

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 12 MARCH 2013

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ann Jackson (Chair)
Councillor Tim Archer
Councillor Helal Uddin
Councillor Amy Whitelock

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)
Nozrul Mustafa – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)
Dr Phillip Rice – (Church of England Diocese Representative)

Other Councillors Present:

Councillor Ohid Ahmed – (Deputy Mayor)
Councillor Alibor Choudhury – (Cabinet Member for Resources)

Guests Present:

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Officers Present:

Andy Bamber – (Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture)
Sarah Barr – (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
Jill Bell – (Head of Legal Services (Environment), Legal Services, Chief Executive's)
Dave Clark – (Acting Service Head Resources, Development and Renewal)
Katie Gent – (Environmental Sustainability Officer, Strategy

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| | Innovation & Sustainability, Development and Renewal) |
| Chris Holme | – (Acting Corporate Director - Resources) |
| Nazrul Islam | – (Principal Reporter Harmony, Communications, Chief Executive's) |
| Abdul J. Khan | – (Sustainable Development Manager, Strategy Innovation & Sustainability, Development and Renewal) |
| Louise Russell | – (Service Head Corporate Strategy and Equalities, Chief Executive's) |
| Ann Sutcliffe | – (Service Head Strategic Property, Development and Renewal) |
| David Tolley | – (Head of Consumer and Business Regulations Service, Safer Communities, Communities Localities & Culture) |
| Adam Walther | – (Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's) |
| Angus Taylor | – (Principal Committee Officer, Democratic Services, Chief Executive's) |

COUNCILLOR ANN JACKSON (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rachael Saunders (Vice- Chair and Scrutiny Lead Adult Health and Wellbeing).
- Councillor Stephanie Eaton (Scrutiny Lead Communities Localities and Culture).
- Councillor Sirajul Islam (Scrutiny Lead Development & Renewal).
- Councillor Fozol Miah.

- Apologies for lateness were received on behalf of Councillor Amy Whitelock (Scrutiny Lead Children, Schools and Families).

Noted

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. UNRESTRICTED MINUTES

The Chair informed OSC members that the unrestricted minutes of the extraordinary meeting of the Overview and Scrutiny Committee, held on 18th February 2013 had been **Tabled**, a copy of which would be interleaved with the minutes.

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

Resolved

1. That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee, held on 5th February 2013, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.
2. That the unrestricted minutes of the extraordinary meeting of the Overview and Scrutiny Committee, held on 18th February 2013, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)

4. REQUESTS TO SUBMIT PETITIONS

There were no petitions.

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet on 13th February 2013 had been "called in".

6. REQUEST FOR DEPUTATION

There were no deputations.

7. REPORTS FOR CONSIDERATION

7.1 Gambling Policy 2012 -2017

Councillor Ohid Ahmed, Deputy Mayor, introduced, and highlighted key points, in the report including: -

- The statutory requirement for the Council to review and adopt its 'gambling policy' at this point.
- Stakeholder consultation undertaken to date and revision of the proposals to reflect this. Consultation with OSC under the Budget and Policy Framework contained in the Council's Constitution, was an element of this.
- Prescriptive guidance from Government which limited the scope for changing the Policy to meet local aspirations.

Andy Bamber, Service Head Safer Communities and David Tolley, Head of Consumer and Business Regulations, were also in attendance for this item.

A discussion followed which focused on clarification being sought and given on the following points:-

- Given the number of licenced gambling outlets known to exist in the borough (mapped in the Policy documents) and the known saturation point for these, where could new outlets be permitted and what was the potential for a saturation policy. Clarified that the Council was not able to limit the number of gaming establishments under the Gambling Act, and a saturation policy was only possible in relation to licensing of premises for alcohol under the Licensing Act. Only the 3 Licensing objectives could be taken into consideration when determining an application. The Gambling Policy was not a strategic document on controlling gambling provision, but set out how applications would be dealt with.
- The London view regarding the Policy and Central Government prescriptions for the Policy. Clarified that the Council had lobbied Parliament against the lack of any powers for local councils to restrict gambling establishments.
- The number and nature of responses to consultation to date. Four of limited value, but Councillor feedback had resulted in the addition to the Policy of the Best Practice Guide.
- The concerns raised by the Licensing Committee, as part of the consultation process, which had been reflected in the proposed Policy. Consideration that future reports consulting OSC on policy framework proposals should detail any concerns raised during stakeholder consultation and how/ where these were addressed in the proposals recommended to the Mayor/ Cabinet for endorsement and onward recommendation to full Council.
- The impact of gambling on the community and in particular the linkage between gambling and domestic violence, and whether a related evidence base, perhaps provided through a scrutiny review in 2013/14, could prove valuable in assisting the Council in efforts to control the proliferation of gambling establishments. Clarified that there was an acknowledged impact on vulnerable people and a link with domestic violence and the Council aspired to identify a way to limit gambling outlets to mitigate this.
- Whether there could be increased focus on 'self – exclusion' mechanisms by individuals that knew they had a gambling addiction. How more responsibility could be placed on gambling outlets to identify these individuals and assist them to make an informed choice. How to prevent their movement from one outlet to another to get around this mechanism. Clarified set out in the Best Practice Guide and managed through the Safe Betting Alliance forum.
- Self-promotion by the big betting organisations as being community based and the level and calibre of the legal support available to them, and what steps the Council could take to counter this. The use of Fixed Odds Betting Terminals and the potential to limit this in the context of

the Licensing objective for protection of children and vulnerable people was being examined. Spot testing of underage usage was being undertaken and health and safety/ trading standards issues were raised at the Safe Betting Alliance forum with the 5 largest betting companies. Further updates on this work considered valuable.

- The rationale for the absence within the proposed Policy of a “No Casino” statement on the part of the Council, particularly given recollection that it had issued one previously. Consideration that given the number of betting establishments in the borough and concerns around their proliferation, the Policy would be strengthened by the addition of such a statement even if it was not enforceable under current law.

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

Resolved

1. The contents of the report, and proposed Gambling Policy 2012 - 2017 attached, be noted; and
2. That the advice/comments of the OSC in respect of the proposed Gambling Policy 2012 – 2017, which forms part of the Council’s Budget and Policy Framework, be presented to the Mayor in Cabinet [13 March 2013] to inform his decision making on this item of business.

Action by:

Andy Bamber (Service Head Safer Communities, CLC)

7.2 Asset Management and Value for Money Scrutiny Review

Adam Walther, Strategy Policy and Performance Officer, introduced and highlighted key points in the report, which provided a progress update on implementation of the recommendations contained in the Scrutiny Review Working Group report “Asset Management and Value for Money Scrutiny Review” of May 2012. Ann Sutcliffe, Service Head Strategic Property, Abdul J Khan, Sustainable Development Manager, and Katie Gent, Environmental Sustainability Officer, were also in attendance for this item.

A discussion followed which focused on clarification being sought and given on the following points:-

- Whether all surplus Council buildings were classed as ‘community assets’, whether the community could bid for these if declared surplus, and the number of lets to community groups since buildings had been declared surplus or the number of surplus buildings classed as a community building and available to let. Rights under the Community Right to Buy element of the Localism Act and consideration that there was a need for improved clarity of policy around this. No community assets had been declared surplus, **a list of bids to be provided in writing**. The provisions of the Localism Act were currently being

worked through and Community Right to Buy bids received to date had been supported by the Council.

- Given complaints from community groups previously in relation to the transparency of the disposal of surplus buildings (examples of Old Poplar Town Hall and Limehouse Library what steps were being taken to ensure future transparency. Clarified: The disposal process agreed by Cabinet in 2010 was adhered to and Officers considered this to be robust and transparent. The examples cited were marketed by external agents and disposed for greater value than their initial valuation, thereby achieving value for money for the Council in accordance with 'Red Book Valuation'.
- What action was being taken to ensure surplus/ under-utilised buildings were made available for use by community groups, and that information on how to achieve this was transparent and readily available. How small niche community groups could be supported by the Council with prohibitive hire fees. Also what measures were in place to ensure that, where it was not beneficial for the Council to repair or refurbish derelict buildings but demolition was not appropriate because of their historical value, that the buildings did not remain derelict for lengthy periods but were put back to use. Clarified that work was underway to map Council buildings tagged for community use in conjunction with partners with a view to consolidating use of assets and thereby releasing some. A more flexible lease structure for such groups would also be examined to facilitate self-sufficiency.
- Given the need to work with developers to upgrade assets and the move to a Corporate Landlord Model, with the next step of closer control of work undertaken on behalf of the Council, what steps were being taken to ensure that the health and environmental impacts of development and development materials were taken full account of through the Council's procurement process. Was a Corporate statement on usage of sustainable and safe materials needed. Clarified that other assessment processes on environmental impact and procurement were available to take forward, but the focus was currently on energy and carbon. Cabinet had recently included sustainably produced timber in its policy requirements. Consideration that it would be a positive step to build on this with other health and environmental elements.

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

Resolved

1. The contents of the report be noted
2. That Members comments be noted; that it be agreed that further scrutiny on this issue is not appropriate at this point, but that Officers should continue to monitor progress against the original scrutiny review recommendations.

Action by:

Adam Walther (Strategy Policy & Performance Officer, Strategy Policy & Performance, CE's)

7.3 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q3 2012/13

Councillor Alibor Choudhury, Cabinet Member for Resources, introduced, and highlighted key points, in the monitoring report which detailed the financial position of the Council at the end of Quarter 3 2012/13 compared to budget, and service performance against targets. Chris Holme, Acting Corporate Director Resources, and Louise Russell, Service Head Corporate Strategy and Equalities, were also in attendance for this item.

A discussion followed which focused on clarification being sought and given on the following points:-

- The reported reduction of income by £1 million due to reduced Housing Benefit subsidy as a result of new systems at the DWP. Clarification, and what steps the council was taking to ensure it was not picking up the bill for DWP efficiency: Changes to DWP computer system had resulted in a more efficient 'real time' assessment of those entitled to benefit, including those coming out of benefit. In the past there had been a short time lag and local councils had been entitled to retain a proportion of the benefit subsidy for that period. All local council's had budgeted for this and were similarly affected.
- What the impact of the 'real time' DWP assessment system was on HB claimant [Reduced income]. Whether the Council was being forced to penalise HB claimants due to out of date DWP records and the lost benefit would not be reimbursed by the DWP as previously discussed.
Written response to be provided on latter.
- The reported underspend of £518k in Children, Schools and Families and whether this would be reinvested in the directorate or used to offset other overspends/ reduced income. The first responsibility was to balance the budget by offsetting overspends with underspends, however any additional resource beyond that was transferred to reserves for a future decision on usage.
- The reported identification of performance for "Crime – rate of violence with injury" as a risk, and in particular the rise in Domestic Violence (DV) which was attributed to changes in the method of recording not levels of occurrence. Concern was expressed that the same explanation had been given the previous year and if the crime rate in this area had risen again there must be more/new incidents of DV.
Written response to be provided.
- The reference to a provisional figure of 34% of carers receiving a care assessment or review with finalised data available in February 2013.
Finalised data to be provided.
- Noting the dip in performance for "Homelessness prevention through casework intervention" based on Q2 performance and the reference to

- Q3 outturn being available in late February, Q3 data to be provided with a more detailed analysis of performance and casework.
- With reference to the reported reduction of 529 in JSA claimants from December 2011 to December 2012 what the impact of this was on employment rates. The overall employment rate was reported as 62% but **more specific detail to be provided in writing.**
 - **Further information requested on Tower Hamlets Work Programme outcomes:** more detailed DWP information including numbers securing employment.
 - Noting the reported underspend for all capital schemes of £31.6 million, and the reported allocation of £25 million of this for the Poplar Baths/ Dame Colet House schemes what comprised the remaining £6.6 million. The main reason for the underspend was £30 million being set aside in 2011 for prudential borrowing for General Fund schemes over the 3 years to 2014 including Poplar Baths. Noting the Officer response that on the annual 2012/13 Capital Budget of £181.5 million projected expenditure of £160 million resulted in a variance or slippage of £21.5 million, **a chart was requested detailing what the what the unallocated set aside and new slippage was to be applied to.**
 - Noting the reported net expenditure for Communications/ East End Life of £321k and the associated narrative of a risk with the achievement of the Communications income target being managed within the overall budget, what mitigating action was planned to balance the budget. Also what action the Executive was proposing to implement changes to the Communications Budget approved at Budget Council on 7th March 2013. **To be discussed at a future OSC meeting.**

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

Resolved

1. That Quarter 3 performance for 2012/13 be noted; and
2. That the Council's financial position as detailed in sections 3 and 4 and Appendices 1-4 of the report, be noted.

Action by:

Chris Holme, Acting Corporate Director Resources

Louise Russell, Service Head Corporate Strategy and Equalities

7.4 Faith Buildings Support Scheme - Verbal Report

Councillor Alibor Choudhury, Cabinet Member for Resources, gave a short oral report which provide an overview of the Community Faith Buildings Support Scheme ('the Scheme') and highlighted related key points including: the nature/ objectives of the scheme, process/ timescales, criteria and assessment/ decision making process for grant funding under the scheme,

and progress to date. Dave Clark, Acting Service Head Resources – Development and Renewal, was also in attendance for this item.

A discussion followed which focused on the following points:-

- Dr Rice, Church of England Diocese Representative, whilst welcoming the direction of travel for Round 1 of the Scheme, sought clarification as to lessons learned for Round 2, and relayed concern expressed in the faith community regarding governance of the scheme and historic/ heritage aspects to it. Historic or heritage endowed buildings resulted in a slower application process due to the number of specialists and commissions involved, and there was a perception that the timeline for the scheme was too rushed to accommodate this, and as a result faith organisations such as the Church of England who had a lot of such buildings felt disadvantaged. Councillor Choudhury, Cabinet Member for Resources, responded that the scheme was not rushed but reflected consideration given so that it delivered for all. The Scheme comprised of 2 rounds and different streams and the bidding round for Type B applications, which were those of greater complexity or cost (£75-300k) had been delayed to accommodate such concerns. The Council had endeavoured to accommodate the administrative process for all faiths. Officers added that the Type C application stream aimed to support those organisations needing to obtain specialist advice and prepare complex detailed proposals for capital costs. Type A and C applications were well subscribed to by churches.
- Clarification sought and given as to the timeline for decisions on Round 1 applications for FBSS grant [March/ April 2013]. Consideration also that once the decisions had been made it would be helpful to see a list of applications and an analysis of the amounts given by faith group, community group and geographical location. **An anonymised analysis of type A and C applications to be provided.**
- Concern expressed regarding the transparency of the information around the Scheme and the steps taken to publicise it. Clarification sought and given as to where information about the scheme could be accessed. Consideration that transparency regarding the scoring of Round 1 applications would be beneficial for all in Round 2. There had been a scheme launch and feature in East End Life and details had been communicated to 800 stakeholders through the “GIFTs” system. The narrative/ process were on the Council website with the Third Sector Team available to respond to queries.
- In the context of a further £1 million of funding being allocated to the Scheme within the Council’s recently agreed 2013/14 Budget, clarification sought on Scheme timescales and funding criteria (the requirements for refurbishment and community service delivery associated with grant). Eligibility criteria were set out in the Cabinet report approving the Scheme and had been circulated with application forms.
- Consideration that there were perceptions in the community regarding the transparency and fairness of the Scheme, relayed by a community representative at this meeting, raised at the Inter-Faith Forum, and relayed to Members by constituents; and there was therefore an onus

on Councillor Choudhury to address this. Councillor Choudhury responded that the Inter-Faith Forum and its Chair had been consulted on the process and associated information, however he was happy for transparent information to be provided; and it was agreed in this context that the Council meet with those organisations including faith groups who had questions and concerns.

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

Resolved

The update on the Faith Buildings Support Scheme be noted.

Action by:

Dave Clark, Acting Corporate Director Resources Development and Renewal

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

No pre-decision questions submitted to the Mayor in Cabinet [13 March 2013].

VERBAL UPDATES FROM SCRUTINY LEADS

Scrutiny Review - Post-16 attainment

Cllr Whitelock

- 2 review group meetings held:
 - Useful meeting on post 16 attainment stats compared to the national average and other local authorities and the underlying reasons for poor performance compared to GCSE.
 - Meeting on the academic choices made by young people and current practice at Camden and Hackney. Initial finding emerging that independent advice be provided in school but not necessarily by teachers and parents engaged early and well before the point of GSCE.
- A site visit to engage with students and headteachers, a focus group with young people, and a concluding session to distil recommendations were yet to be held.

Scrutiny - Chief Executive's

Cllr Archer

Noting savings for East End Life contained in the 2013/14 Budget, recently set by full Council, consideration that a meeting with Officers was required to ensure OSC had oversight of intended measures to implement the savings and monitor progress. **Sarah Barr, Senior SPP Officer to action.**

Scrutiny Review - Removing the barriers to youth and graduate employment-

Cllr Jackson

- A meeting had been held with all stakeholders that contributed to a young person's plan to secure education/ employment. A finding emerging throughout the review was that much activity was focused on the objective, but partner working was not joined up and communication with young people needed improvement.
- A visit to Skills Match was still intended to inform recommendations. The support for 'looked after' children leaving school would be reviewed as it appeared funding had been reduced and the Council's performance was slipping.

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

Resolved

That the verbal updates be noted.

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

None.

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.

SUMMARY OF EXEMPT PROCEEDINGS

11. EXEMPT/ CONFIDENTIAL MINUTES

Minutes of ordinary OSC 5th February 2013 approved.

12. SECTION TWO REPORTS 'CALLED IN'

Nil items

13. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS

Nil items.

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

Nil items.

The meeting ended at 8.40 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee