

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.15 P.M. ON TUESDAY, 6 JANUARY 2015

COMMITTEE ROOM ONE - TOWN HALL

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
Councillor Muhammad Ansar Mustaqim

Co-opted Members Present:

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

Other Councillors Present:

Councillor Rachael Saunders	(Representing the Call-In Councillors)
Councillor Abdul Asad	(Cabinet Member for Adult Services)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Aminur Khan	(Cabinet Member for Policy, Strategy and Performance)

Guests Present:

Dr Vanessa Apea	(Consultant Physician GUM/HIV, Barts Health NHS Trust)
Teresa Battison	(Network Manager, NELNET - London Sexual Health and HIV Clinical Network)
Mark Santos	(Director, Positive East)

Officers Present:

Ashraf Ali	(Network Operations Manager)
Dr Somen Banerjee	(Interim Director of Public Health, LBTH)
Mark Cairns	(Senior Strategy, Policy and Performance Officer)
David Galpin	(Service Head, Legal Services, Law Probity & Governance)

Chris Holme	(Acting Corporate Director - Resources)
Mark Hutton	(Development Design & Conservation)
Nishaat Ismail	(Committee Officer)
David Knight	(Senior Democratic Services Officer)
Chris Lovitt	(Associate Director of Public Health)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Brian Snary	(Financial Accountant – Resources)
Meic Sullivan-Gould	(Interim Monitoring Officer, Legal Services, LPG)
Owen Whalley	(Service Head Planning and Building Control, Development & Renewal)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from The Mayor Lutfur Rahman.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interest were received.

3. UNRESTRICTED MINUTES

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

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 2nd December, 2015 were approved subject to the following amendments.

6.1 Scrutiny Spotlight – The Mayor

Paragraph 1

Delete “Accordingly, the Chair noted the Mayor’s apology for absence and informed the Committee that it be noted that he was disappointed that the Mayor had not attended and he instructed officers to request the reason for The Mayor’s absence on this occasion.” and

Insert “Accordingly, the Committee expressed their disappointment that the Mayor had not attended and officers were instructed to request the reason for The Mayor’s absence on this occasion”.

7.1 Response to Reference from Council (Judicial Review on Best Value Inspection)

Paragraph 1; 5th Line: **Delete**: “As a result of discussions on this matter”.

Paragraph 3, 3rd Line: **Delete**: “be advised of” and **Insert** “receive all of”

7.3 Implementation of Electoral Commission Recommendations

Paragraph 2, 7th Bullet Point; 7th Line:

Delete: “A majority of Members of the Committee supported the use of ExCel although Councillors Mahbub Alam, Abjol Miah and Muhammad Ansar Mustaqim did not, as they considered the count should be held within Tower Hamlets.” and

Insert “As no suitable venue had been identified in the Borough a majority of Members of the Committee supported the use of ExCel although Councillors Mahbub Alam, Abjol Miah and Muhammad Ansar Mustaqim did not, as they considered the count should be held within Tower Hamlets.”

Paragraph 3, 1st Line:

Delete: “To note that report and that the points raised in tonight’s discussions be fed into the consultation process” and

Insert “To note the report and that the points raised in tonight’s discussions would be fed into the consultation process”.

In addition, to the amendments the Committee **noted** the following:

6.2 Social Housing Provider - One Housing Group (OHG)

The Committee was informed that since the last meeting the Chair had received a letter from Mick Sweeney, Group Chief Executive OHG regarding a number of points raised at the last meeting.

(i) Bulk Rubbish

Committee was reminded that Councillor Chesterton had circulated a photograph at the last meeting showing the storage area in Samuda, containing bulk rubbish, which the Committee noted had been taken no more than six weeks prior to the meeting. However, since the meeting OHG had disputed the actual date when this photograph had been taken. Councillor Chesterton emphasised that the photograph had been taken recently, and that the rubbish in the picture had been in this state at least until July 2014. Whilst the Committee noted the comments of OHG it was felt that it was not acceptable for residents to have to look such bulk rubbish being stored for any length of time.

(ii) Residents’ Complaints

At the last meeting Councillor Golds had indicated that he had not received a letter from OHG, inviting him to meet to discuss his files of residents’ complaints. Whilst the Committee noted that OHG stated that this letter had

now been sent by post and email Councillor Golds stated that he had not received that letter.

As a result of discussions on the above matters Councillor Peck agreed that he would write to Mick Sweeney outlining the Committees response.

Action by:

Councillor Joshua Peck (Chair)

4. REQUESTS TO SUBMIT PETITIONS

Nil items.

5. UNRESTRICTED REPORTS 'CALLED IN'

5.1 Medium Term Financial Plan Update 2015/18 (2015/16 Savings Proposals: Public Health - Reconfiguration of Sexual Health Services)

The Committee received and noted that the Medium Term Financial Plan report, including proposed financial savings for 2015/16 had been considered by the Mayor in Cabinet on 3rd December 2014 and had then "Called In" by Councillors Rachael Saunders, Shiria Khatun, Ayas Miah, Rachel Blake and Khales Uddin Ahmed. This was in accordance with the provisions of rule 16 of the Overview and Scrutiny Procedure Rules in Part 4 of the Council's Constitution.

The Call-in requisition signed by the five Councillors listed above gave the following reasons for the Call-in:

- The proposed cut of £800,000 from the budget threatens to have a severe impact on the service provided and, as such, further consultation is vitally important.
- This call-in will give the Mayor the opportunity to re-examine, consider and consult on the proposal to reconfigure sexual health services in the borough.

In addition to the business papers presented to the Overview and Scrutiny Committee, the Committee also considered:

1. The views and comments made by Councillor Rachael Saunders in presenting the call-in;
2. The information provided by Councillor Alibor Choudhury Cabinet Member for Resources and Councillor Abdul Asad Cabinet Member for Health and Adult Services;
3. The information provided by Robert McCulloch-Graham, Corporate Director Education, Social Care and Wellbeing, Dr Somen Banerjee, Interim Director Public Health and Chris Lovitt, Assistant Director Public Health.
4. A representation by Dr Vanessa Apea, Consultant Physician GUM/HIV, Barts Health NHS Trust; Teresa Battison (Network Manager, NELNET

- London sexual health and HIV clinical network); and Mark Santos, Director, Positive East regarding the Savings Proposals.

Councillor Rachael Saunders gave a presentation to the Committee outlining the reasons for the Call In and the concerns highlighted. Councillor Saunders then responded to questions from the Committee. Councillor Alibor Choudhury; Councillor Abdul Asad; Robert McCulloch-Graham; Dr Somen Banerjee and Chris Lovitt then responded to concerns raised. Their responses to questions raised are summarised below:

The Committee:

- Recognised the principle of reducing demand on acute services by better utilising primary care, but noted concerns from professionals about the feasibility of effecting behavioural change in the numbers of users necessary to achieve the savings, given the needs and preferences of these groups.
- Expressed concern at the consultation that had been undertaken with professionals, who were not aware of the extent of the savings proposed at the time.
- Noted that there had been an approximately 30% increase in cost and activity of acute GUM services paid for by GUM PBR tariff since transfer of commissioning responsibilities to the council in April 2013 (12/13) and projected cost for year end 14/15 - This however has not been reflected in a commensurate increase in the Public Health Grant from the Department of Health which creates ongoing and significant cost pressure on other areas of the public health grant due to this increase in activity and cost.
- Noted that savings are based on seeking to reduce the increasing demand on acute/specialist services through prevention and reconfiguration of those services within the community. It was noted that if the reconfiguration is successful then the savings for 2015/16 will be achieved. However, if the sexual health costs are not contained then it will mean that the balance of savings will have to be made up from elsewhere within the ESCW budget.
- Was informed that there has been an increase in activity in Primary Care during 2014/15 and the non-contract Public Health budget spend will be used so as to fund the preventative campaigns. The intended aim was to address behavioural change and to look at getting the most beneficial deal for LBTH from those providers. In addition, it was noted the TH Clinical Commissioning Group is working with providers to develop the primary care provision of sexual health services and to address associated costs.
- Noted that, whilst work is being undertaken to encourage patients to seek treatment within LBTH and to ensure that this treatment is provided in both a caring and sensitive fashion, consideration needs to be given to addressing any potential barriers to developing effective provision within the proposed time frame.
- Noted the view that the proposals will not be straight forward as they will require the use of a range of levers and an increase in activity, but

that the system as it is currently structured is not sustainable. Therefore, the investment in early intervention is expected to reduce demand on acute/specialist services. The rationale behind this decision, it was noted, is considered to be logical and has been judged by the council to carry with it an acceptable level of risk.

- Was advised that LBTH has already taken action to develop the capacity of Sexual Health Services to address the increase in demand. This has seen a shifting of activity to Primary Care and community services especially the screening of sexually transmitted infections (STIs), increasing uptake and access to contraception. In addition, it was noted that there has been a development of good relationship with those providers of acute/specialist care. However, it is recognised that there is a need to strengthen the dialogue with these providers around addressing the challenges currently faced.

When determining to refer the matter back for reconsideration, the Chair **Moved** and it was:-

RESOLVED to refer it back to the Mayor and request that he consider that:

1. Whilst the overall aim of the proposal was not unreasonable, it was unrealistic to achieve this level of saving within the timeframe set out in the report;
2. The total saving should be phased over two to three years,
3. This longer period should be used to better involve service providers in achieving the saving, and
4. There should be a review of the progress on the reconfiguration of the services in six months' time.

Action by:

David Knight – Senior Democratic Services Officer

6. SCRUTINY SPOTLIGHT

6.1 Spotlight: Mayor

The Committee noted that the Mayor has asked that OSC Members be informed that he will attend a future Overview and Scrutiny so that the session can concentrate on delivery of the Mayor's pledges and Council services going forward. Central to this is the Mayor's draft budget which will be formally proposed at Cabinet on 7th January, 2015.

As a result of discussions on this matter the Committee indicated that considers it important to both hold the Executive of the Council to account, and also to contribute to improving outcomes for residents. Accordingly, as the Mayor had not attended either tonight's meeting or the December meeting of this Committee the Chair **Moved** and it was:-

RESOLVED

To request that:

1. The Mayor attends the meeting of the Overview & Scrutiny Committee (OSC) for a Mayor's Spotlight session **3rd February, 2015**; and
2. Officers provide OSC with a briefing note on the process for requiring the Mayor to attend OSC so as to explain matters within his remit.

Action by:

David Knight – Senior Democratic Services Officer; and
David Galpin (Service Head, Legal Services, Law Probity & Governance)

7. UNRESTRICTED REPORTS FOR CONSIDERATION

7.1 Reference from Council - Judicial Review on the Best Value Inspection

The Committee considered a report that set out the information regarding the process whereby the decision had been taken to seek a Judicial Review of the Secretary of State for Communities and Local Government's appointment of Pricewaterhouse Coopers LLP (PwC) to undertake a best value inspection of certain council functions. The main points of the discussion may be summarised as follows:

The Committee received information from the Interim Monitoring Officer that:

- The Local Government Act 1999 had introduced a statutory duty on "Best Value Authorities" (like the Council) to make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness and to consult about those arrangements. Until 4th April 2014, the responsibility for undertaking and appointing inspectors as to the delivery of that duty was vested in the Audit Commission under the Local Government Act 1999. On that day, the Secretary of State took to himself the powers to appoint Inspectors to undertake Best Value Audits (The Local Audit and Accountability Act 2014 (Commencement No. 1) Order 2014 which brought into effect section 34 and Schedule 10 of the Local Audit and Accountability Act 2014 and amended the 1999 Act.). Therefore, the Secretary of State's decision to launch the PwC Audit was unprecedented. In addition, in the absence of clear reasons, it was difficult to address the proper scope of the inspection. This meant that officers did not know what was a legitimate information request and one that was outside the proper scope of the investigation. Which was an important concern, both having regard to the cost of the inspection and any potential criminal liability which might attach for non-compliance with a request.
- The Metropolitan Police Service had indicated that there was no credible evidence of criminality and therefore any references made by the DCLG regarding a future police investigation should be considered

as speculative. In addition, that consideration of criminality it was noted does not form part of the Best Value Duty.

- Following the announcement of the inspection by Secretary of State in April 2014, officers had sought to engage in a dialogue with the DCLG as to the specific issues that were of concern but to no avail. Thus, the view was reached that the only way to ensure that there was proper scrutiny of the Secretary of State's decision-making and to limit the Council's liability for the then unquantified costs of the inspection was to seek permission for a Judicial Review of that decision. Counsel had been engaged to provide advice on the approach of the Council to the decision. Jonathan Swift QC had been selected as he had great experience (as Senior Treasury Counsel) of advising Government Ministers and Departments on Judicial Review matters.
- Judicial Review Proceedings had to be commenced within three months of the decision having been challenged. It was considered that during the Pre-Election Period there should be no decision as to what action should be taken but to allow any new Administration to have the opportunity to review the position before litigation was commenced. At a Conference with Counsel on 23rd June, having received advice from Counsel that the authority had a 60% chance of success in seeking Judicial Review, the Mayor approved the commencement of the proceedings. The Committee noted that Counsel's assessment was maintained throughout the process.
- On 26th June 2014 the action had been commissioned by the Interim Monitoring Officer and had been undertaken in accordance with the Council's agreed scheme of delegation. The Interim Monitoring Officer stated that the reason for doing so was that the deadline for bringing proceedings was too close to allow for either an Individual Mayoral Decision or at a meeting of the Cabinet, either of which would require the development of a report. The renewal of the application was undertaken by the Service Head, Legal Services on 5th September 2014 following consultation with the Mayor and Head of Paid Service and endorsed at Conference with Counsel on 11th September 2014.
- The costs for the Judicial Review had been estimated at £40,000 while the potential liability of the best value inspection was unlimited at £1,000,000. Although if the process found that the Secretary of State had been misadvised to proceed with the inspection, then that liability would not have occurred. Therefore, assessing the risk of cost against the reward of eliminating the liability, the action was considered justified. In the event, permission had not been granted and the Council's costs had been substantially less than originally estimated. The Council's costs were £29,745 for Counsel's fees and the Council will also pay £8,500 to Treasury Solicitors for the Secretary of State's costs and £490 on Court fees. The total expenditure on the Judicial Review proceedings was therefore expected to be £38,735.
- It had been provided with a confidential and legally privileged synopsis of Counsel's legal advice on the Judicial Review of the Secretary of State's decision on 4 April 2014.

- Where redactions had been made to the synopsis that was because they were not relevant to the Judicial Review proceedings. In response the Committee stated that it would wish to see any brief to counsel and written advice of counsel in regard to the decision to seek a Judicial Review. As a result of a full and wide ranging discussion on the Counsel's legal advice it was noted that whilst the Committee does have a need to know and therefore a right to see such written advice there were no such documents in this instance. In addition, since advice was taken on a wider range of matters than just the Secretary of State's decision at the meeting with Counsel, the advice on those other matters had been excluded from the confidential briefing prepared for the Committee and was still subject to legal privilege. Notwithstanding these comments the Committee indicated that OSC Members should have the opportunity to review the written notes of the Counsel's legal advice in its entirety, and the Interim Monitoring Officer agreed to make this available. Finally, regarding the synopsis and whether it was appropriate to name officers as attendees at a meeting, the minutes of which are privileged, it was noted that this may be possible. However, it would depend on how it is linked to restricted material and whether it was proposed that this be open or exempt. It might also depend on the seniority of the officers concerned.
- It is common practice for Counsel's legal advice to be provided verbally and that the reputational risk to the Council had been considered prior to commencing the Judicial Review of the appointment of PwC to undertake a best value inspection.

After having considered the process leading to the decision to seek Judicial Review, including evidence of the advice received from Counsel on the likelihood of success, the Committee concluded that this was a reasonable course of action to undertake. However, the Committee did have concerns with regard to how the Council had managed its relationship with both the DCLG and PwC and the impact of seeking the Judicial Review on the Councils relationship with the DCLG. It also questioned the use of delegated powers to take the decision to seek Judicial Review, on the basis that its significance marked it out as deserving member input, despite it not meeting the agreed criteria for a Key Decision.

As a result of discussions on this item the Chair **Moved** and it was:-

RESOLVED that:

The Council be asked to note the Overview and Scrutiny Committee's findings that the decision to proceed with the Judicial Review was not unreasonable, having had regard to the advice received from Counsel that there was a substantial chance of success.

However it also resolved to express its concerns regarding:

1. how the authority's relationships with both the Department for Communities and Local Government and PricewaterhouseCoopers were managed;
2. the extent of the consideration given to the impact of seeking Judicial Review; and
3. the use of delegated authority to take a decision of this significance.

Action by:

David Knight – Senior Democratic Services Officer

7.2 Reference from Council - Best Value Inspection undertaken by PwC

The Committee noted that at its meeting on 26th November 2014, Full Council resolved to require a full response to the issues raised in the auditor's report be sent to all councillors by 12th December 2014. Following receipt of this, and its consideration by political groups, Council resolved to mandate the Overview and Scrutiny Committee to undertake further interrogation of issues raised in the PwC [Best Value Inspection] report as it sees appropriate, and to report back to Full Council on its findings. In addition, since the motion was agreed, the DCLG had confirmed its Directions and appointed two Commissioners. Work is underway within the Council on responding to the Directions, including in developing a strategy and action plan for securing the authority's compliance with its best value duty. The main points of the discussion are outlined below:

The Committee:

- Noted that the Directions of the Secretary of State for Communities and Local Government require the Council to develop a strategy, action plan, and publicity plan agreed with the Commissioners by 17th March, as well as an action plan on procurement and contracts in consultation with the Commissioners by 1st February.
- Was advised that the initial discussions with the Commissioners have highlighted that their focus is on the Council's plans and actions to respond to the findings of the Best Value Inspection rather than revisiting those issues considered as part of PwC's work.
- Wanted to ensure that it plays a productive role in supporting and complementing the Council's improvement activity and the work of the Commissioners e.g. the Committee could consider the Council's action plans and progress against them, which will be reported to DCLG on a six-monthly basis.

As a result of discussions on this item the Chair **Moved** and it was:-

RESOLVED that:

The Committee should receive a report at its February meeting that illustrates how it can support and complement the Council improvement activities and the work of the Commissioners as part of its existing work programme by

focusing on plans and actions to support improvement (i.e. the Council's response).

Action by:

Louise Russell (Service Head Corporate Strategy and Equality, Law Probit & Governance)

7.3 Refreshing the Community Plan for 2015

The Committee received a report that set out the approach so far to refreshing the Community Plan for 2015 onwards and proposed next steps. It proposed that, through the new Community Plan, the Partnership focuses on a number of high level and crosscutting priorities, complementing the range of priorities already being progressed by the existing Community Plan Delivery Group structure. The report outlined the potential cross-cutting priorities and asked the Committee to comment on these.

The Committee:

- Felt that the Plan needs to reflect the scale of pace and change within the Borough, especially regarding the built environment, and energise partners to rise to the current challenges faced in LBTH.
- Wanted to ensure that LBTH community/faith groups and charities are also involved in the development of the Plan.
- Recognised the importance of the preservation of the Borough's heritage.
- Requested that the Plan acknowledged the role that creative industries play as employers.
- Acknowledged the need to improve the level of adult literacy and the reach of the Council's consultation mechanisms (e.g. development of a dialogue within schools), and to engage the older residents and utilise their particular skill sets.
- Felt that economic and population growth would require the Council to play a more proactive role with regard to planning and development issues, to ensure sufficient infrastructure to cope with this.
- Wanted to see engagement with all businesses and harnessing their potential to drive economic growth.
- Felt that consultation should reach a wide range of people, and that the Plan needed to make use of all available formats (e.g. to engage the younger population).

As a result of discussions on this item the Chair **Moved** and it was:-

RESOLVED that the report be noted.

Action by:

Louise Russell (Service Head Corporate Strategy and Equality, Law Probit & Governance)

7.4 Strategic Performance and Corporate Revenue and Capital Monitoring Q2 2014/15 (Month 6)

The Committee received a report that detailed the financial position of the Council at the end of September 2014 (Month 6) compared to budget. The report included details of the General Fund Revenue and Housing Revenue Account; Capital Programme; Performance for strategic measures. An outline of the discussions on this report is set out below:

The Committee:

- Noted that with regard to the need to increase the supply of housing and tackle affordability issues the housing supply is not keeping up with the demand;
- Indicated that it would wish to receive a briefing paper on the current delivery of the Decent Homes programme from officers;
- Expressed concern at the current level of street and environmental cleanliness (detritus) as it was below the standard target of 2.4 percent and it was noted had deteriorated by 1.7 percentage points compared to this time last year. This the Committee was informed had been affected by the factors affecting the litter measure (e.g. The increase in Multi Occupancy Premises) and the Council has been working with Veolia on improving all the overall cleansing standards; and
- Noted that there was provision within the budget for both the delivery/procurement options for the new civic centre and the securing of a multi-faith burial site for the use of Tower Hamlets residents.

As a result of discussions on this item the Chair **Moved** and it was:-

RESOLVED that the report be noted.

Action by:

Jackie Odunoye [in respect of decent homes paper]

7.5 Challenge Session Report: The implications of conservation areas for extension of family homes

The Committee received a report that outlined the recommendations of the Planning in conservation areas scrutiny challenge session for consideration by the Overview and Scrutiny Committee. The objectives of the challenge session were to answer the following questions:

1. What changes to planning policy or practice are possible, which still protect the character of conservation areas; and
2. What improvements could be made in the planning application process in relation to extensions in conservation areas.

As a result of consideration of this report the Committee welcomed this report and **RESOLVED** to endorse the following recommendations:

RECOMMENDATION 1:

The Council should recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage.

RECOMMENDATION 2:

Amend DM27 to:

- be more permissive towards extensions, particularly mansard roofs within Conservation Areas;
- be more specific about what may and may not be appropriate within individual Conservation Areas (rather than having a blanket policy); and
- rely more strongly on the individual Conservation Area Assessments for decision-making on extensions

RECOMMENDATION 3:

Individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwelling houses where householders submit the most planning applications:

- Appraise properties within each Conservation Area and categorise them according to their suitability for extensions;
- Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions;
- Include detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity.

RECOMMENDATION 4:

Write a policy for underground extensions and basements as part of the Local Plan refresh.

RECOMMENDATION 5:

Consult with residents in Conservation Areas on the use of Article 4 Directions to further restrict development as part of the Local Plan refresh.

RECOMMENDATION 6:

In line with any new approach to permitting roof extensions, create new Supplementary Planning Guidance for mansard roof extensions in Conservation Areas (and following this other issues) in order to help people

plan, and understand the decision making process and the reasons why some changes be acceptable or not. The guidance should:

- Be clearly illustrated with examples of best practice to allow it to be readily and easily understood by non-professionals;
- Be prescriptive and consistent where materials for extensions and renovations are not appropriate.
- Set out permitted standard designs for additional roof storeys and rear extensions where planning is approved.
- Incorporate the principles of this guidance when refreshing the Conservation Area Character Appraisal and Management Guidance.

Finally, it was noted that the Working Group's report will be submitted to Cabinet for a response to the recommendations.

Action by:

Owen Whalley (Service Head Planning and Building Control, Development & Renewal)

8. VERBAL UPDATES FROM SCRUTINY LEADS

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

Councillor Joshua Peck (Chair Overview and Scrutiny Committee)

The Committee agreed that when it considered the report on Poplar Town Hall the independent legal adviser would be required to be in attendance. In addition, the Mayor's apologies for absence for the last two Spotlight Sessions should be drawn to the attention of the Commissioners.

Councillor John Pierce (Scrutiny Lead for Communities and Culture)

It was noted that the Challenge Session: Improving Cycling Safety was to take place on 29th January, 2015.

Councillor Dave Chesterton (Scrutiny Lead for Development and Renewal)

It was agreed that the Challenge Session on Section 106 Decisions and the quality of Section 106 Funded Social Housing should be widely publicised to maximise participation from a broad cross section of the community (e.g. a reference in East End Life).

Councillor Abjol Miah (Scrutiny Lead for Resources)

The Committee noted that the spotlight session on Waste Management planned for the 19th January, 2015 was to be re-scheduled.

Councillor Denise Jones (Scrutiny Lead for Children's Services)

The Committee noted that the first session regarding the review of Children's Services was to be re-scheduled.

As a result of discussions on this item the Chair **Moved** and it was:-

RESOLVED that the updates be noted.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The following pre-decision question was submitted to the Mayor in Cabinet [07 January, 2014].

Agenda Item 6.2: Rights of Light- City Pride Development & Island Point Development

Question: OSC Committee asked Cabinet Members:

1. Is this an appropriate use of the relevant legislation; and
2. Has the impact on residents been taken into account, and if so, how.

Summary of response received at Cabinet is set out in **Appendix 1**

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

Nil items.

11. EXCLUSION OF THE PRESS AND PUBLIC

No motion to exclude the press or public was passed.

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.

The meeting ended at 10.45 p.m.

Chair, Councillor Joshua Peck
Overview & Scrutiny Committee

APPENDIX 1

SUMMARY OF RESPONSE RECEIVED AT CABINET

Question 1)

Is this an appropriate use of the relevant legislation.

Response:

The Council can only use its powers under the relevant sections of the Town & Country Planning Act 1990, if it is satisfied this will facilitate development in Tower Hamlets. The Council has granted planning permission for the development of the City Pride & Island Point sites and the developer is ready to carry out that development. Approving the Section 237 scheme will overcome a key impediment to implementation by removing the risk of injunction on the bases of Rights of Light, although it can never remove the right to compensation.

Furthermore, The Council can only acquire land as part of a Section 237 scheme if it thinks that the proposed development is likely to improve the economic, social or environmental well-being of LBTH's area. The use of Section 237 powers is justified principally because of the social well-being benefits which it will help to deliver, including the provision of much needed affordable and private housing. It will help fulfil a number of the Council's strategic and policy objectives regarding new housing provision and regeneration in its area.

Question 2)

Has the impact on residents been taken into account, and if so, how.

Response:

The Council carried out an extensive public consultation programme for 4 weeks, from 17th July to 18th August 2014. Public notices were displayed around the sites and press adverts were issued in two local newspapers. Individual letters were delivered to all potentially affected parties by the Council and the developer. The responses from the consultation have been fully considered and summarised within the Cabinet report. In addition, all residents received a follow up letter from the Council to provide an update and clarification on a number of matters which were raised. The public consultation was also used to identify other affected parties and to clarify the nature of their interests.

Some residents have also contacted officers directly on individual points which have been considered and responded to, having undertaken further analysis to ensure that the impact on their properties have been adequately examined.

Furthermore, the developer has carried out extensive legal and technical due diligence to identify potentially affected parties and the level of impact to their properties. Council officers and their independently appointed Rights of Light (ROL) consultant have carefully scrutinised and verified this due diligence and all submissions from the developer. The ROL consultant has also verified the technical ROL impacts and advised whether the compensation offers were fair or indeed generous.

The balancing of public benefits and human/private rights sits at the heart of the decision making process of Section 237 schemes. The Council should not approve the use of Section 237 powers unless it is satisfied that the public (well-being) benefits outweigh the infringement of private rights and that the level of infringement is no more than necessary than to enable the development to proceed. The rights of affected local residents have been protected through the public consultation process, the entitlement to compensation and the right to challenge/ JR the Council's decisions.