

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.05 P.M. ON TUESDAY, 1 APRIL 2014

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

Members Present:

Councillor Motin Uz-Zaman (Chair)
Councillor Rachael Saunders (Vice-Chair)
Councillor Stephanie Eaton
Councillor Amy Whitelock Gibbs
Councillor Helal Uddin
Councillor Abdal Ullah
Councillor David Snowdon

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)
Nozrul Mustafa – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)

Other Councillors Present:

Councillor Alibor Choudhury – (Cabinet Member for Resources)

Guests Present:

Mayor Lutfur Rahman –

Officers Present:

Tahir Alam – (Strategy Policy & Performance Officer, Chief Executive's)
Mark Cairns – (Senior Strategy, Policy and Performance Officer)
Stephen Halsey – (Head of Paid Service and Corporate Director Communities, Localities & Culture)
Frances Jones – (Service Manager One Tower Hamlets, Corporate Strategy and Equality Service, LPG)
Shamima Khatun – (Strategy, Policy and Performance Officer, Corporate Strategy and Equality Service, Chief Executive's)
Kevin Miles – (Chief Accountant, Resources)
Jackie Odunoye – (Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Louise Russell – (Service Head Corporate Strategy and Equality, Law Probity and Governance)

Takki Sulaiman	– (Service Head Communications, Law, Probity and Governance)
Meic Sullivan-Gould	– (Interim Monitoring Officer)
Graham White	– (Interim Head of Legal Operations)
Antonella Burgio	– (Democratic Services)

CLLR MOTIN UZ-ZAMAN IN THE CHAIR

The Chair opened the meeting and welcomed; the Executive Mayor, Cabinet Member for Resources, Head of Paid Service, Committee Members, other invited Councillors and members of the public.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Co-opted Member Dr Phillip Price.

Apologies for the lateness were received from the Councillor Whitelock-Gibbs

Apologies were also noted from the following invited persons:

- Councillors Islam and Francis apologised that they were unable to attend to present item 7.7
- Councillor Alibor Choudhury attended to present item 7.8; during the meeting he apologised that he was unable to remain to present this item because of a clash of engagements.

RESOLVED

That all apologies be noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Reverend James Olanipekun declared a personal interest relating to agenda item 7.7 in that he was Vice-Chair of the board of Poplar HARCA.

3. UNRESTRICTED MINUTES

The minutes of the ordinary meeting held on 4 February 2014 were re-presented. Councillor Eaton advised that her attendance at this meeting had not been recorded and requested that the minutes be amended accordingly.

The minutes of the ordinary meeting held on 4 March 2014 were also presented. No requests for factual corrections were made.

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

RESOLVED

1. That, subject to amendment to reflect Councillor Eaton's attendance, the unrestricted minutes of the meeting of Overview and Scrutiny Committee held on 4 February 2014 be approved as a correct record of proceedings.
2. That the unrestricted minutes of the meeting held on 4 March 2014 be approved as a correct record of proceedings.

4. REQUESTS TO SUBMIT PETITIONS

Nil items.

5. UNRESTRICTED REPORTS 'CALLED IN'

The Chair advised that the Service Head, Democratic Services and Interim Monitoring Officer had not received any requests to call-in decisions of the Mayor in Cabinet on 4 March in respect of unrestricted agenda reports.

6. SCRUTINY SPOTLIGHT - MAYOR

The Chair welcomed the Executive Mayor and Head of Paid Service to the meeting and invited the Executive Mayor to speak to Committee on matters that had been areas of priority in the current municipal year.

The Executive Mayor thanked the Chair for the opportunity to speak on his priorities as the Council commenced a new financial year.

In opening his presentation, the Executive Mayor advised that

- he considered the work of the Overview and Scrutiny Committee (OSC) a useful tool of the Council and noted that in contrast to other local authorities, there were high levels of scrutiny at Tower Hamlets
- although he had been unable to attend the meetings of OSC in person, he had ensured that Elected Executive Members attended to give an account to the Committee on his behalf
- his presentation would include a review of his policies for 2013–14; highlighting achievements and challenges
- in future, the Council must find efficiencies of over £200 million; because of ring-fenced budgets, these savings were required to be sourced from discretionary budgets
- The Government had not indicated when austerity measures would end and therefore the Council was required to continue to look for savings into the financial year 2017-18

The Executive Mayor advised that his priorities in 2013-14 had been:

Housing – he had:

- worked to improve access, availability and quality of social housing in the context of a challenging Government framework
- delivered the highest new homes bonus in the country
- delivered 4000 new affordable homes for the borough during his term of office
- secured Government funding to upgrade of housing stock to decent standards
- put in place £2 million of support to help residents avoid homelessness

Education – he had:

- set high targets for educational attainment and achieved a 12.9% improvement in educational performance
- offered support to all families in the borough through his policy for free school meals to all primary school children.

Crime – he had

- procured additional police officers
- facilitated reduction of crime in the borough year on year

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

Concerning the current position in regard to the cessation of East End life publication and the outcome of the publication's review, the Committee was informed that East End life was a cost neutral publication which raised money through advertising and that the Executive Mayor did not wish to undertake further discussion on this matter at present.

A Co-opted Member noted that East End Life publication provided essential information about the Council to residents and enquired how residents would continue to receive this if it were discontinued. The Committee was informed that for many years, the publication had provided a means for the dissemination of information to residents. If this were to be discontinued then other methods of communicating with residents would need to be found.

Concerning which service areas had been most impacted by funding reductions and which areas of risk were of most concern going forward, the Committee was informed that there was no indication that the Government would end austerity therefore financial challenges would continue. Hence it was likely that it would be necessary to find efficiencies in the financial year 2017-18. Reduction in funding had impacted all areas of the Council but the Council had been able to deliver its budget whilst maintaining its commitments to protect vulnerable people and frontline services. The Executive Mayor advised that he would be prudent in how services were delivered in future.

Concerning the rationale for holding meetings of the Corporate Third Sector Grants Programme Board in private, the Committee was informed that the current grants award process was the same as that that had operated previously. The Executive Mayor advised that mainstream grants were delivered through due process. Recommendations, having travelled through

the required processes, were then considered by the Executive Mayor and decisions published were subject to scrutiny via call-ins made to OSC. A Member of the Committee noted that under previous arrangements the proceedings of Grants Panels were published, at present minutes were not publicly available. The Executive Mayor disagreed with this view advising that decisions on grants were publicly taken and had also been examined through the scrutiny process. He advised also that whilst he had not been present in person to discuss the call-in of these decisions, his Executive Members had given an account to Overview and Scrutiny Committee on matters called-in. The Chair clarified that, at the call-in meeting, the minutes of the Corporate Third Sector Grants Board had been requested and provided to OSC Members on pink paper denoting that these were not publicly available and queried why a decision had been taken to process the minutes in this way since they contained no exempt information under Schedule 12 A to the local Government Act 1972. The Executive Mayor responded that that due process had been followed.

The Executive Mayor was requested to provide written information or report of all the outputs and achievements of the Corporate Third Sector Grants Board, detailing what outputs there had been and how the community had been served through the grants issued. The Executive Mayor responded that the voluntary sector lever delivered around £55 million of services. He was confident that there was a vigorous process operated and that there were measurements in place to ensure that the delivery was of benefit to the community. He did not respond to a request for further evidence to support his statement.

A Member of the Committee enquired how the proposal to provide free school meals to all primary pupils in the borough would be funded since Council had resolved that funding for this purpose could not be taken from reserves and was informed that the Mayoral policy would deliver free school meals to all primary school children for the next two years and clearly set out how this would be funded. The Executive Mayor was asked to explain how this would be achieved as the proposal had not been approved at Council. The Monitoring Officer provided clarification on this matter, referring to advice that he had provided at Council that new decisions could be taken by the Mayor within the rules of virement and this would be done in conjunction with the Section 151 Officer. Concerning whether original budgetary proposals included free school meals for year six pupils and how these would be funded, the Committee was informed that the original proposal had been amended and the amendment accepted; this revised proposal would deliver free school meals for the next two years. The Executive Mayor did not add any further comments to that of the Monitoring Officer's clarification on where funding would be sourced and did not comment on whether any executive order had been made since the last Council meeting in order to deliver this provision.

Concerning how the £2 million set aside for intervention against homelessness would be delivered transparently, the Executive Mayor advised that this would be deployed appropriately by officers based on needs criteria and would not involve a Member decision.

Concerning verification of the number of new homes built in the borough which had been delivered directly by the Executive Mayor, the Committee was informed that all homes, over which the Council had influence and which were made available through the choice application scheme, had been delivered through Mayoral provisions. The Chair challenged this number offering a figure of 15 properties. The Executive Mayor advised that there was a £50 million homes bonus has been delivered.

Views on the interaction between the Executive and OSC were discussed in the context of:

- use of OSC for political motives
- the Executive Mayor's failure to respond to OSC invitations compared to the practises of executives at other local authorities
- the uniqueness of the borough's political situation compared to other localities
- issues around lack of access to executive papers and decisions

A Member noted that, during the last year, 600 applications for the Education Maintenance Grant had been refused and enquired whether the criteria were already set when the advertisement was placed and if this advertisement had been published in East End Life. The Executive Mayor confirmed that the grants criteria had been set and agreed that this information would be made available to the Committee.

A Co-opted Member noted that in 2012-13 there were £50,000 of un-spent education attendance grants because the attendance criteria had been set at a high level and enquired:

- whether interventions were in place so that attendance criteria could be better achieved by applicants
- whether the under-spend would be reinvested in education

The Executive Mayor advised that the criteria had been set high to ensure that achieving good education was a priority and could be used as a driver for good educational attainment. He also confirmed that any under-spend would be reinvested in education.

At the invitation of the Chair a Co-opted Member offered her comments on the participation of the Executive Mayor advising that she was pleased that he had fulfilled the engagement. She noted that at times OSC had been unable to receive answers to their enquiries from officers and Cabinet Members and asked that, in future, the Mayor would provide answers to the Committee's questions. Another Co-opted Member thanked the Executive Mayor for stating his support of OSC in his submission. The Executive Mayor apologised if any other impression had been given and advised that he supported the work of OSC if properly done.

The Chair enquired:

- if the Executive Mayor would support publicity discouraging Tower Hamlets to become involved in electoral fraud

- whether the Mayor's publicity for building schemes around the borough, that incorporated his image in the design, would be removed during the forthcoming third period

The Executive Mayor advised that he did not support or promote fraud. Additionally he had already co-operated with the Police and Monitoring Officer to ensure that elections were free and fair.

There being no further matters to discuss, the Chair thanked the Executive Mayor for his attendance and participation.

RESOLVED

That the presentation be noted

Action by:

Antonella Burgio (Committee Officer, LPG)

7. UNRESTRICTED REPORTS FOR CONSIDERATION

7.1 Reference from Council - Investigation into Old Poplar Town Hall Update

The Monitoring Officer gave a verbal update on the referral from Council concerned with the marketing and sale of Old Poplar Town Hall. He informed the Committee that auditors Mazars had recently completed their report which was required to be cleared by the Council's external auditors KPMG before wider circulation. The relevant auditors at KPMG were presently unavailable to authorise the release to Senior Council Officers therefore the draft could not be approved until their return after the Easter break. He apologised and advised that the matter would be pursued concertedly to ensure that the information could be made available as soon as possible. He also advised that, on release, the auditors request that the report be circulated to OSC Members on a confidential basis.

A Member noted that Mazars delivered other audits for the Council and asked for confirmation that auditors who had produced the draft report were not the same as those that undertook other audit work for the Council. The Monitoring Officer advised that this information would be verified and an answer circulated to the Committee.

Concerning whether consideration of the matter was affected by pre-election restrictions, the Monitoring Officer advised that these did not affect the normal business of the Council therefore the delay was not a political matter.

Members were dissatisfied with the delay and that the report would be required to be considered on a confidential basis and a Member asserted that the Council should decide what was confidential. Members were advised that it would be unwise to let frustrations to lead to poor procedure. The Head of Paid Service acknowledged the Committee's dissatisfaction with the delay

and advised that he would write to KPMG to convey the Committee's dissatisfaction.

RESOLVED

That the verbal report be noted

Action by:

Meic Sullivan Gould (Interim Monitoring Officer, LPG)
Steve Halsey (Head of Paid Service)

7.2 Decent Homes Publicity Campaign 2013

The Service Head Communications introduced the update referring to the information provided in the report circulated in the supplementary agenda.

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

Concerning the origins of the publicity, the Committee was informed that the action originated with the former Assistant Chief Executive, Legal Services and had been executed by the former Director of Resources.

Concerning what work had been done to prepare the publicity for the decent homes campaign once it had been authorised, the Committee was informed that the project had been approved by the service and by the Council's Monitoring Officer at that time.

Concerning whether publicity, relating to the Executive Mayor, displayed on hoardings of construction schemes in the borough would be removed during the pre-election period, the Committee was informed that some publicity had been erected by other organisations and was therefore subject to other factors. The Monitoring Officer advised that the matter of publicity had been raised at an elections management meeting which also involved the Police and it had been recommended that Corporate Directors should be able to control publicity relating to Members. The Police, because of criminal damage issues and the additional work this would create, had asked for any existing publicity was not covered by blank sheets but suggested that the publicity boards surrounding construction sites were reversed or replaced during the election period. A Member noted that these hoardings might also be repainted for this time. A Member enquired whether all stationery headed "Mayor of Tower Hamlets" would be removed and was informed that all Council staff had been instructed that they may not use any publicity promoting a particular individual pre-election.

The Chair asked for confirmation that instructions and a timetable of materials to be obscured or removed would be sent to staff and was informed that this would be done by the 14th April, the date at which purdah ensued. Concerning whether the Council had resources in place to address this work, the Committee was informed that the costs had not yet been assessed however 'vinyl wraps' affixed to dustcarts could be removed easily.

Concerning to whom any infractions should be reported, the Committee was informed that an elections hotline had been established and the Monitoring Officer urged Members to use this provision as it not only provided monitoring data but also enabled any developing trends in inappropriate canvassing to be detected. The Chair requested that these details to be circulated to Members of the Committee.

Concerning whether any publicity material removed could be recycled the Committee was informed that the final wraps were not recyclable. It was noted that removal of publicity might generate substantial waste and it was suggested that OSC might wish to investigate recycling of all such publicity material and the cost implications of the removal of publicity for short periods.

RESOLVED

That the report be noted

Action by:

Antonella Burgio (Committee Officer, LPG)

7.3 Report of the Scrutiny Review of Accident and Emergency (A&E) Services in Tower Hamlets

The Vice-Chair presented the Scrutiny Review of A&E Services and highlighted the following findings:

- the service was used by young men and by mothers with young children in particular because of fast access to service
- there was little local recruitment into NHS services in the borough
- lessons from previous winter crises were not learned in planning for future NHS winter services

The report recommended:

- more research into the drivers of A&E user behaviours and a campaign to tackle these drivers
- that work needed to be done on how local people could be recruited at Bart's Health

The Chair thanked officers and Members involved in the review and suggested that Health Scrutiny Panel might also wish to investigate how GPs could better refer service users away from Barts and A&E.

RESOLVED

That the Scrutiny Review on the Accident and Emergency (A&E) Services agreed at the Health Scrutiny Panel meeting on the 11th March 2014 be approved by Overview and Scrutiny Committee and referred to Cabinet.

7.4 Resident Engagement in the Budget Process

Councillor Eaton noted that, historically, residents' responses to the budget setting consultation were poor. The review endeavoured to investigate this matter and explore how better participation could be achieved. She advised that the review was not able to arrive at any radical solutions but recommended that ongoing review of engagement be undertaken and the use of social media as a tool for engagement be explored. A Co-opted Member noted that the new Ward forums might provide a useful avenue for engagement and also enabled residents feel empowered.

The Chair thanked officers and Members for their work in undertaking the investigation

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.5 Tower Hamlets Council's Approach to Support Staff with Specific Learning Difficulties

Councillor Eaton noted that, in undertaking the review, officers had been keen to engage with this subject but had not had opportunity to do so in the past. She advised that the review arrived at a number of complex recommendations which would require further follow-up.

The Chair thanked officers and Members involved in the review. Noting the support recommended for vulnerable staff, he recommended the report for approval and hoped that the Executive would also support the recommendations made.

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.6 Youth Services Challenge Session

Councillor Helal Uddin introduced the report and highlighted the findings of the Challenge Session which were that:

- youth service provision was not consistent across the borough

- corporate endorsement of service provision was needed if the service was to meet the needs of the community.
- corporate endorsement was especially relevant if the service were to be outsourced
- the recommendations addressed the areas of need identified

The Chair thanked officers and Members involved in the review. He recommended the report for approval and that the Council work with RSLs to use their facilities to maximise opportunities for youth services

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.7 Housing Co-regulation- report of the Scrutiny Working Group Progress Report

On behalf of Members of the working group, the Service Manager, One Tower Hamlets, summarised the findings of the report and in particular noted:

- the establishment of an independent complaints panel
- the recommendation that this model be used by other RSL's in future.

The following suggestions were also made:

- that the Council established a benchmark for all registered providers to attain
- that Tower Hamlets should undertake to take a lead in achieving legislation for co-regulation
- that a clause be added that residents have to be satisfied before further funding can be released
- that a further update be reported so that implementation of the recommendations can be monitored and ensured

The Service Head, Strategy, Regeneration & Sustainability, Development and Renewal informed the Committee that since the review was completed the first cross-landlord report has been produced which also recommended that residents' scrutiny be taken forward.

RESOLVED

1. That the report findings be noted
2. That a further scrutiny update into housing co-regulation should form part of the work programme

7.8 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q3 2013/14 (Month 9)

The Service Head Corporate Strategy and Equalities presented the performance monitoring data for Quarter 3 noting that the areas of strong performance were employment, street cleansing and flyposting. Additionally there had been improvement in performance for post-16 education and overcrowded households.

The Chief Accountant advised that, at the end of December 2013, the Council was on track to remain within its projected spend and also referred to the tabled papers which provided information requested by the Chair. This information has been appended to the minutes.

A Member enquired whether the 71.37% collection target for Council Tax was for a full year or part-year. It was confirmed that this was the $\frac{3}{4}$ year of the full year target.

RESOLVED

- That the Quarter 3 2013/14 performance be noted
- That the Council's financial position as detailed in section 3 and appendices 1-3 of the report be noted
- That it be noted that Cabinet will approve capital estimates for ESCW as set out in Appendix 4a

7.9 Log of Actions Requested at Overview and Scrutiny Committee Meetings During the Municipal Year 2013-14 (3)

The Chair noted the third update report. Referring to the action requested in relation to Elections update 2014 report considered on 7th January 2014, the Chair requested an assurance be given by all political parties and that a joint message be conveyed by all parties on electoral probity during the pre-election period. He asked also that this message also be delivered via a live TV advertisement.

RESOLVED

That the update be noted

8. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

Nil items.

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

Nil items.

11. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

12. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items.

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

Nil items.

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

Nil items.

Closing Comments

In closing the meeting, the Chair thanked Elected Overview and Scrutiny Committee Members, Co-opted Members, all guests and officers for supporting the work of the Committee during the municipal year. The Chair noted that his intentions for the year had been to ensure that the Council had been held to account and to provide value to the borough's residents in pursuing accountability and transparency.

The meeting ended at 8.55 p.m.

Chair, Councillor Motin Uz-Zaman
Overview & Scrutiny Committee