

APPENDIX 2

To – The Mayor.

I decided to not produce my specific conclusions (See Below) regarding the Scrutiny findings on the Mayors' decision 20 October 2011 (Log No.009) until I had further outlined my concerns on the issue at December Cabinet, and heard more from the Mayor and Officers on it.

I wanted to make sure I was not presuming a Mayoral disregard for the seriousness of the issues Scrutiny raised as being those only of opposition; rather than sincere reservations about the possible unanticipated impact that the Olympics may have on our borough. That the 'Live Site' needs to be considered as more than just a 'Statutory' business as usual Planning item; but as one part of an overall Borough response on the Olympics. Tower Hamlets needs to take ownership of its part in the Games, and ensure that we do all possible to investigate how the Olympics will affect the borough; and that we prepare for it as thoroughly as we can. This includes informing our residents as far as possible on issues we face, and taking on board their concerns.

I am also disappointed that I have been unable to gain a meeting with the Mayor to go over my concerns, despite trying every day from the 23rd November.

I found the Mayors response on the live site raised by me at Cabinet as insufficient, and will consider the matter further as regards the scrutiny function as a whole.

I was disappointed once more last night to find that despite trying as far as politically possible to be fair on issues as a scrutiny committee, we continue to meet with a blank wall. The lack of proper consideration and discussion of Scrutiny responses at Cabinet affects our residents and is a far cry from upholding the Mayors commitment to the spirit of One Tower Hamlets. Last night I was also left with the deeply unsettling impression that both the Mayor and the Cabinet had not considered the Live site / Olympics implications in any depth whatsoever.

The issue is of major concern, and I conclude that we cannot afford to let it rest, so I am therefore going to conduct a Scrutiny Challenge session on the traffic / people management issues for Tower Hamlets and the Olympics.

I await your response,

Cllr Ann Jackson
Chair of Overview and Scrutiny

Scrutiny Chairs' Conclusions – Extraordinary Scrutiny Meeting 22nd November 2011

To further clarify Overview and Scrutiny's position on the above, and to explain why I as Chair have been contesting the validity of the decision making process used on this decision -

First point is that the decision was a key one, proven by the constitution –

A "key decision" is an executive decision which is *likely*.....

To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Whether the decision may incur a significant social, economic or environmental risk.

The likely extent of the impact of the decision both within and outside of the borough.

Whether the decision is likely to be a matter of political controversy.

The extent to which the decision is likely to result in substantial public interest.

The above points cover the live site decision, and are FIVE of any of the six reasons for a decision being key.

The decision had been on the forward plan for months with other key decisions, and was not presented at Cabinet due to time constraints (evidence from Officers) due to the late closure of the four way negotiation (I have had no sight of documents to show this) which did not allow for the item to make its way through the normal process - Consultation - Cabinet – (possible Call in to O&S – Refer back with recommendations.)

The decision then declared to now be a business as usual one, and was signed off and only published on the web.

Given the above key decision process as per the constitution; as O&S chair I should have been notified and asked to sign off, and briefed as to why the decision was now a rush one. As the Mayor and advisors did not do this, we have been left with an O&S meeting that had no effect on decision making.

If the decision had been 'business as normal' it would have had time to come to O&S for review and then to Cabinet for the Mayor to review. If the decision was earmarked as Key, a method could have been found to inform Residents about the decision and need for speed, and their views sought. There was a month to do so.

In taking the decision in this manner, it leaves the motives rightly open to interpretation –

That the implications for TH / East London / London /UK, TFL and other partner bodies that sit around what would normally a statutory consultation function, had not been assessed properly as in regards to it being an Olympic one by the Mayor and his advisors, or That the Mayor and his advisors sought to avoid the process, having had the decision on the forward plan (key decision) since April 2011.

In either case this decision goes against the principles of decision making and the presumption of openness.

The repercussions for this sit with the Mayor, as he is the sole decision maker for the Borough and is held accountable by the electorate.

Residents and Councillors have a right to be consulted on matters that so markedly affect the environment, no matter that the decision was one 'felt' to be mostly beneficial, and one that is mostly imposed on us by outside events. The borough needs to be satisfied that all has been done by TH to ensure its reputation and that of London and the UK has been protected by as thorough a consideration of these decisions as is reasonably possible; especially given the lack of information and confidence on traffic management models being used by TFL for the Olympics. If these models fail, TH will suffer the most as all roads lead to us as the gateway to the Olympics. Residents livelihoods, council services, amenity and safety could all suffer greatly if not enough thought and planning is done. We as a council have to ensure we have made the needed representations to involved bodies; that due consideration has been given to as many factors as possible to mitigate as much as we can, the strain that the Olympics will place on TH and on London.

The committee hopes that extra attention can be given to a full briefing of members in Licensing and Planning meetings to ensure they understand the full extent of the issues involved in decisions both on the live site, and others that may be affected / affect this. Can anything be done to allow residents to participate more than just on a statutory basis, to allow for them to have their views and suggestions heard other than as Objections?

Second Issue - Legal Advice / Constraints

Members present were outraged to hear that all attendees except members of O&S and call in Councillors were excluded from the restricted discussion around the indemnity on the contract. This seemed badly thought out and explained; and in fact – could be unlawful, and some members will be following this up as a separate issue. The amount of indemnity and restrictions were seen to be excessive and there were concerns around how this had been negotiated and agreed on. Members are also concerned as to the cost incurred for Insurance and how the borough will budget for this.

Third Issue – The Mayors increasing lack of public decision making and discussion

Given the Mayors movement towards less discussion and decision making in Cabinet, his not taking part in Council discussion; the fact that he now does not lately take O&S recommendations on board on call in reviews, how do residents now know that due care is being taken on major decisions that affect their lives? The Mayor can and does take decisions alone, without his executive, as he did so on this occasion; and it is also his decision as to if he reports to Cabinet or Council on any of these decisions. Up until now he has only done this on Manifesto issues, O&S requests that now agrees to report on sole decisions at Cabinet in future, so that residents and Councillors not involved in these decisions have a chance to contribute.

The fact that the Mayor did not attend the meeting placed Officers in a very awkward position, which was felt to be unfair, and is hoped that this will not continue to be the case.

This stands as additional to the referred back papers from O&S 22/11/11 - submitted to the Mayor on the 23/11/11 re the above Decision. The Mayor did not revise the decision. I request a full response from The Mayor. I have also asked for a meeting with the Mayor to discuss these points further, and ask to also bring the issue and any consequent information on it to Decembers Cabinet Meeting.