

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 7 OCTOBER 2008

**ROOM M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Abdul Asad (Chair)
Councillor Stephanie Eaton
Councillor Waiseul Islam
Councillor Ann Jackson
Councillor Shiria Khatun
Councillor Abjol Miah
Councillor A A Sardar
Councillor Bill Turner (Vice-Chair)

Other Councillors Present:

Councillor Anwara Ali
Councillor Alibor Choudhury
Councillor Marc Francis
Councillor Sirajul Islam
Councillor Joshua Peck
Councillor Lutfur Rahman

Co-opted Members Present:

Mr H Mueenuddin – Muslim Community Representative

Officers Present:

Lutfur Ali – (Assistant Chief Executive)
Suki Binjal – (Interim Head of Legal Services - Community,
Chief Executive's)
Paul Evans – (Interim Corporate Director Development &
Renewal)
John Goldup – (Corporate Director, Adults Health and Wellbeing)
Afazul Hoque – (Acting Scrutiny Policy Manager, Scrutiny and
Equalities, Chief Executive's)
Michael Keating – (Service Head Scrutiny & Equalities, Chief
Executive's)
Michael Kiely – (Service Head, Development Control and Building
Control, Development & Renewal)
Beverley McKenzie – (Members Support Manager)

Amanda Thompson – (Team Leader - Democratic Services)
John Williams – (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Oliur Rahman.

2. DECLARATIONS OF INTEREST

Councillor Stephanie Eaton declared a personal interest in agenda item 13.1 as she was a ward member.

Councillors Anwara Ali, Alibor Choudhury, Marc Francis, Sirajul Islam and Lutfur Rahman each declared a personal and prejudicial interest in agenda item 6.1 on the basis that they were Members of the Cabinet when the original decision was taken, and all left the room during the Committee's decision making and voting on this item.

3. UNRESTRICTED MINUTES

RESOLVED

That the unrestricted minutes of the meeting held on 9 September 2008 be confirmed as a correct record.

4. REQUESTS TO SUBMIT PETITIONS

None received.

5. REQUESTS FOR DEPUTATIONS

None received.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 Report Called In - 33-37 The Oval and Bethnal Green Gasholders Site, E3

Further to their respective declarations of a personal and prejudicial interest, Councillors Anwara Ali, Alibor Choudhury, Marc Francis, Sirajul Islam and Lutfur Rahman left the room during the Committee's decision making and voting on this item.

Mr Lutfur Ali outlined the call-in procedure to the Committee.

Councillor Golds for the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the

provisionally agreed decision to enter into a conditional agreement with the Developer to acquire land known as 33-37 The Oval, as well as the commissioning of a comprehensive investigation by the Chief Executive to establish whether the Authority has put in place adequate controls to prevent a recurrence of the procedural errors.

Councillor Golds advised that the reasons that these two options were placed before the Cabinet was that planning permission had been granted for the site without the Council consulting the Health and Safety Executive (HSE) as it was legally required to do due to the presence of a gas works. This failure to consult had left the original planning permission vulnerable to legal challenge by the HSE, and both the Council and the Developer exposed to costs arising out of this.

Councillor Golds stated that the planning permission had been granted under delegated powers which was not appropriate for an application of this size, and the Council had not prevented the development of the site which was now considerable. No information had been placed before Members as to why officers sought to proceed with the flawed application over the objection of the HSE and the risk of involving the Secretary of State. This issue was placed before the Cabinet when the Lead Member for Resources was not present and so the Cabinet did not discuss the issues of affordability of either option.

Councillor Golds then responded to questions from the Committee concerning the adequacy of the proposed investigation and the possibility of incurring further costs if the developer was challenged.

Councillor Josh Peck, Lead Member for Resources and Performance, then addressed the Committee on behalf of the Cabinet in response to the Call-in and made the following points:

The matter did not come before either of the Council's Development Committees because it was a case that was capable of being dealt with under delegated powers. The Cabinet report made clear that officers should have been aware of the gas works, this was not denied and therefore the failing was with the Council who then granted planning permission without consulting the HSE. All Members of the Cabinet were aware of the finances involved not just the Lead Member.

Committee Members then put detailed questions to Councillor Peck on a number of issues concerning the monitoring of delegated decisions, the length of the investigation, and the Environmental Impact Assessment.

Following the discussion the Committee voted on whether to refer the item back to the Cabinet for further consideration and it was

RESOLVED:

That the alternative course of action proposed in the Call-in not be pursued and the decision of the Cabinet be confirmed, subject to the following comments being submitted to the Cabinet for consideration:

1. The investigation should be transparent and open to consultation with Members of the Overview and Scrutiny Committee, Development Committee and Strategic Development Committee;
2. The investigation should also consider if the Developer tried to mitigate any loss to the Council and if development activity was halted as soon as possible;
3. The Chief Executive's investigation should also review the Council's delegated powers and also explore ways in which community awareness could be increased in relations to such developments through the LAPs.

7. SCRUTINY SPOTLIGHT: LEAD MEMBER

Councillor Anwara Ali, Lead Member for Health and Well Being, gave a presentation on the key issues, opportunities and challenges arising from her portfolio.

The Committee noted that Tower Hamlets continued to be one of the top performing social care Directorates in London, and good working relations had been developed with NHS partners, as demonstrated by the success of the LinkAge Plus Programme.

A key priority for the remainder of 2008/09 was Mental Health as this area required more work in order to improve services for residents. It was also important to maintain a democratic oversight of health care in Tower Hamlets.

The main challenges included the ageing population and growing demand for services, pressure on resources and uncertainty about future organisation of the NHS in London.

Members of the Committee raised issues around the importance of addressing the huge health inequalities that existed in Tower Hamlets, and expressed concern about the consultation that was taking place in relation to the Pollards Row Surgery and the need to ensure that the Council did not face similar issues to those experienced in connection with the St Paul's Way Medical Centre. Members also raised concerns about child obesity and the growing number of fast food outlets in the Borough which was helping to exacerbate the problem.

The Chair thanked Councillor Ali for her presentation.

8. PERFORMANCE MONITORING

8.1 Members Enquiries

Councillor Sirajul Islam, Deputy Leader of the Council, introduced a report detailing the progress made on the Members' Enquiries Business Process Improvement (BPI) project, which aimed to enhance both the speed and quality of responses to enquiries.

The Committee were advised that although performance had improved gradually during the project, it was still short of the target of 85% of Enquiries responded to within ten working days. A further review was underway to identify actions to maintain the focus on improvement. The results of this were starting to be seen with 81% of enquiries being responded to during September 2008.

The Committee noted that more than half of the enquiries received had to be dealt with by agencies that were not directly part of the Council and discussions had started with the Registered Social Landlords (RSLs) in order to achieve the desired improvements.

The Committee welcomed the progress that had been made with the BPI Project but expressed concern in relation to the quality of responses received from both the Council and external partners, particularly some of the RSLs, and asked that the Council continue the discussions to improve both response time and quality.

9. SCRUTINY MANAGEMENT

9.1 Overview and Scrutiny Recommendation Tracking Report

Michael Keating, Service Head, Scrutiny and Equalities, provided the six monthly recommendation tracking report to monitor progress implementing the Committee's past recommendations.

The Committee welcomed the progress that had been made with implementing the recommendations and was pleased to note some of the positive outcomes from the scrutiny reviews.

10. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

The Chair MOVED and it was:-

RESOLVED

That the following pre-decision questions be submitted to Cabinet for consideration:

Agenda Item 6.2 The Provision of Structural Checking Consultancy Services for Building Control – Contract No. DR3040 Building Control (Higher Value Works) – (Three year Contract with 1 Year Extension) and Contract No. DR3011 Building Control (Lower Value Works) – (Three Year Contract with 1 Year Extension) (CAB 053/089)

Given the controversy surrounding use of consultants in local government generally, have we considered developing a cross borough East London approach to the use of consultants which would provide consistent standards, better outcomes and value for money?

Agenda Item 7.1 Building Schools for the Future (BSF) – Wave 5 Outline Business Case (CAB 055/089)

Has the Council considered possible problems on costing given the current economic climate and do we have any indemnity insurance to cover these?

Agenda Item 8.1 ASBO Publicity Protocol (CAB 059/089)

Can the Cabinet outline how they have fully considered the safety implications of this protocol for local residents?

Agenda Item 10.1 Priorities and Arrangement for Mainstream Grants 2009-2012 (CAB 060/089)

Will the Cabinet consider cross-funding options with regard to the older people's agenda where there are clear links between educational, social and physical activities?

The meeting finished at
9.15pm.

Councillor Abdul Asad, Chair