

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 5 FEBRUARY 2013

**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 Amy Whitelock
Councillor Helal Uddin

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)
Nozrul Mustafa – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)
Dr Phillip Rice – (Church of England Diocese Representative)

Guests Present:

Councillor Alibor Choudhury – (Cabinet Member for Resources)

Officers Present:

Sarah Barr – (Senior Strategy Policy and Performance Officer,
One Tower Hamlets, Chief Executive's)
Alan Finch – (Interim S151 Officer, Service Head Financial
Services, Risk & Accountability, Resources)
David Galpin – (Head of Legal Services (Community), Legal
Services, Chief Executive's)
Chris Holme – (Acting Corporate Director - Resources)
Louise Russell – (Service Head Corporate Strategy and Equalities,
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 (Scrutiny Lead Communities Localities and Culture).
- Councillor Fozol Miah.

Noted

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. UNRESTRICTED MINUTES

The Chair informed OSC members that the unrestricted minutes of the extraordinary meetings of the Overview and Scrutiny Committee, held on 21st and 22nd January 2013, had been **Tabled**, a copy of which would be interleaved with the minutes.

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

Resolved

1. That the unrestricted minutes of the extraordinary meetings of the Overview and Scrutiny Committee, held on 17th December 2012, 21st January 2013, 22nd January 2013, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly; and
2. That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee, held on 8th January 2013, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

Action by:

Angus Taylor, Principal Committee Officer

4. REQUESTS TO SUBMIT PETITIONS

There were no petitions.

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet on 9th January 2013 had been "called in".

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 OSC Comments on Initial 2013/14 Budget Proposals

The Chair outlined:

- The process to date in formulating the OSC response to consultation on the Mayor's initial 2013/14 Budget proposals.
- The purpose of this Budget session: to finalise and formally endorse the OSC response to consultation.
- The next steps in the formal Budget making process.
- The potential for/ purpose of a third Extraordinary Budget OSC meeting.
- That the February Cabinet had been postponed, the agenda papers had not yet been published, and therefore the OSC had not had an opportunity to pre-scrutinise Budget proposals contained therein. In this context the Chair commented that it would be important for Councillor Choudhury, Cabinet Member for Resources, to attend any third extraordinary Budget OSC meeting to provide an opportunity for the OSC to receive a response to any questions/ comments it had.

The Chair informed OSC members that:

- Notes, in Question and Answer format, from the two extraordinary Budget OSC meetings held on 21st and 22nd January 2013, together with a related sheet of Chair's "summary comments" had been **Tabled**, a copy of which would be interleaved with the minutes.
- Officer responses to outstanding questions raised at the two extraordinary Budget OSC meetings held on 21st and 22nd January 2013 had been **Tabled**, a copy of which would be interleaved with the minutes.

Councillor Alibor Choudhury (Cabinet Member Resources), Chris Holme (Acting Corporate Director Resources), and Alan Finch (Interim S151 Officer & Service Head Financial Services, Risk & Accountability) were in attendance to answer questions from the OSC.

A discussion followed which focused on the following points, considered beyond the scope of the tabled Q&A notes and Officer responses and requiring further clarification to be sought and given:-

CLC

- Referencing the tabled Officer response on the Council's new public health roles for infection control and prevention, and the comment therein that "The Council needs to determine if there is a budget issue before it can act", whether the new roles went beyond that provided for in the budget of £31.2 million transferring from the NHS to the Council to accompany the transfer of PH responsibilities. (**Ms Cohen, SH Commissioning & Health - AHWB**).
- Referencing the tabled Officer response on levels of rubbish dumping and any correlation of this to the introduction of charging for bulk rubbish collection, it was noted that call volumes reporting all "fly tipping" had increased by 10%, and although no significant increase in "fly tipping" or additional costs had been identified by Officers, consideration that further monitoring was needed to ensure that costs were contained, and this phenomena factored into the letting of bulk waste contracts.

CSF

- Referencing the tabled Officer response on Mayor's Education Allowance (MEA): whether unused funding allocated for MEA (due to the linkage with student attendance) could be used in another way for the benefit of the young people it was intended to help. Also, referencing the Chair's tabled summary comments highlighting OSC concern that monies earmarked for MEA were not being used, when this appeared predictable given the spend under Government EMA and related attendance levels, what were the next steps if the funding for MEA was unused: would there be a further allocation of the same level, would it be used for a similar purpose to that which was intended, would it be allocated elsewhere for a different use, what was the explanation for over-budgeting.
- Referencing the Officer response on vacancy management in the Q&A notes (21st January), consideration that this was not the best approach going forward.

AHWB

- Referencing the vacancy management savings highlighted by Officers, comment that the AHWB directorate had already made significant savings in difficult circumstances, and it was a concern that a further 5% saving from the staffing budget was proposed without further details of how/ where this was to be achieved and what the impact on services might be.
- Concern reiterated that change management programmes were off track, and savings were not being delivered as fast as they should be.
- Comment that the Budget process had commenced with no expectation of identifying further savings in AHWB, circumstances now meant there was to be a transfer of Public Health (PH) responsibilities to the Council, but there was uncertainty as to how this would happen and the risks/ costs attached, with uncertainty exacerbated by the vacancy for a Director of PH in Tower Hamlets. Consideration that this post be recruited to as soon as possible and certainly before the transfer of PH responsibilities to the Council on 1st April.
- The nature of the anticipated release of funding from the PH Grant.
- Whether these savings be reflected in an adjustment to the Budget at February Cabinet.

RES/ CEs/ Corporate

- Referencing the tabled Officer response on Earmarked Reserves and the narrative relating to the Corporate Initiatives Reserve of £1.091 million: specifics as to what was the reserve would cover, who had taken the decision to undertake a reorganisation of the Communications Team, and what had this been intended to achieve, which Officer had been responsible for this reorganisation. Also the reference to "future Chief Executive's department organisations implied a broad reorganisation, who would be responsible for this work. **A written answer would be provided (Mr Alan Finch Interim S151 Officer and SH Financial Services, Risk and Accountability).**
- Referencing the tabled Officer response on Earmarked Reserves and the narrative relating to the Various Unallocated Reserve of £1.65 million: whether it was the intention to identify a further £400k to increase

this to £2 million, in order to increase the current allocation of £900k to fund grants for Faith Based Buildings (FBB). Also where had this funding decision been taken.

- Referencing the tabled Officer response on Earmarked Reserves and the narrative relating to the Employment & Other Corporate Initiatives - Access to Employment/ Future Jobs Fund Reserve of £1.539 million: why was this in reserves and not spent. In response to an OSC request it was agreed that **the 5 year business plan and details of the funding thereof be provided to the OSC. (Mr Holme, Acting CD Resources)**
- Referencing the tabled Officer response on General Fund Reserves and Corporate Reserves, what action was being taken to mitigate the significant budgetary risk facing the Council due to the large funding gap in 2015/16 and beyond.
- The Budget contained significant resources, in excess of approximately £6 million, available for spending on Mayoral priorities; and some initiatives, such as increasing funding for FBB Grant to £2 million, were not considered critical by residents and did not have budgeted outcomes. Consideration also that the available resources should be set in the context of the imminent funding gap of approximately £20-30 million in 2015/16; and further thought be given to funding services the Council was required to provide, whether all the Mayoral spending was necessary, and whether resources would be more wisely placed in reserves to meet the funding gap.
- Consideration that investment in local infrastructure to facilitate local people delivering services for the community was to be welcomed, but there appeared to be no related criteria to meet when applying for FBB Grant. How would the funding be prioritised. When applying for grant, what information had to be provided on service delivery outcomes should grant be awarded.
- What were the award criteria for FBB Grant in terms of historical and cultural heritage value. When applying for grant how were applicants required to demonstrate that the award of FBB Grant would maintain/ improve historical and cultural heritage in the borough.
- With reference to Chief Executive's (CEs) directorate, consideration that savings and growth, even if not substantial, should be detailed in the Budget papers, and this had not been the case with the savings and growth for CEs that had now been highlighted in Officer responses. Also disappointment that there had been no provision on the agenda for a Q&A session on CEs Budget, when there were questions to ask eg staff costs for the Mayor's Office; and consideration that OSC had a legitimate expectation to scrutinise and ask questions on such issues. Although new narrative had been provided on the CEs budget it was insufficient. Also given the current climate of budgetary constraint, savings required/ delivered previously, and savings required of other directorates, was it not reasonable to expect CEs to make further savings.

The Chair summarised that the draft response of the OSC to consultation on the Mayor's initial Budget proposals, previously circulated to the Mayor and

Cabinet Member for Resources, would be supplemented by the addition of further narrative from this Budget session, but would not change substantively. The response would be finalised in the next few days, as this was not urgent given the postponement of February Cabinet and Budget Council. Information requested in this Budget session should be provided as soon as possible to facilitate this. The Chair the **Moved** and it was:-

Resolved

That the OSC response to consultation on the Mayor's initial 2013/14 Budget proposals comprises of a composite report to be presented, by the Chair of the OSC, to the Mayor in Cabinet on 13 February 2013 including:

- (a) The Q&A notes from the two extraordinary Budget OSCs held on 21st and 22nd January 2013, and the Budget session of the ordinary OSC held on 5th February 2013;
- (b) The written responses provided by Officers to questions at the meetings detailed in (a) above;
- (c) A sheet of summary comments, relating to meetings detailed in (a) above, from the Chair of the OSC.

Action by:

Angus Taylor, Principal Committee Officer

6.2 Scrutiny Challenge Session - Mental Health and Housing

Sarah Barr, Senior Strategy Policy and Performance Officer, gave a detailed Powerpoint presentation outlining the rationale, scope and key questions for the Challenge Session (CS) and summarising its main discussion points, key findings and recommendations. The slides were also **Tabled**, a copy of which will be interleaved with the minutes.

A discussion followed which focused on the following points:-

- Consideration that:-
 - The finding and recommendation relating to the need for Mental Health (MH) training for Housing Options staff should be extended to include training on housing for health practitioners. A multi-agency approach would be beneficial in obtaining information about individuals as they would engage more positively with those professionals who they knew and trusted. However this would be resource intensive.
 - Members were supportive of a move away from a 3 stage to a 2 stage process, so long as there is greater transparency for residents.
- Concern that the needs of prison leavers with MH issues were not met/ captured within the current system of support provided by the council or the voluntary sector.
- The health prioritisation form was focused on questions regarding physical functioning and interaction with physical environment. There was now a need to progress the revision of the form to enable people to articulate any mental health problems and link MH to housing need, in

order to ensure more information was obtained to inform decision making on health prioritisation;

- Consideration that:
 - Equalities monitoring data was required in relation to the applicants completing the health prioritisation form and those obtaining health prioritisation for housing, to determine if MH factors were exacerbated by cultural barriers.
 - There are links between MH problems and overcrowding and it was an inadequate approach to rely on priority status gained by being overcrowded to address this. More thought was needed on how to support those with a previous or existing MH condition caused by housing. There was a need to maintain a spotlight on this issue and consolidate progress to date, and therefore the recommendations should build in a future review of progress.
 - The Chair suggested that the Council could issue a statement on MH and housing and what was needed to demonstrate a MH condition that would result in prioritisation for housing. The issues were complex, and could not be ignored given the level of overcrowding in Tower Hamlets. The Committee could consider doing a full scrutiny review on this issue in 2013/14.
 - Those with the most severe MH were supported by the current system eg dedicated accommodation and supported living arrangements, but a significant number of people with more subtle MH conditions were not, and supporting cases were cited. There may be insufficient housing stock to allow them to move, but if they were supported to articulate their needs and listened to this would be positive. Consideration that anyone receiving Disability Living Allowance should be prioritised for housing. Also perhaps a specialism was needed to support the tranche of people with more subtle MH conditions.
 - The third recommendation bullet should be strengthened by reference to depression and revised to “link mental health including depression to housing need”.
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The Chair the **Moved** and it was:-

Resolved

1. That the update on the Mental Health and Housing Challenge Session be noted; and
2. That, subject to (a) below, the report and interim recommendations arising from the Challenge Session be endorsed.
 - (a) That Officers take account of OSC member comments/ suggestions to strengthen the report and interim recommendations.

Action by:
Sarah Barr (Senior SPP Officer)

7. VERBAL UPDATES FROM SCRUTINY LEADS

Health Scrutiny

The Health Scrutiny Panel had met on 22nd January and both Barts NHS Trust and the NHS Tower Hamlets Clinical Commissioning Group (CCG) had provided an update. Both were waiting for information on the level of future Government funding before they could form a full picture of the impact for health service provision. ,but work was underway to identify how health services would be delivered to the community in the context of reduced funding.

Two areas of enquiry work relating to Health Assets and how Public Health would work with the Voluntary Sector and using the Healthy Borough Programme model for PH were outlined.

Concern was expressed at the HSP regarding the imminent transfer of PH responsibilities to the Council in the context of a lengthy period of interim leadership. The OSC agreed that it was important that the Director of Public Health be recruited to lead the transition period on PH, and certainly before PH transferred to the Council on 1st April 2013.

Scrutiny Review - Post-16 attainment

- 2 review group meetings in near future:
 - First focusing on post 16 attainment stats and the underlying reasons for poor performance compared to GCSE
 - Second focusing on external factors affecting attainment.
- Also to be a site visit to engage with students and headteachers, a focus group with young people and a concluding session on recommendations. The review would complete in March.

Scrutiny Review - Co regulation and the Accountability of Registered Housing Providers (RPs)

Second review group meeting held recently with presentations from Swan Housing and One Housing. Also heard from representative of Tower Hamlets Tenants Federation on ways to improve partnership relations, with an RP forum an emerging suggestion. The review group would visit a residents scrutiny panel shortly. A strand was emerging on the benefits of a housing qualification.

Scrutiny - Chief Executive's

Following the Council's appointment of a Head of Paid Service work would resume a review on the role/ function of a Chief Executive in a local authority generally, but with particular focus on the Mayoral model of governance. It was intended to interview former CEs to strengthen recommendations on how arrangements might operate at Tower Hamlets and examine the arrangements at other council's with a directly elected Mayor.

Scrutiny Review - Removing the barriers to youth and graduate employment-

The scoping had been further refined:

- A visit to Skills Match was intended to inform recommendations, as currently young people were confused about its role and there also appeared to be a disconnect between the DWP, Skills Match and the Council to the detriment of young people.
- A visit to Stepney Green School was intended to engage with leavers to determine if there was sufficient information advice and mentoring available to them.

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

Resolved

That the verbal updates be noted.

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Chair commented that the agenda papers for the February Cabinet had been published that day, and therefore the OSC had not yet had an opportunity to pre-scrutinise the reports and submit questions/ comments; and accordingly the Chair **Moved** and it was:-

Resolved

That any pre- scrutiny questions or comments that OSC members had, relating to either the unrestricted or the exempt/ confidential part of the Cabinet agenda, be submitted by email to the Chair and Ms Barr, Senior SPP Officer, so that they could be put forward at the February Cabinet meeting.

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

The Chair informed OSC members that a full response from the Mayor in respect of his reconsideration of the Strategic MSG Programme 2012-15, following referral by the OSC (17th December 2012), and subsequent reaffirming of his previous decision taking account of the correct referral document, would be circulated to them shortly.

Noted

10. EXCLUSION OF THE PRESS AND PUBLIC

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

Resolved:

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of

Schedule 12A to the Local Government, Act 1972.

SUMMARY OF EXEMPT PROCEEDINGS

11. EXEMPT/ CONFIDENTIAL MINUTES

Minutes of extraordinary OSC 17th December 2012 and ordinary OSC 8th January 2013 approved.

12. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

None

13. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL CABINET PAPERS

Agreed that OSC members submit pre scrutiny questions/ comments to the Chair by email.

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

None

The meeting ended at 8.40 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee