

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.03 P.M. ON TUESDAY, 4 SEPTEMBER 2012

**ROOM C1, 1ST 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 Sirajul Islam
Councillor Fozol Miah
Councillor Helal Uddin
Councillor Amy Whitelock

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)

Other Councillors Present:

Councillor Khaled Uddin Ahmed
Councillor Alibor Choudhury
Councillor Peter Golds
Councillor David Snowdon

Guests Present:

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Officers Present:

Sarah Barr – (Senior Strategy Policy and Performance Officer,
One Tower Hamlets, Chief Executive's)
David Courcoux – (Political Adviser to the Labour Group, Chief
Executive's)
Alan Finch – (Service Head Financial Services, Risk &
Accountability, Resources)
David Galpin – (Head of Legal Services (Community), Legal
Services, Chief Executive's)
Frances Jones – (Service Manager One Tower Hamlets, Chief
Executive's)
Kevin Kewin – (Service Manager, Strategy & Performance, Chief

Robert Wingate	Executive's) – (Complaints & Information Officer, Legal Services, Chief Executive's)
Angus Taylor	– (Principal Committee Officer, Democratic Services, Chief Executive's)

COUNCILLOR ANN JACKSON (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Stephanie Eaton.
- Canon Michael Ainsworth (Church of England Diocese Representative)
- Louise Russell, Service Head Corporate Strategy and Equalities for whom Frances Jones, One Tower Hamlets Service Manager was deputising

Apologies for lateness were received on behalf of Councillor Fozol Miah.

Noted

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. UNRESTRICTED MINUTES

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

Resolved

That the unrestricted minutes of the ordinary meetings of the Overview and Scrutiny Committee, held on 3rd and 24th July 2012, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

4. REQUESTS TO SUBMIT PETITIONS

There were no petitions.

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet on 25th July 2012 had been “called in”.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Enforcement

David Galpin, Head of Legal Services - Community, introduced, and highlighted key points, in the report which provided:

- A summary of enforcement activity for the 2011/2012 financial year.
- An analysis of whether or not such action was consistent with the five key principles of the Council’s Enforcement Policy and whether the policy required consequent revision.
- Details of new developments with implications for policy revision.

A discussion followed which focused on the following points:-

- The report detailed much hard work, but did not contain clear measures for success and an examination of the value of the work undertaken was needed. The Committee considered that a dashboard or headline analysis would be helpful. Mr Galpin responded that each directorate had its own enforcement policy/ criteria for success, and more information could be provided in future.
- The Council’s approach to enforcement must be proportional and its approach to enforcement for prostitution was welcomed. The approach also needed tailoring to take account of individual needs, and assurance was sought and given on enforcement for those with mental capacity issues.
- Clarification was sought and given regarding criminal enforcement activity in relation to illegal sub-letting of Council owned housing. Further information to be provided.
- The number of noise abatement notices issued by THEOs appeared low compared to the number of Fixed Penalty Notices, when controlling noise pollution was important. Mr Galpin responded that THEOs had only recently assumed responsibility for noise and this enforcement activity was expected to grow.
- Further information requested in relation to the health and safety enforcement activity detailed at paras 4.27 to 4.30 of the report.
- An explanation was lacking as to why warning letters were sent to landlords on housing safety or enforcement notices issued for statutory nuisances. Further information to be provided on what the Council was targeting.
- The number of prosecutions for elections appeared low given the extent of media coverage on reportedly significant levels of electoral fraud in Tower Hamlets. Mr Galpin responded that such cases were referred to the Police for investigation. Further information on referral numbers and Police process requested.
- It would be helpful if the social impact of enforcement activity was analysed/ summarised.

- More proactive work was needed with the London Muslim Centre to raise awareness of the law on unlawful street trading.
- Magistrates should be included in any initiatives to raise awareness given a communications breakdown on prostitution.
- Thought needed on how to raise the awareness of drunks of the impact of their behaviour on the community.
- Further information on Police enforcement activity in relation to prostitute customers requested, as significant change could be achieved by tackling those buying.

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

Resolved

That the contents of the report be noted.

Action by:

David Galpin, Head of Legal Services - Community

6.2 Complaints and Information Annual Report

Tabled papers, copies of which would be interleaved with the minutes: The Annual Review Letter' of the Local Government Ombudsman and An addendum sheet to Appendix 1 of the report.

David Galpin, Head of Legal Services - Community, introduced, and highlighted key points, in the report which provided details of the volume of complaints and information requests received by the Council in the period 1 April 2011 to 31 March 2012, the outcomes of those cases and the standard of performance in dealing with them.

A discussion followed which focused on the following points:-

- Increased numbers of assessment requests due to the launch of the new "Customer Journey" in Adult Social Care had been predictable. The assessment of support plans often involved difficult decisions, and it was concerning that there was insufficient capacity to deliver these without delay, given the impact on individuals. Further information requested on why effective planning for change was not done.
- A significant rise in volumes of Adult Social Care complaints, particularly amongst elders and the explanation that this was due to a Local Government Ombudsman campaign targeting elders. It was important for the Council to identify how well it was performing in relation to the provision of domiciliary care, by examining complaints. A determination was needed to identify if the rise in complaints was a national or local issue. Mr Galpin to look into what was done to examine the cause of complaints.
- Concern that 8 Stage 3 repairs-based complaints had been upheld, as complaints about THH had gone down the previous year. Also the number of Stage 3 complaints warranting compensation had dropped

but the value of compensation had risen significantly. Attention was needed on this if THH was underperforming in terms of repairs.

- Concern that Stage 3 complaints related to young people/ learning and CLC recycling/ refuse collection had increased with complaints for other services down. This was also at odds with the customer satisfaction index and needed explanation. Mr Galpin responded that if reasons for increases/ decreases could be determined, this was detailed, and it was part of ongoing work to spot and mitigate trends.
- Complaint response times for Children Schools & Families seemed very poor with average response times of 71 and 52 days. Two children's social care complaints had been answered outside the timescale and the delay could be critical for those children. Mr Galpin responded that the lengthy response times were due to the statutory process and requirement for the Council to use a non-Council person people to oversee the investigation. However, there was room for improvement.
- Concern over a 33% increase in stage 1 complaints, with 25% upheld, for Children Looked After, also the increase in complaints at stage 2 and at Review Panel. The increase was substantial and an explanation lacking, when it was known that the Council had made significant efforts over recent years to improve in this area. Nor were mitigating steps outlined. Childrens Social Care to be requested to examine this.
- Clarification sought if the significant rise in Stage 1 complaints relating to Council Tax was due to the new collection regime required of local authorities by Government. Mr Galpin responded that the increase in numbers was low, but it would be examined and reported back.
- Clarification sought as to why there had been a 100% increase in Stage 1 Children Social Care Complaints among the Asian community, and what the Council was doing to address it. Mr Galpin responded that the increase in number terms was small and therefore probably not significant, however the rise would be looked at but there might be no clear explanation to report back.

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

Resolved

That the contents of the report, including Appendix 1, be noted.

Action by:

David Galpin, Head of Legal Services - Community

6.3 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q1 2012/13 (Month 3)

The Chair welcomed Councillor Alibor Choudhury, Cabinet Member for Resources. He, together with Alan Finch, Service Head Financial Services Risk and Accountability, introduced and highlighted key points in the monitoring report which detailed the financial position of the Council at the

end of Quarter 1 2012/13 compared to budget, and service performance against targets. Kevin Kewin, Service Manager Strategy Policy & Performance was also in attendance for this item.

A discussion followed which focused on the following points:-

- Clarification sought and given with reference to delays in delivery of Decent Homes/ associated slippage in the Capital Programme and the explanation that this was due to changes in the procurement process.
- Noted that the target for the percentage of senior staff that were women had been missed and an explanation and indication of mitigating steps was lacking. Progress on WRC appeared not to extend to women. Councillor Choudhury responded that work was underway to address this. Mr Kewin added that as staff turnover was low it was difficult to make quick progress, but HR initiatives were now in place to support improvement.
- Concern that performance was lower than expected for carers receiving a needs assessment/ review, as this would affect the resilience of the community, and no mitigating steps were outlined. Mr Kewin responded that a number of commissioned providers had yet to submit their datasets, which deflated the outturn; better figures were expected in Quarter 2.
- Written clarification requested on the comment that it was anticipated that resources allocated for the Learning Disability Service would not be required. Would the resources remain available for future contractors? Mr Finch responded that the directorate was indicating here that it would retain the resources until it knew the needs of new providers.
- Concern expressed that targets on the Council's work programme, particularly relating to NEETs had been missed. Clarification was sought as to the overall target and how much had been achieved. Councillor Choudhury responded that the position was unclear due to Government review of its contractor. Requested that further information be provided at the next OSC.
- If a significant variance against budget or performance targets was reported it would be helpful to Members if there was an associated explanation. Also that standard explanations were not helpful. Mr Finch to action.
- Clarification was sought and given regarding the purpose of the reported virement in the 2012/13 Control Budget relating to Future Sourcing and where the substantial saving associated with Future Sourcing was reported.
- Clarification was sought regarding the reported risk in achieving the income target for Communications. Communications to be asked for an explanation of the variance and this to be reported to the next OSC.
- Clarification was sought, with reference to the programme of works in place to reduce the amount of non-decent housing stock by 2015, as to the cost of maintaining DH standard stock after 2015. Councillor Choudhury responded that it was hoped that expenditure would be less

than previously forecast given limited HRA resources. Exact figures to be provided in writing.

- Was the downward direction of travel for collection of housing rent a temporary phenomena or a continuing issue? Mr Finch responded that the reduction was within acceptable tolerance and early in the financial year. However he undertook to request more information from THH.
- Clarification sought as to the contribution to revenue from asset sales. What the difference was between the independent valuation and the value the property sold for, if there was a variance did the Council ensure it achieved the best price. What monitoring arrangements were in place for this. Mr Finch responded that, with the exception of RTB sales which were governed by statutory regulations, Council policy was to obtain market price for asset sales. Councillor Choudhury added that a range of high street surveyors were used to ensure best price. Further information to be provided.
- Clarification sought as to the number of pupils that did not secure their first choice place at primary and secondary school, as this information was required to inform plans for additional provision and any request to Government regarding the lack of school places. Councillor Choudhury responded that a programme was in place to provide more school places, and it was expected that the impact of Government welfare reforms on families would reduce demand. Information to be provided in writing.
- Consideration that in the context of welfare reform and the displacement of families because they could no longer pay rent, there should be a related corporate performance target. Clarification sought if the Council had made an assessment of families potentially affected by welfare reform and what measures it was taking to address their dilemma. Councillor Choudhury responded that a database of those on housing benefit was being examined and work was underway with Job Centre Plus to track those on low income. All those on housing benefit would receive a letter advising of the reforms and that the Council would endeavour to assist them.

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

Resolved

That Quarter 1 performance for 2012/13 be noted; and

That the Council's financial position as detailed in sections 3 and 4 and Appendices 1-4 of the report, be noted.

Action by:

Alan Finch, Service Head Financial Services Risk and Accountability

6.4 Scrutiny Review Update: Supporting New Communities, Case Study of the Somali Community

Frances Jones, One Tower Hamlets Service Manager, and Sarah Barr, Senior SPP Officer, gave a detailed Powerpoint presentation in addition to the written report. The slides were also **Tabled**, a copy of which would be interleaved with the minutes.

The new methodology of a presentation and discussion provided an update on implementation of the original review recommendations, as with previous tracking reports; but also set out changes in context, looked at learning from the review, and gave a mechanism for observations to contribute to ongoing policy work through the refresh of the Race Equality Scheme and for capture in the end of year review.

