

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 8.07 P.M. ON TUESDAY, 22 NOVEMBER 2011

**ROOM M78, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ann Jackson (Chair)
Councillor Rachael Saunders (Vice-Chair)
Councillor Tim Archer
Councillor Zenith Rahman
Councillor Amy Whitelock
Councillor Helal Uddin

Councillor Judith Gardiner

Other Councillors Present:

Councillor Peter Golds
Councillor Ohid Ahmed
Councillor Carlo Gibbs
Councillor Joshua Peck

Co-opted Members Present:

Rev James Olanipekun – (Parent Governor Representative)

Officers Present:

David Galpin – (Head of Legal Services (Community), Legal Services, Chief Executive's)
Heather Bonfield – (Interim Service Head Cultural Services , Communities Localities & Culture)
Michael Keating – (Service Head, One Tower Hamlets)
Takki Sulaiman – (Service Head Communications, Chief Executive's)
Jill Bell – Head of Legal Services (Environment), Legal Services
John Williams – (Service Head, Democratic Services, Chief Executive's)
Antonella Burgio – (Democractic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephanie Eaton, Fozol Miah, and Sirajul Islam. Councillor Judith Gardiner deputised for Councillor Islam.

Apologies were also received from Co-opted Members Ms Memory Kampiyawo, Mr Jake Kemp and Canon Michael Ainsworth and Mr Mushfique Uddin.

Coucillor Ohid Ahmed attended the meeting but did not participate in the discussion.

2. DECLARATIONS OF INTEREST

Councillors Ann Jackson and Judith Gardiner declared personal interests in respect of agenda item 3.1.

Councillor Ann Jackson declared a personal interest in respect of agenda item 3.1 in that she was Ward Member for Bow West and part of Victoria Park fell within her Ward.

Councillor Judith Gardiner also declared a personal interest in respect of agenda item 3.1 in that her home was adjacent to Victoria Park and she was a Member of the Olympic Planning Committee.

3. SECTION ONE REPORTS 'CALLED IN'

3.1 Call-In: Contract for 2012 Olympic Festival Live Site (Mayor's Decision Log No 009)

Councillor Peck presented the Call-in on behalf of Councillors Anwar Khan, Carli Harper-Penman, Carlo Gibbs and Bill Turner.

Councillor Peck then responded to questions from the Committee. The concerns highlighted together with Councillor Peck's answers, are summarised in the following categories:

- Decision making:
 - consultation was due to start on 23 November 2011, effectively after the decision had been made (the decision was published on 31 October 2011).
 - the decision was made in private therefore Ward Councillors and parties that would be affected had no opportunity to hear of the decision or raise concerns.

- the Mayor did not attend the Overview and Scrutiny to answer the issues raised.
- Councillor Peck queried the projected income for the Council against the expected contribution.
- Councillor Peck queried the liability accepted by the Council set at £20 million.
- the intended recipients and sum of the charitable contribution by the event organiser had not been specified.
- evidence of event dates advertised through Ticketmaster website contradicted the Mayor's previous undertaking not to hold additional Olympic events as well as the regular events in Victoria Park.

- Capacity issues:
 - Victoria Park infrastructure would not cope with the dispersal of the projected numbers nor was Bethnal Green tube station designated as a TFL dispersal route.
 - the projected 850,000 to 1 million visitors to the park raised concerns over noise nuisance and overcrowding.
 - there were antisocial behaviour issues around times when crowds were to be dispersed.

- Environmental issues:
 - the suggested programme of eight commercial events in addition to the established programme of events would have a very damaging impact on Victoria Park.
 - there was no evidence of consultation on the impacts of the events with the Police, Transport for London or the Council's environmental or waste services. There was concern that the transport and security infrastructure would not be able to cope.
 - the post-event clean up that would be necessary would in itself cause disruption to the local community.
 - the environmental after-effects of the events persisted long after the events were over.
 - the projected 850,000 to 1,000,000 visitors to the park raised safety, noise nuisance and overcrowding issues
 - impacts of the events extended far beyond the location of Victoria Park to the surrounding neighbourhoods.

- Residents' inconvenience
 - the proposed to finish time for the events was later than that of other London parks which had set a finish time of 10 p.m.
 - the additional events meant that residents and other parts of the community would be further deprived of the Park facility. Also, the loss of amenity for those living in social housing in the Bow area had been underestimated as large events deprived many children and residents of use of the park. (In contrast, the purpose of the park, namely "for benefit of the area, for celebration and temperance" was noted).

- the community had been led to believe that the regular programme of community events would not take place in 2012 because of the cultural Olympic event programme.
- post event cleanup activities disturbed the community as they took place early in the morning (6 a.m.)

It was noted that in principal, there was no opposition to the Olympic Festival Live Site proposal as it would bring people together and offered opportunities to generate revenue. The Ward Members' and the communities could not continue to support the events however, when the frequency of events was such that they adversely affected residents' lives.

Heather Bonfield, Interim Head of Culture and Jill Bell, Head of legal Services – Environment responded to the concerns that were raised informing the Committee that:

- the contract had been a complex joint tender covering Victoria Park, Hyde Park, and Trafalgar Square and was not funded by the Olympic authority.
- Planning and licensing consultation due to start on 23 November offered an opportunity for community input.
- when the tenders were received, it was apparent commercial events would be required to fund Live Site but; most of the money in this respect was to be raised by the organisers from commercial events in Hyde Park.
- no ticket price was payable for Olympic Live Site events, only an on-line booking fee. The local community would have priority booking rights for a proportion of the free tickets.
- there would be no late night dispersal as the events comprised screening of Olympic events not primarily musical entertainment.
- a dispersal strategy had been prepared.
- the maximum capacity was 30,000 people.
- only 17 Live Site events were planned and their purpose was to enable those, who would otherwise be prevented, to view Olympic events.

Councillor Peck and Overview and Scrutiny Committee Members wished to discuss issues concerning indemnification and contractual matters. In accordance with access to information rules, these were discussed in closed session.

At 9.17 p.m., by resolution of the Committee, press and public were excluded from the meeting during discussion of contractual matters.

The Committee questioned Heather Bonfield and Jill Bell on contractual issues and the risks to the Council and community.

At 9.38 p.m. members of the public were re-admitted to hear the Committee discuss the responses that had been given by officers in open session and sum up its findings.

The Committee considered the views and comments made by Councillor Peck in presenting the call-in, the information given by Heather Bonfield Interim Head of Culture in response to Councillor Peck's issues and the answers to the Committee's questions given by Heather Bonfield Interim Head of Culture and Jill Bell Head of Legal Services - Environment.

The Committee's discussion of the call-in brought forward the following views:

- the Committee remained unhappy with the lack of transparency and accountability of the decision making.
- the Committee felt that they should have had access to information on this decision beforehand and noted that, despite Ward Councillors' efforts, information on the proposal and proposed arrangements had not been forthcoming, neither through Councillors' enquiries nor through requests at Council.
- the Committee felt that the process taken had not been transparent.
- the Committee wished that the forthcoming consultations be undertaken as widely as possible and also reported widely to Ward Councillors and regulatory committees as appropriate.
- the Committee remained concerned about the scale of the indemnification accepted.
- the Committee accepted that the event would be beneficial to the community however, in their, view this did not justify the process that had engaged in decision making.
- the Committee was disappointed that the Mayor had not attended to answer its concerns
- the decision had been incorrectly categorised as 'not a Key Decision' as the effects evidently would extend beyond the limits of one Ward and significant sums of money were involved.

The Committee felt that the decision on a matter of such importance had been taken in an unaccountable and opaque way. In Members' view the matter should have been addressed in an open manner. The Chair wished therefore request to meet with the Mayor to address her issues and to propose that in future significant Borough issues were addressed appropriately.

Following discussion, the Overview and Scrutiny Committee endorsed the reasons for the call-in and alternative action proposed as submitted by the call-in Members and set out below:

Not to sign the contract until local residents, the Friends of Victoria Park Group and ward councillors have been consulted to ensure that their concerns can be reflected in the agreement;

To take any decision at Cabinet, where residents and councillors can make representations

To limit the hours of operation to a 10p.m. close on week nights and 11p.m. on weekend nights

Reduce the noise levels permitted at events

To make a commitment not to run commercial events in the same year as the park is used as a Live Site.

The Chair acknowledged that due to urgency it would be necessary for the further consideration of the decision to be undertaken by the Mayor rather than at the Cabinet meeting. However, given the Committee's serious concerns, they would still wish to report to the Cabinet on the matter setting out those concerns.

The Committee endorsed the Chair's comments. In particular, in relation to the process for the decision, the Committee felt that the Mayor's decision not to treat this matter as a Key Decision, thereby avoiding the requirement for prior publicity and/or consultation with the Chair of the Overview and Scrutiny Committee on the matter, was wrong.

The Committee agreed to make a report to the next Cabinet meeting on this matter and to discuss with the Mayor, guidelines for dealing with such matters in future.

RESOLVED

1. That the Chair, due to urgency, refer the decision for further consideration by the Mayor rather than at the Cabinet meeting.
2. That the Committee make a report to the next Cabinet meeting on this matter and discuss with the Mayor guidelines for dealing with such matters in future.

4. EXCLUSION OF PRESS AND PUBLIC

Under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the Chair **moved** that press and public be excluded from the meeting during the consideration of the Section Two business on the grounds that it contained information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972.

RESOLVED

That press and public be excluded for the discussion of contractual matters.

Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). The information was assessed as falling fall within one of the exemption categories listed in paragraphs 1 to 7 of Schedule 12A. The public interest in maintaining the exemption was assessed to outweigh the public interest in disclosing the information.

The discussion concerned information falling within paragraph 3 of Schedule 12A of the Local Government Act 1972. The category being defined as:

"3 Information relating to the financial or business of any particular person (including the authority handling the information) and

The public interest favouring public access to local authority meetings reflected in the provisions of Part V A of the 1972 Act was noted. In this case, however, the discussion concerned information relating to the financial affairs of a company with whom the Council wished to enter into a contract. The Committee was advised that, in order to discharge its duty, information pertaining to the terms of the contract should only be considered in private.

5. EXEMPT ITEMS

5.1 Call-In: Contract for 2012 Olympic Festival Live Site (Mayor's Decision Log No 009)

The meeting ended at 9.47 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee

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