

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE**

**HELD AT 7.15 P.M. ON TUESDAY, 3 MARCH 2015**

**COMMITTEE ROOM ONE - THALL**

**Members Present:**

Councillor Joshua Peck (Chair)	
Councillor John Pierce (Vice-Chair)	
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	—

**Co-opted Members Present:**

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

**Apologies:**

Councillor Abjol Miah	— (Scrutiny Lead for Resources)
Councillor Muhammad Ansar Mustaqim	—

**Officers Present:**

Mark Cairns	— (Senior Strategy, Policy and Performance Officer)
Dave Clark	— (Acting Service Head Resources, Development and Renewal)
Colin Cormack	— (Service Head Housing Options, Development & Renewal)
Stephen Halsey	— (Head of Paid Service and Corporate Director Communities, Localities & Culture)
Chris Holme	— (Acting Corporate Director - Resources)
Louise Russell	— (Service Head Corporate Strategy and Equality, Law Probity & Governance)

Barry Scarr	– Governance) (Interim Service Head, Finance & Procurement)
Meic Sullivan-Gould	– (Interim Monitoring Officer, Legal Services, LPG)
Ann Sutcliffe	– (Service Head Corporate Property and Capital Delivery, Development and Renewal)
David Knight	– (Senior Democratic Services Officer)

## 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Abjol Miah and Councillor Muhammad Ansar Mustaquim.

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

## 3. UNRESTRICTED MINUTES

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

### RESOLVED

That the unrestricted minutes of the meetings of the Overview and Scrutiny Committee held on 3<sup>rd</sup> and 10<sup>th</sup> February, 2015 were approved as a correct record of the proceedings.

## 4. REQUESTS TO SUBMIT PETITIONS

Nil items.

## 5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet 4<sup>th</sup> February, 2015 in respect of unrestricted reports had been "called in".

## 6. SCRUTINY SPOTLIGHT

### 6.1 Mayor

The Committee expressed its disappointment that the Mayor Lutfur Rahman had been unable to attend tonight's meeting as invited due to exceptional circumstances and he had offered the following alternative dates:

- 24th March;
- 25th March; and

- 31st March.

The Committee was reminded that it had already expressed their disappointment that the Mayor has not attended previous meetings and as a result of a discussion on the constitutional provisions regarding the Mayors non-attendance and the proposals for an extraordinary meeting to consider the performance of Tower Hamlets Homes and Circle Housing the Chair Moved and it was:-

**RESOLVED** that:

1. Subject to the availability of Tower Hamlets Homes and Circle Housing that the extraordinary meeting proposed for the 16th March be moved to the 24th as the Mayor has indicated that he is available on that date;
2. In accordance with Rule 14.2 of the Council's constitution the Mayor is required to attend the meeting of the Overview & Scrutiny Committee for a Mayor's Spotlight session on 24<sup>th</sup> March and 7<sup>th</sup> April, 2015 to answer questions on recent performance, future plans and how the culture of the organisation can support the achievement of best value;
3. The senior statutory officers undertake a review of the Council's Constitution to ensure that it is fit for purpose with regard to Rule 14 of the Overview and Scrutiny Procedure Rules;
4. The Chair write to the Commissioners raising O&S members concerns with regard to the Mayors repeated non-attendance at O&S; and
5. The Committee requests from the Mayor a formal written apology for his non-attendance at tonight's and the preceding meetings of O&S.

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

### **7.1 Discharge of Homelessness Duty**

This Committee received a report that served to explain how the Council discharges its statutory homelessness duty, placing such activities in the context of reduced opportunities to prevent homelessness, an increasing population in homeless temporary accommodation and a diminishing supply of suitable accommodation locally. The main points of the discussion may be summarised as follows:

- The Committee heard that one of the key strategic objectives for the Housing Options Service is to prevent homelessness. This statutory obligation would, at first sight, seem to be a laudable goal but it is one that, ironically, is not the preferred service outcome for many of the Service's clients. In the context that any journey associated with a successful homeless application typically ends with the offer of a social housing tenancy, efforts to prevent, or postpone, homelessness can be taken as the council attempting to thwart any such outcome.
- The Committee asked that consideration should be given to exploring the possibilities of landlords with a social conscious being encouraged to offering their properties below market rents.

- The Committee heard that since 2012/13 there has been an adverse change in the Service's performance on homeless preventions. This change was due to private sector landlords' showing much less preparedness to work with potentially benefit-dependent households. The Committee heard that aware of the threats to rental income associated with the Coalition Government's Welfare Reforms, there had been an increase in evictions by landlords of private sector tenants, which had resulted in an increased number in homeless applications. Whilst landlords no longer wish to enter into any "prevention-type" tenancies just at the time when the demand is increasing. Accordingly, the Committee agreed that a dialogue should be opened with social housing providers and landlords so as to increase the opportunities to prevent homelessness through:
  1. The development a pilot social lettings agency model with one of the registered providers; and
  2. The Service Head in consultation with the Vice-Chair exploring the possibilities of landlords with a social conscious offering properties below market rents

As a result of a full and wide ranging discussion on this report the Chair **Moved** and it was:-

**RESOLVED** that:

- Developing a pilot social lettings agency model with one of the registered providers; and
- That consideration should given to exploring the possibilities of landlords with a social conscious to offering properties below market rents. Service Head to discuss with the Vice-Chair.

## **7.2 Challenge Session Report: Specification and Management of Council Contracts**

This report provided recommendations following a challenge session on contract specification and management in the council (using as a case study the contract with Veolia for environmental services). The main points of the discussion on this report are outlined below.

- The Committee indicated that they felt that the world had moved on since the original specification had been agreed on this Challenge Session and given the current issues indicated that they would wish to explore those with the officers present.
- The Committee heard that Veolia performance was considered to be very good based upon the available evidence. However, the Committee indicated that they felt that these figures did not represent the true picture especially with regard to "missed collections"
- The Committee heard that Veolia do report missed collections and that they are open with the way that they are managing the work.

- The Committee heard that the way data is collected is based upon a consistent approach used across London.
- The Committee heard the on a monthly basis there are 250-300 missed bins and that there is no evidence to show that there is a large scale failure to deliver the service.
- The Committee heard that Veolia are surveying residents on the contamination of re-cycling bins and heard that Veolia's Outreach Team run educational programmes and crews give feedback on contaminated bins. The Committee heard that there is a large churn of residents moving in and out of LBTH and the message needs to re-run on a regular basis.
- The Committee heard that there were issues with how waste from social housing is managed and that there is an on-going dialogue through the Public Realm Sub Group and the Housing Providers. In addition, the Social Housing Providers are in a dialogue with LBTH on the provision of a more holistic service e.g. possible delivery of such services via a social enterprise.
- The Committee heard that if somebody calls to report a missed collection this is logged separately from complaints and is treated as a Service Request. Therefore, the Committee asked that the figures for Service Requests and the Complaints are provided together in any future report to the Committee.
- The Committee heard that if there is a repetition of missed collections then it is recorded as a complaint. Also if a missed collection is not rectified within 24 hours or there is a repetition this will be escalated and a fine would be levied against Veolia.
- The Committee heard that it is in the interest of Veolia to provide a good service as they want to receive good references from LBTH when they made application to run contracts in other public service areas.
- The Committee stated that it wanted all collections treated as complaints and that those making the complaint are advised of the progress.
- The Committee heard of instances where crews had dropped waste and wanted to know why this was not being rectified.
- The Committee heard that Public Realm were happy to look at the instances of poor levels of service and noted that staff will be dismissed for such poor delivery of the service.
- The Committee heard that there is also an issue with the storage and collection of waste and that the Street Care Team is working with Veolia to address the level of service being provided.
- The Committee heard of instances where people travel into LBTH to deposit unwanted items rather than take such items to their local waste disposal site. In addition, the Committee was advised that residents in Chadwell House Street now leave lollipop sticks out as a mean to gauge if their street is being cleaned. Public Realm was asked to take this situation up with Veolia.
- The Committee heard that the majority of the Borough is clean and that Waste Enforcement Officers do investigate when there are report instances of high levels of detritus's or poor service. However, the

increasing density of the population in Tower Hamlets means that there are issues especially where there are flats and or HMO's that have no waste storage.

- The Committee indicated that they felt that street cleanliness was poor and that residents did not get an adequate response if they lodged a complaint; it was not clear how repeat situations were monitored and the levels of dog fouling were not acceptable.
- The Committee heard that dog waste is an ASB issue especially for Wheel Chair and Buggy Users and Public Realm works closely with the Animal Warden Service to address this issue by establishing an on-going dialogue with residents.
- The Committee heard that the specification of the contract was drafted in 2002/03 when LBTH was a very different place and a new contract was now needed with tighter specifications to reflect the increased population density.
- The Committee indicated that it would wish to be involved in the drafting of any new specification.
- The Committee stated that it wanted to see the figures on what percentage of street cleansing and waste management is subject to regular monitoring. The Committee also raised concerns regarding removal of White Goods; Tyres and Mattresses.
- The Committee indicated that it would wish to see the Service Head - Public Realm and Head of Strategy Regeneration & Sustainability work together to resolve these issues.
- The Committee noted that in the procurement exercises for any new contract LBTH would use external advisers with extensive experience of running such services from the provider side.
- The Committee heard that in the past White Goods; Tyres and Mattresses went to Land Fill but now only 9% of the Borough's waste goes to land fill sites with the remainder now being incinerated. Therefore, White Goods; Tyres and Mattresses have to be removed by specialist contactors.

As a result of consideration of this report the Committee indicated that there were a number of concerns as outlined above regarding the contract and that they wished to discuss these with the Chief Executive of Veolia at a future meeting.

Accordingly, the Chair Moved and it was:-

### **RESOLVED**

1. To agree the draft report and the recommendations contained in it;
2. To authorised the Service Head for Strategy & Equality to amend the draft report before submission to Cabinet for consideration after consultation with the scrutiny review group; and
3. That Chief Executive of Veolia attends a future meeting of this committee to discuss their concerns as outlined above.

### 7.3 Best Value Improvement Plan

The Committee received a report that outlined the draft Best Value Plan that had been prepared in response to the Secretary of State's Directions. The Committee was asked to consider and comment upon the attached draft Best Value Action Plan prior to its submission to the Commissioners for their review and agreement, in order that the Council complies with the one of the directions issued by the Secretary of State on 17th December 2014. The main points of the discussion may be summarised as follows.

- In response to concerns regarding the level of member engagement in the process to prepare the Action Plan. The Committee was advised that LBTH had, had to work within the tight timescales laid down the Secretary of State undertaken a significant amount of work. The Committee was also assured that there would be updates on the Action Plan every six months and any evidence relating to the Action Plan would be provided in a timely fashion. Notwithstanding, these assurances regarding the development of the dialogue with regard to the Action Plan the Committee indicated that that it would have wished to have commenced this dialogue earlier to avoid having to retrospectively include councillors views into the process **e.g.** The Procurement Plan.
- The Committee heard that ideally councillors would have been engaged more effectively but this is the start of what will be a very long process.
- The Committee indicated that they would wish to see the Council's constitution and governance arrangements subject to a review.
- The Committee heard that with regard to East End Life and the Media Advisers LBTH has learned from the findings of Office of Communications (OFCOM) and set in place mechanisms to address those concerns regarding East End Life and protocols regarding the Media Advisers who are subject to monitoring from outside the Mayor's Office. The Committee heard that East End Life is code compliant as it offers value for money and is subject to an ongoing dialogue with the Commissioners.
- The Committee indicated that they would wish to be involved in the review of the communications element of the Best Value Action Plan.
- The Committee heard that it would be engaged in dialogue regarding the communications element of the Plan. In addition, whilst the Commissioners have not yet taken a view on East End Life at this stage of the process if that was to change then there will be a report back to this Committee.
- The Committee heard that with regard to the checks and balances for Main Stream Grants (MSG) and the Community Chest. It is intended that all grant giving will be within a common framework and that the Commissioners will determine the structure and direction of both the MSG and innovative capacity building grants.
- The Committee stated that it would wish to see the outcomes and goals in relation to the Plan.

- The Committee indicated that it would wish to develop a dialogue with the Commissioners about the process.
- The Committee heard that the entire grant giving function is no longer in LBTH control. The Commissioners are now the decision making body until they are satisfied with the robustness of the process and return that function to LBTH control.
- The Committee were advised that the Plan is a living document that the Commissioners have helped to develop and part of the ongoing challenge will be how councillors are involved in this process. Part of that process will be the development of the cross party working group.
- The Committee whilst acknowledging that this is a new process stated that it wished to see a more transformational plan with a robust direction of travel.
- The Committee heard that the Plan is a good first start but it is an initial phase of the process and as a living document will be subject to an ongoing review over the forthcoming year.
- Notwithstanding the above comments the Committee indicated that it felt that there are weaknesses in the plan that requires improvement. Particularly about organisational culture and the lack of trust between councillors/officers and whether this would be sufficiently addressed.
- However, it was noted the plan was a work in progress and the Commissioners have endorsed LGA's facilitation of the development of the trust between elected members and the officer corp. The Committee stated that it would wish to see councillors having the opportunity to participate in that process. The Committee also recognised that it will take time to develop this Plan and address all those issues that have been highlighted.
- The Committee recognised that there is a process of reconciliation that needs to be undertaken if this Plan is to be taken forward.
- The Committee was informed that the Commissioners do consider that they have a role to play in the development of the Plan.

In conclusion, as a result of a wide ranging examination of the document the Committee indicated that whilst they acknowledged that the Plan was a work in progress. They did have particular concerns about organisational culture and the perceived lack of trust between councillors and officers that they wished to be addressed.

#### **7.4 Complaints and Information Governance Six-month Report**

Item deferred until 7<sup>th</sup> April, 2015.

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

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



- A meeting was planned for the 6<sup>th</sup> March, 2015 to consider the scrutiny review report on the effect of literacy and numeracy levels on outcomes for children and their families (Councillor John Pierce); and
- A challenge session was pending to consider member involvement in Section 106 decisions and the quality of Section 106 funded social housing (Councillor Dave Chesterton).

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

Nil items

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

Nil items

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

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

**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 10.30 p.m.

Chair, Councillor Joshua Peck  
Overview & Scrutiny Committee