# LONDON BOROUGH OF TOWER HAMLETS

#### MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

#### HELD AT 6.33 P.M. ON MONDAY, 13 DECEMBER 2021

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

#### **Members Present:**

Councillor Mohammed Pappu (Chair)

Councillor Bex White (Vice-Chair)

Councillor Faroque Ahmed Councillor Marc Francis Councillor Denise Jones Councillor Gabriela Salva Macallan Councillor Leema Qureshi

Councillor Andrew Wood

#### **Co-opted Members Present:**

Halima Islam	_	Co-Optee
James Wilson	—	Co-Optee

#### **Other Councillors Present:**

Councillor Asma Begum Councillor Mufeedah Bustin Councillor Danny Hassell Councillor Candida Ronald

#### Apologies:

Councillor Ehtasham Haque

#### **Officers Present:**

**Kevin Bartle** 

Rupert Brandon Vicky Clark

Billy Finnegan David Freeman

- Scrutiny Lead for Housing and Regeneration
- (Corporate Director, Resources & Section 151 Officer)
- Interim Head of Housing Supply
- (Director of Integrated Growth and Development)
- (Youth Offending Service)
- (Policy and Strategy Manager, Voluntary and Community Sector

- Scrutiny Lead for Children and Education
- Scrutiny Lead for Community Safety
- Scrutiny Lead for Health and Adults
- Scrutiny Lead for Resources and Finance

(VCS) (Head of Corporate Strategy & Afazul Hoque Policy) David Knight (Democratic Services Officer, Committees, Governance) Filuck Miah (Strategy and Policy Officer, Corporate Strategy and Policy Team) Ann Sutcliffe (Corporate Director, Place) \_ Karen Swift (Divisional Director, Housing and Regeneration) (Corporate Director, Children and James Thomas Culture) Nisar Visram (Director of Finance, Procurement & Audit)

# 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST AND OTHER INTERESTS

The following Member for transparency declared a potential interest in relation to:

1. **Item 9 Pre-Decision Scrutiny Questions** Councillor Marc Francis due to his wife Councillor Rachel Blake being the Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing.

# 2. UNRESTRICTED MINUTES

# RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 22<sup>nd</sup> November 2021be approved as a correct record of the proceedings and the Chair was **authorised** to sign them accordingly. Subject to the following amendment:

# Minute 15 Victoria Park

**Delete:** "Therefore, it would be helpful if the Committee could have a note explaining why this was not **seemed** to be a key decision" and **insert:** Therefore, it would be helpful if the Committee could have a note explaining why this was not **deemed** to be a key decision.

# MATTERS ARISING

# 9.1 Waste and Recycling (22<sup>nd</sup> November 2021)

Noted that following the spotlight on Waste and Recycling services on 22<sup>nd</sup> November 2021 the Chair advised the Committee that he had submitted the recommendations to Councillor Asma Islam (Cabinet Member for Environment and Planning) and (i) had asked for a written response to the recommendations; (ii) as soon as this is received it will be circulated to the Committee.

# 3. ACTION LOG

The Committee **noted** that it had received the response regarding the Liveable Streets recommendations as detailed in the Action Log.

In addition, it was noted that there were the following action log items:

- A breakdown of the recent Autumn Budget and Spending Review announcement and the projected implications for Tower Hamlets.
- A report on the review of Leisure Centres that was to be provided to the Committee; and
- A written note to be provided with an explanation as to why the decision to agree the extension of AEG was not considered to be a key decision.

# 4. **REQUESTS TO SUBMIT PETITIONS**

Nil items.

# 5. FORTHCOMING DECISIONS

The Committee **noted** Cabinet forward plan as of 16<sup>th</sup> November 2021 and that for the most up to date version, Members were recommended to check the Cabinet web pages on the <u>council's website</u>.

# 6. UNRESTRICTED REPORTS 'CALLED IN'

Nil Items.

# 7. SCRUTINY SPOTLIGHT

# 7.1 Housing

The Committee received a presentation that provided an overview of the Council's activities to deliver housing priorities over the last 18 months and covered (i) housing projects delivered; (ii) work in progress; (iii) planned work including the key housing challenges; and (iv) an update on the Housing Revenue Account (HRA). The main points raised because of questioning summarised as follows:

The Committee:

- Was pleased to hear on the progress being made with house building and welcomed the volume of buyback on right to buy properties to house homeless households.
- Noted The buyback scheme has benefits for both the Housing Revenue Account (HRA) and the general fund. In terms of the former,

the additional stock will help to sustain the HRA rental income whilst assisting in mitigating the financial pressure arising from the increased cost and requirements for temporary accommodation to house homeless households in the general fund.

- Noted that many councillors have seen a deterioration in the quality of service being offered by most registered housing providers who are managing and maintaining existing homes, providing associated services within Tower Hamlets e.g., housing repairs and anti-social behaviour (ASB).
- Was reminded that Tower Hamlets Housing Covenant had set out a commitment by the Borough, its ALMO Tower Hamlets Homes and registered providers with homes in the borough to work together to (i) provide quality value for money housing services; (ii) share a commitment to Tower Hamlets residents; and (iii) maximise the supply of affordable housing and housing options.
- Noted that covenant signatories were required to 1 Listen to and respect residents' views; 2 Respect diversity and provide inclusive services; 3 Operate transparently and openly; and work cooperatively with properly constituted and representative resident groups; 4. Respond to Members' Enquiries and information requests within published timescales; 5. Ensure residents live in warm, safe, weathertight, and decent homes; 6. Remedy resident repair requests in an appropriate and timely manner; 7. Actively participate in tackling Anti-Social Behaviour; 8. Be members of the Common Housing Register; 9. Evidence value for money in service provision; 10. Share key performance data to identify and share best practice; 11. Maximise opportunities for residents to take-up work, training and apprenticeships; and 12. Identify opportunities for Right-to-Buy receipts generated in the Borough to be invested in new housing in Tower Hamlets.
- Commented that it would be of use to be able to identify which of the partner housing associations in the Borough are delivering against the twelve objectives.
- Noted that there are number of ways that the Council can collaborate with its partners e.g., the Borough therefore shares and promotes good practice.
- Noted that some registered housing providers are incredibly positive about strong partnerships in the Borough and that they do not see that within all councils. Although not every housing provider is engaging to the same level and there is a challenge there the Lead Member; the Mayor and other ward members have incredibly challenging conversations with housing providers about the quality of their services and plans.
- Noted some of the continuing challenges of rising rent, fuel poverty and the impact of the departure from the European Union on cost of labour, skills, and materials.
- Noted in terms of the winter strategy the Lead Member was happy to share more detail on what the Councils approach has been in terms of its rough sleeping plan and what is being developed in terms of data and outcomes.

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- Noted that regarding the data on how the Council are currently performing on the implementation of improvement the last strategic quarterly performance monitoring report submitted to Cabinet showed an increase in kind of work in terms of prevention.
- Noted that the Lead Member had met with an entire range of senior managers from housing providers last week to talk about how the Members enquiry process can be improved with reference to housing issues. The Lead Member indicated that the seniority of those attending illustrated a tangible commitment within these housing providers to make sure that they get the Members enquiry process right. In addition, the Councils own Housing and Regeneration Scrutiny Sub-Committee provides an opportunity for Members to review and scrutinises those decisions made, or actions taken in connection with the discharge of the Council's housing functions.
- Commented that the housing providers should not wait for the new consumer regulation to look at how they can improve their services and engagement with tenants.
- Agreed that the Council needs to be initiative-taking in obliging the regulator and the government to adhere to these very worthy objectives. Housing providers must maintain tenants' homes so that they are safe and of a decent standard and that housing providers provide a quality service. Where things go wrong, complaints must be managed effectively, and things are put right. The relationship between tenants and housing providers should be underpinned by shared expectations of fairness and respect and a shared understanding of their respective rights and responsibilities. Housing providers must demonstrate that they understand the diverse needs of the communities that they serve, and their services must reflect that. Whilst tenants need to understand, use, and have confidence in the recourse that they must get problems resolved.
- Stated that Councillors had to have confidence that housing providers are (i) committed to their tenants as they are responsible for meeting the regulatory standards; (ii) supporting their tenants to shape and scrutinise service delivery, to hold their housing provider to account and for understanding their performance and telling the Council if they are not meeting a standard. Arising from discussions on this matter the Committee expressed concern that in October 2021 following receipt of a fire safety report from an engineering advisory consultancy, Clarion Housing Group had permanently moved all 120 households out of Clare House with immediate effect. Clarion had it was felt not managed this serious situation effectively and the relationship between tenants and Clarion had been compromised and that this will need to be addressed.
- Noted that the Council has a number of incentive schemes designed to help tenants to downsize to smaller homes when their household needs change. These tenants can access an entire range of incentives depending on what is most appropriate for them on a kind of sliding scale according to the size of the property as well as what becomes available. Whilst in terms of "knock throughs" to create one home out of two adjoining properties this needs to be considered very carefully

because whilst it may help solve an immediate families housing issue. It does take a property out of circulation therefore stopping another family on the waiting list being able to get a property. Therefore, the Council primarily considers a "knocking through" to increase the available room by utilising that which is considered to be "Dead Space" in a property (**e.g.**, old storerooms) and not consider knocking through two properties unless there was a set extenuating circumstance, such as a severe medical need.

Considered waiting lists for larger families, roof top scheme potential, incentives for rationalising and obtaining a better understanding of the housing management panel process and decisions.

Following a full and wide-ranging discussion, the Chair thanked all those Committee Members in attendance together with (i) Councillor Danny Hassell (Cabinet Member for Housing); (ii) Karen Swift (Divisional Director, Housing and Regeneration); and (iii) Rupert Brandon (Interim Head of Housing Supply) for their contributions to get a sense on what has been delivered to date, the future and the challenges that the Borough continues to face.

Accordingly, the Committee asked that the Cabinet Member for Housing to consider the above comments and the following recommendations.

- It would continue to monitor this area via the Housing and Regeneration Sub-committee and look forward to re-visiting how the Council has taken on board the Committees feedback in 2022.
- Having raised concerns about the lack of accountability for many of the housing providers who are signatories to the Tower Hamlets Housing Covenant felt that more affirmative action was required from the Council to hold these signatories to account. Accordingly, members indicated that it **wished** to know what sanctions can be used to get the covenant signatories to delivering against the twelve objectives.
- 3. Having heard the progress of the Councils Housing Options service on its work with the Homeless transformation programme and the rough sleeping delivering plan and **recommended** using the opportunity to follow up on the outcomes on residents who are experiencing homelessness but remain housed in hotels.

# 8. BUDGET & POLICY

#### 8.1 Budget Consultation

The Committee noted that in March 2022, the Council will agree its budget for 2022-23 and in line with previous years, the Council has conducted consultation with residents, businesses, and other key stakeholders to help inform the budget setting process. The results of the Council's 2022-23 budget consultation conducted from October to November 2021 were outlined in the report. The key points of the discussion may be summarised as follows: The Committee:

- Welcomed that budget consultation undertaken earlier this year and noted that the findings from the consultation will be incorporated into the budget setting process.
- Noted that the headline findings from the budget consultation highlighted Community Safety as the top concern for residents which is a shift from the previous year which had been on Public Health.
- Noted on the top line analysis of the settlement but wanted clarity on the potential £18 million extra available to the Council than originally assumed as result of government delays on the business rate re-set and felt that the historical underestimation on budget setting often posed unnecessary risks to cutting services.
- Commented that it had been extremely useful to get a sense of the public mood and expressed the hope that the results from the consultation will play its part on next year's budget.

Following a full and wide-ranging discussion, the Chair thanked all those Committee Members in attendance together with Councillor Candida Ronald (Cabinet Lead Member for Resources and Voluntary Sector); Nisar Visram (Director of Finance, Procurement and Audit Interim); and Kevin Bartle (Corporate Director, Resources & Section 151 Officer) for their contributions to what had provided Members with a sense of the public's mood.

Accordingly, the Committee resolved that:

It looked forward to reviewing the budget and will seek to understand how the findings from the budget consultation have been taken on board.

# 8.2 Youth Justice Annual Plan

The Committee received a report that outlined the priorities and strategic goals of the Youth Justice Board and as a committee we have an opportunity to review this plan and provide our comments and feedback.

For now, the key points for the Committee are:

- Noted that Young People's service has an ongoing internal auditing processes that are embedded within the services practice, although there are also a number of annual external audits which are commissioned with other local authorities as well as the Her Majesty's Inspectorate of Probation (HMIP) which makes recommendations to identify and disseminate effective practice, challenge mediocre performance, and encourage improvement.
- Noted that about Tower Hamlets restorative justice practice whilst the performance has been variable over the years the majority are young adults and not children under eighteen. In terms of the custody Tower Hamlets (i) has very few young people in custody and maintains a

close working relationship with those institutions holding the young people; and **(ii)** maintains a critical eye on the practices in those settings to ensure that the young people are kept safe and that their offending and education is being addressed.

- Was pleased to note whilst the report stated that reoffending rate was 41% there has been a positive trajectory and currently the rate is between 34% to 35% and this was expected, and it is anticipated this trend will continue. Accordingly, the Committee asked to receive an update on these figures to monitor progress.
- Expressed concern that Black, Asian and minority ethnic young people receive harsher sentences and noted that the action plan is designed to target each partner agency. Although the multi-agency panels tasked to scrutinise decisions held in March 2020 and March 2021 had agreed with all but 1 of the decisions that had been made, suggesting that the right decisions as a service in terms appropriate disposal have been made.
- However, agreed that attention needs to be considered to the disproportionate representation of young black people in the criminal justice system and welcomed the ongoing work being done to address this.
- Welcomed (i) the regular dialogue and early engagement with statutory partners including voluntary sector and young people through a series of workshops with the purpose of developing the vision and strategy for this plan; (ii) that First Time Entrants (key performance indicator) continues to decrease and recent data suggests this has been the lowest in the last three years; (iii) that the service continues to track and monitor the Boroughs young people in custody and whilst holding a critical eye, maintain a healthy relationship with the custodial establishments; and (iv) the preparations being undertaken for the Youth Justice Service Inspections (expected in early 2022) including setting outcomes to measure the effectiveness of the Youth Justice Board.

As a result of discussions on the report, the Chair (i) thanked all those Committee Members in attendance together with Councillor Asma Begum (Statutory Deputy Mayor and Cabinet Member for Children, Youth Services, Education & Equalities); James Thomas (Corporate Director for Children & Culture) and Billy Finnegan (Acting Head of Youth Justice & Young People's service) who had provided an overview of the Annual Youth Justice Plan. (ii) indicated that it had been useful for the Committee to get a sense of the travel of direction and the report itself had outlined some of the progress that has been made, some of the key challenges and priorities going forward.

Accordingly, the Committee having reviewed the report on the Annual Youth Justice Plan 2021-22 (i) welcomed the service's partnership approach to developing the plan for 2021-2022; and (ii) would be submitting a report to Cabinet on this item which would incorporate the Committees comments and feedback for consideration. These are outlined below:

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- 1. **Resolved** to support the priority around restorative justice and has asked for further details on number of children and young people benefiting from this approach as part of their rehabilitation process.
- 2. **Expressed** concerned on the report's conclusion about the ethnic disproportionality in remand and sentencing in youth justice system thus highlighting a number of inequalities for groups.
- 3. **Recommended** that addressing disproportionality should be reflected in the vision of the plan given the significant inequalities that exist.

# 9. SCRUTINY CHALLENGE SESSION

# 9.1 Community Buildings

The Committee received a presentation that provided an update on progress being made about progress on addressing the recommendations from the Premises Charges and Community Benefit Rent Reduction Scheme Challenge Session which had been undertaken in November 2019 and chaired by Councillor Tarik Khan former scrutiny lead for Resources and Finance. The main points raised because of questioning is summarised as follows:

The Committee:

- Observed that in relation to community hubs agreeing their own pricing whilst the Council can guide and advise it is down to the organisations running the hubs to make sure that those hubs are used and utilized by the community. However, if no Voluntary and Community Sector (VCS) organisation is identified to run these hubs, then the Council will have to take on the cost of maintaining; servicing and managing those hubs.
- Noted on the issue of pricing whilst the VCS organizations that operate the hubs will have the freedom to set their own pricing, as part of the lease arrangement the Council will (i) have some degree of oversight on that pricing to ensure that the pricing is fair; (ii) expect premises to be accessible to organisations; and (iii) presume that the organisations managing the community hubs are essentially going to aim and operate on a cost recovery basis.
- Noted that business rate relief is a critical advantage to VCS organizations operating these buildings which enables them to run the premises on a more cost effectively basis than the Council could and therefore potentially to pass those savings onto those organisations that want to hire space in the buildings.
- Noted that the most significant challenge is that of fairness because space is one of the Borough's most scarce resources as highlighted in the earlier part of the committee meeting tonight regarding the Scrutiny Spotlight on Housing.
- Acknowledged that for many community hubs just starting up one of the most challenging issues that they need to address is identifying their individual business activities and responsibilities e.g. duties around health and safety and managing a facility can become very challenging and an organisation does not have any experience in the

management of such facilities then it can be really time-consuming and if an organisation gets it wrong that can have serious consequences for that organisation.

- Commented that the Council have the experience and understanding of those complications to ensure those buildings are run safely and legally that can be shared with VCS organisations (e.g., policies in relation to health and safety).
- Acknowledged that the presentation had illustrated how the outcomes that were included in the Cabinet report on 24<sup>th</sup> March 2021 will be addressed in the future management of the community hubs.
- Noted the Council in November 2016, agreed a scheme to reduce the rent payable for third sector organisations who meet specific criteria relating to the community benefit of their activities and their organisational governance and management, the Community Benefit Rent Reduction Scheme (CBRR). These new arrangements initially affected organisations in buildings in the council's community premises portfolio but have since been extended to existing VCS occupiers of other council premises.
- Commented that there has been noteworthy progress since scrutiny undertook the challenge session and anticipated that the Council will continue to develop its response to the scrutiny challenge session on the Boroughs premises charges and community benefit rent reduction scheme.

Following a full and wide-ranging discussion, the Chair thanked (i) Councillor Mufeedah Bustin (Cabinet Member for Social Inclusion) for providing the Committee with the progress on the recommendations together with David Freeman (Corporate Strategy and Policy Manager) and Vicky Clark (Director of Integrated Growth and Development); and (ii) stated that the Committee are pleased with the progress made on the recommendations and hope those areas where on-going work needs to take place continues.

# 9.2 Scrutiny challenge session report: The extent to which the council's parking permit policy influences people's behaviour

The Committee reviewed the Parking Challenge Session report that outlined the findings and recommendations on the extent to which the Council's parking permit policy influence's people's behaviour. The Report set out eight recommendations for agreement by the Overview and Scrutiny Committee. The Challenge Session considered how (i) will the Council manages the demand for parking provision with the projected population growth to reach 361,400 by 2027 and supports post pandemic business growth; (ii) will the Council continue to maintain its current levels of parking surplus given the extrinsic change factors such as (a) the Mayor of London's Ultra Low Emission Zone (ULEZ) expansion scheme that came into force on 25th October 2021; (b) more planned car free dwellings; (c) drop in footfall from passing trade for businesses; (d) the development of the work from home culture; and (e) inflationary costs to public transport; (iii) the Council will encourage residents and businesses to switch to EV (Electric Vehicle)'s and ensure that they understand the implications for ULEZ expansion scheme;

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and **(iv)** to capture any insights that help to understand residents behaviour and receptiveness to change, particularly those from lower economic background. This challenge session provided the Committee with a chance to scrutinise the Council's current approach to its parking permit policies and how it influences

resident's behaviour. The main points raised because of questioning summarised as follows:

The Committee:

- Noted that it was clear from the evidence heard that parking is an integral element of not only the transport strategy but many of the other council's priorities and aspirations.
- Acknowledged that striking the right balance for parking to accommodate the diverse needs of the Borough is an ongoing challenge.
- Welcomed the Council's ambition to reduce petrol and diesel vehicles to protect the environment and to facilitate the uptake of electric vehicles.
- Recognised that there is an immediate need to manage the current demand for parking and align this with future demand.
- Thanked Councillor Ahmed for taking the initiative to undertake this challenge session, which had examined an aspect of the Council services that warranted scrutiny.
- Encouraged officers; the Lead Member and the Mayor to consider not just to read the recommendations but also the narrative as it (i) explains the reason why those that were able to attend reached those conclusions; and (ii) is evidence of the extent of the problem.
- Noted the challenges faced by residents and business including the number of empty parking bays that are not being fully utilised, that could be cascaded down to local businesses and residents.
- Noted that about the permit transfer scheme it is essential that more flexibility is introduced as the system is not working in a way that is fair and transparent to residents. In addition, the current the policy seems to discriminate against smaller families and those who want to downsize into smaller accommodation.
- Agreed that the report's recommendations are (i) not there to provide an answer to all the current challenges; and (ii) a starting point to begin to develop a fair and transparent policy.
- Noted the recommendations within the report to (i) improving capacity where demand is great, (ii) a review of the Permit Transfer Scheme, (iii) a review of long-term pricing, (iv) enhancing the use of car clubs, and EV charging points.

Following a wide-ranging discussion, the Chair thanked (i) Councillor Faroque Ahmed (Scrutiny Lead for Community Safety) for presenting the report and those councillors in attendance for their contributions to what had been a constructive discussion on this critical issue.

Accordingly, the Committee:

- (i) **Resolved** to agree the report and recommendations of the Parking challenge session held in November 2021.
- (ii) **Noted** that the service will now develop an action plan response to be agreed by Cabinet; and
- (iii) **Invited** the Cabinet Lead Member back to provide an update on progress next year.

#### 10. UPDATES FROM SCRUTINY LEADS

The Committee received and noted the updates submitted and received the following verbal update from Councillor Marc Francis on behalf of Councillor Ehtasham Haque (Housing & Regeneration Scrutiny Sub Committee) regarding the Housing & Regeneration Scrutiny Sub Committee – held on Thursday, 2nd December 2021 6.30 p.m. It was **noted** that:

The Sub-Committee had (i) considered a report on the performance of social housing landlords; (ii) received representations from the Tenants and Residents Association of Clare House, (as referenced in Minute 7.1 above); (iii) noted that the invitations to Spitalfields Housing Association (SHA) to attend both the 9<sup>th</sup> September and this 19<sup>th</sup> October meetings of the Sub-Committee had been declined, and that there were SHA residents in attendance who wished to raise concerns with their housing provider. Accordingly, it had been agreed to ask the Mayor what he intended to do about the ongoing situation with SHA and it is hoped that the sub-committee get a quick response on this issue.

#### 11. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

Following comments by the Committee the Pre-Decision Scrutiny Questions (PDSQ) Members **agreed** the questions/recommendations that they wanted to raise with Cabinet on the 15<sup>th of</sup> December 2021 (**See attached appendix**).

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

The Committee noted that:

- With no other business to discuss, the Chair called the meeting to a close; and
- The next meeting will be on Tuesday, 11<sup>th</sup> January 2022 on scrutinising the budget.

Finally, the Chair thanked scrutiny members, for their attendance and participation tonight and wished everybody a good festive break.

# 13. EXCLUSION OF THE PRESS AND PUBLIC

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

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

Nil items.

The meeting ended at 9.03 p.m.

Chair, Councillor Mohammed Pappu Overview & Scrutiny Committee