

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

**HELD AT 7.15 P.M. ON TUESDAY, 12 MAY 2015**

**COMMITTEE ROOM ONE - THALL**

**Members Present:**

Councillor Joshua Peck (Chair)	
Councillor John Pierce (Vice-Chair)	
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 Rachael Saunders	

**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)

**Other Councillors Present:**

Councillor Shahed Ali	(Cabinet Member Clean and Green)
Councillor Rachel Blake	(Representing the Call-In Councillors)
Councillor Danny Hassell	(Representing the Call-In Councillors)

**Apologies:**

Councillor Asma Begum	(Scrutiny Lead for Adult Health and Wellbeing)
Councillor Mahbub Alam	
Councillor Abjol Miah	(Scrutiny Lead for Resources)
Councillor Muhammad Ansar Mustaqim	

**Officers Present:**

Simon Baxter	(Acting Service Head, Public Realm, Communities Localities & Culture)
Mark Cairns	(Senior Strategy, Policy and Performance Officer)
Emily Fieran-Reed	(Head of Community Safety Partnership, Domestic Violence & Hate)

Monica Forty	Crime, Community Safety, Communities Localities and Culture) Interim Service Head - Learning & Achievement
David Galpin	(Service Head, Legal Services, Law Probity & Governance)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Ann Sutcliffe	(Service Head Corporate Property and Capital Delivery, Development and Renewal)
David Knight	(Senior Democratic Services Officer)

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Begum; A. Miah; M.A. Mustaquim and M. Alam.

In addition, it was noted that Councillor Rachel Saunders was substituting for Councillor Asma Begum.

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were not 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 7<sup>th</sup> April, 2015 be approved as a correct record of the proceedings.

## 4. REQUESTS TO SUBMIT PETITIONS

Nil items.

## 5. UNRESTRICTED REPORTS 'CALLED IN'

### 5.1 New Civic Centre Whitechapel - Procurement Proposal and Programme

The Overview and Scrutiny Committee received the "Call In" regarding the report on the "New Civic Centre Whitechapel – Procurement Proposal and

Programme” that had been considered by the Mayor in Cabinet on 8th April, 2015.

The Committee noted the Call-in requisition stated that:

1. The decision to agree a packaged development and disposals procured via OJEU raised serious concerns, particularly with regard to cost and timings;
2. The overall cost of the project raised concerns which it was felt merited full review and thorough scrutiny. The deliverability of this project is also under question, as the Mulberry Place lease ends in 2020, meaning that staff will have to decant by September 2019. This will leave no margin for error and require the project to be delivered precisely on schedule. There is also no clear detail on where council staff will be based in the interim period;
3. The change to the procurement route for the new Civic Centre was announced last-minute, at the Cabinet meeting itself. This decision was not fully explained and members were not given enough time to adequately consider the implications or address the downsides identified by officers;
4. The uncertainty over the loss of One Stop Shop and Idea Stores provision is of further concern. The list of disposal sites identified in the report, including the sale of Gladstone Place (the Bow ideas store) and the loss of Southern Grove as a Community Land Trust will have a negative effect on the borough and therefore it merited reconsideration;
5. Members of the council have also expressed concerns over the sequence of events leading to this decision, whereby the Royal London Hospital building was acquired first – and the service delivery model considered afterwards; and
6. The Civic Centre Whitechapel project also raised questions over the redevelopment of Roman Road.

As a result of a full and wide ranging discussion on this report the Committee

**RESOLVED:**

That, given the on-going concerns regarding site selection, cost and deliverability; the lack of cross party support for the project; and the significant change now proposed to the delivery mechanism, the report should be referred back to the Executive with a recommendation that the project should be paused to allow the new Mayor the opportunity of a stop/go review and that in the meantime work should be progressed to find solutions to the concerns raised by members.

**5.2 Recommendation to sell 296 Bethnal Green Road**

The Overview and Scrutiny Committee noted that following the Cabinet decision made on 4th February, 2015 authorising the sale of properties by informal tender officers had reconsidered the options of the sale for 296 Bethnal Green Road. Accordingly, officers were of the opinion that the sale

by auction for this property would be beneficial in terms of speed of sale, market coverage and the likely price achieved.

The Committee noted the Call-in requisition stated that:

1. Until the election of a new mayor, executive decisions should be paused in order to ensure legitimacy and accountability of any decisions made. The deputy mayor has no democratic mandate to make decisions, including the decision over 296 Bethnal Green Road;
2. The disposal of assets such as 296 Bethnal Green Road during a period of uncertainty over governance issues – namely the removal of the executive mayor from office – would benefit from full scrutiny in a cross-party arena. Consideration by the Overview and Scrutiny Committee would provide such scrutiny and examination; and
3. The disposal of assets requires the agreement of the DCLG appointed commissioners.

