

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 10 JANUARY 2012

**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 Amy Whitelock
Councillor Helal Uddin

Co-opted Members Present:

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

Other Councillors Present:

Councillor Judith Gardiner
Councillor Ohid Ahmed
Councillor Marc Francis
Councillor Rania Khan
Councillor Rabina Khan

Officers Present:

David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)
Michael Keating – (Service Head, One Tower Hamlets)
Robin Beattie – (Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture)
Isabella Freeman – (Assistant Chief Executive - Legal Services, Chief Executive's)
Jackie Odunoye – (Acting Corporate Director, Development & Renewal)
John Chilton – (Head of Parking Services, Public Realm, Communities Localities and Culture)
Jamie Blake – (Service Head of Public Realm, Communities

	Localities and Culture)
Sarah Barr	– (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
Michael Bell	– (Strategic Planning Manager, Strategic Planning, Planning & Building Control, Development & Renewal)
Antonella Burgio	– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fozol Miah.

2. DECLARATIONS OF INTEREST

The following declarations were made in respect of agenda item 9.1:

Councillor Islam declared a personal interest in that he was a Council tenant.

Councillor Saunders declared a personal interest in that she was a Tower Hamlets Homes (THH) leaseholder.

Councillor Helal Uddin declared a personal interest in that he was formerly a member of THH Board.

Call-in Member Councillor Judith Gardiner declared a personal interest in that she was formerly a Board Member of THH.

Co-opted Member Mr James Olanipekun declared a personal interest in that he was the Vice-Chair of Poplar HARCA Board.

3. UNRESTRICTED MINUTES

The Chair **Moved** and it was

RESOLVED

1. That the unrestricted minutes of the extraordinary meeting of the Overview and Scrutiny Committee held on 22 November 2011 be approved and signed by the Chair as a correct record of the proceedings and
2. That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 6 December 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'

The Committee considered two call-in requests recorded at minutes 5.1 and 9.1.

The Chair **moved** to vary the order of business to enable the decisions called-in to be determined consecutively.

The agenda order was resumed following these items.

5.1 Cabinet Decision Called-in: Olympic Games Parking and Traffic Management Issues

Councillor Marc Francis presented the call-in on behalf of Councillors Carli Harper-Penman, Abdul Ullah, Ahmed Omer and Shiria Khatun outlining the reasons and the concerns that were raised. Councillor Francis then responded to questions from the Committee. The concerns highlighted together with Councillor Francis' answers are summarised below:

- parking matters were a cause of concern to the residents of Fish Island, which was the last area of the Borough yet to be designated a Controlled Parking Zone (CPZ)
- Members wished to highlight matters of concern with the decision that had been provisionally approved by Cabinet and to ask for three assurances to mitigate the effects of the Olympics and the implementation of the CPZ zone on residents of the Fish Island:
 1. To limit the period of the CPZ trial to 3 months or a maximum of 6 months.
 2. To permit residents of Fish Island to have access to resident parking permits.
 3. To undertake a further consultation with residents before a decision to extend and / or establish a permanent CPZ at Fish Island.

Councillor Francis noted that, in principle, there was no opposition to the introduction of a CPZ, taking into account the need for parking controls during the Olympics, the recent increase in traffic complaints in the area and that it would be unreasonable for Fish Island to remain the sole part of the Borough without controlled parking during the Olympics and Paralympics. His concerns were:

- that the controlled parking zone scheme would be made permanent at the end of the trial phase without further consulting residents on the impact of the trial on the community.

- access to public transport and infrastructure in Fish Island was poor compared to other areas of the Borough. If the Council choose to continue the CPZ scheme beyond the trial period, residents would have insufficient time to make alternative arrangements.

