

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.15 P.M. ON MONDAY, 7 SEPTEMBER 2015

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor John Pierce (Chair)	
Councillor Danny Hassell (Vice-Chair)	
Councillor Mahbub Alam	–
Councillor Peter Golds	– Scrutiny Lead for Law Probity and Governance
Councillor Denise Jones	– Scrutiny Lead for Communities, Localities & Culture
Councillor Md. Maium Miah	– Scrutiny Lead for Resources
Councillor Oliur Rahman	–
Councillor Helal Uddin	– Scrutiny Lead for Development and Renewal

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)
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Also Present:

Mayor John Biggs

Officers Present:

Mark Cairns	– (Senior Strategy, Policy and Performance Officer)
Aman Dalvi	– (Corporate Director, Development & Renewal)
Emily Fieran-Reed	– (Head of Community Safety Partnership, Domestic Violence & Hate Crime, Community Safety, Communities Localities and Culture)
Anna Finch-Smith	– (Senior Business Partner - Corporate, Human Resources)
Minesh Jani	– (Head of Audit and Risk Management, Resources)
Matthew Pullen	– Major Project Development
Louise Russell	– (Service Head Corporate Strategy)

Owen Whalley	– and Equality, Law Probity & Governance)
Sarah Williams	– (Service Head Planning and Building Control, Development & Renewal)
David Knight	– (Team Leader Social Care, Legal Services, Law Probity & Governance)
John Williams	– (Senior Democratic Services Officer)
	– (Service Head, Democratic Services, Law Probity and Governance)
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Mike Brooke	– Editor of the East London Advertiser
Mr Prosper Rich	– TUSH Housing Co-operative

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interest were received.

3. UNRESTRICTED MINUTES

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

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 27th July, 2015 were approved and signed by the Chair as a correct record of the proceedings.

4. REQUESTS TO SUBMIT PETITIONS

The Chair advised OSC that a series of questions had been submitted to the Service Head of Democratic Services regarding the TUSH Housing Co-operative. It did not meet the criteria as set out in the constitution. However, the Chair indicated that he was minded to allow Mr Rich from the Housing Co-operative to address the Committee and present the questions given the importance of the subject to local residents.

Accordingly, 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 series of questions presented by Mr Prosper Rich with regard to TUSH Housing Co-operative in Bruce Road, E3 the main points of the petition are set out as follows:

1. The remaining Members of the TUSH Housing Co-operative asked where is the overview and scrutiny of the Executive response to the plight of the 82 year old and his 'family' at the TUSH at 62 Bruce Road London E3?
2. Do not the vulnerable people at 62 Bruce Road deserve the same support as the Executive gave to Rich Mix?
3. Why are Council officers being allowed to harass the 82 year old and the others affected by the cruel eviction programme?
4. What is the Executives excuse for the difference of attitude they have so far shown to Rich Mix and to the TUSH residents?
5. The lack of care, discrimination, disrespect of support by 2500 local residents in handling of TUSH housing petition process.

As a result of a discussion on the above, the Committee agreed that the due process needed to be followed and that this matter should be referred the Mayor.

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

RESOLVED

That the concerns of the TUSH Housing Co-operative should be referred the Mayor for him to respond.

5. UNRESTRICTED REPORTS 'CALLED IN'

Nil items.

6. SCRUTINY SPOTLIGHT

Nil items.

7. OVERVIEW AND SCRUTINY TRANSPARENCY COMMISSION

7.1 Transparency Commission: Scope and Work Programme

This Committee received and noted a report that presented the draft scope and schedule of the Overview and Scrutiny Committee's transparency work (the Transparency Commission).

As a result of consideration of this report the Committee:

- Heard that at Overview and Scrutiny Committee's (OSC's) meeting on 7th July, 2015 the Chair of OSC had announced the intention for the

Committee to focus on transparency for its next three meetings. Then at OSC's meeting on 27th July, 2015 the Committee discussed the initial aims, scope and work programme of the Transparency Commission. In addition, the Committee took evidence from journalists with a local interest, and considered transparency in relation to Freedom of Information, Licensing and Planning decisions.

