

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Monday, 17 December 2012 at 7.00 p.m.

A G E N D A

VENUE

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Members:	Deputies (if any):
<p>Chair: Councillor Ann Jackson Vice-Chair: Councillor Rachael Saunders, Scrutiny Lead, Adult, Health & Wellbeing</p>	<p>Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Ann Jackson, Rachael Saunders, Sirajul Islam, Amy Whitelock and Helal Uddin)</p>
<p>Councillor Tim Archer, Scrutiny Lead, Chief Executive's</p>	<p>Councillor Marc Francis, (Designated Deputy representing Councillors Ann Jackson, Rachael Saunders, Sirajul Islam, Amy Whitelock and Helal Uddin)</p>
<p>Councillor Stephanie Eaton</p>	<p>Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer)</p>
<p>Councillor Sirajul Islam, Scrutiny Lead, Development & Renewal</p>	<p>Councillor Harun Miah, (Designated Deputy representing Councillor Fozol Miah)</p>
<p>Councillor Fozol Miah</p>	<p>Councillor David Snowdon, (Designated Deputy representing Councillor Tim Archer)</p>
<p>Councillor Amy Whitelock, Scrutiny Lead, Children, Schools & Families</p>	<p>Councillor Motin Uz-Zaman, (Designated Deputy representing Councillors Ann Jackson, Rachael Saunders, Sirajul Islam, Amy Whitelock and Helal Uddin)</p>
<p>Councillor Helal Uddin, Scrutiny Lead, Resources</p>	
<p>1 Vacancy</p>	
<p>[Note: The quorum for this body is 3 voting Members].</p>	

Co-opted Members:

Memory Kampiyawo	– (Parent Governor Representative)
Nozrul Mustafa	– (Parent Governor Representative)

Rev James Olanipekun	– (Parent Governor Representative)
Canon Michael Ainsworth	– (Church of England Diocese Representative)
Mr Mushfique Uddin	– (Muslim Community Representative)
1 Vacancy	– (Roman Catholic Diocese of Westminster 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:

Angus Taylor, Democratic Services,

Tel: 020 7364 4333 E-mail: angus.taylor@towerhamlets.gov.uk

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LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Monday, 17 December 2012

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 Monitoring Officer.

3. SECTION ONE REPORTS 'CALLED IN'

3.1 Mayor's Strategic MSG Programme 5 - 12 All Wards

4. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under 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 contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

5. SECTION TWO REPORTS 'CALLED IN'

5.1 Mayor's Strategic MSG Programme

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Agenda Item 3.1

Committee: OVERVIEW AND SCRUTINY	Date: 17 December 2012	Classification: Unrestricted	Report No.	Agenda Item No. 3.1
Report of: Service Head, Democratic Services Originating Officer(s): Matthew Mannion, Democratic Services		Title: Mayoral Executive Decision Call- in: Mayor's Strategic MSG Programme Wards: All		

1. SUMMARY

- 1.1 The attached report of the Corporate Director, Development and Renewal was considered by the Mayor on 30 November 2012 and has been "Called-In" by Councillors Joshua Peck, Motin Uz-Zaman, Bill Turner, Denise Jones and John Pierce. This is 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 Mayor's provisional decisions arising and
- 2.2 Decide whether to accept them or refer the matter back to the Mayor 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"

Mayoral Decision (No 19) – 30 November 2012

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

Angus Taylor
0207 3644333

3. BACKGROUND

- 3.1** The request to call-in the Mayor's decision dated 30 November 2012 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 Mayoral 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 Mayor for further consideration. Implementation of the Mayoral decision is suspended whilst the call-in is considered.

4. THE MAYOR'S PROVISIONAL DECISION

- 4.1** The Mayor after considering the report attached, at Appendix 1, provisionally decided:-
- To confirm the funding awards for those main stream grant services set out in Appendix 1.
 - To agree funding on the basis of a 2-year 3-month Grant Agreement from January 2013 through to March 2015 as set out in paragraph 6.3 subject to the Council's annual agreement on budget settlements and the delivery of agreed outputs and outcomes.
 - To agree to the earmarking from general reserves of £695,000, over the 27 months from January 2013 to March 2015 to finance the additional recommended grant awards over indicative Directorate budgets for the grant agreement periods.
 - To confirm that unallocated Dedicated Schools Grant is earmarked for education specific projects, including increasing capacity for early years services, delivered primarily through the voluntary and community sector as set out in paragraph 6.11.
 - That officers keep under review caseloads associated with the provision of social welfare advice and report back to the Mayor, within 6 months, where appropriate considering the range and effectiveness of different channels and delivery methods used to reach those most in need of advice services, and addressing any identified gaps that may arise in service provision.
 - Authorise the Assistant Chief Executive (Legal Services) in consultation with the appropriate Chief Officer for the funding stream to settle the final terms of and enter into the grant agreements resulting from paragraphs 2.1.and 2.2 above.

- Note that a comprehensive Equalities Analysis has been completed demonstrating the due regard taken to the engagement of the public sector equality duty and the equalities impact of the recommendations as set out at Appendix 2.

4.2 Reasons for Decisions

These were detailed in section 3 of the report.

4.3 Alternative Options Considered

These were detailed in section 4 of the report.

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:

Given the significant changes to the proposals and the wide ranging public interest in this decision it is in the interests of all concerned for this decision to be reviewed by the O&S Committee. We are also aware that the O&S Committee has already expressed a unanimous view that this item should be called in for further scrutiny.

5.2 The requisition also asked the Committee to consider a number of specific issues:

- That the Mayor broke his promise made at the last Cabinet meeting to announce his final decision on the allocation of Main Stream Grants in public amid the open and transparent scrutiny of a Cabinet meeting. By taking this decision in private by Mayoral decision, residents and democratically elected representatives were prevented from expressing their views on this significant allocation of funding.

- Despite numerous requests from opposition councillors of all parties and the Overview and Scrutiny Committee itself, very little detail of the process used to make this decision has been released by the Council. In the interests of transparency and openness it is important that the O&S Committee is able to review the original recommendations from officers and the changes made by the 3rd Sector Grants Board. Residents will also want to know that the geographic breakdown of the grant allocations is proportionate and not weighted to any specific areas.

- Whilst the Council continues to operate under significant financial pressures the Mayor has now decided to allocate £714,000 of additional funding from reserves. Rather than addressing the previous

concerns about the high funding levels for new, untested organisations with no track record of delivering for the community the Mayor has simply raided reserves to increase funding across the board. We ask officers to provide figures for the Committee to investigate the impact this decision will have on the longer term finances of the Council. We also ask that a clear breakdown of the source of this additional funding is provided including clarification about the movements between directorate budgets.

- Further to this, although the Mayor has chosen to reinstate some of the funding for many longstanding and well-used advice centres in the borough, for many, the allocations of funding still represent a cut. This is true even though the budget for Grants has increased by £1.65m this year.

6. CONSIDERATION OF THE “CALL IN”

6.1 Having met 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 Mayor.

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 Mayoral decision(s), or the Committee could refer the matter back to the Mayor for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

LONDON BOROUGH OF TOWER HAMLETS

MAYORAL DECISION PROFORMA

Mayoral Decision Log No: *Mayoral Decision 19*

Title: *Mainstream Grants Programme 2012-15*

Is this a Key Decision: **Yes**

UNRESTRICTED

EXECUTIVE SUMMARY

In October the Mayor considered a report from the Corporate Grants Programme Board setting out proposed allocations. Although minded to accept the recommendations, it was determined to await the outcome of a review process. This report sets out consideration of those reviews, and highlights the financial impacts of the level of awards now recommended.

DECISION

The Mayor is recommended to:-

2.1 Confirm the funding awards for those main stream grant services set out in Appendix 1.

2.2 Agree funding on the basis of a 2-year 3-month Grant Agreement from January 2013 through to March 2015 as set out in paragraph 6.3 subject to the Council's annual agreement on budget settlements and the delivery of agreed outputs and outcomes.

2.3 Agree to the earmarking from general reserves of £695,000, over the 27 months from January 2013 to March 2015 to finance the additional recommended grant awards over indicative Directorate budgets for the grant agreement periods.

2.4 Confirm that unallocated Dedicated Schools Grant is earmarked for education specific projects, including increasing capacity for early years services, delivered primarily through the voluntary and community sector as set out in paragraph 6.11.

2.5 That officers keep under review caseloads associated with the provision of social welfare advice and report back to the Mayor, within 6 months, where appropriate considering the range and effectiveness of different channels and delivery methods used to reach those most in need of advice services, and addressing any identified gaps that may arise in service provision.

2.6 Authorise the Assistant Chief Executive (Legal Services) in consultation with the appropriate Chief Officer for the funding stream to settle the final terms of and enter into the grant agreements resulting from paragraphs 2.1 and 2.2 above

2.7 Note that a comprehensive Equalities Analysis has been completed demonstrating the due regard taken to the engagement of the public sector equality duty and the equalities impact of the recommendations as set out at Appendix 2.

APPROVALS

1. Corporate Director

I approve the attached report and recommendations above for submission to the Mayor.

Signed  Date 30/11/12

2. Chief Finance Officer

I have been consulted on the above recommendations and my comments are included in the attached report.

Signed  Date 30/11/12


3. Assistant Chief Executive (Legal Services)

I have been consulted on the above recommendations and my comments are included in the attached report.

(For Key Decision only – delete as applicable)


I confirm that this decision:-

(a) has been published in advance on the Council's Forward Plan OR
~~(b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.~~

Signed  Date 30/11/12


4. Head of Paid Service

The recommendations above are consistent with the Council's agreed Budget and Policy Framework and will contribute to the achievement of the authority's Strategic Plan.

Signed  Date 30/11/12

5. Mayor

I agree the recommendations above for the reasons set out in the attached report.

Signed  Date 30/11/12

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