Councillor Ohid Ahmed, Deputy Mayor, Robin Beattie, Service Head, Strategy and Resources (representing Stephen Halsey Corporate Director (Communities Localities & Culture)), Jamie Blake, Head of Public Realm, and John Chilton, Head of Parking; responded to the concerns raised, informing the Committee that:

- the introduction of full parking restrictions at Fish Island was a pilot for a flexible period of up to 18 months. This was intended to manage increased parking pressures during the Olympic Games and also, to assess the effect of controlled parking on the area in general, afterwards.
- the three-month trial period suggested by Councillor Francis would be insufficient for a proper analysis. Officers' preference would be that the trial period be at least 9 months to ensure the collection of better data.
- in regard to concerns that the car free zone agreement, that applied to most residents currently living on Fish Island, would render them unable to obtain a residents' parking permit once the CPZ was introduced. Councillor Ahmed confirmed that Cabinet had always intended that all Fish Island residents would be able to apply for parking permits during the trial period irrespective of whether their home was covered by a car free agreement.
- it had been, and remained, the Council's intention to consult again with residents at the end of the trial period.

The Committee considered the views and comments made by Councillor Francis in presenting the call-in, the information given by Councillor Ohid Ahmed, Deputy Mayor, and Officers in response to Councillor Francis' issues and their answers to the Committee's questions.

The Committee's discussion of the call-in raised the following issues:

- notwithstanding that many residential properties in Fish Island were covered by car free agreements, residents should be able to apply for resident parking permits during the full period of the controlled parking trial.
- the Committee felt that residents had not been adequately notified about the experimental CPZ, and recommended that a communications programme to do this be undertaken immediately.

- the Committee acknowledged that officers needed to set a period for the CPZ trial that would accurately reflect the effects of controlled parking in the Fish Island area. The Committee therefore endorsed officers' recommendation that the experimental period be between six and nine months to enable the Council to gain a greater understanding of parking pressures after the Olympics, and allow for future parking measures to protect residents' interests.
- residents should be assisted in complying with the new controls with clear explanations of the requirements and tolerance shown to initial minor infringements to enable a smooth transition.
- a further consultation with residents should be undertaken prior to any permanent decision to introduce a controlled parking zone in the Fish Island area.

Having considered the information provided by all parties, the Overview and Scrutiny Committee endorsed the reasons for the call-in and referred the matter back to Cabinet for further consideration recommending the alternative courses of action set out at 8.2 of the report and the recommendations above.

RESOLVED

1. That the Call-in be endorsed by Overview and Scrutiny Committee
2. That the Cabinet Decision called-in "Olympic Games Parking and Traffic Management Issues" (CAB 053/112), be referred back to the Cabinet for further consideration in the context of the views brought forward by the Committee.

6. REPORTS FOR CONSIDERATION

6.1 Open Space Strategy

Councillor Rania Khan, Cabinet Member for Culture, Robin Beattie, Service Head, Strategy and Resources, and Thorsten Dreyer, Strategy & Business Development Manager - Culture Public Realm and Spatial Planning, presented the report circulated at agenda item 6.1.

Members were advised that the borough was classified as deficient in green space. The Open Space Strategy had been adopted in 2006 to protect existing open space from development and other pressures caused by population growth and to direct improvements to existing open space. An interim review of the Open Space Strategy had been undertaken and the Committee was asked to comment on the draft circulated at Appendix 1, prior to its adoption by Council on 25 January 2012, and to note that detailed action planning for the strategy would be aligned with the annual budget cycle in light of the medium-term reductions in funding from Central Government.

The Committee considered the draft strategy and made the following comments:

That the revised Open Spaces Strategy should:

- ensure that provisions for all communities, such as older people as well as playing fields and sports facilities for young people
- include provisions to enable open spaces that were presently used for community events to remain inclusive to other demographic groups in the community
- incorporate provision that would influence the appearance of areas and neighbourhoods by coordinating / linking green spaces
- incorporate provision to engage RSL's to explore better use of their green spaces

RESOLVED

1. That the Committee's comments above be noted
2. That it be noted that detailed action planning for the strategy will be aligned with the annual budget cycle in light of the medium-term reductions in funding from central government.

6.2 Planning Obligations Supplementary Planning Document

The Committee received a presentation from Michael Bell, Strategic Planning Manager, Strategic Planning, Development & Renewal, on Planning Obligations Supplementary Planning Document (SPD) which formed part of the Local Development Framework. The presentation informed the Committee of changes to the SPD since the consultation undertaken during Summer 2011. The revised SPD was to be presented to Cabinet on 11 January 2012. The following information was provided:

- in April 2012, the Mayor of London would be able to impose a Community Infrastructure Levy (CIL). This would place pressure on the ability of Tower Hamlets to secure planning obligations. However, the Planning Obligations SPD served to strengthen the Council's own priorities until its own CIL was prepared and implemented in April 2014.
- the rise in education contributions resulting from schemes providing in excess of 35% affordable housing could deter RSLs from making applications. A specific reference in the SPD had therefore been included prior to approval by Cabinet to ensure Officers apply the contribution requirements flexibly.
- where improvements could otherwise be obtained under other mechanisms – such as under S278 of the Highways Act, related clauses had been removed from the SPD.
- the SPD reflects the priorities set out in the LDF Core Strategy, the Mayor's priorities and those set out in the individual service strategies from across the Council such as the IDEA Store Strategy and Open Space Strategy.

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

- work had been undertaken to ensure a better platform was provided to secure contributions from developers for employment and enterprise than had previously been possible on individual negotiations.
- a formula was used to calculate education benefits from developers' contributions, these could only be applied to the Council's schools,
- the calculation of the Mayor of London's CIL was a fixed charge at £35 per square metre (subject to final confirmation). Officers wished to ensure that they were able to maximise the benefits of schemes already planned before this was imposed. Tower Hamlets Council CIL would be brought forward on the same basis as a compulsory charge on all new development.
- in future it would not be possible to secure S106 benefits for infrastructure, such as education, therefore the Council would need to rely on its CIL to secure funding for infrastructure.
- the estimated implementation of the Council's CIL by April 2014 is the latest possible date for its introduction. Officers had already commenced work and it was anticipated it would be ready ahead of this date.
- RSL's expressed a view that contributions expected of them were too great. Therefore it was necessary for officers to exercise judgement when stipulating benefits they wished to negotiate. Neither the Mayor of London's CIL nor Tower Hamlets would apply to affordable housing.
- there was a risk that the Council could lose developments after the introduction of the Mayor's and the Tower Hamlets CIL. However Tower Hamlets was in a favourable position compared to certain other London boroughs because of its higher land values.

RESOLVED

That the presentation be noted.

7. VERBAL UPDATES FROM SCRUTINY LEADS

Councillor Sirajul Islam reported that the Resources Directorate budget pressures were ICT and the decant of Anchorage House.

Councillor Amy Whitelock reported that budget pressure areas for CSF were increased demand for school transport and school places and changes in

demand for services to schools, particularly if more of them become academies.

Councillor Rachael Saunders reported her concern, in relation to the AHWB budget proposals, about the failure to deliver savings of £800,000 and an unspecified savings proposal of £200,000. She also reported ongoing communication issues with Barts and The London Trust, including, the closure of the Walk-In Centre in Whitechapel and concern about the resignation of a number of orthopaedic surgeons which had been reported in national media. She had met with senior managers from the Trust to discuss these issues.

Councillor Tim Archer reported that the terms of reference for the review of East End Life costs had been agreed.

RESOLVED

That the verbal updates be noted

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

Nil items.

8.1 Mayoral Decisions

The Chair advised that Mayor's Executive Decision "Housing Stock Options Appraisal" (Mayor's Decision Log No. 013) had been published on 22 December 2011 and had been called-in. The call-in was determined under urgent business provisions at agenda item 9.1.

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

The Chair informed the Committee that she had agreed to consider the call-in of the Mayor's Executive Decision "Housing Stock Options Appraisal" (Mayor's Decision Log No. 013) as an item of urgent unrestricted business to enable the call-in to be discharged within the prescribed timescales.

9.1 Mayor's Executive Decision Called-in

The Chair moved to vary the order of business. Accordingly, the call-in of the Mayor's executive decision was considered as the second item of business.

Councillor Judith Gardiner presented the call-in on behalf of Councillors Joshua Peck, Bill Turner, Shiria Khatun, Khales Uddin Ahmed, Rajib Ahmed and Carlo Gibbs outlining the reasons and the concerns that were raised.

Councillor Gardiner then responded to questions from the Committee. The concerns highlighted together with Councillor Gardiner's answers are summarised below:

- the Mayor's decision that the ALMO should continue was supported.
- however the decision to reform the Board of Tower Hamlets Homes (THH) and the methods undertaken to do this caused concern.
- the source of legal advice that had been sought which then led to the disbandment of the previous THH Board was not clearly presented in the report and not consistently identified across documents and correspondence to Board Members.
- many of the key decision criteria were clearly fulfilled but the decision was not dealt with in this category. It was the Call-in Members' view that this had therefore been dealt with incorrectly.
- interim arrangements had not been put in place while the reform of the Board was undertaken
- the method for handling the old Board was inconsistent. The Independent Members had been dismissed whilst Resident Representatives had been given interim appointments on the Board which, in Call-in Members' view, risked its stability.
- it was argued that rather than dismiss the Board, interim arrangements should have been put in place until new Board members were recruited to prevent any risk to THH services.
- it was noted that THH had received positive comments about the involvement and commitment of Board members during a recent Audit Commission inspection that has resulted in a two-star rating.

Councillor Rabina Khan, Cabinet Member for Housing, Isabella Freeman, Assistant Chief Executive – Legal Services, and Jackie Odunoye, Interim Corporate Director for Development & Renewal responded to the concerns raised informing the Committee that:

- appointments to the THH Board were an Executive not a Council matter.
- reform of the Board would ensure monies received through Decent Homes Scheme will be utilised effectively.
- THH performance had improved but had yet to attain excellent standards.
- ensuring there were Resident Representatives on the Board was most important to the Executive.
- THH Memorandum and Articles state that all Board Members will stand down at the third AGM and a new Board be established.
- it is intended that the process for appointment of independent Members be changed from previous interview based arrangements.
- advice from Counsel confirmed that Memorandum and Articles of THH confers powers on the Council's Executive. It was then concluded that appointments formerly made through General Purposes Committee were incorrect. This had to be rectified.

Overview and Scrutiny Committee considered the views and comments made by Councillor Judith Gardiner in presenting the call-in, the information and answers provided by Jackie Odunoye, Interim Corporate Director for Development and Renewal, Isabella Freeman, Assistant Chief Executive, Legal Services, and Councillor Rabina Khan, Cabinet Member for Housing, in response to Councillor Gardiner's issues.

The Committee's discussion of the call-in brought forward the following views:

- the timescales for the decision were short, falling just before a national holiday, with no real working days being available for adhering to regulation timescales.
- a key decision had been incorrectly processed through the decision making procedures. The Chair expressed her concern that this contravened the Council's constitution.
- the Committee noted the Monitoring Officer's statement that the General Purposes Committee guidance (electing board) about Members was incorrect, and was only discovered after consulting Counsel about the Executive process. The Committee was very concerned about this and requested that the Monitoring Officer now check whether other appointments by General Purposes Committee might be affected. The Chair also requested that the Monitoring Officer report back that this had been done.
- that the process that had been undertaken to amend the Memorandum and Articles should be clarified.
- decisions were taken without adequately advising Board Members and that this would have a destabilising effect on THH. Board Members had asked the week before what was happening but had not received any information.
- the process undertaken to renew the Board had not been transparent. The Committee agreed that rules for new members must be seen to be robust in future and that Independent Members brought expertise and commitment, and had performed a key role in the ALMO's success thus far. The decision to exclude them was not explained.
- given the above, the Committee agreed that the decision be referred back to the Mayor with a request that a proper transition process for the Board be put in place establishing formal interim arrangements.
- it was noted that Resident Representatives had been kept on during the interim. As the Committee felt that this had been fair and open this should also be the case for Independent Members of the Board.

Following discussion, the Overview and Scrutiny Committee endorsed the reasons for the call-in and alternative action proposed as submitted by the call-in Members as set out above. Accordingly the decision was referred back to the Mayor for further consideration.

RESOLVED

1. That the Call-in be endorsed by Overview and Scrutiny Committee

2. That the Mayor's Executive Decision called-in "Housing Stock Options Appraisal" (Mayor's Decision Log No. 013), be referred back to the Mayor for further consideration in the context of the views brought forward by the Committee.

10. EXCLUSION OF THE PRESS AND PUBLIC

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

RESOLVED:

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

11. EXEMPT/ CONFIDENTIAL MINUTES

These were considered and approved in closed session.

12. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 9.20 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee