

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

**HELD AT 7.20 P.M. ON TUESDAY, 30 SEPTEMBER 2014**

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

**Members Present:**

Councillor Joshua Peck (Chair)  
Councillor John Pierce (Vice-Chair)  
Councillor Asma Begum  
Councillor Denise Jones  
Councillor Abjol Miah  
Councillor Dave Chesterton

Councillor Julia Dockerill  
Councillor Suluk Ahmed  
Councillor Muhammad Ansar Mustaquim

**Co-opted Members Present:**

Nozrul Mustafa – (Parent Governor Representative)  
Rev James Olanipekun – (Parent Governor Representative)  
Dr Phillip Rice – (Church of England Representative)  
Victoria Ekubia – (Roman Catholic Church Representative)

**Other Councillors Present:**

Councillor Danny Hassell –  
Councillor Abdul Asad – (Cabinet Member for Adult Services)  
Councillor Aminur Khan – (Cabinet Member for Policy, Strategy and Performance)  
Councillor Gulam Robbani – (Cabinet Member for Children's Services)

**Guests Present:**

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**Officers Present:**

Mark Cairns – (Senior Strategy, Policy and Performance Officer)

|                         |  |
|-------------------------|--|
| Philip Devonald         | – Interim Deputy Head Legal Services, Law, Probity and Governance)             |
| Kevin Kewin             | – (Service Manager, Strategy & Performance, Chief Executive's)                 |
| Louise Russell          | – (Service Head Corporate Strategy and Equality, Law Probity & Governance)     |
| Kate Bingham            | – (Service Head, Resources, Education Social Care and Wellbeing)               |
| Anne Canning            | – (Service Head Learning and Achievement, Education Social Care and Wellbeing) |
| Chris Holme             | – (Acting Corporate Director - Resources)                                      |
| Robert McCulloch-Graham | – (Corporate Director, Education Social Care and Wellbeing)                    |
| Kevin Miles             | – (Chief Accountant, Resources)  |
| Rachael Sadegh          | – (DAAT Manager, Community Safety Service, Communities Localities & Culture)   |
| Angus Taylor            | – (Principal Committee Officer, Democratic Services, Law Probity & Governance) |
| Nadir Ahmed             | – (Business Support Manager, Development and Renewal)                          |

### **COUNCILLOR JOSHUA PECK (CHAIR) IN THE CHAIR**

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Mahbub Alam for whom Councillor Suluk Ahmed was deputising.
- Councillor Md Maium Miah for whom Councillor Ansar Mustaquim was deputising.
- Councillor Peter Golds for whom Councillor Julia Dockerill was deputising.
- Stephen Halsey (Head of Paid Service & Corporate Director Communities Localities & Culture).
- Andy Bamber (Service Head Safer Communities, CLC) for whom Rachel Sadegh DAAT Coordinator deputising.
- Bozena Allen (Service Head Adult Social Care, Education Social Care & Wellbeing).
- Cllr Alibor Choudhury (Cabinet Member for Resources).
- Cllr Ohid Ahmed (Cabinet Member for Community Safety).

**Noted.**

#### **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

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

### 3. UNRESTRICTED MINUTES

#### OSC Minutes 22nd July 2014

The Chair informed OSC members that the Service Head Democratic services had requested that a revised draft set of unrestricted minutes, pertaining to the OSC meeting held on 22<sup>nd</sup> July, be tabled, thereby replacing those published and contained in the agenda pack for OSC consideration as a correct record of the proceedings. The Chair commented that in this version there appeared to be substantial changes made after the draft minutes had been written. The Chair emphasised that it was not the role of Chief Officers to change the draft minutes, as this was a role for the OSC; and although points of accuracy should be raised for consideration this should not comprise a substantial re-write. Clarification was sought and given as to the Officer clearance process for draft minutes.

The Chair sought and was given clarification as to why no exempt/confidential minutes pertaining to the Section 2 part of the OSC meeting held on 22<sup>nd</sup> July had been submitted for OSC consideration. Councillor Jones commented that in her considerable experience minutes were always submitted to the next meeting, even if their content was minimal, and this should not be a matter for the judgement of the clerk.

The Chair **proposed** for the consideration of OSC members, and it was **agreed**, that a version of the draft set of unrestricted minutes pertaining to the OSC meeting held on 22<sup>nd</sup> July, containing the Chair's suggested amendments (indicated with track changes) to the draft minutes contained in the agenda pack, be **tabled** for OSC consideration [published on LBTH website as agenda supplement to 30 September OSC agenda]. The Chair subsequently informed OSC members of his rationale for each suggested amendment, and then **Moved** for OSC consideration, and it was:-

#### **Resolved**

That, subject to the amendments indicated in the tabled version of the unrestricted minutes pertaining to the OSC meeting held on 22<sup>nd</sup> July, the minutes of the ordinary meeting of the Overview and Scrutiny Committee held on 22<sup>nd</sup> July 2014, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

The Chair commented, in relation to the request of the Service Head Democratic services that a revised draft set of unrestricted minutes pertaining to the OSC meeting held on 22<sup>nd</sup> July be tabled, that it was unclear why a further draft set of minutes was required at this stage when the meeting had been held over two months previously and they had not been available for consideration at the last OSC meeting [02 September]. Louise Russell, Service Head Corporate Strategy and Equality, advised that Chief Officers

had expressed concern that the draft minutes contained in the agenda pack were inaccurate/ misleading and suggestions made to mitigate this had not been accommodated; there had also been version control issues. The Service Head Democratic services had undertaken to review the matter and provide/ table a definitive set of draft minutes. The Chair responded that he was displeased that it had taken two months to draft the minutes and then he was requested to table a further version. The Chair **Moved** and it was:-

**Resolved** (on a majority vote)

That the request of the Service Head Democratic services to table a revised draft set of unrestricted minutes, pertaining to the OSC meeting held on 22<sup>nd</sup> July, not be agreed. Accordingly the draft unrestricted minutes of the OSC meeting held on 22<sup>nd</sup> July contained in the agenda pack, as amended by motion of the Chair and OSC resolution [as set out in the above minute], comprise the approved version of the minutes to be signed by the Chair as a correct record of the proceedings.

#### **OSC Minutes 2<sup>nd</sup> September 2014**

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

**Resolved**

That, subject to the amendment at (a) below, the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee, held on 2<sup>nd</sup> September 2014, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

(a) Page 5 (Page 25 of agenda pack)/ 2<sup>nd</sup> paragraph/ penultimate bullet point:- addition of the following text at the sentence end:-

“Accordingly concern expressed, given the Cabinet Member for Resources’ stated purpose to protect local organisations, that only one of the relevant organisations, NAFAS, was a local organisation.

#### **Action by:**

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

#### **4. REQUESTS TO SUBMIT PETITIONS**

There were no petitions.

#### **5. UNRESTRICTED REPORTS 'CALLED IN'**

The clerk informed OSC members that:

- No unrestricted decisions of the Mayor in Cabinet on 3<sup>rd</sup> September 2014 had been “Called In”.
- No recent unrestricted decisions of the Mayor outside Cabinet, taken under executive powers, had been “Called In”.

## **VARIATION TO ORDER OF BUSINESS**

The Chair informed OSC members that he had been advised by the Clerk that the nomination of a Roman Catholic Church Representative to the co-opted membership of the OSC has recently been received. He considered it appropriate that the order of business be varied to enable the OSC to consider an urgent tabled report which recommended that the OSC agree the co-option at this point; this would allow the nominated representative, in relation to education matters considered by the OSC, to contribute to discussion on substantive agenda items, but particularly to participate and vote on the agenda item relating to the school curriculum. Accordingly the Chair **Moved** the following motion for the consideration of OSC members, and it was: -

### **Resolved**

That the Order of Business be varied to enable the OSC to consider next an urgent tabled report:- Agenda Item 10.1 “Co-option of Roman Catholic Church Representative to Overview and Scrutiny Committee”, which recommended that the OSC agree the co-option of a Roman Catholic Church Representative, and subsequently the OSC return to the order of business detailed in the agenda.

**Please note** that for ease of reference, OSC deliberations in respect of agenda item 10.1, and subsequent decisions taken, are set out below in the order detailed in the agenda.

## **6. SCRUTINY SPOTLIGHT - SOCIAL HOUSING PROVIDER**

The Chair informed OSC members that, following their agreement, on 02 September, that One Housing Group be formally requested to attend an OSC in the near future [to discuss serious concerns, held by Members across the borough, with housing management on estates in the borough managed by OHG], the Corporate Director Development & Renewal had been in dialogue with the CEO of OHG and OHG had agreed to attend a future OSC and officers were now liaising on a date that would be congruent with the OSC work programme.

## **7. UNRESTRICTED REPORTS FOR CONSIDERATION**

### **7.1 Readiness for new school curriculum - (the implications of the new school curriculum in Tower Hamlets) - To Follow**

Anne Canning (Service Head Learning & Achievement, ESCW) gave a detailed PowerPoint presentation (a copy of the slides for which would be interleaved with the minutes), to supplement the information contained in the report which informed OSC of the radical changes being implemented by the Government

to reform the education curriculum, especially at Key Stage 4 and post-16. The presentation focused on the following points:

- Rationale for curriculum changes and implications
  - Organisation of the curriculum and implications
  - Changes in assessment and implications
  - Changes in reporting and implications
  - Action being taken by the Authority to address the curriculum changes
- Councillor Gulam Robbani (Cabinet Member for Education & Children's Services) and Robert McCulloch-Graham (Corporate Director ESCW) were also in attendance for this item.

Points highlighted by Anne Canning included:-

- Reasons for change were driven by Government concerns about educational standards compared with other countries, and a need for better preparation of young people for university, training, apprenticeships and employment. Also by consideration that a more traditional curriculum would raise standards although there was no evidence base for this.
- Curriculum reform would be phased from 2013-2016 in primary (including Key Stage 1&2) 2014-2017 in secondary, and therefore some initial changes had already been implemented eg primary schools had already been teaching to new revised programmes of study from 2013.
- At Key Stage 1&2 there were content changes in the curriculum for English, mathematics, science and significant changes for ICT. In general the curriculum was more demanding and heightened focus on "Britishness". Changes to exam specifications and marking schemes followed from the curriculum changes, with corollary changes in reporting measures and league tables. The final plans for the new KS2 measure were due to be announced imminently but it was expected that it would include a scale from 70-130 with an average score of 100 for 11 year olds. There was an expectation that 85% of pupils achieve to be "secondary ready".
- The next transformational change to the curriculum was at Key Stage 4. Schools were being encouraged to offer students a suite of at least 8 subjects with significant corollary changes in reporting with "attainment and progress eight" to replace the current common measure of 5+A\*-C with English and Mathematics; attainment would be an average score for the 8 subjects. This would force schools to offer a more academic curriculum with a swathe of subjects no longer included in the pupil assessment process; and again there was heightened focus on "Britishness" eg specific standards such as English history. This and the heightened focus on factual learning and linear rather than modular assessment would make exams more challenging. Examination marking would change with A-E grades replaced by a numbering system 1-9, with 9 as the best grade. The bar was to be set at 5 which was slightly above the current C and there was merit in endeavouring to raise the bar. Religious education and sex education must still be provided.
- The steps planned to support students and teachers with the challenges of the new curriculum were outlined.

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

- Was the mean/ median score of 100 at KS2 fixed in relation to the cohort? *It was difficult to say if it would be a true median for the cohort or a romantic view of what an 11 year old should achieve. A definition was expected before the end of November 2014, a possible measure of progress would be the median for the previous year's cohort.*
- Would religious and sex education be statutory/ mandatory and in particular would there be provision for parental opt out, given concerns over public health implications? *There would still be a requirement to deliver sex education, however the content/ scope of this had been reduced so it was much less controversial. To date few parents had withdrawn pupils from sex education on a permanent basis once concerns had been addressed. Age appropriate sex education would continue to be provided and schools often engaged the work of the Parental Engagement Team for support if parents raised concerns with the school.*
- Clarification sought and given in relation to curriculum changes for special needs children and nursery/ pre-school. *There had always been a modified curriculum for special needs children and progress/ attainment reported in a different way, and bespoke reporting would continue. There had already been 2 years of curriculum change implementation for nursery/ pre-school, with a shift to significantly fewer areas of assessment.*
- Referencing the highlighted need for teacher training and retraining, how did the Authority intend to support children currently going through the process, who may have teachers that were less experienced with new teaching requirements? *It was expected that support would be needed for teachers who had limited experience in teaching methods associated with linear assessment and the content of the revised curriculum in some schools; the authority would identify specific support needs and address these.*
- Given the significant number of children in Tower Hamlets for whom English was a second language, how was the heightened focus on English and grammar to be addressed? *Spelling, Punctuation and Grammar had traditionally been an area of good performance in Tower Hamlets and this was reflected in formal reporting.*
- Arts subjects appeared to have secondary importance in the new curriculum, so what was the Authority's strategy to ensure a rounded education for young people? *The reduction to 8 subjects for assessment may prove advantageous for cohorts previously taking a larger number of GCSEs, and could benefit schools in maintaining the provision of a wider curriculum. The Arts were not such a priority in the new curriculum, however in Tower Hamlets additional activities had always been prioritised and local organisations heavily involved with delivery of these eg Thames Music. Good schools appreciated the importance of a wide curriculum which promoted the arts as a great driver of high attainment.*
- Was the curriculum for free schools and academies different? *These were not tied to teaching the national curriculum, but were tied to the same assessment system, and therefore to deliver good assessment outcomes*

*they needed to teach the national curriculum which the assessment was linked to.*

- Referencing para 4.28 of the report, clarification sought as to requirements in the new curriculum relating to religious education and provision for obtaining a recognised qualification therein. *RE must be offered as a curriculum subject with associated provision for examination/qualification, It was not compulsory for all pupils to sit a formal assessment in the subject. However, in Tower Hamlets RE was very popular and likely to remain so not least because the subject considers some very important 'issues' and those big questions about belief and the meaning of life.*
- What monitoring arrangements were in place to ensure that assessment methodology was consistent across all LBTH schools? *Progress would continue to be monitored at set points KS2 & 4 with externally assessed tests. The authority was endeavouring to ensure a similar approach across schools, with schools receptive to advice/ guidance; however it was being led by schools themselves which had formed a cross school working party on this, and Officers were confident the schools would deliver.*
- Given the expectations of year 3 pupils at KS1 &2 in respect of assessment against the new curriculum, what resources were being earmarked by the authority to support this, and were robust arrangements in place to deliver next year 2015/16. *The Authority and schools were aware of the impact of curriculum reform for 2015/16 and particularly mindful of the raised bar and associated expectations. It was working hard to prepare and support teachers with the transition.*

The Chair thanked Councillor Gulam Robbani for attending the OSC and **Moved** and it was:-

### **Resolved**

1. That the contents of the report and presentation be noted; and
2. That Members comments be noted.

### **Action by:**

Robert McCulloch-Graham (Corporate Director ESCW)

Anne Canning (Service Head Learning & Achievement ESCW)

## **7.2 Substance Misuse Strategy**

Rachael Sadegh, (DAAT Manager, Community Safety Service, CLC) introduced, and highlighted key points, in the report which informed OSC that:-

- Full Council had adopted a local Substance Misuse Strategy (SMS) for 2012-15 with 3 core work streams or 'pillars':- prevention and behaviour change, treatment, enforcement and regulation. This was due to expire in April 2015.



- There were statutory obligations upon the Authority, under the Crime and Disorder Act 1998, to formulate and implement strategies in conjunction with other specified responsible authorities for combating the misuse of drugs, alcohol and other substances; and the SMS was a contributory element of the Crime and Disorder Reduction Strategy for Tower Hamlets. The SMS was also closely linked to the Community Safety Plan (CSP) and the Health & Wellbeing Strategy (HWS), both of which expired in March 2016.
- The DAAT Board and the Community Safety Partnership had endorsed a proposal to extend the current SMS by a year to align with both:-
  - The major re-procurement of drug / alcohol treatment services, currently underway, the outcome of which would drive changes to the way in which related services are delivered. Thereby avoiding the premature adoption of a revised strategy that would immediately have to be revisited.
  - The CSP and HWS to facilitate a more comprehensive and co-ordinated response to substance misuse.
- The extension to the SMS had been considered and agreed by the Mayor in Cabinet on 3<sup>rd</sup> September, and was now before the OSC for comment before it was considered by full Council in November.

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

- Why was the SMS now before the OSC for comment, when it had already been considered by the Mayor in Cabinet and an onward recommendation to full Council made? *The SMS was a mandatory strategy that required presentation to OSC for comment before adoption by full Council.*
- Perplexity expressed regarding the major re-procurement of drug/ alcohol treatment services in advance of the formulation of a new SMS. Surely the services to be delivered should follow on from the strategy after its identification of strategic needs?. *There was already a commitment to re-procuring treatment system within the adopted 2012-15 SMS and this process began in January 2014, less than two years into the current strategy.*
- Concern expressed that the development of a new SMS 4 years after the existing SMS had been adopted, was likely to lead to different procurement needs to those identified by the current strategy. There might be a case for shifting resources from treatment to prevention which might render the current re-procurement not fit for purpose. *Stakeholders were already involved in the re-procurement and there was a responsibility to deliver on the SMS adopted by full Council in 2012. The shift of resources was a theoretical possibility however there was no sense that would happen given the stakeholders involved in re-procurement would be those engaged in development of a new strategy. Re-procurement was in line with practice across London and Public Health England was content that it would deliver the required public health outcomes.*

- Clarification sought and given as to performance targets and performance monitoring arrangements associated with the SMS. Were it to be extended which areas of concern regarding service delivery would need monitored? *In terms of the prevention and behaviour change pillar, there was a comprehensive communications and education plan as previously, but resources should be invested in evidence based interventions In terms of the treatment pillar there was some evidence that outcomes were not being delivered and that would be addressed through the re-procurement. In terms of enforcement there had been a significant reduction in re-offending and this focus would continue.*
- Could suppliers failing in service delivery outcomes be excluded from the re-procurement? *This was not legally possible.*
- During the election campaign constituents had made it clear there was a serious problem with substance misuse by young people in stairwells and internal communal areas, particularly in social housing blocks. Which part of the SMS addressed the engagement with RSLs and relevant parts of the Community Partnership to ensure RSLs maintained working door entry and CCTV systems to mitigate this problem? *The Authority engaged with RSLs at the Anti-Social Behaviour forum, and THEOs engaged with RSLs in combatting ASB at fortnightly tasking meetings. It would also be addressed in the 2015/16 Action Plan.*
- Clarification sought and given as to substance misuse prevention policies in secondary schools. Also whether enforcement activities still focused on middle tier drug dealers. *Prevention in schools fell under the ESCW directorate whereas the Drug and Alcohol Action Team was limited to adults; however input from young people had informed the SMS. It was intended that the successful "Dealer a Day" initiative would continue. Mr McCulloch Graham (Corporate Director ESCW) advised that all secondary schools will have drug education and prevention policies and social health education. Significant funding had been set aside to work with parents and pick up cases. **It was requested that information be circulated to the OSC on schools with drug education and prevention policies and those that were implementing them.***
- Clarification sought and given as to whether drug education and prevention policies and social health education was to extend to primary schools. Also what work was being done to engage with the community, schools and police in areas where schools were located? Was there joined up partnership working, and were schools aware of who to contact if substance misuse was occurring on land where ownership was not clear eg railway land? This was important as the problem of substance misuse was itinerant when tackled. *ESCW straddled adult and children's services and it engaged with many partners. The Children's Trust in particular brought together such partner agencies to ensure joined up working. There were gaps in the structure but it was hoped the restructuring of ESCW would address this by bringing in more services. The Troubled Family initiative would handle cases of young people with difficulties and drug use was one referral route to it. The DAAT Board also brought together partners as did the Community Safety Partnership.*

- Clarification sought and given as to whether the Action Plan linked to the SMS addressed alcohol abuse which caused ASB. Street drinkers were a low level but high impact issue and constituents felt not enough was being done to tackle this. The borough-wide *Drinking Control Zone was in place and the THEOs implemented enforcement of the CDZ. DAAT Officers worked closely with hostels where many street drinkers resided and new contracts for such hostels contained PIs for this. Community Alcohol Teams were based in the hostels. An alcohol awareness week was due in November. Those who abused alcohol had not been a target group in the past but now an integrated service addressed this as often drug use ran in tandem with that of alcohol.*
- Was the current services for drug and alcohol abuse integrated with mental health services, as it was understood that mental health problems were exacerbated by drug and alcohol use, and responsibility for dealing with the resulting problems often passed on to a different service? *Resources were currently allocated to a dual diagnosis service (co-existing mental health and addiction issues) and this was currently delivered by East London Foundation Trust. The current system was not working well and therefore would be included in the new treatment service specification which would have low thresholds to access this service.*

The Chair thanked Rachael Sadegh for presenting the report; **Moved** and it was:-

### **Resolved**

1. That the contents of the report, and proposed extension of the current Substance Misuse Strategy by one year to the end of March 2016, be noted; and
2. That the advice/comments of the OSC, set out below, in respect of the proposed extension of the current Substance Misuse Strategy, which forms part of the Council's Policy Framework, be presented to the Mayor in Cabinet on 5 November 2014 to inform the existing referral of the matter to 26 November 2014 full Council [Mayor in Cabinet 03 September]

That the Substance Misuse Strategy and associated action plan be made more robust by encompassing (a) to (c) below:-

- a) Further work with Registered Social Landlords to improve security for the social housing they manage, and ensure related targets and associated monitoring arrangements are in place.
- b) Ensure both secondary and primary schools have substance misuse and prevention policies and that these are implemented.
- c) Further work to mitigate street drinking and related anti-social behaviour in the borough.

### **Action by:**

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

Andy Bamber (Service Head Safer Communities, CLC)  
Rachael Sadegh, (DAAT Manager, Community Safety Service, CLC)

### **7.3 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q1 2014/15 (Month 3) To Follow**

#### **Special Circumstances and Reasons for Urgency**

The Chair informed members of the Committee that the special circumstances and reasons for urgency associated with the proposals were detailed on the front page of the report and that the Constitution required that he agree these before OSC consideration of the report could take place. The Chair subsequently agreed the special circumstances and reasons for urgency as set out on the front page of the report and also set out below:

*“This document was not available for despatch with the main agenda and it cannot wait until the next meeting as Members have to consider and comment upon the information provided in the report prior to its consideration by Cabinet on the 1<sup>st</sup> October, 2014.”*

However the Chair sought and was given clarification as to why the report had not met the statutory publication deadlines, and therefore required reasons for urgency. The Chair subsequently noted that this was a quarterly report submitted to both OSC and Cabinet, there was a process for delivering it in a timely way, and the OSC expected publication to meet the statutory deadlines for OSC next quarter.

Chris Holme (Acting Corporate Director Resources) introduced, and highlighted key points, in the monitoring report which detailed the financial outturn position of the Council at the end of Quarter 1 2014/15 compared to budget, and service performance against targets for all reportable strategic measures. Councillor Aminur Khan (Cabinet Member for Policy Strategy & Performance) and Councillor Abdul Asad (Cabinet Member for Health & Adult Services) together with Kevin Miles (Chief Accountant Corporate Finance), Robert McCulloch-Graham (Corporate Director ESCW), Kate Bingham (Service Head Resources ESCW), Louise Russell, Service Head Corporate Strategy and Equalities and Kevin Kewin (Service Manager Policy Strategy & Performance) were also in attendance for this item.

Points highlighted by Chris Holme included:-

- All directorates were forecasting a breakeven position to budget at Quarter 1 excepting ESCW where significant financial pressure had been identified relating principally to Adults Social Care packages, and an overspend of £2.1 million was currently forecast.
- The HRA was projecting a small overall underspend for 2014/15.
- There was a projected underspend for capital outturn, mostly relating to ESCW grant related slippage and this would be carried over into 2015/16.

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

- Referencing para 7.8 of the report concern was expressed that the performance against target for percentage of LPO7+LA Staff who have a disability had not been met; and clarification sought as to what mitigating action was being taken to meet it in future. *This was a very small cohort of staff and the dip in performance may be due to just 1 individual leaving the Council's employ.*
- Referencing Appendix 2 "Corporate Monthly Budget Monitoring"/ page 2 - Service Area C18 Communications and /page 21 - Vote H82 Holding Account & Support Services, concern expressed that there were very large variances against budget and no explanation given, whereas other small variances had explanations. **Requested that explanations be provided for all significant variances in future reports.** *C18 - Although significant in overall terms the variance to date was not the likely profile against 12 months expenditure. There was more income in Communications and the variance likely to be due to contracts. Overall projections in cost terms were in line with budget, however there had been a downturn for advertising revenue from East End Life in Quarter 1 due to market conditions. H82 This was a holding account for central support services to be allocated against the Dedicated School Grant at year end, an explanation would be included in the Quarter 2 monitoring report.*
- Concern expressed that there was a significant capital underspend against budget at this point in the year and slippage would carry forward to 2015/16. The lag in spending to budget meant benefits accruing late to residents of the borough and this had been a phenomena going back many years; why was the programme of spend not rolled forward so benefits accrued to residents? *Scheme slippage over a long period was inevitable, and although there was a case for over-programming so schemes could be brought forward to absorb budgeted spend, in a period of reducing resources a position could arise where there were insufficient resources to pay for schemes. There would be no over-programming going forward.*
- There may need to be a skill uplift for capital spending if, as advised, directorates continued to bid for resources in year 1 and then identified that they could not spend until year 2. Resources Officers were reliant on technical experts for an assessment of scheme spend. There was also a balance to be struck in terms of resources to be gained from treasury management and not holding large cash balances.
- Clarification sought as to:
  - Why capital schemes for Banglatown Art Trail and Arches and Bancroft Library Phase 2b been rescheduled for 2018. What was the arches scheme, which part of Brick Lane would it be on, where had the scheme come from, what was the scheme intended to achieve. Was there a paper/ report on it which would unlock the rationale? **CH undertook to respond in writing.**
  - Why capital schemes for Multi-Faith Burial Ground and Faith Buildings had been scheduled for spend in 2014/15 when nothing had been

heard of the former progressing and it was understood the latter was held up by legal challenge. **CH undertook to respond in writing.**

- Brick Lane Mural:- What was the mural, which part of Brick Lane would it be on, where had the scheme come from, what was the scheme intended to achieve. Was there a paper/ report on it which would unlock the rationale? **CH undertook to respond in writing.**
- Watney Market Idea Store was detailed as complete, yet there was currently scaffolding outside, had it been completed and now being revisited due to problems with the work? **CH undertook to respond in writing.**
- Consideration that some of the vote titles in the list of capital schemes were overly vague and global eg D&R “Council House-building Initiative” and a further breakdown would be helpful.
- Consideration that the current reporting did not enable the reader to identify what the overall Section 106 budget was, where S106 resources came from, which schemes generated the funding, how much was generated, and where it was allocated. **CH undertook to provide a briefing note to OSC members.**
- Concern expressed over the forecast overspend of £2.1 million in ESCW due principally to Adults Social Care packages and insufficient grants and reserves to fund the whole forecast amount, reported in juxtaposition with forecast unallocated DSG of £4.367 million. *The overspend relating to ASC packages was due to reduced funding from health with the formula based on a set number of cases with the authority now absorbing the remainder. Rising demand also required mitigating action. A financial recovery group had been established to examine the matter in depth and to engage with health partners to resolve it, and funding was being regained.*
- Was the problem caused by cost shunting by the NHS or growth pressures or increased medical need? *There had been a shift of responsibilities and budgets, but improved discipline in Adult Social Care and mitigating action was now bearing fruit, however it remained an area of concern. Negotiations with the Clinical Commissioning Group (CCG) were ongoing with a view to reaching an arrangement for community care and health care. A contract of £42 million for this was currently being negotiated with CCG and other partners including East London Mental Health Trust and Barts Health. Cost shunting was on the agenda at all meetings, with concerns relayed and a more robust approach in the last 6 months. There were growth issues due to demographic trends eg care package growth for those with mental health issues like demensure. Contracts were in place for adults with learning difficulties, but budget gaps needed mitigated by smarter contracting and better use of the community asset base of carers. The Care Act and the Better Care Fund had major implications and there remained significant funding unknowns; more information would be forthcoming as these changes approached.*
- What action was being taken to safeguard services to residents during the period whilst an arrangement was reached between LBTH and partners on responsibilities and budgets? *Adult Social Care and ESCW had a responsibility to ensure that no residents were failed, and none had been. However the budget needed managed and preventative work needed*

*undertaken with ASC and specialist services addressing issues at an earlier point.*

- Were mechanisms in place to chase the resources due to LBTH and to secure external funding? There were a number of areas in the partnership where it had been successful in securing funding eg CCG fund to prevent bed blocking in hospitals. Also through re-ablement packages, with LBTH being robust where health partners withholding funding for this.
- Given the range of factors causing budget problems eg savings expectations not proving possible and a need for reconfiguring ESCW was the Mayor's budget the right one? *The Budget was right for ESCW and budgetary pressures would be managed and in balance by year end, even if ASC issues needed covered by budget transfers from other areas in the directorate.*
- To what extent were costs being controlled, did care packages need reduced, were they tight enough? What was the tipping point and safety valve? *Re-ablement was a good example of how care could be provided in a home environment with a cost saving for the authority. There was a need for realism in the outcomes sought for individuals a care package to cover all eventualities may not be appropriate. The Community was an asset that needed to be harnessed much more.*
- LBTH was in a different position to all other local authorities in the country, was it a net importer of those with high social care needs? *There was a widely held perception that because LBTH did not charge for homecare this created increased demand with people moving into the borough to receive care. There was currently no evidence base to support the perception or refute it, it was anecdotal.*
- Given the frequent assertion that budgets were under extreme pressure it was puzzling that the only evidence of pressure was a single overspend; Were sufficient budget savings being required? *Directorates had a history of containing spend within budget and the Acting Corporate Director Resources was confident they would deliver this in 2014/15. If this was not possible for the £2.1 million ESCW overspend relating to ASC packages, it should be offset by underspends in other directorates, but there were sufficient contingencies to mitigate it if necessary and risk had been factored into the Medium Term Financial Plan. The implications of the Care Act were a much more significant risk going forward.*

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

### **Resolved**

1. That Quarter 1 financial performance compared to budget for 2014/15, as detailed in Sections 3 to 7 and Appendices 1 to 4 of the report, be noted; and
2. That Quarter 1 performance for 2014/15 strategic measures, as detailed in Appendix 5 to the report, be noted.

### **Action by:**

Chris Holme, Acting Corporate Director Resources

Louise Russell, Service Head Corporate Strategy and Equalities

#### 7.4 Overview and Scrutiny Committee Outline Work Programme 2014/15

Mark Cairns (Senior Strategy Policy and Performance Officer) introduced and summarised key points in the report, which provided the OSC with progress to date in developing the 2014/15 OSC work programme. Mr Cairns highlighted that the work programme was by its nature an evolving document. He also highlighted changes to the work programme since the report had been published in the agenda.

The Chair commented with regard to an OSC report back to full Council on the "Investigation into the sale of Old Poplar Town Hall" that he considered it appropriate to settle on a draft at an informal OSC meeting, where all those attending would be given an opportunity to contribute to a draft upon which the majority of the OSC were agreed, with this draft subsequently presented to the next formal OSC meeting for consideration and agreement. Legal Services had indicated this was a legitimate approach for formulation of the OSC's draft report, providing the OSC formally agreed a final report for onward recommendation to full Council. The clerk would be in touch with OSC members with regard to arrangements for the informal meeting.

The Chair also sought clarification as to the current position regarding the formal request by the OSC at their last meeting, that an independent external legal adviser, to examine the disposal of Old Poplar Town Hall, be obtained within two weeks. *Louise Russell (Service Head Corporate Strategy & Equality) relayed her understanding, which had yet to be confirmed because the Interim Monitoring Officer (IMO) was on leave, that the IMO had provided the Chair with suggestions as to people who might provide such legal advice and had expected a response as to which to pursue to obtain it.* The Chair commented that that was not his understanding but he would check his email to see if he had missed anything and would **feedback at the next OSC meeting.**

The Chair then **Moved** the recommendations, as contained in the report, and it was:-

#### **Resolved**

That the programme of reviews, challenge sessions and agenda items, set out in the 2014/15 Overview and Scrutiny Work Programme, be approved.

#### **Action by:**

Mark Cairns (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, LPG).

#### 8. VERBAL UPDATES FROM SCRUTINY LEADS

*Scrutiny Lead for Development and Renewal - Councillor Dave Chesterton*



- Challenge Session report “Member involvement in Section 106 decisions and the quality of Section 106 funded social housing” was on track to report to OSC in January 2014 with the brief almost finalised and evidence gathering in November.

*Scrutiny Lead for Adult Health and Well-being* - Councillor Asma Begum Paper **tabled**, a copy of which would be interleaved with the minutes:-

- Outlining progress with the scrutiny review topic “Reviewing self-management programmes for patients with long term conditions” agreed by the Health Scrutiny Panel (HSP).
- Outlining progress with scrutiny challenge sessions agreed by the HSP:-
  - “Barts Health: Transforming services, changing lives and its implications for Tower Hamlets residents”
  - “Role of housing providers in improving the health of our residents”

Louise Russell (Service Head Corporate Strategy and Equality) informed OSC members that an article in the Members Bulletin would be inviting councillors get involved with the OSC reviews and challenge sessions..

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

### **Resolved**

That the verbal updates be noted.

### **Action by:**

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

Mark Cairns (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, LPG).

## **9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS**

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

### **Resolved**

That the following Section 1 (unrestricted) pre-decision questions be submitted to the Mayor in Cabinet on 01 October 2014 for consideration:

#### **8.1 Safeguarding Children’s Board Annual Report**

Referencing the London Borough of Tower Hamlets Safeguarding Children Board (LSCB) Annual Report 2013/14 appended to the Cabinet report, and in particular the information contained therein relating to the Serious Case Review (SCR) into the death of Child F concluded by the LSCB during 2013/14:-

- 1) What was the learning for the Council arising from the SCR?

- 2) Why did the Council not alert LBTH Councillors regarding the death of a child in the Council's care given that collectively they have a corporate parenting responsibility.
- 3) The Corporate Parenting Steering Group has a formal Corporate Parenting role in LBTH, why had it not been alerted to the SCR on Child F?
- 4) Why had the Overview report and action plans arising from the SCR been published in an obscure part of the LSCB website and not properly press released?
- 5) Given that the learning from the SCR and associated report had implications for those organisations working with young people, who have mental health problems and are in institutions, sharing the learning would have been helpful for many other organisations across the country and is the whole point of SCRs, so why was the SCR report buried and not properly publicised so that it could be learned from?
- 6) Will the Corporate Director now write to all members of the Council, in their Corporate Parenting role, setting out the learnings from the case and how the Council has taken action to ensure no other child in the Council's care will be failed in the same way that Child F was?

**Action by:**

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

Mark Cairns (Senior Strategy Policy & Performance Officer, Corporate Strategy & Equality Service, LPG).

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

**10.1 Co-option of Roman Catholic Church Representative to Overview and Scrutiny Committee**

Please note that the order of business was varied by resolution of the OSC earlier in the proceedings to allow this item of business to be considered after agenda item 5. However for ease of reference, OSC deliberations in respect of agenda item 10.1, and subsequent decisions taken, are set out below in the order detailed in the agenda.

Report **Tabled**, a copy of which would be interleaved with the minutes.

**Special Circumstances and Reasons for Urgency**

The Chair informed OSC members that the special circumstances and reasons for urgency associated with the proposals were detailed on the front page of the report and that the Authority's constitution required that he agree these before OSC consideration of the report could take place. The Chair subsequently agreed the special circumstances and reasons for urgency as set out on the front page of the report and also set out below:

- “The nomination of a Roman Catholic Church Representative to the membership of the OSC was received after the agenda for the 30 September OSC meeting was finalised for publication, and a report just drafted to comply with good practice in committee administration.
- The agreement of this co-option will provide for fuller representation from faith communities in Tower Hamlets in respect of education matters considered by the OSC and ensure the OSC and LBTH meet their statutory and constitutional obligations as far as is possible.
- The co-option will enable this nominated representative, in relation to education matters considered by the OSC, to take part and vote during the meeting, the agenda for which includes an item relating to the school curriculum.”

Angus Taylor, Principal Committee Officer, introduced and summarised key points in the report, which:-

- Informed the OSC of the nomination to its membership of a Roman Catholic Church Representative.
- Requested the OSC to agree the co-option of the nominated representative in respect of education matters in accordance with statutory requirements and the Council’s Constitution (as amended).

The Chair **Moved** the recommendations, as contained in the report, and it was:-

### **Resolved**

That the co-option to the membership of the OSC of a Roman Catholic Church representative in respect of education matters, as set out at paragraphs 3.1 to 3.7 of the report, be agreed.

### **Action by:**

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

At this juncture the Chair welcomed Victoria Ekubia, the newly co-opted Roman Catholic Diocese representative.

## **11. EXCLUSION OF THE PRESS AND PUBLIC**

The agenda circulated contained no exempt/ confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

### **SUMMARY OF EXEMPT PROCEEDINGS**

## **12. EXEMPT/ CONFIDENTIAL MINUTES**

Nil items

**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 9.10 p.m.

Chair, Councillor Joshua Peck  
Overview & Scrutiny Committee