As a result of a full and wide ranging discussion on this report the Committee

**RESOLVED** that:

That this decision is referred back and that it is re-considered through the established cross party procedure.

## **6. SCRUTINY SPOTLIGHT**

Nil items.

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

### **7.1 Covert Investigation under the Regulation of Investigatory Powers Act 2000**

The Committee noted that:

The report had not been published five clear days in advance of the meeting. However, the Chair of the Committee indicated that he was satisfied that it was necessary to consider information about the Council's use of covert investigation without that consideration being delayed to a later meeting. This was because the use of covert investigation was a sensitive matter and given that the last meeting of the Standards Committee had been cancelled, the Chair took the view that it was important that there should not be an extended period without member oversight.

The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the Council's Local Development Framework, any external

targets or requirements imposed under relevant legislation and the Council's enforcement policy.

There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It had been designed to ensure that public authorities would not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European Convention on Human Rights ("ECHR").

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

1. The Committee heard that the use of the use of RIPA needed to be necessary and proportionate e.g. the investigation of a serious offence that carries at least a six-month custodial sentence.
2. The Committee heard that Tower Hamlets Homes (THH) is not covered by RIPA but as a public authority they have to comply via the human rights act to a RIPA-like process. The Committee asked for written advice to be circulated to them on this point.
3. The Committee heard that issues such as litter, which do not carry significant enough penalties, do not fall within the definition of serious offence in the legislation, as is required to justify the use of RIPA.
4. The Committee was reminded to make use of the smart phone app, Find It, Fix It, Love It that has been introduced as part of the Council's commitment to making the Borough an even cleaner and safer place to live, work or visit.
5. The Committee heard that with regard to drug related offences one needs to be able to test what substance it is and video evidence will not provide that level of evidence. The Committee indicated that they wanted to see a robust approach by the partnership to address drug related issues.
6. The Committee felt that social landlords like Tower Hamlets Homes should make more use of RIPA to address anti-social behaviour in those properties that they manage. In addition, THH should provide details on how many evictions had been undertaken of the perpetrators of ASB. In response it was noted that THH take such matters very seriously and they are working with partner agencies to address such issues.

7. The Committee heard that THH are looking at an improved communications strategy so that residents know what is being done to address ASB by their residents.

As a result of a full and wide ranging discussion on this report the Committee

**RESOLVED** that:

The next year's Committee is recommended to hold a spotlight session with THH and Social Landlords on this topic.

## **7.2 Scrutiny Review Report: Effect of Literacy and Numeracy Levels on outcomes for children and their families**

The Committee received and noted a report that provided recommendations following a scrutiny review to support literacy skills across Early Years, Primary, Secondary and Adult Learning. The review took place throughout February and March 2015, led by Cllr Denise Jones, Scrutiny Lead for Children, Schools and Families.

The Committee noted that literacy has a significant impact in improving life outcomes ranging from better employment prospects, health and wellbeing outcomes and economic benefits to the taxpayer. Tower Hamlets as a deprived borough has high levels of functional illiteracy amongst its adult population. In addition, based on the results from 2014, 13% of students did not achieve a Level 4 in reading and writing at Key Stage 2 whilst approximately 40% of learners left secondary school without 5 A\*-C grades which included English and Maths. At the Early Years stage, results are below the London average.

The review it was noted had been underpinned by following three core questions:

1. What are the key causes of underachievement and how can attainment be sustained?
2. What are the interventions available to all teachers to identify and tackle poor literacy in children?
3. How effective are the adult learning provisions in identifying and reaching out to learners with poor literacy?

The main points of the discussion on the report are summarised as follows:

The Committee heard that:

- Literacy is recognised as a basic right and 'is fundamental to informed decision-making, personal empowerment, active and passive participation in local and global social community.' Investment in developing literacy skills has shown to have supported statistically significant increases in life satisfaction, mental well-being, locus of control and self-esteem' and provides a greater return to the taxpayer;

- Whilst exploring the attainment figures for pupils at the end of Key Stage 4, the review explored the issue of underachievement amongst White British pupils in the borough. Setting out the disparity in attainment, the Ethnic Minority Officer presented statistical evidence which suggested ethnic minorities such as the borough's Bangladeshi population were meeting national expectations whilst the White British population were typically amongst the lowest 20%.
- To further support the objective of delivering universal access the service had invested in the development of a triage tool aimed at capturing data and allowing for users to be directed more precisely to relevant services. The tool was to undergo a pilot testing period at two of the major Idea Stores in Whitechapel and Chrisp Street Market.
- There is a possible relationship between criminal behaviour and literacy. It is frequently claimed that low literacy is related to unemployment, a lack of aspirations, poor physical and mental health, and/or great deprivation, which can lead to crime. Therefore, it is said that literacy is a key part of any crime prevention strategy.
- Consideration is being to looking at the education journey and where appropriate interventions do and do not work. Accordingly, the Committee felt that research should be undertaken as to where the system was not meeting the students' needs and aspirations.

As a result of a full and wide ranging discussion on this report the Committee

**RESOLVED** that:

1. A recommendation should be added to research the range and effectiveness of academic interventions for learners of all backgrounds currently attending Pupil Referral Units;
2. The draft report and the recommendations contained within it be submitted to Cabinet; and
3. The Service Head for Corporate Strategy and Equality be authorised to amend if necessary the draft report before submission to Cabinet, after consultation with the Scrutiny Review Chair.

### **7.3 Scrutiny Review Report: Drugs Enforcement**

The Committee received a report that provided a summary of the findings of a Scrutiny Review into how the council, police and social landlords promote the reporting of incidents of drug dealing, drug taking and related ASB in communal spaces and communicate the outcome of this reporting. It also outlined a number of recommendations to improve practice and performance in this area.

The main points of the discussion on the report are summarised as follows:

The Committee heard that:

- Issues of anti-social behaviour (ASB) can affect anyone irrespective of gender, sexuality, disability, age, class, religion or ethnicity. Fear of

anti-social behaviour and crime is often higher for certain groups and access to ASB service(s) including reporting needs to be widely advertised to reach diverse communities, as there is a risk that 'hard to reach groups' or communities may feel isolated, unsure or unaware of the procedure for reporting anti-social behaviour.

- The Find it, Fix it, Love it app could be developed from primarily fixing problems such as graffiti, fly posting and fly tipping to the reporting of ASB.
- On several estates where the electro magnet door entry systems had ceased to function due to ASB it has taken several weeks for these systems to be repaired.
- In certain parts of the borough residents had asked to overtake CCTV to be used to monitor and deter ASB.

As a result of discussions on this report the Committee

**RESOLVED** that:

1. The draft report and the recommendations contained within it be submitted to Cabinet; and
2. The Service Head for Corporate Strategy and Equality be authorised to amend if necessary the draft report before submission to Cabinet, after consultation with the Scrutiny Review Chair.

#### **7.4 Annual Scrutiny Report 14-15**

Members received and noted the Annual Scrutiny Report that summarised the work of the Overview and Scrutiny Committee and the Health Scrutiny Panel in the 2014-15 municipal year, for approval prior to being presented to Council.

It was noted that the report was not circulated with the Committee agenda and was unavailable for inspection within the timescales set out in the Authority's constitution as it was not possible to collate the necessary information prior to agenda despatch. The report is nevertheless recommended for consideration at this meeting in order to ensure that there is no delay in the deliberations on the contents of the report.

The main points of the discussion on the report are outlined below:

The Committee noted that:

The reviews that members have lead over the past twelve months have addressed policy issues that, whilst often being niche, nonetheless have a real impact on the lives of residents. The quality of those reviews - detailed, focussed investigations that drew widely on the expertise of residents and partners - has been exceptional and the policy changes they have delivered will have wide and lasting impact once implemented.



Scrutiny has been equally substantial and focussed (if wide-ranging), challenging decisions of the executive, scrutinising proposed mayoral decisions and taking evidence from a range of Cabinet members and partners. The latter has been particularly effective, with a focus this year on the borough's housing providers e.g. there had been long sessions with One Housing Group about their poor performance across the borough; with Tower Hamlets Homes about the problems leaseholders have faced with major works bills; and with Old Ford about the breakdown of their repairs services. Real changes in attitude, process and planning have been secured as a result, although the committee is in no doubt about the challenges that still remain.

With regard to the report into the sale of Poplar Town Hall this had not yet been published and as a result there was a full and wide ranging discussion on when this report should be considered. Accordingly, the Committee indicated that it wished to be consulted on any legal advice commissioned in connection with this report and that the Annual Report should be amended to indicate the Committee's concerns at the time it had taken to commission the independent external advice and to publish the report.

As a result of discussions on this report the Committee

**RESOLVED** that:

The report be submitted to Council.

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

The Committee received and noted the following brief verbal update from the relevant Scrutiny Lead.

Councillor J. Peck - Challenge session report: town centres policy and delivery

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

The Committee considered the following reports prior to the consideration by the Executive on 13<sup>th</sup> May, 2015.

### **Education, Social Care and Wellbeing Capital Programme 2015/16**

The Committee noted that this report advised the Cabinet on the 2015/18 Education, Social Care and Wellbeing (ESCW) Capital Programme and seeks various approvals as set out below:

1. Note the contents of this report and specifically the anticipated out-turn for the 2014/15 ESCW Capital Programme (detailed in Appendix A) and proposed allocation of the funding available in 2015/18 (as detailed in Appendix B);

2. Approve the adoption of capital estimates for the 2015/16 capital condition and improvement programme schemes in schools and service premises as shown in Appendix C (Schools and Children's Services) and Appendix D (Adult Services) and authorise expenditure;
3. Approve the adoption of a capital estimate of £350,000 for the additional dining accommodation at Oaklands School;
4. Note the completed projects within the Primary Capital Programme (PCP) schemes as shown in Appendix D;
5. Note the Primary School Expansion Programme as detailed in Appendix E;
6. Approve the adoption of a capital estimate of £750,000 to cover the costs of developing proposals to be considered for inclusion in the capital programme and authorise expenditure;
7. Approve the adoption of a capital estimate of £300,000 for the costs of providing additional short term accommodation if required for additional pupils until major works have been carried out to provide permanent additional school places and authorise expenditure;
8. Note progress with creating early education provision and further consultation with providers as shown in Appendix D;
9. Note the proposed procurement approach for the capital works to provide 6th form accommodation at Stepney Green School (paragraph 3.55);
10. Agree that Council-approved Frameworks be used, where appropriate, to deliver the various projects within the approved programmes;
11. Authorise the Corporate Director of ESCW, in respect of all proposed tenders referred to in this report, to agree tenders for projects within the approved programmes and capital estimate;
12. Authorise the Corporate Director of ESCW to prepare and carry out a Bill of Reductions for any scheme exceeding the approved budget, where relevant to ensure expenditure is contained within the agreed costs

As a result of discussions on this report the Committee

**RESOLVED** to support the recommendations as outlined in the report.

### **Primary School Places Programme**

The Committee noted that this report included proposals for two sites to provide additional primary school capacity to meet the rising need for school places in the borough. These sites are the Former Bromley Hall Special School and the former site of Bow Boys' School. Both sites are currently vacant and provide opportunities to be brought into primary school use.

It was noted that Cabinet is recommended to:

1. Approve the adoption of a capital estimate of £9.0m for the proposed works to the former Bromley Hall Special School;
2. Delegate to the Corporate Director, Development & Renewal, the power to appropriate land in Lochnagar Street shown in Appendix A

from the HRA to the General Fund for Education purposes, subject to prior consultation with the Service Head – Legal Services, and agree that the land is incorporated into Bromley Hall School site;

3. Approve the proposed procurement of works to the Bromley Hall School by use of a suitable pre-tendered framework;
4. Approve the adoption of a capital estimate of £11m for the proposed works to the former site of Bow Boys' School;
5. Approve the proposed procurement approach for the former Bow Boys' School site of working with Tower Hamlets Schools Ltd ;
6. Authorise the Corporate Director of ESCW to agree tenders for projects referred to in this report within the approved programmes and capital estimate; and
7. Authorise the Corporate Director, Development and Renewal, following consultation with the Service Head – Legal Services, to agree and enter into the contracts required to give effect to the above recommendations.

As a result of discussions on this report the Committee

**RESOLVED** to support the recommendations as outlined in the report.

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

**A. Poplar Town Hall**

The Chair indicated that it was his intention to raise with the DCLG appointed Commissioners the concerns of the Committee regarding the length of time it had taken to commission the independent external legal advice and to the publication of the report on Poplar Town Hall.

The Committee

**RESOLVED** that

1. It would meet on 26<sup>th</sup> May to consider its report on Poplar Town Hall
2. It wanted further independent legal advice to be commissioned for the committee on holding this meeting, and any other relevant issues; and that other legal advice should not be commissioned separately by the Council.

**B. Tower Hamlets Homes (THH)**

The Committee agreed that it would be appropriate to invite the Corporate Director and the Chief Executive of THH to address the progress that had been made to address the Committees concerns regarding the standard of housing management on those estates managed by THH.

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

Nil items.

**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 9.45 p.m.

Chair, Councillor Joshua Peck  
Overview & Scrutiny Committee