:

- Concerning procedures for dealing with missed refuse collections, the Committee was informed that data was monitored monthly. Where a

missed refuse collection was reported, a 24 hour escalation collection was arranged and this would be repeated if the escalation was unsuccessful.

- In regard to a 2.7% rise in stage one complaints escalating to stage two during the first half of 2011-12, the Committee was advised that resolution was monitored at each complaint stage. If necessary, the Corporate Complaints Team escalated the complaint directly to the relevant corporate director for resolution.
- Concerning availability of statistics for Freedom of Information (Fol) complaints, the Committee was informed that the Council was looking at ways of improving performance on Fol complaints.
- Concerning what measures were in place to ensure that service standards for street cleansing were maintained, the Cabinet Member agreed to report back whether there had been any service changes that had affected performance of the service. The Complaints and Information Manager informed the Committee that service standards were monitored and an update would be provided when more recent information became available.

Action: Ruth Dowden Complaints and Information Manager

- Councillor Choudhury noted that although efficiencies were being sought, his personal aim as Cabinet Member was to ensure that service levels nevertheless remained the same.

RESOLVED

That the report be noted.

6.2 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q2 2011/12 (Month 6)

Councillor Alibor Choudhury, Cabinet Member for Resources, Chris Naylor Director for Resources and Kevin Kewin, Strategy Policy and Performance Service Manager presented the report circulated at agenda item 6.2 which detailed the financial position of the Council at the end of Quarter 2 compared to budget and service performance against targets.

Councillor Choudhury reported that overall performance had been good and 13 performance indicators had exceeded targets. Three areas, however, were identified as off target. These were homelessness prevention and violent and acquisitive crime. The Council was investigating ways of addressing these and it was noted that crime management had been well resourced.

In response to Members' questions the following information was provided:

- The Committee was informed that the Council intended to address levels of violence and acquisitive crime through a new offender management model and focus on the night-time economy. Additional resources would be given to Brick Lane and a borough-wide drinking control zone had been established. Councillor Choudhury acknowledged that more work could be done to address crime and this was being pursued through discussions with the Police.
- Concerning improving ways of letting the Council's stock, the Committee was informed that the Council could ensure that lettings were managed more efficiently. The Chair noted the work undertaken by Councillor Helal Uddin on social housing.
- The Strategy Policy and Performance Service Manager informed the Committee that the homelessness performance indicator measured homelessness prevention. It was noted also that since changes in housing benefits were announced some private landlords were more reluctant to take Council tenants; however the Council was working with households and landlords to protect and support tenancies.
- Councillor Choudhury advised that a briefing could be circulated to the Committee.

Action: Councillor Alibor Choudhury / Kevin Kewin Strategy Policy and Performance Service Manager

- Concerning savings on domiciliary care, Councillor Archer asked for clarification whether existing contractors (who had been asked by the Council to reduce their hourly cost by two pounds per hour) had absorbed this reduction through lower staff wages. Councillor Choudhury confirmed that the cost changes would be met by the providers and would not affect staff wages.
- Kevin Kewin Strategy Policy and Performance Service Manager advised that it appeared likely that the new Affordable Rents regime would potentially discourage registered social landlords from building family sized houses.
- Concerning how the Council ensured that diversity was incorporated into recruitment, Councillor Choudhury confirmed that varied strategies and policies were used and these were kept under review. The Corporate Director for Resources advised the Committee that the fall in diversity employment performance was due to a decrease in numbers of women employed by Children Schools and Families Directorate. The Director commented that the Council should seek to develop talented employees into management positions. Councillor Saunders asked that the Council think more proactively about role-modelling for

underrepresented groups.

- Concerning numbers of Council employees who also lived in the Borough, the Corporate Director agreed to circulate information after the meeting.

Action: Chris Naylor Corporate Director for Resources

- Concerning reasons why child poverty figures presented in the report were two years old, the Committee was advised that these figures were calculated nationally and data was published in arrears.
- Councillor Eaton asked for further information about the rise in the number of children subject to a child protection plan. Councillor Choudhury agreed to investigate the issue and respond to the Committee.

Action: Councillor Alibor Choudhury

- Councillor Choudhury agreed to provide figures concerning how many jobs the Council planned to achieve for the Olympics, following the meeting.

Action: Councillor Alibor Choudhury

- Concerning what strategies were in place for benefits from S106 agreements, the Committee was informed that planners worked concerted to secure as much as possible. A written response would also be circulated after the meeting.

Action: Councillor Alibor Choudhury

The Committee then considered the budgetary aspects of the report. The Corporate Director advised the Committee that, at the six point month point, he assessed that Medium-Term Financial Strategy (MTFS). Would contain no negative areas. He was monitoring the progress of budgets and assessing whether any areas required remediation work and reported that, present figures indicated, none was required. The savings that would be made from the decant of Anchorage house were noted.

In response to Members' questions the following information was provided:

- Concerning how support for Transition Clients with Learning Disabilities, was being delivered, the committee was advised that £800,000 was from contingencies and the budget assumed a separate drawdown of £574,000.
- The Committee was informed that the potential costs to the Council of paying the London living wage on contracts would not be known until

contracts were renegotiated.

- The Interim Corporate Director Adults Social Care was assessing what growth needed to be built-in to transition funding for clients for with learning disabilities. It was noted that severely disabled children were living longer through access to better care. Costs were therefore expected to increase.
- Concerning officers' forecast of the nil variance at year-end, the Committee was informed that the data concerned forecast budgets and these were designed show areas of budgetary pressure.
- Concerning the delayed "violence against women and girls strategy", the Committee asked for further information about its process and progress. Members were advised that a written answer would be provided by Andy Bamber, Service Head, Community Service

Action: Andy Bamber, Service Head, Community Service

- Concerning what slippages were expected in terms of general risk provision, the Committee was informed that identified budgets were contained in a 'holding budget' and any funding drawn down was indicated by the performance indicator.
- To shield residents from certain banking practices, the Chair asked the Corporate Director that the Council endorse Standing Order payment method over Direct Debits. The Chair's request was noted.
- The Committee noted the funding gap identified within Children's Schools and Families Directorate budget and was informed that (in the previous financial year, after the removal of Direct Schools Grant and other Government funding) the Council had set aside a significant sum to meet downsizing costs and to help the Directorate to continue some services until the end of the academic year and to pump prime other services. There were now some risks around service delivery since money would now go to schools directly and they might choose not to buy Council provided services. The Chair proposed that a reserve of cash be set aside against adverse outcomes and the Corporate Director agreed to refer the proposal to the Mayor

Action: Chris Naylor, Corporate Director for Resources

- Concerning the possible impact of not voting on the budget strategy management proposal, the Committee was informed that there was no impact at present. However the Corporate Director had taken advice from 'Sectors' a local government investment adviser, and there were restrictions on the types and duration of investments that could be undertaken.

RESOLVED

That the report be noted.

6.3 Local Development Framework (LDF)

Michael Bell, Strategic Planning Manager gave a presentation on The Local Development Framework. A copy of the presentation is appended to the minutes. The presentation summarised the two elements of the framework which were:

- Development Plan Documents (DPD) (to be presented at Cabinet in December 2011)
- Supplementary Planning Document on Planning Obligations (to be presented to Cabinet in January 2012)

The Planning Manager introduced the role and function of the two Development Plan Documents (DPD) being prepared following the adoption of the Core Strategy:

- Managing Development DPD – provided detailed policies for the assessment of planning applications; identified policy areas, such as town centres, where certain policies applied; and identified sites for important infrastructure such as new schools and local parks.
- Fish Island Area Action Plan – set out a vision for the regeneration of existing industrial land within Fish Island, within the context of the wider Olympic Legacy

A total of 26 consultation events were carried out across the Borough to inform the preparation of the DPDs. These were to be presented for approval at Cabinet prior to further statutory consultations in the New Year. In April 2012, Full Council would be asked to approve the submission of the DPDs to the Secretary of State for independent examination. The examination will be likely to start in September 2012 with the adoption of the documents anticipated in early 2013.

In response to Member's questions on the DPD, the following information was provided by Michael Bell Planning Manager and Jill Bell Head of Legal Services - Environment:

- Should the DPDs not be approved by full Council for submission to the Secretary of State there are significant risks which would arise. The Fish Island Area Action Plan would fall under the jurisdiction of the London Mayoral Development Corporation from autumn 2012 and the Council would lose its opportunity to express local views. Both documents would lose the amount of weight they would have in the determination of planning applications, meaning the Council would still need to rely on its outdated Unitary Development Plan (UDP).

- The existing Gypsy and Traveller site would not be affected by the DPD however it had not been possible to identify another suitable site within the Borough.
- Concerning whether there would be an influence on the numbers of fast food premises, the Committee was informed that the Managing Development DPD contained a policy to restrict the location of such uses to town centres, subject to safeguards to ensure there is no over-concentration in any one town centre.
- It had not been possible to identify a site for a multi faith burial ground within the Borough due to the lack of available suitable sites, the cost of acquiring a site and other competing uses. Officers assessed that if they had identified a site then the landowners would object and it would be highly unlikely to pass an independent examination.
- A noise standards clause for the assessment of planning applications was incorporated in the Managing Development DPD.
- Concerning a UNESCO opinion on the Borough skyline, the Committee was informed that there was a separate policy for the Tower of London and Greenwich Maritime world heritage matters to ensure greater protection was given to these sites.
- The Managing Development DPD specified that an affordable housing contribution must be made if student housing planning applications were not for educational establishments in the Borough.
- Concerning the implications of reducing the number of allocation sites from approximately 200 in the UDP to around 30 in the Managing Development DPD, the Committee was informed that this was to focus on sites where infrastructure was required on-site.
- Concerning the effect of the Localism Bill on development, the Committee was informed that the core strategy and annexe, together with the Managing Development DPD, provided sufficient information on the appropriate use of sites which did not have a specific allocation.

The Planning Obligations Supplementary Planning Document (SPD) would be presented at Cabinet in January 2012. This was being developed at this time because the economic downturn had made negotiating S106 more difficult. The Law around S106 was strengthened and would change again in 2014 when the Community Infrastructure Levy would be brought in. The Council now has a series of formulae for calculating planning obligations and was working towards key priorities.

In response to Member's questions on the SPD, the following information was provided:

- Concerning the flexibility of spending of planning obligations, the Committee was informed that S106 contributions must be related to development. CIL was a different system and there would be a standard charge to be applied to all new development. The Committee was asked to note that the Mayor of London will be introducing his own CIL to fund Cross Rail from April 2012. The Mayor of London's CIL will be charged on all new development in the Borough.
- Councillor Eaton queried the child yield calculations which, in her view, did not sufficiently account for play-space. She was informed that this was incorporated in the SPD and in addition the Council intended to incorporate the Mayor of London's recommended measurement.
- The SDP would address the impact of new development on the public realm for the benefit of the existing, as well as new, communities.

Councillor Islam requested that the Planning Obligations SPD be presented to Overview and Scrutiny in January.

Action Michael Bell, Strategic Planning Manager

The Strategic Planning Manager agreed to speak to the Committee on the impacts of the Localism Act on planning in February 2012 as part of a wider discussion on the impacts of the Act.

Action Democratic Services

RESOLVED

That the report be noted.

7. VERBAL UPDATES FROM SCRUTINY LEADS

The following verbal updates were given:

Councillor Uddin reported that he had had a number of meetings with the Development and Renewal Directorate and was looking at different ways in which scrutiny could contribute to policy development in addressing the changes in social housing. He continues to speak regularly with Registered Providers. The budget scrutiny session with the directorate took place and those Councillors present had had good discussions with the Lead Members and the officers about the budget pressures faced by the D&R Directorate.

Councillor Islam had met with Chris Naylor and other officers from Resources Directorate to discuss a review of the Workforce to Reflect the Community Strategy. The Cabinet Member for Resources Cllr Choudhury would also be

looking this in 2012 and it has been agreed that Cllrs Choudhury and Islam will work together on this.

Cllr Zenith Rahman reported that there had been a budget scrutiny session with the Communities, Localities and Culture Directorate. Members had gained a good understanding of the directorate budget.

Cllr Saunders had also led a budget scrutiny session, looking at the Adults Health and Wellbeing Directorate, and would inform scrutiny of the budget going forward.

Councillor Archer had met with officers from Corporate Finance and Communications to discuss the scope of his review of East End Life costs.

RESOLVED

That the verbal updates be noted.

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

Nil items.

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

The Chair gave verbal updates on 2 matters:

- The Chair referred to the Extra Ordinary Overview and Scrutiny Committee meeting held on 22 November to discuss the call-in of the Mayoral decision on Victoria Live Site (No 009). The Chair reported that the called-in decision had been referred back to the Mayor. The Mayor had confirmed the decision as consultation needed to be undertaken on 23 November 2011. She noted that the Mayor had been unavailable to meet with her and intended to give a verbal response on the call-in at the Cabinet meeting to be held on 7 December 2011.
- Concerning the legal process for referred items, the Chair had taken advice from the Head of Legal Services – Community, following which, the Chair had decided to undertake a mini review to determine if the Council referrals were able to be answered readily or whether a longer time would be required. The Chair agreed to report back further to the Committee in due course

RESOLVED

That the verbal update be noted

The meeting ended at 9.29 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee