

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.05 P.M. ON TUESDAY, 4 JUNE 2013

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

Members Present:

Councillor Motin Uz-Zaman (Chair)
Councillor Rachael Saunders
Councillor David Snowdon
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:

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Guests Present:

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Officers Present:

Agnes Adrien – (Team Leader, Enforcement & Litigation, Legal Services, Chief Executive's)
Daisy Beserve – (Senior Strategy Policy and Performance Officer, Corporate Strategy and Equality Service, Chief Executive's)
David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)
Chris Holme – (Acting Corporate Director - Resources)
Louise Russell – (Service Head Corporate Strategy and Equality, Chief Executive's)
Angus Taylor – (Principal Committee Officer, Democratic

Services, Chief Executive's)

COUNCILLOR MOTIN UZ ZAMAN (CHAIR) IN THE CHAIR

1. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2013/14

The Chair, nominated Councillor Rachael Saunders, as Vice-Chair of the Overview & Scrutiny Committee for the Municipal Year 2013/14. Councillor Helal Uddin, seconded the nomination.

There being no other nominations it was: -

Resolved

That Councillor Rachael Saunders be elected to serve as Vice-Chair of the Overview & Scrutiny Committee for the Municipal Year 2013/14, or until a successor is appointed.

Action by:

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Stephanie Eaton.
- Frances Jones, One Tower Hamlets Service Manager, Corporate Strategy & Equality Service, Chief Executive's.
- Shibbir Ahmed, Strategy, Policy & Performance Officer, Corporate Strategy & Equality Service, Chief Executive's

- Apologies for lateness were received on behalf of Councillor Sirajul Islam.

Noted

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of Disclosable Pecuniary Interest or other declarations of interest were made.

4. UNRESTRICTED MINUTES

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

Resolved

That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee, held on 7th May 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)

Variation of Order of Business

At this juncture the Chair informed OSC members that Councillor Sirajul Islam was present to introduce the Scrutiny Working Group report on Co-regulation and the Accountability of Registered Housing Providers (RP's) [Agenda item 8.2]; however he had another meeting to attend this evening and had requested that the order of business be varied to allow OSC consideration of the report to be brought forward on the agenda. The Chair indicated that he considered it appropriate to accommodate this request as far as possible. Accordingly the Chair **Moved** and it was:-

Resolved

That the order of business be varied as follows:

- Agenda Item 5.2 "Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments" be considered as the next business.
- Agenda Item 8.2 "Scrutiny Working Group report - Co regulation and the Accountability of Registered Housing Providers (RP's) – Report of the Scrutiny Working Group" be considered after Agenda Item 5.2.
- Subsequently the proceedings be conducted as detailed in the order of business.

5. OVERVIEW AND SCRUTINY PROCEDURAL MATTERS

5.1 Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance

Please note that the order of business was varied by resolution of the OSC earlier in the proceedings in order to allow this item to be considered following Agenda Item 8.2 "Scrutiny Working Group report - Co regulation and the Accountability of Registered Housing Providers (RP's) – Report of the Scrutiny Working Group", however for ease of reference the OSC deliberations, and subsequent decisions taken, are set out below in the order detailed in the agenda.

Mr Angus Taylor, Principal Committee Officer, introduced and highlighted key points in the report, which:

- Provided the Terms of Reference, Membership, Quorum and Dates of meetings of the OSC for the Municipal Year 2013/14 for the Committee's information;
- Set out protocols and guidance to facilitate the conduct of OSC business, for adoption by the OSC.
- Requested the OSC to consider and agree a start time for scheduled OSC meetings during the remainder of 2013/14.

Mr David Galpin, Head of Legal Service (Community) subsequently gave a detailed PowerPoint presentation on the Overview and Scrutiny Framework highlighting points including:

- Statutory and Constitutional framework.
- General powers of OSC.
- Process and powers relating to Call In.
- Process and powers relating to Call In of Budget and Policy Framework matters.
- Powers to invite/ require attendance of Members, Officers and others.
- Access to information framework, process and powers for OSC
- Health Scrutiny and Joint Health Scrutiny: statutory framework and powers.
- Education functions: statutory requirements

A discussion followed which focused on the following points:-

- Noted that in recent years the OSC had met at 7.00pm, and the former OSC Chair/ OSC members considered that this time had worked well for both OSC members and others attending. Consensus that a 7.00pm meeting start time would work well for the new OSC membership, and accordingly it was **proposed** that a 7.00pm start time be agreed for scheduled OSC meetings during the remainder of 2013/14 (with the exception of the 23 July meeting held during the holy month of Ramadan).
- The Chair expressed the aspiration that scrutiny in LBTH be as effective as possible, and emphasised his desire to work positively with the Executive and senior officers to address key challenges for local people, thereby improving their quality of life. To that end, he requested recognition of the importance of the OSC's role; and set out his expectation that Corporate Directors would attend OSC for Call In discussions and be present for agenda items relating to their Directorate. Corporate Directors could attend with relevant Service Heads or Managers where necessary, but whenever possible attendance at OSC should not be delegated to less senior managers.
- Comment that at the previous OSC meeting [7 May 2013] the attendance of an Officer and Cabinet Member had been requested, to respond to any questions the OSC had regarding a 'Call In' of a Mayoral Decision, but the Officer had been stood down by the Cabinet Member. Accordingly clarification sought and given as to whether the OSC could oblige Officers and Members to attend OSC and whether Members could direct Officers not to attend. *Yes OSC could require attendance of Officers and Members, particularly in relation to Call Ins, under statutory provisions; and the expectation of attendance, when requested by OSC, was well*

known. However there was no mechanism in place to enforce this, although non-attendance would be a breach of the Council's Code of Conduct for Members and Officers and therefore a disciplinary matter.

- The chair emphasised the importance of the OSC being able to reach a fully informed decision when scrutinising the Executive, particularly with reference to Call Ins. It was therefore important that full information be provided, to give the OSC assurance that it had reached the right decision when undertaking its functions. This required the attendance of appropriate Officers and Members to respond to matters raised by the OSC.

The Chair **Moved** (taking account of the proposal from OSC members), together with an additional recommendation detailed at Resolution 4 below, and it was:-

Resolved

1. That OSC Terms of Reference, Membership, Quorum, Dates of future meetings, as set out in Appendices 1, 2 and 3 to the report, be noted;
2. That 7.00pm be agreed as the start time for scheduled OSC meetings during the remainder of the Municipal Year 2013/14 (with the exception of the 23 July meeting held during the holy month of Ramadan);
3. That the protocols and guidance to facilitate the conduct of OSC business, in line with statutory and constitutional requirements, as set out at Appendix 4 to the report, be adopted and noted respectively; and
4. That the contents of the presentation be noted.

Action by:

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

5.2 Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments

Please note that the order of business was varied by resolution of the OSC earlier in the proceedings in order to allow this item to be considered following Agenda Item 4.0 "Unrestricted Minutes", however for ease of reference the OSC deliberations, and subsequent decisions taken, are set out below in the order detailed in the agenda.

Mr Angus Taylor, Principal Committee Officer, introduced and highlighted key points in the report, which requested the OSC to:

- Appoint Scrutiny Lead Members to Scrutiny Lead portfolios for 2013/14.
- Agree the co-option of representatives to OSC for 2013/14.

- Note the establishment of the Health Scrutiny Panel (HSP), by full Council, appoint its membership and also agree co-option of representatives to the HSP, for 2013/14.

Mr Taylor additionally informed OSC members that:

- Councillor Lesley Pavitt had replaced Councillor Whitelock as a deputy on HSP subsequent to the Labour Group nominations to the membership of the HSP at the Council AGM on 22nd May 2013.
- Mr John Williams, Service Head Democratic Services, had advised that: in accordance with a full Council decision, of 21st September 2012, as part of the process for appointing HSP members/co-optees, the OSC was required to appoint LBTH representatives to the 'Inner North East London Standing Joint Overview & Scrutiny Committee' (INEL JOSOC) for the Municipal Year 2013/14. LBTH could appoint 3 members (2 from Labour Group and 1 from Conservative Group) and these must be members of the HSP.

The Chair informed OSC members that he had **Tabled** a written **Motion** in relation to the recommendations set out in the report and taking account of the advice of the Service Head Democratic Services, a copy of which would be interleaved with the minutes. The Chair then formally **Moved** the written motion as tabled.

Councillor Amy Whitelock, formally **Seconded** the tabled written motion; and it was:-

Resolved

1. That Scrutiny Lead Members be appointed for Scrutiny Lead portfolios, for the Municipal Year 2013/14, as set out at Section 3 of the report and listed in the table below:

Scrutiny Lead Portfolios & appointments 2013/14	
<i>Scrutiny Lead Portfolio</i>	<i>Scrutiny Lead Member</i>
Adults, Health & Wellbeing	Cllr Rachael Saunders
Children's, Schools & Families	Cllr Amy Whitelock
Communities, Localities & Culture	Cllr Helal Uddin
Development & Renewal	Cllr Abdal Ullah
Chief Executive's	Cllr David Snowdon
Resources	Cllr Stephanie Eaton

2. That co-option to the membership of the OSC, for the Municipal Year 2013/14, of representatives in respect of education matters, as set out at paragraphs 4.1 to 4.7 of the report and listed in the table below, be agreed:

Co-option to the membership of the OSC of representatives in respect of education matters 2013/14		
<i>Representing</i>		<i>Appointment</i>
Church of England Diocese representative		Dr Phillip Rice
Roman Catholic Diocese representative		A nomination is awaited
Parent representative	Governor	Memory Kampiyawo
Parent representative	Governor	Nozrul Mustafa
Parent representative	Governor	Reverend James Olanipekun
Muslim Representative	Community	Mr Mushfique Uddin

3. That the establishment of the Health Scrutiny Panel by full Council, to discharge the Council's functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, as set out in paragraph 5.1 of the report; with terms of reference and quorum as set out in paragraph 5.2 and Appendix 1 to the report, be noted;
4. That appointment of members to the Health Scrutiny Panel for the Municipal Year 2013/14, as set out at paragraph 5.3 of the report and listed in the table below, be agreed:
5. That the co-option of representatives from the local Healthwatch to the membership of the Health Scrutiny Panel, for the Municipal Year 2013/14, as set out at paragraph 5.4 of the report and listed in the table below, be agreed:

Appointments to Health Scrutiny Panel 2013/14			
<i>Labour Group (4)</i>	<i>Conservative Group (1)</i>	<i>Respect Group (0)</i>	<i>Others (2)</i>

Cllr David Edgar Cllr M A Mukit MBE Cllr Zenith Rahman Cllr Rachael Saunders (Chair)	Cllr Dr Emma Jones	n/a	Cllr Lutfu Begum (Ind) Cllr Gulam Robbani (Ind)
Deputies:- Cllr Anwar Khan Cllr Bill Turner Cllr Lesley Pavitt	Deputies:- Cllr Peter Golds		
Co-opted Members:-			
Mr David Burbridge Dr Amjad Rahi			

6. That appointment of LBTH representatives to the Inner North East London Standing Joint Overview and Scrutiny Committee (INEL JOSOC) for the Municipal Year 2013/14, as set out in the Officer introduction of the report, and listed in the table below, be agreed:

Appointments of LBTH Representatives to Inner North East London Standing Joint Overview & Scrutiny Committee 2013/14	
Labour Group (2)	Conservative Group (1)
Cllr Rachael Saunders Cllr David Edgar	Cllr Dr Emma Jones

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)
Alan Ingram (Senior Committee Officer, Democratic Services, CE's)
Daisy Beserve (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, CE's)

Sarah Barr (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, CE's)

6. REQUESTS TO SUBMIT PETITIONS

There were no petitions.

7. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet on 8th May 2013 had been "called in".

8. UNRESTRICTED REPORTS FOR CONSIDERATION

8.1 Executive Response to questions relating to budget virement decisions

The Chair **Moved** the recommendation as set out in the report, and it was:-

Resolved

That the Executive response to reports attached at appendices 1 and 2 to the report be noted.

8.2 Co regulation and the Accountability of Registered Housing Providers (RPs) - Report of the Scrutiny Working Group (To Follow)

Please note that the order of business was varied by resolution of the OSC earlier in the proceedings in order to allow this item to be considered following Agenda Item 5.2 "Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments", however for ease of reference the OSC deliberations, and subsequent decisions taken, are set out below in the order detailed in the agenda.

Councillor Sirajul Islam, Scrutiny Lead Member Development & Renewal 2012/13 and Chair of the Scrutiny Working Group (SWG) on Co-regulation and the Accountability of Registered Housing Providers (RP's), introduced and highlighted key points in the SWG report, which set out the rationale, methodology, key findings and recommendations of the scrutiny review. The following points were highlighted:

- Background to identification of this as a potential area for review, including abolition of the Tenants Services Authority and dilution of control under the Greater London Authority. Detailed reasons for the review were:
 - Understanding how RPs are currently held to account and performance managed.
 - Development of co-regulation and new tenant scrutiny arrangements.

- To include new processes for tenants complaints and support for councillors around these.
- Review Objective: Clearer understanding of how RPs are held to account and performance managed through co-regulation and how Members can support this framework.
- Core Questions:
 - How was co-regulation working across RP's and what are the current strengths, gaps, challenges and opportunities?
 - How could Members work effectively with tenant scrutiny members in holding housing providers to account?
 - What was the appropriate role of Members in the new co-regulation framework particularly in relations to dealing with tenant complaints as set out in the Localism Act?
- Key Findings including:
 - The main gap and potential weakness of the co-regulation framework is that it was voluntary. The abolition of the Tenants Services Authority and the introduction of new national regulatory standards shifted responsibility for monitoring of Registered Providers (RPs) from the national regulator to local tenants. This meant it was difficult to know how well co-regulation was functioning in different RPs in the borough. Co-regulation arrangements had been adopted by all the Register Housing Providers (RPs) giving evidence to the scrutiny review. However implementation varied with some good practice, but also some areas for improvement. Most RPs engaged in the scrutiny review were positive about opportunities available through the new co-regulation process, and were keen to work together to strengthen their practice in this area.
 - Joint working between RPs can help pool resources and provide much better value for money on initiatives that could see real choice and influence for residents. There appeared to be a genuine desire by RPs engaged in the scrutiny review for developing sector-led local quality assurance standards and local partnership approaches to performance management which involve tenants, housing officers and Members working together to improve services and empower residents in the borough. There were opportunities for landlords to focus resources on services and outputs that residents want and design more meaningful quality assurance methods with tenants.
 - The Council wants, and is expected by residents, to play a role in ensuring that RPs manage to the highest possible standard in Tower Hamlets. However this expectation may need to be carefully managed as the Authority did not have any formal powers and its influence over RPs was limited and varied amongst providers.
 - With effect from April 2013 the role of the Independent Housing Ombudsman would be extended to include complaints from Local Authority tenants, formally the jurisdiction of the Local Government Ombudsman. An additional stage had been incorporated in the formal complaints escalation process to include referrals to a "designated person" before a complaint could be considered by the Housing Ombudsman. This additional requirement placed new responsibilities

on Members that would impact on the way they handled some complaints received from social housing tenants in future. A further piece of scrutiny work was required on this to ensure this worked well and Members were adequately trained.

- Recommendations set out in the report were highlighted.
 - Mr Shibbir Ahmed, Strategy Policy & Performance Officer, and Councillors Marc Francis and John Pierce, were formally thanked for their contribution to the review, as were RPs, TH Tenants Federation and TH Housing Forum for their positive engagement in the review.

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

- The main gaps/ weaknesses/ areas for improvement in proactive partnership working between the Council and Registered Housing Providers. *A robust system for tenants to hold RPs to account was needed and close working between the Council and the TH Tenants Forum, in the ways outlined in the report recommendations, would greatly strengthen accountability.*
- Given the acknowledged problems with governance and transfer documents relating to Island Homes in Millwall Ward and the lack of success on the part of the Council in addressing these had the scrutiny review examined and identified ways avoid such problems going forward. *The Review had not focused on specific cases but the wider issues. One Housing (RP), which had provided evidence to the Review, had robust arrangements for tenant scrutiny. Its stock transfer documentation was not good but the Council was not currently transferring housing stock so those issues were less of a priority. It should not be a case of the Council trying to dictate to RPs how housing stock should be managed, but rather working through the TH Tenants Forum to build a good working relationship.*
- How strongly prepared were Councillors to take up the responsibilities placed on them in this area under the Localism Act? *Councillors would require training as the responsibilities were different to those of membership of RP governing boards. A further Members Seminar would be helpful.*
- Given the abolition of the Tenants Services Authority would all RPs be required to have a tenants panel to hear complaints? Also given the level of engagement with the Review by RPs what action could the Council require of them. The Review only sought evidence from specific RPs. *The Review recommendations would be presented to the TH Housing Forum on which RPs were represented, and its Chair had engaged with the Review and endorsed its recommendations. It was anticipated that RPs would embrace the recommendations.*

The Chair thanked Councillor Islam for his contribution in chairing this excellent scrutiny review, and for attending OSC to present the report/ recommendations arising. He then **Moved** the recommendations as set out in the report, and it was:-

Resolved

1. That the draft report of the Scrutiny Review Working Group, and the recommendations contained in it be agreed; and
2. That the Service Head for Strategy & Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Review Working Group.

Action by:

Daisy Beserve (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, CE's)

Shibbir Ahmed (Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, CE's)

8.3 Use of the Regulation of Investigatory Powers Act 2000

Mr David Galpin, Head of Legal Services (Community), introduced and summarised key points in the report, which provided information concerning the Council's authorisation of investigations under the Regulation of Investigatory Powers Act 2000 (RIPA). The Act recommended that elected Members had oversight of the Council's use of its provisions. Mr Galpin additionally informed OSC members that there had recently been an independent inspection of the Council's activities under the provisions of RIPA and initial feedback was generally positive; once the inspector's report had been received he would **report the outcome to OSC**.

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

Resolved

That the contents of the report be noted.

Action by:

David Galpin (Head of Legal Services [Community], CE's)

8.4 Overview and Scrutiny Committee Work Programme 2013/14 (Oral Report)

Ms Louise Russell, Service Head Corporate Strategy & Equality, gave a detailed PowerPoint presentation on scrutiny policy work in 2012/13 and development of the OSC Work Programme in 2013/14 highlighting points as follows:

- Scrutiny Policy work undertaken in 2012/13
 - Scrutiny reviews: Post 16 attainment, Co-regulation of social housing, Youth unemployment
 - Challenge sessions: Mental health and housing

- Spotlight topics: Electoral Services, Delivering savings in Adults Social Care, Financial Inclusion Strategy, Review of East End Life, Strategic Partnership for ICT services
- Spotlight speakers: Borough Commander, Mayor Rahman
- Developing the 2013/14 Work Programme
 - Directorate specific briefings provided for each Scrutiny lead member & 1:1 meetings with Corporate Directors to identify potential areas of work. w/c commencing 17 June.
 - Corporate Strategy & Equality (CS&E) to provide a backward look (2 years) at implementation of scrutiny review recommendations to inform OSC on areas for potential follow up review. This would also to reflect on successful elements of past scrutiny with a view to replication of good practice.
 - Performance data to be reviewed by CS&E to identify potential areas for scrutiny work to improve performance.
 - CS&E to provide a forward look (Strategic Plan and LBTH Forward Plan) to inform pre-decision scrutiny.
 - Work Programme development session for OSC Chair and Scrutiny Lead Members w/c commencing 24 June.
 - Finalisation of Work Programme (OSC to consider and agree at 23 July OSC) but to retain sufficient flexibility to accommodate further work identified as needed during the year.

A short discussion followed focused on the following points:

- Potential dates for the Work Programme development session were identified. The **clerk was requested** to canvass the availability of OSC members on these dates and confirm arrangements after consultation with the Chair.
- The Chair indicated that he would be inviting the Mayor to the first Spotlight session at the next OSC meeting.

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

Resolved

That the contents of the presentation be noted;

Action by:

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

Daisy Beserve (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, CE's)

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Chair emphasised the importance of pre-decision scrutiny of decisions of the Mayor to be taken in Cabinet He also highlighted the process for submission of questions in advance of OSC for endorsement and onward presentation, by himself, to Cabinet, as set out at paragraph 4.6 of appendix 4 to the Terms of Reference report at Agenda Item 5.1.

No pre-decision questions submitted to the Mayor in Cabinet [05 June 2013].

10. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

None.

11. 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

12. EXEMPT/ CONFIDENTIAL MINUTES

Minutes of ordinary OSC 7th May 2013 approved.

13. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items.

14. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

Nil items.

15. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 8.05 p.m.

Chair, Councillor Motin Uz-Zaman
Overview & Scrutiny Committee