- Noted that the tonight's meeting will consider transparency in relation to the Community Infrastructure Levy; Community Engagement; Democratic Engagement and Whistle blowing. In addition, the Committee would receive evidence from the Executive Mayor; East London Advertiser and Centre for Public Scrutiny.
- Heard that in October, the Committee will receive evidence from authorities that are well regarded in particular aspects transparency. London Borough of Redbridge, for example, will be outlining their approach to open data.
- Was advised that the work of the OSC Transparency Commission has been widely publicised, including through East End Life and social media. A survey had been launched in mid-August to provide local residents and organisations with an opportunity to give their views on how to improve transparency within the Council. The findings of the survey will be considered by the Committee.
- Considered if a neutral Chair for the OSC Transparency Commission should be appointed with the agreement of the three main political parties;
- Discussed if the recent decision by Executive regarding Rich Mix could potentially form the basis of a case study;
- Considered the introduction of e-petitions and using local venues for meetings of the Cabinet so as to reach out to as wide a spectrum of the community as possible; and
- Discussed how the Commission could also engage with staff and the trade unions in the Committee's transparency work.

7.2 Executive Mayor's perspective

The Committee received and noted a report from the Mayor on transparency which may be summarised as follows:

The Committee heard that:

- In the 2015 election the Mayor had campaigned on a pledge to lead Tower Hamlets in an open and transparent way and following his election he had requested the development of a Transparency Protocol to enable me to put this pledge into action;
- This report provided a starting point for what a transparent and open Council and Mayor might look like and what actions would need to be put in place to achieve this. It would include more detail on the pledges made in his manifesto which were designed to increase transparency **e.g.** including a commitment to answer questions from the public and

councillors at every full Council meeting; to attend Overview and Scrutiny meetings as invited and to set up Public Meetings across the borough. It will also make new suggestions, as the Mayor wanted to be ambitious in this regard, to maximise the transparency of the Council, ensuring we become a leading borough in this field;

- The Council is emerging from a turbulent period which has had an impact on the trust residents have in the work of the Council. National scrutiny has been focussed on the Council, highlighting areas for improvement and creating an opportunity to make changes. Most importantly, it has demonstrated a need for organisational culture change: away from a protective and defensive approach to one which recognises the importance of openness and engagement, and embraces the opportunities this will bring about;
- Having undertaken reviews into Transparency at the GLA, the Mayor stated that it is not only important to be transparent through the publication of decisions or information and data, but also to provide a rationale and explanation for the decisions made. The benefits of this approach are manifold, but have even greater importance in the face of the difficult decisions which will soon be facing the Council. As the national policy of austerity continues and the Council develops ways to respond, it is vital that residents are informed about the decisions made, the reasons behind them, and are involved in developing options and providing feedback;
- The purpose behind this transparency initiative is for residents to be informed, involved in decision making, especially where they are affected, and are empowered to hold the Mayor and Cabinet to account.
- Councillors, both those on the Overview and Scrutiny Committee and all non- executive members, play an important role in scrutinising decision making and improving policy making, within the Council (e.g. the budget process). They must be supported, through the provision of timely information and officer time, to ensure they can undertake this role effectively;
- Consideration of how all those bodies in receipt of public monies are scrutinised and if necessary challenged in an open and transparent fashion e.g. Housing Providers and Third Sector Organisations;

With the above considerations in mind, the Committee noted that the Mayor had laid out the following principles, which it was hoped would demonstrate his commitment to governing in a transparent way which will help create a culture shift to a more transparent council.

The Mayor will:

1. Take all decisions in public, and where this is not possible, a clear reason will be provided to explain why; enable public, scrutiny and opposition questions at all public decision making forums, which will be answered by the Executive; create more opportunities, though public meetings for residents to ask questions and raise concerns;

2. Lead an organisation, which involves residents and Councillors in consultation at the earliest possible point in any policy or decision making process; as a default, make information available to the public and all Councillors in a timely and easily accessible format; actively communicates with residents and responds to queries positively;
3. Work closely with the constitutional Working Group on the review of the Councils Constitution;
4. Continue with the development of the productive and ongoing dialogue with the DCLG appointed Commissioners;

Finally, the Chair invited the Senior Reporter of the East London Advertiser Mike Brooke to address the Committee on the role that the press can play in supporting the development of transparency, including how residents could be better informed about Council activity, processes and decisions. The Committee noted that:

- a. Consideration needs to be given to the relevance of publications such as East End Life and what viable alternatives are available to councils who need a means to provide information to those “hard to reach” groups;
- b. There needs to be a greater dialogue around information to ensure balanced and objective reporting of news and events; and
- c. Consideration needs to be given regarding access to the sources behind the news stories and that those stories need to be released to local news media as quickly as possible e.g. the story regarding the unexploded bomb in Bethnal Green.

7.3 Decisions on use of S106 and Community Infrastructure Levy

The Committee received and noted a report that outlined:

- S106 policy and guidance
- Role of Development Committees
- Planning Contributions Overview Panel (PCOP)
- Decision Making Process
- Information on S106 agreements and decisions
- The Community Infrastructure Levy (CIL)

As a result of consideration on this report the Committee:

- Commented that residents wished to know how the monies that the Council received from S106 agreements and the Community Infrastructure Levy (CIL) were being spent in Tower Hamlets e.g. Councillors could receive bulletins on what S106 and CIL monies were being spent in their wards;
- Indicated that the format of Planning Contributions Overview Panel (PCOP) should be reviewed in consultation with the Transparency Commission;
- Heard that LBTH had been subjected to rigorous independent scrutiny regarding the expenditure of monies received from S106 and the CIL.

7.4 Community Engagement

The Committee received and noted a report that outlined the work being done to engage with local communities regarding transparency.

The Committee:

- Heard that within the Strategic Plan 2015/16 there were objectives to improve transparency of decision making by engaging more residents and community leaders in policy and budget changes and to implement a framework for engagement of borough-wide equality forums;
- Noted that the Community Plan for 2015 included cross-cutting priorities to empower residents and build resilience. In addition, residents would be better able to support themselves; seek to reduce reliance on public services and be more engaged in designing and delivering public services;
- Agreed that consideration needed to be given to the cost and benefits of the Councils engagement with residents both Borough-Wide and within wards *i.e.* what has been able to learned; understood and successfully incorporate into future programmes;
- Wanted to be provided with details regarding the Your Borough Your Voice consultation *i.e.* the range of issues consultation on and how many residents were actually consulted;
- Agreed that Community empowerment is about having the conditions in place that allow local people to make a difference to improve their localities, and that encourage them to believe that it is both possible and worth it; and
- Wanted to receive a report about helping elected members to work with individuals; community groups and local organisations so as to support and enhance their democratically elected role.

7.5 Democratic Engagement

The Committee received and noted a report that provided a focus on the democratic decision-making and scrutiny processes and the extent to which the law, the Council's Constitution and/or practice promotes transparency and accountability.

The Committee heard that:

- Transparency/openness in decision making means that residents can easily know who is taking decisions that affect them, what those decisions are and the reasons for them; witness the process if they wish; and hold the decision-makers to account;
- Most executive decisions taken in public; there is a low percentage of exempt items; relatively high public attendance at Council meetings; there have been 50 public questions to Council in year to July 2015; 19 petitions to Council in year to July 2015; co-opted positions filled on

O&SC, SAC, Pensions; and Committee; relatively high level of delegated powers in some areas; electoral participation high; and

- There is legislation in place that means councillors do not have to an item to be seconded for it to be discussed at a Council meeting.

7.6 Whistleblowing

The Committee received and noted a presentation that provided a focus on Whistleblowing, the process for which forms part of the Anti- Fraud and Corruption Strategy

The Committee noted that the Strategy:

- Is refreshed annually and reported to the Corporate Management Team and Audit Committee; and
- Sets out the duty of the Council under Public Interest Disclosure Act.

The Committee heard that:

- The whistle blowing process should be seen as a supplement, and not substitute, for the usual channels for complaints **e.g.** complaints procedure; grievance and combating harassment and discrimination procedure (CHAD); line management; housing benefit fraud hotline; council general enquiry hotline; external audit (KPMG) and public concern at work;
- There has to be a process that supports this culture and that staff feel confident that they can report issues and receive guidance through the process; and
- Work is being undertaken to review the Council's current Whistleblowing processes as part of a holistic approach to dealing with concerns.

7.7 Transparency and Scrutiny - A National Perspective

The Committee received an outline on the national perspective on Transparency and Scrutiny. The Committee noted that for effective scrutiny they would have:

- to consider the back ground information on decisions and how the Executive interacts with both Scrutiny and Officers;
- the right information at the right time so as to make informed decisions; and
- A dialogue on what to consider what to scrutinise and what not to scrutinise.

8. VERBAL UPDATES FROM SCRUTINY LEADS

Consideration of this item was deferred until the next meeting.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee agreed to receive a report on Planning for School Places 2015/16 Review at a future meeting.

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

Nil items.

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 10.15 p.m.

Chair, Councillor John Pierce
Overview & Scrutiny Committee