

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

**HELD AT 7.15 P.M. ON TUESDAY, 4 NOVEMBER 2014**

**COMMITTEE ROOM ONE - THALL**

**Members Present:**

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

**Co-opted Members Present:**

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

**Other Councillors Present:**

Councillor Ohid Ahmed	(Cabinet Member for Community Safety)
Councillor Aminur Khan	(Cabinet Member for Policy, Strategy and Performance)

**Officers Present:**

Andy Bamber	(Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture)
Anne Canning	(Service Head Learning and Achievement, Education Social Care and Wellbeing)
Mark Cairns	(Senior Strategy Policy & Performance Officer)
Ruth Dowden	(Complaints Manager, Legal Services, Chief Executive's)
David Galpin	(Service Head, Legal Services, Law Probity & Governance)
Kevin Kewin	(Service Manager - Strategy Policy and Performance)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Andy Scott	(Interim Service Head Economic Development, Development and Renewal)
Angus Taylor	(Principal Committee Officer, Democratic Services, Law Probity & Governance)

David Knight

(Senior Democratic Services Officer)

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

- Councillor Alibor Choudhury (Cabinet Member for Resources);
- Councillor Gulam Robbani (Cabinet Member for Education & Children's Services);
- Councillor Muhammad Ansar Mustaqim; and
- Mick Sweeney (Group Chief Executive One Housing Group).

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of pecuniary interest were received.

## 3. UNRESTRICTED MINUTES

The unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 30<sup>th</sup> September, 2014 were approved as a correct record of the proceedings.

## VARIATION TO ORDER OF BUSINESS

It was:-

### Resolved

That the Order of Business be varied to enable the OSC to consider next consider agenda **item 7.1** Co-options to Overview and Scrutiny Committee and membership. Thereafter agenda **item 7.2** Covert Investigation under the Regulation of Investigatory Powers Act 2000 ("RIPA") and then agenda **item 4** Petitions. Subsequently to return to the order of business detailed in the agenda.

**Please note** that for ease of reference, OSC deliberations in respect of agenda items 7.1; 7.2 and 4 and subsequent decisions taken, are set out below in the order detailed in the agenda.

## 4. REQUESTS TO SUBMIT PETITIONS

The Chair advised OSC that a petition had been submitted to the Service Head of Democratic Services against proposed closure of all public nurseries in the Borough. It did not meet the criteria as set out in the constitution for the receipt of a petition at OSC (it does not relate to an agenda item and the number of signatories who as live work study in the borough has yet to be fully verified). However, the Chair indicated that he was minded to allow the petitioners to address the Committee and present their petition given the

importance of the petition's subject to local residents and the current public consultation exercise on Budget savings proposed for consideration by the Mayor in Cabinet in December.

It was:

**Resolved**

To suspend Council Procedure Sub Rule 19.4 "Scope of petition, under the provisions of Council Procedure rule 26.1 "Suspension" in order for the Committee to receive the petition.

OSC received and noted a petition presented by Alicja Toij and Dionne Kayley with regard to Public Nursery Provision in Tower Hamlets the main points of the petition are set out as follows:

The petition called on Tower Hamlets Council and Department for Communities and Local Government to reverse proposed cuts and review the proposal regarding the closure of all public nurseries Queen Mary, John Smith, Mary Sambrook, Overland and instead offer fair and robust consultation with public, parents, staff, and Trade Unions to work on a way forward, which will allow the continuation of such a valuable service. Involve parents groups i.e. system such as schools governing body, parents involvement to be introduced to assist the Council in efficient running of the service, public voice, quality assurance.

These nurseries are outstanding and part of the community history and cohesion. Some have been running for over 30 years, with dedicated well trained staff teams. All 4 remaining have provided affordable childcare to children with different type of needs i.e. special educational needs, disabled children, lone parents, students, residents that may require support. Closures will affect parents' ability to work, study. Disruptions will affect the children's wellbeing. Currently the petitioners understood that over 120 children that are affected by this proposal.

These nurseries offer children quality care and are alternative to often overpriced private sector nurseries. Poverty of families in Tower Hamlets is increasing, so is the younger population of children under 10, therefore as parents and residents of the Borough we call for the Council to withdraw the closure proposals and instead engage with public, parents on how to support the outstanding nurseries to continue their work within the local community. These nurseries provide a real value to community i.e. cost wise and quality, as they have highly skilled staff working with the children.

In addition, the Committee noted that a sample of 30 signatures had been received with the petition and that the petitioners indicated that to date they have collected 1109 signatures.

As a result of discussions on the petition the Committee agreed that they would wish to receive a written response from officers on whether any action

has been taken to close access to nurseries ahead of the actual decision. Together with a written commitment from the Cabinet Member and Lead Officers that they will take no further action until a formal decision has been taken as part of the budgetary process. Finally, the Committee also wanted to receive a written explanation with regards to:

- a) The closure of both George Green and Ocean Nurseries;
- b) The lack of notice given regarding these closures; and
- c) What happened to the staff at the two nurseries?

### **Resolved**

- i. To ask for a written response from officers on whether any action has been taken to close access to nurseries ahead of the actual decision.
- ii. To ask for a written commitment from the Cabinet Member and Lead Officers that they will take no further action until a formal decision has been taken as part of the budgetary process.
- iii. To ask for a written explanation with regards to:
  - a) The closure of both George Green and Ocean Nurseries;
  - b) The lack of notice given regarding these closures; and
  - c) What happened to the staff at the two nurseries?

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

The clerk informed Committee members that:

1. No unrestricted decisions of the Mayor in Cabinet on 1<sup>st</sup> October, 2014 had been "Called In"; and
2. No recent unrestricted decisions of the Mayor outside Cabinet, taken under executive powers, had been "Called In".

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

The Committee noted that on 2<sup>nd</sup> September, 2014 they had agreed 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. In addition, the Corporate Director Development and Renewal had been in dialogue with Mick Sweeney the CEO of OHG and he had agreed to attend a future OSC and officers were liaising on a date that would be congruent with the OSC work programme

Unfortunately it was noted that One Housing Group had declined this invitation to attend this evening, however they had asked for the date of the Committee's next meeting in December so that they can programme their attendance.

### **Resolved**

**The Committee** requests:

- A. The Corporate Director Development & Renewal and Service Head Corporate Strategy and Equality to continue their efforts to engage OHG in this important partnership working.
- B. The Service Head Corporate Strategy and Equality to extend an invitation to the following Housing Providers to January and February meetings of this Committee:
  - i. Old Ford and Circle Anglia (the local provider and their Group owner) January, 2015; and
  - ii. Tower Hamlets Homes February, 2015.

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

### **7.1 Co-options to Overview and Scrutiny Committee and membership update**

The Committee received and noted a report that provided an update on the current position in relation to the co-option of Parent Governor and Muslim Community representatives in respect of education matters.

As a result of consideration of the report the Committee:

1. **Noted** the current position in relation to the co-option of representatives in respect of education matters, as set out at paragraphs 3.1 to 3.4 of the report;
2. **Agreed** to the extension of the co-option of Parent Governor representatives, co-opted to the membership of the Committee at the start of the Municipal Year, until new nominations are approved by full Council, as set out at paragraph 3.4.4 of the report; and
3. **Noted** the current membership of the Committee as set out in Appendix 2 of the report.

### **7.2 Covert investigation under the Regulation of Investigatory Powers Act 2000**

Councillor Ohid Ahmed (Cabinet Member for Community Safety) introduced and highlighted the key points in the report.

The main points of the discussion on this report may be summarised as follows. The Committee:

- Expressed satisfaction with the use of RIPA but would wish to see its wider use in the Borough to tackle Anti-Social Behaviour. The

Committee noted that the use of RIPA by the Council and the Police would be dependent on whether it was considered to be the most appropriate measure to address a particular situation.

- Asked if RIPA is used to address drug related crime, they were informed that RIPA is primarily a statutory function of last resort as directed surveillance. This is why the Council have employed other resources such as paying for additional Police Officers and deployment of Tower Hamlets Enforcement Officers.
- Noted the observations made by the Council's Standards Committee when it considered the Councils use of covert investigations.
- Noted that the Council cannot undertake surveillance without a court authority.
- Noted that RIPA has been utilized on a case by case basis in the Borough and has particularly been used to address such crimes as breach of licences, and. touting and underage sales.
- In relation to the other priority areas in the policy the Committee was informed that their inclusion was to enable rather than require action. The Committee was reminded that RIPA is not always the most appropriate method to address such crimes. The Council and its partner agencies do utilise a range of tried and tested methods which require very careful consideration of the level of intervention that is actually required together with the need to ensure that they satisfy the Courts and the Surveillance Commissioner that all the potential alternative methods have been duly considered and utilised.
- Asked if there was bench marking data available on the use of such methods by other local authorities. In response it was noted that when the Council reviewed the enforcement activity across Tower Hamlets in 2012 consideration had been given to the extent of enforcement and what had been the impact.
- Whilst noting this point felt that their experience as ward councillors and community representatives seemed to indicate that crimes such as ASB are not being properly addressed and action is required. In response it was noted that there has been considerable activity to address such crimes, although it is recognised that the prosecution or threat of prosecution does not always lead to a change in behaviour by the perpetrators of such crimes.
- Whilst acknowledging that RIPA is one of a number of enforcement measures to consider in response to certain criminal activity and needs to be considered within the broader context of enforcement, they wanted to know what was being done by the Housing Providers with the support of the Council and other Partner Agencies to address these crimes.
- Noted that notices under RIPA for the use of particular covert techniques can only be given once an order approving the authorisation or notice has been granted by a Justice of the Peace and where a local authority is investigating particular types of criminal offence.

The Chair thanked Councillor Ohid Ahmed for attending tonight's meeting and **Moved** and it was:-

### **Resolved**

1. To note apparent incongruity that there were only 3 reported applications for RIPA authorisation of covert surveillance investigation in 2013/14 given the priority areas set out in the report, given the awareness of the Committee Members of the level of such activities in the Borough and recommend that this inform any future review of the Enforcement Policy by the Executive; and
2. To express concern regarding the lack in take up of RIPA authorised surveillance by the Authority to address such priority areas as anti-social behaviour; fly-tipping; unlawful street vending of DVDs and tobacco; underage sales of knives, tobacco, alcohol and fireworks; fraud, including misuse of disabled parking badges and claims for; housing benefit; Illegal money-lending and related offending; breach of licences and touting to the benefit of the Borough's; and
3. Request that the Committee receive a brief report that would provide information/figures relating to surveillance without RIPA authorisation on both public land and Council land.

### **7.3 Complaints and Information Governance Annual Report**

Councillor Aminur Khan (Cabinet Member for Policy, Strategy and Performance) introduced and highlighted the key points in the report. The Committee:

- Asked if they could receive the information on those cases that go to the Housing Ombudsman and Residential Property Tribunal. Officers indicated that this information could be prepared and included in future reports.
- Asked if they could receive details on the number of reported missed waste collections including the properties involved. It was noted that some councillors had experienced difficulties in being able to follow up complaints for their constituents and felt that when a resident reports a missed bin then this should be logged as a complaint. This it was felt would then provide a clearer picture with regard to the actual volume of complaints. Officers stated that such information could be included in a future report.
- Asked how the Freedom of Information requests are answered and noted that the vast majority of these requests are dealt with by the service areas although they are logged and tracked by Legal Services and reviewed by a multi directorate board
- Commented that the figures for the percentages of FOI requests responded to in time was of concern, including with regard to Law and Probity who had achieved a 69% response rate which was the lowest in LBTH. In response officers stated that they recognised the need Council-wide to improve and the Chair asked for a written response as to how they were going to achieve that.

- Indicated that they would wish to see officers being more proactive when receiving calls from residents and to ask them when they had reported an incident (e.g. a missed household waste collection) if they wished their call to be logged as a complaint.
- Noted that in terms of bench marking LBTH was currently in the lowest third of authorities for the volume for Corporate and Social Care Complaints.

The Chair thanked Councillor Aminur Khan (Cabinet Member for Policy, Strategy and Performance) for attending tonight's meeting and it was:-

### **Resolved**

1. To agree that the Chair should receive a written response with regard to how the Council is addressing its current response rate for Freedom of Information requests.

## **7.4 Progress Report: Removing Barriers to Youth Employment**

The Committee received and noted a report presented by Anne Canning (Service Head Learning and Achievement, Education Social Care and Wellbeing) and Andy Scott (Interim Service Head Economic Development, Development and Renewal) that had been prepared following the consideration by the Committee of a scrutiny report entitled 'Removing barriers to youth employment' that had been taken to Overview and Scrutiny Committee in July 2013 and a six month update report on the progress of recommendations that had been received in March 2014 when a further report had then been requested on those recommendations which had not been fully implemented. The main points of the discussion following consideration of the report by the Committee are summarised as follows:

The Committee:

1. Noted that the Education Business Partnership currently facilitate on an ad hoc basis the engagement of employment professionals in removing barriers to youth employment. However, the Committee asked that consideration be given to formalising this current arrangement and promoting the services to maintained schools.
2. Noted that both free schools and academies within the Borough are able to buy into any trade service. In addition, there a programme is being developed so as to ensure that the Boroughs Looked after Children also benefit from this programme.
3. Noted that work is being undertaken to promote apprenticeships as a viable vocational based alternative to formal curriculum based courses. To this end work is being undertaken to ensure a good range of quality apprenticeships are available to those seeking vocational based courses.

### **Resolved**



1. The Overview and Scrutiny Committee noted the report's findings.

## **7.5 Reference from Council - Judicial Review on the Best Value Inspection**

The Committee noted that at its meeting on 10<sup>th</sup> September 2014, Council considered an urgent motion on the Council's decision to judicially review the Best Value Inspection. After debating the matter, Council had resolved to request that the Overview and Scrutiny Committee review the process whereby the decision to seek a Judicial Review was implemented and to present a report back to Council for consideration.

Council had also recommended that the Overview and Scrutiny Committee, in conjunction with the Head of Paid Service, engage a completely independent legal advisor to provide assistance to the Committee during the consideration of this matter. The main points of the discussion following consideration of the report by the Committee are summarised as follows:

The Committee:

Asked about the procuring of independent legal advice to assist them. Officers undertook to speak to the appropriate officer about the procurement of this assistance.

Agreed that OSC should consider the Executive response to the Best Value inspection once this had been produced and, in any event, should consider the findings with regard to the scrutiny specific elements of the report at its next meeting. The Chair also indicated that the Poplar Town Hall report should also be considered against the findings of this report.

### **Resolved**

1. The Overview and Scrutiny Committee note the referral request and asked that Officers speak to the appropriate officer about the procurement of this assistance.

## **8. VERBAL UPDATES FROM SCRUTINY LEADS**

The Committee received and noted the following brief verbal updates from the Scrutiny Leads:

Cllr John Pierce (Scrutiny Lead for Communities Localities & Culture)

The Scrutiny Review on Family Homes would take place on 17<sup>th</sup> November, 2014 at St. Paul's Church. It was noted that the invitation to this event included the Committee's Co-opted Members

Cllr Abjol Miah (Scrutiny Lead for Resources)

The Review of Veolia Waste Management Contract would be taking place in January, 2015 and all Members of the Committee were encouraged to attend.

Cllr Dave Chesterton (Scrutiny Lead for Development and Renewal)

With regard to the Review of Section 106 potential witnesses had been identified and dates at the end of this month were currently under consideration.

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

The following pre-decision questions submitted to the Mayor in Cabinet [05 November, 2014].

### Agenda Item 6.1

Watts Grove – Selection of Preferred Bidder

**Question:** The Committee asked for a response on the implications of the Best Value Inspection for schemes such as Watts Grove.

**Summary of response at Cabinet:** The Best Value Inspection has no impact on the scheme as the Council is not disposing of the site.

### Agenda Item 6.2

New Homes Development Schemes at 4 New Sites

**Question:** The Committee asked that with regard to these 4 New Developments that a proposal be brought forward whereby local residents are given priority for these new homes. Then the properties that they have vacated are brought up to an agreed standard so that other borough residents may also benefit from these developments.

**Summary of response at Cabinet:** The Council had examined options for a local lettings plan but that there were restrictions on what you could do. The Council allocation policy did seek to prioritise those with the highest need but that where funding was provided by the GLA there may also be additional restrictions in those cases. It was also confirmed that the Council's policy was to bring vacated homes up to a Decent Homes Standard.

### Agenda Item 8.1

Extension of Substance Misuse Strategy

**Question:** The Committee indicated that they wished to receive assurances that those providers involved in the programme meet the requirements of the contract.

**Summary of response at Cabinet:** Officers thought that this referred to the Recommissioning Drug Services report that was also in progress at this time and they confirmed that they would consider this as part of the work on that report.

### **Agenda Item 10.1**

#### **Tower Hamlets Fairness Commission: One year on**

**Question:** As a result of discussions on the petition regarding the closure of Public Nursery's (Item 4 refers) the Committee agreed that this issue should be referred to the Fairness Commission.

**Summary of Officer Response:** Officers requested more detail on what aspects of the Borough's nursery provision the Committee would like the report to cover.

### **Agenda Item 10.3**

#### **Establishment of a Joint Committee of the Six Growth Boroughs**

**Comment:** In Section 10.1 on the Inter Authority Agreement it states that the Chief Executives of the Six Boroughs' shall meet on a regular basis as the Chief Executives Board.

**Question:** The Committee indicated that it wanted to know if the Board accepts the Head of Paid Service in the absence of the Chief Executive.

**Officer response:** The Board terms of reference will accept the Head of Paid Service in the absence of a Chief Executive.

**Comment** In Section 5.6 of the covering report it states that the Joint Committee is subject to Overview & Scrutiny requirements under section 9(f) of the Local Government Act 2000 which provides that executive arrangements by a local authority must ensure their overview and scrutiny committee (or their overview and scrutiny committees between them) have power to scrutinise decisions made, or other actions taken, in connection with the discharge of any functions which are the responsibility of the executive.

**Question:** The Committee wanted to know how this takes place and what will be their role.

**Officer Response:** Each Borough's OSC would retain its role in scrutinising the work of the Joint Committee. The Joint Committee's Procedure Rules are attached for information but the OSC can scrutinise in the manner that they wish to.

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

Nil items.

**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.

**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 9.35 p.m.

Chair, Councillor Joshua Peck  
Overview & Scrutiny Committee