

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 4 MARCH 2014

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

Members Present:

Councillor Motin Uz-Zaman (Chair)
Councillor Rachael Saunders (Vice-Chair)
Councillor Stephanie Eaton
Councillor Amy Whitelock Gibbs
Councillor Helal Uddin
Councillor Abdal Ullah

Councillor Peter Golds (Substitute for Councillor David Snowdon)

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)

Other Councillors Present:

Councillor Alibor Choudhury – (Cabinet Member for Resources)

Officers Present:

Vicky Allen – (Strategy Policy & Performance Officer, Strategy, Corporate Strategy and Equality Service, Chief Executive's)
Mark Cairns – (Senior Strategy, Policy and Performance Officer)
Anne Canning – (Service Head Learning and Achievement, Education Social Care and Wellbeing)
Chris Holme – (Acting Corporate Director - Resources)
Frances Jones – (Service Manager One Tower Hamlets, Corporate Strategy and Equality Service, Chief Executive's)
Louise Russell – (Service Head Corporate Strategy and Equality, Directorate, Law Probity and Governance)
Meic Sullivan-Gould – (Interim Monitoring Officer)
Graham White – (Interim Head of Legal Operations)
Antonella Burgio – (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor David Snowdon. Councillor Golds attended the meeting as his designated deputy.

Apologies for lateness were received from Memory Kampiyawo

Apologies for leaving early were received from Rev James Olanipekun.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

MOTION TO VARY ORDER OF BUSINESS

Following a request from the Lead Member for Resources, the Chair **moved** and it was

RESOLVED

That the order of business be varied from that which was published. Accordingly the Committee considered the following items as the first business items of the meeting: Item 6.2 Reference from Council - Investigation into Old Poplar town Hall; Item 6.5 - Burial provision for Tower Hamlets residents and Item 6.1 - Reference from Council Executive Mayor's Car. Following consideration of the above items, the remaining agenda items were considered in the published order.

3. UNRESTRICTED MINUTES

It was noted that the minutes of the meeting held on 4th February 2014 had been omitted from the agenda due to a publication error. These would be presented for approval at the next ordinary meeting of the Committee. The minutes of the extraordinary meeting held on 11th February 2014 were then presented.

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

RESOLVED

1. That the unrestricted minutes of the extraordinary meeting of the Overview and Scrutiny Committee held on 11th February 2014 be approved and signed by the Chair as a correct record of the proceedings.
2. That the minutes of the meeting held on 4th February 2014 be represented at the next meeting

Action by:

Antonella Burgio (Committee Officer, Democratic Services)

4. REQUESTS TO SUBMIT PETITIONS

Nil items

5. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet (4th February 2014) in respect of unrestricted reports on the agenda or Individual Mayor's Executive Decisions were 'called in'.

5.1 SCRUTINY SPOTLIGHT

The Chair noted that the Executive Mayor had declined to attend the meeting to participate in the spotlight session. He advised that, therefore, he had again asked the Service Head Democratic services to formally write to Mayor Rahman requiring him to attend OSC under the terms of the constitution on 1 April 2014.

The Committee noted and discussed the implications of Constitutional Note on Invitations to / Giving Account at OSC that had been circulated to all OSC Members. The Chair advised that the protocol would be invoked should Mayor Rahman fail to attend as required. He also asked that all necessary arrangements be made for this meeting and that it take place in the Council Chamber.

Action by:

Antonella Burgio (Committee Officer, Democratic Services)

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Reference from Council - Executive Mayor's Car - Draft OSC report to Council

The Chair presented the report noting the recommendations arising from the Committee's investigation and invited Members to make any further comments they may wish and also to endorse the report. The Committee considered the report and endorsed the recommendations without amendment.

RESOLVED

1. That the report of the committee following its investigation of the use of the executive Mayor's car be endorsed and
2. That the recommendations contained at section 2 of the report be referred to full Council

Action by:

Matthew Mannion (Committee Services Manager, Democratic Services)

6.2 Reference from Council - Investigation into Old Poplar Town Hall

The Chair welcomed Meic Sullivan-Gould, Interim Monitoring Officer Chris Holme Acting Director of Resources, Councillor Alibor Choudhury Cabinet Member for Resources and also Councillor Peter Golds who had proposed the referral at Council on 22 January 2014.

The Interim Monitoring Officer introduced the report and referred to the referral at agenda item 6.2 noting the Council's resolution that the Statutory Officers of the Council in conjunction with the District Auditor undertake an immediate investigation into the marketing and sale of the former Poplar Town Hall and its change of use. The Committee was informed that having been consulted on the referral, the District Auditor also wished to undertake its own investigation on this matter and the resulting enquiry was being pursued with full rigour. The District Auditor's report was almost complete but was presently awaiting recovery of archive documents. Upon release this report would convey the District Auditor's position.

The Monitoring Officer asked the Committee to consider whether it wished to add any additional considerations and the following comments were made:

- That once available, the report be circulated to all Members of Overview and Scrutiny Committee.
- Concerning whether full circulation of the document would be possible, the Monitoring Officer advised that because of the confidential nature of the information, release of the report would be considered on a need to know basis. Councillor Golds stated that in his view all Overview and Scrutiny Committee Members should see all of the report and was informed that this was the authority's initial intention.
- Concerning whether the report would provide all relevant information, Members were informed that the District Auditor would respond to all matters in the brief. Additionally the Monitoring Officer advised that it was necessary that the report should be thorough.
- Members asked that the report also clarify whether there were conditions on the sale of the building which enabled benefits (such as S106 agreements) to be returned to the Council and whether there was any disparity in the price achieved for the Former Poplar Town Hall against that achieved by other properties sold at the same time. Councillor Golds stated that he had undertaken some personal research on the disposal of other councils' properties and discovered that other sales such as that of Bromley Town Hall had been made incorporating a change of use class order. In the case of Poplar Town Hall, the change of use class order was secured later and therefore a lower price had been achieved than that by the council in the example cited.

The Chair noted the matters raised and asked that the report respond to these issues. Additionally he asked that the matter be brought back to Committee at its meeting on 1 April 2014.

RESOLVED

1. That the referral from Council be noted
2. That the verbal update be noted
3. That the report of the district auditor include answers to the above matters

Action by:

Meic Sullivan-Gould (Interim Monitoring Officer)

6.3 Tackling the School Places Gap: Pupil Place Planning and the Impact of Academies and Free Schools - Scrutiny Challenge Session

Cllr Whitelock-Gibbs, Scrutiny Lead for Children Schools and Families presented the report. She informed the Committee that, this municipal year, it had been agreed that work would focus on school places. A challenge session had been held at which representatives from London Councils and Barking and Dagenham Council were interviewed.

The following conclusions were drawn from the investigation arising from key questions that formed the terms of reference for the challenge session:

- That the Council has a duty to provide education but no control of the location of school places
- There had been a significant increase in demand year on year, and demand was also affected by the borough's demographics
- There is insufficient capital funding from central government for school places in London
- It was not possible to influence the establishment of Free Schools and Academies which are set up outside of Local Authority control and are the government's preferred model of education.
- Councillor Whitelock-Gibbs highlighted the importance of the fifth recommendation, namely to explore ways to actively work with Free Schools and Academies, to ensure they deliver education in line with the council's values around admissions, curriculum and standards.

The Chair thanked Councillor Whitelock-Gibbs for her report and commended the thorough investigation undertaken. He noted that as building assets disposed of by the council could never be retrieved, it was therefore necessary to ensure that school provision was one of the council's priorities in terms of planning benefits across the borough.

In discussion the Committee noted the following:

- there had been closer collaborative working in regard to schools planning between the directorates of Education, Social Care and Well-being and Development and Renewal
- Concerning provision of alternative accommodation in the event of an unforeseen school closure, the Committee was informed that the directorate had measures to ensure there was other unused capacity that could be drawn upon if such a situation were to occur. However

there was growing pressure on school places and this would affect finite resources which, in turn, might mean that such access might not be available in future. The Committee noted the importance of this matter and asked that in future, where the Council wished to dispose of buildings, that consideration first be given to whether the intended disposal could first be used for extra school places before proceeding to sale.

- Members felt that there was a tendency for fast food shops to open near the premises of private schools and it was recommended that the Council work with these bodies to ensure that the healthy eating agenda was promoted. The Committee was informed that healthy eating was a public health matter and the responsibility of the whole community. Members heard that the Council has no mandate in relation to independent schools, however it will explore ways in which healthy eating could be promoted to these schools.
- Concerning how decisions to fulfil the number of childcare places were made, the Committee was informed that educational premises were often unable to accommodate both school and childcare facilities therefore, in most cases, sites were usually designated for either education or for pre-school childcare.

RESOLVED

1. That the draft report and its recommendations be approved
2. That the Service Head Strategy and Equality be authorised to amend the draft report before submission to Cabinet after consultation with the Scrutiny Review Group
3. That the report be endorsed, that the report be referred to Cabinet for consideration.

Action by:

Vicky Allen (Strategy, Policy and Performance Officer)

6.4 Removing Barriers to Youth Employment - Progress Report of the Scrutiny Working Group

Councillor Ann Jackson, Chair of the Working Group, apologised she was unable to attend for the presentation of the review progress report. The Service Manager One Tower Hamlets presented the report which reviewed progress against the original recommendations of the scrutiny working group on Removing Barriers to Youth Employment.

The Committee was advised that the Chair of the working group was pleased with progress on the majority of these actions, namely those in relation to careers and mentoring support given to NEETs; increase in introductory work experience opportunities; raised awareness and perception of the apprenticeship scheme; re-design of the Council's web pages, which now provided information to young people, schools, parents and businesses; and securing additional funding for this by ESCW staff.

OSC asked for further information about the progress of the following activities which supported the implementation of some recommendations:

- Uptake of services on offer from the Careers Services by free schools and academies;
- Universal mentoring. There was a discussion about how the practicalities of providing high quality mentoring for all young people and the following suggestions were made:
 - That high achieving pupils in the Borough might act as mentors for peers in other schools.
 - That employees of the Council or NHS might also act as youth mentors.
- Whether the sample job descriptions for businesses taking on work experience students had been produced
- Support for businesses to establish a quality offer which can become an accredited apprenticeship.

It was noted that some of these actions were long-term projects and a further update would be brought to Committee in September 2014.

The Committee also noted the following information:

- Much mentoring took place however, because of the finite resources, development of a universal scheme could not be prioritised
- Factual information on buyback of careers services activities be circulated to Committee Members
- The Council was looking to procure a Work Experience Officer
- Recommendations: “7 - Support to businesses to improve the quality of the opportunity they offer so they can become accredited apprenticeships” and “8 - Clarify the role of the Council in apprenticeship agenda and build on relationship with providers through a task group” were more significant and more likely to be pursued because they were of most value.

The Committee noted the limited resources available but nonetheless encouraged an aspirational approach to be adopted.

The Chair thanked Councillor Jackson for her ongoing work on this review.

RESOLVED

1. That the findings of the report noted
2. That progress on the recommendations be pursued and
3. That a further report be brought six months hence

Action by:

Anne Canning (Service Head Learning and Achievement, Education Social Care and Wellbeing)

Mark Cairns (Senior Policy, Strategy and Performance Officer)/ Antonella Burgio (Democratic Services)

6.5 Burial Provision for Tower Hamlets Residents

The Interim Head of Legal Operations introduced the item, referring to the tabled Mayoral Executive Decision on Tower Hamlets Multi-faith burial ground published in June 2013. He advised the Committee that the procurement of the burial ground incorporated a number of criteria which required negotiation. This negotiation had yet to be concluded; its details were commercially sensitive and therefore exempt. Notwithstanding, this decision was being progressed urgently.

The Committee noted the following matters

- Concern at the short time given for the site identification and for full consultation with faith groups. It was requested that a further month consultation period be permitted for liaison with the Interfaith Forum to enable their considered response to be offered to the Council. The Interim Head of Legal Operations advised that it was not likely that negotiations would conclude in this period and therefore consultation was still possible. It was agreed that the response of the Interfaith Forum be circulated to Overview and Scrutiny Committee members.
- Following the executive decision in 2008 it was agreed that there would be a report back after the first six months of the scheme had been trialled. The Committee requested that this report be presented.

The Chair advised that the discussion concerned the burial subsidy and burial site:

- Regarding the subsidy, he informed the Committee that a representation on funeral poverty had been received from the Quaker Society and it was his wish that this matter be considered in conjunction with proposals for a burial site. Accordingly he intended that Overview and Scrutiny Committee examine the burial subsidy scheme as part of a scrutiny review into funeral poverty in the new municipal year. Co-opted Member Dr Rice agreed that the comments of the Interfaith Forum be incorporated into this piece of work.
- Regarding the burial site, the Chair advised that his intention was that residents of the borough ought to be able to bury deceased relatives as near to the borough as possible and he wished to be kept apprised of progress on the procurement of a burial site. The Interim Head of Legal Operations advised that a site had been identified just within the M25 however negotiations were commercially sensitive and no further details concerning its location could be given at this time. A Member enquired whether the Council was required to make a provision in-borough or outside of borough without provision for district charges. The Interim Head of Legal Operations agreed to investigate the outer borough charges and respond to members in writing. Additionally the Committee noted there were different burial practices amongst faith groups and asked that absolute fairness for all in access to the site was provided.

The Chair enquired whether the programme would be concluded by 22 May 2014 and was informed that this was not yet known. The Chair noted that

funds had been set aside for the purchase of a burial site and wished to be apprised of the proposed use for these funds if they were to be used for other purposes. The Acting Corporate Director of Resources informed the committee that £3 million had been set aside for the purchase of the burial site via a Council resolution; any proposed changes for the use of the funds set aside would therefore also require the same.

A Member requested that all information be collated and the matter brought to Committee for full scrutiny.

RESOLVED

1. That the verbal update to be noted
2. That the response of the Interfaith Forum be circulated to Overview and Scrutiny Committee before its next meeting in April 2014.
3. That the Senior Strategy, Policy and Performance Officer undertake detailed work on scoping and terms of reference for an investigation to on this matter to ensure that the scope and terms of reference were suitable for future review and that the Quaker Society should be advised of the proposal

Action by:

Dr Phillip Rice (OSC Co-opted Member Representing Church of England)
Graham White (Head of Legal Operations)
Mark Cairns (Senior Strategy, Policy and Performance Officer)
Antonella Burgio (Democratic Services)

6.6 OSC Annual Review 2013-14

The Chair introduced the report circulated in the supplementary agenda and advised the Committee that he had requested that the report be presented in the current municipal year to enable the work of Members retiring at the forthcoming election to be acknowledged before Council.

The Committee considered the report noting the work of Members of Overview and Scrutiny Committee and Health Scrutiny Panel undertaken during the course of the municipal year. The Chair also highlighted conclusions arising from the scrutiny work that had been undertaken and work proposals for the forthcoming municipal year.

A Committee Member noted paragraph 3.15 and requested that the last sentence be revised to "supporting staff with specific learning difficulties e.g. dyslexia"

RESOLVED

That the Overview and Scrutiny Annual Report 2013-14 be approved and referred to Council

Action by:

Matthew Mannion (Committee Services Manager, LPG)

6.7 Log of Actions Requested at Overview and Scrutiny Committee Meetings During the Municipal Year 2013-14 (2)

The Chair introduced to the report which provided an ongoing summary of actions requested by the Committee arising from the reports and matters that had been considered in the current municipal year

The following matters were noted:

- Regarding item 6, OSC meeting 5th November 2013, the Chair noted that the report requested on the TV adverts commissioned to promote the Decent Home programme and related issues would be brought to Committee on 1 April 2014. He asked that the relevant Cabinet Member be requested to attend the meeting.
- The Chair thanked the Service Head Policy Strategy and Equalities for the information provided in relation to the recommendations of the fairness commission. He asked that these recommendations be added to the progress sheet.

RESOLVED

1. That the log of actions that have been requested by Overview and Scrutiny Committee be noted.
2. That the progress made on actions that remained outstanding and the completed actions as indicated in the log be noted.

7. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items.

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

Nil items.

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

Nil items.

10. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

11. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

Nil items.

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

Nil items.

The meeting ended at 8.10 p.m.

Chair, Councillor Motin Uz-Zaman
Overview & Scrutiny Committee