

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 2 December 2014 at 7.15 p.m., Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Joshua Peck

Vice Chair:

Councillor John Pierce	(Scrutiny Lead for Communities, Localities and Culture)
Councillor Asma Begum	(Scrutiny Lead for Adult Health and Wellbeing)
Councillor Denise Jones	(Scrutiny Lead for Children's Services)
Councillor Dave Chesterton	(Scrutiny Lead for Development and Renewal)
Councillor Peter Golds	(Scrutiny Lead for Law Probity and Governance)
Councillor Mahbub Alam	
Councillor Abjol Miah	(Scrutiny Lead for Resources)
Councillor Muhammad Ansar Mustaqim	

Co-opted Members:

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

Deputies:

Councillor Khales Uddin Ahmed, Councillor Sirajul Islam, Councillor Rachael Saunders, Councillor Craig Aston, Councillor Julia Dockerill, Councillor Andrew Wood, Councillor Suluk Ahmed, Councillor Mohammed Mufti Miah and Maium Miah

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

David Knight, Democratic Services
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Web: <http://www.towerhamlets.gov.uk/committee>

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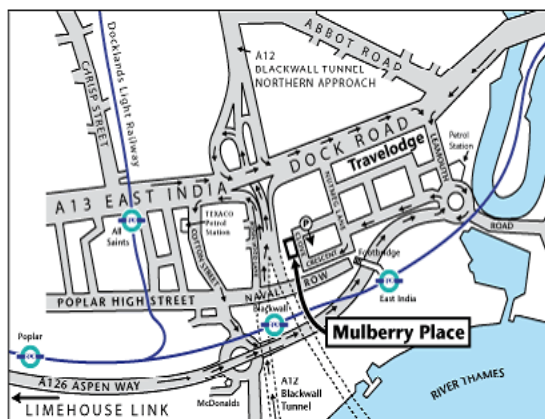
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SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Interim Monitoring Officer.

3. UNRESTRICTED MINUTES

5 - 16

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 4th November, 2014.

4. REQUESTS TO SUBMIT PETITIONS

To receive any petitions (to be notified at the meeting).

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet (05 November, 2014) in respect of unrestricted reports on the agenda were 'called in'.

Whether any recent unrestricted decisions of the Mayor outside Cabinet, taken under executive powers, were "Called In" will be notified at the meeting.

6. SCRUTINY SPOTLIGHT

6.1 The Mayor

To receive a verbal presentation from Mayor Lutfur Rahman.

6.2 Social Housing Provider

To receive a verbal presentation from Mick Sweeney, Group Chief Executive - One Housing Group, with a focus on performance.

7. UNRESTRICTED REPORTS FOR CONSIDERATION

7.1 Response to reference from Council - Judicial Review on the Best Value Inspection

(To follow)

7.2 Best Value Inspection - Overview and Scrutiny **17 - 22**

7.3 Implementation of Electoral Commission Recommendations

(To follow)

7.4 Full Council Reference Regarding Primary School Performance **23 - 26**

8. VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated – 5 minutes each)

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 30 minutes).

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

To consider any other unrestricted business that the Chair considers to be urgent.

11. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under 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 contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

SECTION TWO

12. EXEMPT/ CONFIDENTIAL MINUTES

To confirm as a correct record of the proceedings the restricted minutes of the meeting of the Overview and Scrutiny Committee held on 22nd July, 2014 (to follow).

13. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet (05 November, 2014) in respect of exempt/ confidential reports on the agenda were 'called in'.

Whether any recent exempt/ confidential decisions of the Mayor outside Cabinet, taken under executive powers, were "Called In" will be notified at the meeting.

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

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated 15 minutes).

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

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Overview and Scrutiny Committee

Tuesday, 6 January 2015 to be held in Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Interim Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Interim Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Interim Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Interim Monitoring Officer, 0207 364 4801

John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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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 EkubiaNozrul	(Roman Catholic Church Representative)
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 Mustaquim; 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 30th 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 1st 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 2nd 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 10th 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 Popular 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 17th 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.

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.

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.

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.

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.

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.

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

Nil items

11 EXCLUSION OF THE PRESS AND PUBLIC

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

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

Agenda Item 7.2

Committee: Overview & Scrutiny	Date: 02:12:12	Classification: Unrestricted
Report of: Louise Russell Service Head, Corporate Strategy and Equality		Title: Best Value Inspection – Overview and Scrutiny Wards Affected: ALL

1. Summary

- 1.1 This note details references made to Overview and Scrutiny within the best value inspection report undertaken by PricewaterhouseCoopers LLP (PwC).

2. Recommendations

- 2.1 That the committee note the findings of this report.

3. Background

- 3.1 On the 4th April 2014 the Secretary of State for Communities and Local Government (DCLG) appointed PwC to undertake a best value inspection of the London Borough of Tower Hamlets pursuant to section 10 of the Local Government Act 1999 (as amended by the Local Audit and Accountability Act 2014).
- 3.2 The appointment letter indicated that the focus of the inspection would include:
- The Authority's payment of grants and connected decisions;
 - The transfer of property by the Authority to third parties;
 - Spending and the decisions of the Authority in relation to publicity; and
 - The Authority's processes and practices for entering into contracts.

4. Overview and Scrutiny within the best value inspection report

- 4.1 Whilst Overview and Scrutiny (O&S) Committee was not a specific focus of the inspection, PwC's report makes clear that their work had regard to matters escalated through the Council's own governance processes, including Overview and Scrutiny.
- 4.2 This includes, for example, Call-ins informing the sample of contracts selected for detailed review. In addition, PwC's report notes that the four properties identified for further investigation (Poplar Town Hall, Sutton Street Depot, 111 – 113 Mellish Street and Limehouse Library) were also known to them as a result of, 'third party information and / or the authority's own governance processes (e.g. the O&S Committee).'

- 4.3 The inspection report references a number of other issues, or comments, raised by Overview and Scrutiny Committee, or through a Call-in, in its final report, including in relation to:
- Mainstream Grants
 - 954 Fund
 - Community Chest and Community Events
 - Disposal of Poplar Town Hall
 - Lease of Sutton Street Depot
 - Transfer of funds from reserves to the Mayor’s Office
- 4.4 Further detail about these references is provided as appendix 1.
- 4.5 The inspection did not directly assess the effectiveness of Overview and Scrutiny Committee or how it fulfils its functions.

5. LEGAL COMMENTS

- 5.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council’s Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 5.2 The report provides information relevant to the best value inspection carried out by PwC for the Secretary of State. The Committee has responsibility for its own work programme and may, if it chooses, carry out further work in relation to matters raised in the PwC report.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 There are no specific financial implications arising from this report.

LOCAL GOVERNMENT ACT, 1972 (AS AMENDED) SECTION 100D

LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT

Background paper	Name and telephone number of and address where open to inspection
None	

APPENDIX 1: REFERENCES TO OVERVIEW AND SCRUTINY WITHIN INSPECTION REPORT

Paragraph	Reference
1.36	<p><u>General</u> The report explains that the inspection had regard to matters considered by Overview and Scrutiny Committee and the Internal Audit function.</p>
2.27	<p><u>Grants</u> The report notes that certain grant programmes in particular have been the subject of concerns raised both before and during the Inspection, both by individuals inside and outside the Authority and through the Authority's own governance processes, notably Call ins by the O&S Committee.</p>
2.115	<p><u>General</u> The report explains that any Key Decision must be published and can be called in prior to implementation by the authority for review by its O&S Committee. The report also highlights that where changes are recommended, the decision is referred back to the Mayor. PwC note that of the 23 decision subject to Call-in 19 have remained unchanged from the original Key Decision by the Mayor.</p>
3.22 - 3.24, 3.31	<p><u>General</u> The report summarises the functions of the Overview and Scrutiny Committee and provides detail about the call-in procedure.</p>
4.32	<p><u>Grants: MSG</u> The report states that the Service Head for Resources and Economic Development (Co-Chair of the CGPB) responded to Councillor Miah by email and outlined that, due to the high risk of Call in by the O&S Committee, it would be unlikely that there would be a formal decision on the MSG 2012-2015 awards until October 2012.</p>
4.56 – 4.58	<p><u>Grants: MSG</u> The report highlights that the 3 October 2012 MSG decision taken by the Mayor in Cabinet was subject to a Call in by the O&S and considered by them on 6 November 2012. The report stated that concerns were raised by the O&S Committee in respect of the process, the impact on organisations doing critical work in the Borough, the nature of new organisations receiving funding and the geographical balance of organisations that were recommended to receive funding. In addition, the</p>

	<p>O&S Committee noted that there had also been complaints from organisations about long delays and that the process kept changing.</p>
4.64-4.67	<p><u>Grants: MSG</u> The report provides detail about O&S Committee meeting on 17th December 2012, during which the Mayoral Executive Decision 19 (Mainstream Grants) was called in and debated.</p> <p>PwC’s report sets out issues raised at that Overview and Scrutiny meeting, including in relation to, “...changes to officer recommendations, the Equality Assessments and awarding grants to ineligible and new organisations that did not have a proven track record.”</p> <p>The report also sets out that the O&S Committee resolved to refer the [Mainstream Grants] decision back to the Mayor for further consideration, and that the Committee also endorsed the comments of the O&S Committee Chair to refer the matter to the District Auditor for further probing.</p>
4.105 – 4.106	<p><u>Grants: 954</u> The report addresses the relationship between the 954 Fund and the MSG 2012/15 programme. It highlights O&S’ comments, as set out in a report dated 6 November, in relation to the 954 Fund not being added to the MSG process, “...detrimental to those that have lost significant amounts of funding. Their ability to bid for this funding is also impeded and there have been no proposals set out as to how this fund will be used.”</p> <p>The report references O&S Committee meeting on 7 December during which the Service Head for Resources and Economic Development is noted as saying that the Mayor did agree that officers should monitor the effects of the welfare changes on the community and that there is an additional £945,000 [£954,000], some of which may go towards supporting the Third Sector to provide welfare support.</p>
4.184	<p><u>Grants: Community Chest and Community Events</u> The report highlights that the Community Chest and Community Events programmes were subject to Call in to O&S Committee three times: in July 2013, November 2013 and January 2014. The report states the reasons for this included concern about a lack of transparency in officer recommendations, geographical imbalance in award distribution and unjustified transfer of residual Community Chest funds to the Community Events fund.</p>

5.28	<p><u>Property</u> The report sets out the process for selecting four properties for further review [Poplar Town Hall, Sutton Street Depot, 111 – 113 Mellish Street and Limehouse Library], including their own initial review. PwC’s report also notes that each of these properties was also known to them as a result of, “third party information and / or the Authority’s own governance processes (e.g. the O&S Committee).”</p>
5.99 (E)	<p><u>Property: Poplar Town Hall</u> The report highlights the Full Council resolution of 22nd January 2014 in regards to the disposal of Poplar Town Hall during which directions were given for a report to be produced to O&S Committee by March 4th and Full Council by March 26th.</p>
5.100	<p><u>Property: Poplar Town Hall</u> The report notes that PwC had access to a report to O&S Committee produced by the Interim Monitoring Officer in relation to Poplar Town Hall.</p>
5.110 – 5.111	<p><u>Property: Poplar Town Hall</u> The report sets out details of the Interim Monitoring Officer’s report to O&S Committee in response to the Full Council resolution in regards to Poplar Town Hall. The report highlights information provided to O&S Committee by the Interim Monitoring Officer advising the committee that the direction to obtain an independent valuation of Poplar Town Hall, as agreed in Full Council, had been overlooked and would be addressed prior to the O&S Committee meeting on 22nd July 2014.</p>
5.162	<p><u>Property: Sutton Street Depot</u> The report details the explanation provided by Cllr Choudhury to O&S Committee on granting the occupants of the Sutton Street Depot 12 months’ rent free due to the presence of asbestos.</p>
5.170 - 5.177	<p><u>Property: Sutton Street Depot</u> The report sets out the findings and concerns of O&S Committee following the call in of the Mayor’s decision in relation to the Sutton Street Depot. The reports highlights a number of concerns of the Overview and Scrutiny Committee, including: the Mayor had provided no rationale for his decision to go against officer recommendations; the decision could result</p>

	<p>in a legal challenge from unsuccessful bidders; that the Authority provided an unfair advantage to SSD Bidder A; the decision creates a precedent for future preferred bidders to “move the goalposts”; and the decision to select a bidder with no financial records.</p> <p>PwC’s report notes the Mayor’s absence from the meeting and Cllr Choudhury responded to the concerns of the committee.</p> <p>PwC’s report sets out a detailed account of the exchange and the recommendation of the committee, which was for the Mayor to reconsider the rent free period.</p>
6.66 – 6.67	<p><u>Mayor’s Office</u></p> <p>The report notes the call-in to O&S Committee on 9th May 2013 of the Mayoral Executive Decision to vire £296,000 from general reserves to the Mayor’s Office Budget to replace the funding for Mayor’s advisors rejected by the Full Council.</p> <p>The report highlights the discussion between O&S Committee and the Mayor as to whether the transfer of funds to the Mayor’s office budget constituted a key decision. The report notes the resolution of the O&S Committee to refer the decision back to the Mayor for further consideration.</p>
7.3 (C) & 7.47	<p><u>Contracts</u></p> <p>The report references O&S Committee call-ins as a source informing its sample of contracts selected for further review.</p>
7.87	<p><u>Contracts</u></p> <p>The report notes that the Executive decision in relation to ESCW4468 (Direct Payment Support Service) is subject to an O&S Committee Call in and has been excluded from the PwC sample.</p>

Agenda Item 7.4

COMMITTEE: Overview and Scrutiny Committee	DATE: 02December 2014	CLASSIFICATION: Unrestricted	REPORT NO: 7.4
Report of: Service Head, Democratic Services	Title: Reference from Council – Motion on Primary School Performance		
Originating officer(s) Matthew Mannion, Committee Services Manager	Wards Affected: All Wards		

1. **SUMMARY**

- 1.1 At its meeting on 10September 2014, Council considered a motion on the performance of primary schools in the borough.
- 1.2 After debating the matter, Council resolved to request that the Overview and Scrutiny Committee review the performance of primary schools in the borough and to present a report back to Council for consideration.

2. **RECOMMENDATIONS**

The Overview and Scrutiny Committee is recommended to:-

- 2.1 Note the referral request and consider a response.

3. **BACKGROUND**

- 3.1 The Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution entitles the Committee to consider work requests submitted by Council. Should the Overview and Scrutiny Committee decide to accept the request then it can submit a report containing their recommendations back to Council for them to consider at their next meeting. The relevant paragraph of the Overview and Scrutiny Procedure Rules is set out below for information.

Para - 9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings

following receipt of the report. If the matter is relevant to the Council only then they will consider the report at their next meeting.

4. BODY OF REPORT

4.1 The motion from Council is attached to this reference report as Appendix 1.

4.2 The Overview and Scrutiny Committee are therefore requested to review the issue and to prepare a report back to Council containing their considered views and recommendations.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no financial implications as a direct result of this report.

6. LEGAL COMMENTS

6.1 The relevant section of the Overview and Scrutiny Procedure rules (which entitles the Committee to consider requests of this type) has been properly referenced in this report. There are no other legal issues which need to be considered at this stage.

7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 None directly related to this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 None directly related to this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 None directly related to this report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 None directly related to this report.

11. EFFICIENCY STATEMENT

11.1 None directly related to this report.

12. APPENDICES

- 12.1 Appendix 1 – Text of the Urgent Motion presented to Council on 10 September 2014.

Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
None	Matthew Mannion X4651

12.1 Motion regarding Primary School Performance

Councillor Andrew Wood **moved**, and Councillor Chris Chapman **seconded** the motion as printed on the agenda.

Following debate, the motion was put to the vote and was **agreed**.

DECISION

This Council notes:

- That in the Bethnal Green & Bow area of the borough, the percentage of primary school children attending a Local Authority school rated as Outstanding by OFSTED has dropped from 29% five years ago, prior the current administration coming in to office, to 8% this year.
- That in the same area the percentage of pupils attending a primary school rated as Inadequate has gone from 0% five years ago to 7% this year.
- That across the whole borough the percentage of children attending a primary school rated as Inadequate (4%) is twice as high as any neighbouring borough.
- That the percentage of primary school children attending a school rated as Outstanding in Tower Hamlets (15%) would put it towards the bottom of a local league table of schools.
- That this is despite Tower Hamlets receiving approximately the third highest funding per pupil in London.

This Council therefore asks that the Overview & Scrutiny committee investigate the causes for this decline and report back to full Council as soon as possible.