Understanding Needs: Data

Key points

- Much work done since the review to use existing data better: Published briefings, Census data and anecdotal data from Praxis and local councillors.
- Analysis of NI number data from the DWP reinforced early Census returns showing that immigration was an ongoing challenge for the borough, although less so for the Somali community. Also there was great population churn particularly amongst single people of working age. This was likely to increase given Government welfare reforms.
- It would be important to be nimble in using the learning to improve service delivery.

Discussion focused on the following points:

- Consideration that partnership working was important in this area and there should be a corporate target for sharing data with RSLs other than THH, advocacy providers and other voluntary sector organisations who had significant amounts of data.

Employment

Key points

- Work was continuing to identify and address specific inequalities for different groups, gaps in services and barriers to work in accord with 2011 Employment Strategy commitment.
- Research commissioned by the Council had led the Women and Worklessness programme, done in partnership with Skillsmatch, to set up a project targeting worklessness amongst Somali and Bangladeshi women. Skillsmatch placed 600 local people into sustained employment 46% of whom were Bangladeshi.
- Some employers/ roles introduced unnecessary barriers to employment and work with the Employment Board to challenge employers to be as flexible as possible was continuing.

Discussion focused on the following points:

- Recommendation 5 of the Review: welcome packs for new communities should include reference to the role of ward councillors

and how to access them. More widely distributed information on how to access the decision makers and influence change was needed.

- With reference to reported success of Skillsmatch in securing work for BME residents a breakdown by age, gender, ethnicity showing which groups had been more or less successful and their relationship to the labour market (long term residents/ recent arrivals to UK) was requested.
- To succeed in placing unemployed people in work employers needed to be willing to provide training but instead sought trained/ skilled staff. Ms Jones agreed that employers had not been included fully in the discussion; this would be fed back to the Enterprise Board, comprised mostly of employers, as it could play a more proactive role.

Advocacy Services

Key points

The mapping of advocacy services in 2011 had identified that as well as general advocacy services a range of services met the needs of small and new communities, and examples were highlighted. This would inform the current Adults Health and Wellbeing commissioning process for advocacy services.

Discussion focused on the following points:

- Clarification sought and given as to whether independent mental health advocacy had formed part of the mapping. Also whether there was an integrated approach including non-statutory services for users.

Voice and Representation

Key points

- Key elements of the new structures for voice and representation were outlined.
- In developing the new structures a balance between borough-wide and local engagement was important, because some groups were too small to be represented at ward level: small and new communities, disabled and LGBT residents.
- The New Resident and Refugee Forum, delivered by Praxis, would be a key forum, bringing together a range of organisations to ensure their voice was heard across the partnership.

Discussion focused on the following points:

- Clarification sought and given as to ongoing dialogue on the value of borough-wide engagement mechanisms for small groups of residents such as LGBT. Also on the timescale for implementation of the new structures such as the forums.

Supporting the third sector

Key points

- Whilst community and voluntary sector groups were represented on various partnership structures, it was important to hear specifically from

small and new communities, so their experience and needs could be reflected in policy making.

- Consequently representation on all Community Plan Delivery Groups and other boards had been agreed. The CVS also facilitated thematic forums which contributed to the Community Plan delivery discussion.
- A piece of work was underway on ways new Neighbourhood Agreements could support grass roots projects run by community groups to improve service delivery and expand their reach to small and new communities; and this would be reported to the OSC in December.

Discussion focused on the following points:

- The approach to community engagement and supporting the third sector seemed complex and it was difficult to see how local residents would connect this with volunteering. Further information on encouragement of volunteering requested.
- A more strategic approach which analysed the Council's objectives in relation to community engagement/ supporting the CVS and targeting organisations accordingly was needed.
- Clarification was sought regarding the relationship of the Council of Somali Organisations with other Somali groups. If it was an umbrella group it should have a direct role in the engagement of this community. Report back requested.

Areas for more attention

Discussion focused on the following points:

- The development of a communications strategy for new communities at citizenship ceremonies, including welcome packs.
- The need for thought on engagement of professional people resident on private developments, who might want to contribute more actively to their local community if there was a mechanism for it.
- More attention to be paid to the welfare of children and child protection in relation to new communities in the context of recent cases highlighted.
- An examination of how transition from being a migrant to a resident of Tower Hamlets could be facilitated and accelerated using the findings to inform the Council's provision of services.
- The need for thought on targeting faith communities and gathering places such as mosques and school gates, as a way to overcome population churn and engage with new communities. Specific thought should be given to the introduction of ward councillors to key members of community mosques with a view to forming links with new communities. The methodology of a recent community budgeting exercise in LAP 6 would provide useful learning. Ms Jones indicated this would be fed into the refresh of the Race Equality Scheme.

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

Resolved

That the contents of the report and presentation be noted.

Action by:

France Jones, One Tower Hamlets Service Manager

6.5 Overview & Scrutiny Committee Membership, Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Membership & Appointments Update

Angus Taylor, Principal Committee Officer, introduced the report and summarised the key points it contained.

Councillor Fozol Miah advised that, in view of his councillor surgery commitments, he needed more time to consider taking up the appointment as Scrutiny Lead Member for Communities Localities & Culture, given that the OSC was likely to make such an offer because he remained the only member of the OSC without a Scrutiny Lead portfolio. He also clarified that Councillor Harun Miah, the other member of the Respect Group, had indicated that he was also unable to take up the portfolio.

The Chair commented that if members of the Respect Group were unable to take up the appointment by the date of the next OSC meeting, a general invitation for nominations would be made.

Councillor Rachael Saunders, Chair of the Health Scrutiny Panel, informed the OSC that the HSP had briefly discussed the potential for co-options to its membership, and was continuing to review the position and examine suitable candidates.

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

Resolved

1. That the revised Membership of the OSC, as set out in Appendix 1 to the report, be noted;
2. That consideration of an appointment, from amongst its membership, of a Lead Scrutiny Member for the Communities, Localities & Culture portfolio for the remainder of the Municipal Year 2012/13 be deferred to the next OSC meeting;
3. That the current position in relation to the co-option of representatives in respect of education matters, as set out at paragraphs 4.1 to 4.3 and Appendix 1 of the report, be noted; and
4. That the requested revision to Labour Group representation on the HSP for the remainder of the Municipal Year 2012/13 be noted and endorsed. That the subsequent final current membership of the HSP, as set out in Appendix 4 to the report, be noted.

Action by:
Angus Taylor, Principal Committee Officer

7. VERBAL UPDATES FROM SCRUTINY LEADS

The Chair commented that work was underway to scope out the main elements of the OSC Scrutiny Work Programme and appointments with Officers to take this work forward were being made.

Councillor Tim Archer, commented that he had undertaken a desktop review of publicly available information on new regulations which he understood would provide councillors with strengthened powers to scrutinise documents associated with decisions under Executive powers, and consequently sought clarification of this.

David Galpin, Head of Legal Services - Community, responded that new regulations governing public access to meetings, and information relating to executive decisions would come into effect on 10 September 2012. These were unexpected and had not been the subject of any consultation. Senior Officers were to meet on 5 September to examine the implications for Executive decision making at LB Tower Hamlets.

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

Resolved

1. That the verbal update be noted; and
2. That a briefing on new regulations governing public access to meetings/ information relating to executive decisions and their implications for Executive decision making at LB Tower Hamlets be presented to the next meeting of the OSC.

Action by:
David Galpin, Head of Legal Services - Community

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

No pre-decision questions submitted to Mayor in Cabinet [5 September 2012].

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

Sarah Barr informed the OSC of forthcoming Centre for Public Scrutiny training sessions, including one on 17 October at the LB of Westminster (those wishing to attending asked to contact Sarah). An in-house briefing for all councillors on Government welfare reforms on 23 October.

10. EXCLUSION OF THE PRESS AND PUBLIC

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

The meeting ended at 9.07 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee