

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 5 FEBRUARY 2008

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Marc Francis (Chair)
Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Peter Golds
Councillor Alexander Heslop (Vice-Chair)
Councillor Ahmed Hussain
Councillor Mohammed Abdus Salique
Councillor Salim Ullah

Other Councillors Present:

Councillor Shiria Khatun
Councillor Joshua Peck
Councillor Abdal Ullah

Co-opted Members Present:

Mr H Mueenuddin – Muslim Community Representative

Officers Present:

Suki Binjal – (Interim Head of Non-Contentious Team, Legal Services)
Afazul Hoque – (Acting Scrutiny Policy Manager, Scrutiny and Equalities, Chief Executive's)
Sara Williams – (Assistant Chief Executive)
John Williams – (Service Head, Democratic Services)
Kweku Quagraine – (Democratic Services)
Edmund Wildish – (Scrutiny Policy Officer, Scrutiny and Equalities, Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Co-opted member Mr Terry Bennett and Michael Keating, Service Head Scrutiny and Equalities.

2. DECLARATIONS OF INTEREST

Councillor Alex Heslop declared a personal interest in relation to item 5: 'Deputation made by Tower Hamlets Unison' as he is a member of Unison.

Councillor Shiria Khatun declared a personal and prejudicial interest in relation to item 6.1 'Call-In: Review of Street Market Fees and Charges 2008/2009' as an Executive Councillor who had participated in the Cabinet's decision on this matter.

Councillor Joshua Peck declared a personal and prejudicial interest in relation to item 6.1 'Call-In: Review of Street Market Fees and Charges 2008/2009' as an Executive Councillor who had participated in the Cabinet's decision on this matter.

Councillor Abdal Ullah declared a personal and prejudicial interest in relation to item 6.1 'Call-In: Review of Street Market Fees and Charges 2008/2009' as an Executive Councillor who had participated in the Cabinet's decision on this matter.

3. UNRESTRICTED MINUTES

The minutes of the Meeting held on 8th January 2008 were confirmed as a true and accurate record subject to the following amendments being made:

Councillor Tim O'Flaherty to be included in the list of attendees at the meeting.

Page 10, Minute 7 (Scrutiny Spotlight, Lead Member)

A new first paragraph to be added:

'Councillor Stephanie Eaton enquired as to progress made regarding the identification of young carers within the borough. Councillor Hawkins explained that this issue would be addressed in the near future through the process of commissioning. Councillor Eaton asked further questions regarding respite care for children with disabilities in the borough; young people as secondary victims of domestic violence and young people in police custody. Councillor Hawkins confirmed that these were issues high on the agenda adding that Tower Hamlets had recently signed up to the Charter of Every Disabled Child Matters'.

4. REQUESTS TO SUBMIT PETITIONS

No petitions were received.

5. REQUESTS FOR DEPUTATIONS

5.1 DEPUTATION REGARDING AGENDA ITEM 9.1-GENERAL FUND REVENUE BUDGET:BUDGET REQUIREMENT AND COUNCIL TAX 2008/09

John Davies on behalf of Unison presented his case in relation to item 9.1 on the agenda (General Fund Revenue Budget: Budget Requirement and Council Tax 2008/09) regarding the implications of proposals for Adult Services. He explained that Unison viewed the cuts as part of a nationwide series of attacks on adult social care services, with services for older people being the most severely affected. He added that the cuts would have a great affect on the quality of service provided by Tower Hamlets Adult Social Services.

Mr Davies stated that Unison were particularly concerned with the restructuring of the in house Home Care Service into two teams, stating that the deletion of supervisors and management posts in the service would lead to a reduction in the quality of supervision of home care staff. He further expressed his concern in relation to the job cuts in the Royal London Hospital social work team.

Mr Davies understood that the proposed reduction of 12.5 posts cuts are based on the assumption that apart from the City of London, Tower Hamlets were the only local authority in London that carries out assessments on out of borough patients. He stated that Unison had found this assumption to be incorrect from their liaison with other Unison branches across London.

Questions were then posed to Mr Davies from the Committee. Councillor Stephanie Eaton enquired whether the proposed move from higher qualified staff to lower would increase staff turnover. Mr Davies informed her that Tower Hamlets provides a high level of service and across the country adult services funding was in decline. He added that the borough currently has a high number of qualified staff therefore the service would suffer.

Councillor Ahmed Hussain sought further information on the assumption that two social workers were responsible for the entire out of borough assessments, carried out on behalf Tower Hamlets Council. Mr Davies explained that this had been the case and the social workers were unqualified. He added that In house homecare provides a higher level of service, as quality is provided through supervision of untrained home carers. He explained that supervising would become harder and more problematic as all new care packages have gone out to agencies.

Councillor Marc Francis referred to the analysis that showed a three month period that 115 out of 310 assessments were out of borough cases and asked whether this was typical. Mr Davies explained that the analysis was taken over the period of summer 2007. Summer was a period where more surgical work was planned; and the time of year would have an affect but other factors were also relevant.

5.2 DEPUTATION REGARDING AGENDA ITEM 6.1 'CALL IN' REVIEW OF MARKET FEES AND CHARGES 2008/09

George Gladwell on behalf of Columbia Market Residents Traders and Shopkeepers association presented his case in relation to item 6.1 on the agenda (Call in Review of Market Fees and Charges 2008/09) in connection with the proposed fees and charges increase. He requested that the proposal to increase the Fees and Charges at Columbia Road Market be postponed until a later date in order that all consultation and consideration could take place.

In informing the Committee of the increases Mr Gladwell stated that an increase of a 25% charge per market pitch was proposed for Columbia Road Market, a 39% increase charge per isolated pitch and an administration charge of £25.00 for refunds of unused purchased pitch vouchers. There was a disparity between the markets and the traders saw the refund charge as especially.

Mr Gladwell additionally expressed his concern at what he felt was a lack of consultation the market traders had received from the Head of Markets and other Council officers. As a result he has been unable to keep track of the street trading account along with other issues concerning the market. Access to the account was only granted (after a number of requests), at a Finance Meeting in November 07 at which he was informed of the proposal to increase the pitch charges.

Questions were then posed to Mr Gladwell from the Committee. Councillor Ahmed Hussain asked when the last increase of fees occurred. Mr Gladwell informed him that this occurred in July 2007 from £32 to £36. Councillor Hussain further requested to know the amount of consultation traders have had in the past three years. Mr Gladwell stated that only three meetings had occurred in this period.

Councillor Stephanie Eaton asked Mr Gladwell, if it was proven that the additional income raised from the increase charges, would be spent on direct services beneficial to the local traders, examples being street cleaning and trading enforcement, would the charges be justified? Mr Gladwell responded that he was currently satisfied with the cleanliness of the area, and that enforcement could be increased at no extra cost. He did not feel that market

administrators were currently supporting market inspectors in the fight against illegal traders.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 Review of Street Markets Fees and Charges 2008/2009

The Chair invited Councillor Ahmed Hussain on behalf of the Call in Members to present his reasons for the Call in. He outlined the key issues that they held against the recommendations of the report.

Councillor Hussain expressed concern at the Council's perceived failure to consult market stakeholders adequately. This was coupled with the sixty six per cent increases in fees for Whitechapel weekday traders, agreed by the Cabinet (though not recommended in the report); he viewed that as excessive and not based on factual evidence members could review. Councillor Hussain also highlighted the potential outcome of discouraging market trading if the fees were not meaningfully assessed. He further requested on behalf of the Call In members, that the Council outline a clear strategy for advertising and promotion of all markets subject to be affected by the increases.

Committee members put their questions to Councillor Ahmed Hussain. Councillor Alex Heslop queried whether he was concerned that a uniform pricing policy for all markets in the borough, would lead to a decline in the use of the markets. He additionally asked if Councillor Hussain was concerned market traders would pass on the additional cost to the consumers. Councillor Ahmed responded that these were matter of concern but he did not believe flat rate fees would have a detrimental effect as a problem, as it occurs frequently in business.

Councillor Salim Ullah endorsed the rise in fees. He commented that Whitechapel Market in his ward had become a very busy market and he did not believe that a raise in charges would see a downturn in traders. He further referred to the level paid in fines by illegal traders. Councillor Hussain responded arguing that the fines should be at a high level to discourage people from trading illegally.

In response to the Call-In Councillor Abdal Ullah, accompanied by the Head of Markets David Saunders, outlined the reasons for the proposed increase of the fees. Councillor Ullah explained that income was reviewed on a monthly basis. Some Markets were doing well in others there was a pattern of decline in the number of market traders, which in turn led to a reduction in income to the street traders account. In regards to the fees increase in Whitechapel David Saunders remarked it would bring an additional 40k a year for re-investment in Whitechapel Market.

Questions were then posed to Councillor Abdul Ullah and Mr Saunders. Councillor Mohammed Abdus Salique asked why Petticoat Lane Market had seen a decline and what was being done to combat illegal trading within the area. Councillor Ullah explained the success of Spitalfields market and the congestion charge were possible reasons. He advised that work was currently being done to kick start the markets fortunes again. In relation to policing Councillor Ullah explained that there was an ongoing operation, but further work with Councillors and the police was required.

Councillor Peter Golds asked how often market fees. Mr Saunders informed him that the charges are reviewed annually, adding that the money raised from the fees were transferred into the traders account. Councillor Golds did not feel that the proposed New Market of Billingsgate would have a positive affect on the existing markets.

Councillor Stephanie Eaton enquired if Councillor Abdul Ullah disagreed with any of the points made in the alternative course of action. She additionally endorsed the need for further enforcement in the marker areas. Councillor Ullah accepted that the frequency of meetings with traders had not been as he would have liked it to be, but explained in 2007 frequent meetings had been held and that a 28 day consultation period would take place on the new proposals.

Councillor Marc Francis requested clarification on whether the post of Market Custodian would be a paid post; he additionally as to the position regarding parking income around the Columbia Road Market. Councillor Ullah explained that the position of the Market Custodian was to be a champion of markets and that consultation was still ongoing as to its status. In regards to parking that the council was in the process of an ongoing review.

Following the debate the Committee voted on whether to refer the item back to the Cabinet for further consideration. It was **RESOLVED:**

That the alternative course of action proposed in the Call-In be not pursued and the item not referred back to Cabinet.

After considerable discussion the Committee agreed to confirm the decision of the Cabinet. However, there were a number of points of concerns which the Committee hoped the Cabinet would consider and address. These included:

- That the Market Services should establish regular and standard consultation with the traders;
- That the service should look at how enforcement could be improved to push out illegal traders;
- That proposed increases need to be justified clearly. For example the Cabinet report does not outline what the increase in Columbia Road market fees will be used for.

It is felt that Cabinet should take ownership of this decision rather than delegating this to officers. In particular Cabinet should received a further report outlining the results of the consultation with traders and then make a decision based on that.

7. SCRUTINY SPOTLIGHT:LEAD MEMBER

Councillor Shiria Khatun, Lead Member for Culture opened her presentation informing the Committee of what her Portfolio entailed. This included; Idea Stores and Libraries, sports and physical activities as well as arts and events. The Committee were then made aware of The National Outcome and Indicator legislation, which guided the work of the Council in this area.

Councillor Khatun explained that this was found under the heading Creating Stronger Communities. She informed the panel of the key areas in which work was being carried out, these included; adult participation in sport, use of public libraries, visits to Museums and Galleries and Engagement of the Arts. The presentation was concluded with Councillor Khatun outlining the key challenges for her Culture portfolio in 2008. These included reviewing the Idea Stores Strategy, the creation of a CSPAN to support the Obesity Strategy, the Delivery of a Playing Pitch Strategy, the Commissioning of a new Leisure Facility Strategy as well as Delivering a 5 borough Cultural Olympiad programme and the Delivery of a Public Art Strategy.

The Committee then posed questions to Councillor Khatun. Councillor Ahmed Hussain asked what was being done to stem the decline in the use of the Canary Wharf Idea store. Councillor Khatun explained that there were no plans to Change the Canary Wharf Idea Store and added that it was currently doing well. Councillor Hussain further enquired about the five boroughs Olympiad. Councillor Khatun explained that it was a celebration of all cultural festivals that go on within the five boroughs. She advised that more information would be publicised in the forthcoming weeks.

Councillor Alex Heslop asked about the likely effect of the Olympic Aquatic Centre proposed on the plans for Poplar Baths. Councillor Khatun informed him that in the coming years Tower Hamlets and Greenwich Leisure would be monitoring population growth and supply facilities, she added that Greenwich Leisure were doing well in terms of measurement on the national benchmarking exercise.

Councillor Shahed Ali inquired about the current position regarding the Mela. Councillor Khatun stated that the previous service level agreement had been terminated and interested Community groups had until 11th February to register their interest in staging the 2008 event.

Councillor Stephanie Eaton sought more information on the links between Councillor Khatun's portfolio and those of other Lead Members, as well as the

progression with the anti-obesity strategy. She also referred to the Public Arts Strategy. Councillor Khatun reported that an audit would be carried out on all public art in the borough and the strategy would seek to maximise section 106 funding.

Councillor Peter Golds expressed his concern that 500 year old borough archives rich in local history could be effectively destroyed and dispersed around London. He requested information from Councillor Khatun on what was being done to prevent this. Councillor Khatun assured Councillor Golds that the archives would not be destroyed and reported that discussions were under way with a number of interested bodies to safe guard the collection.

Councillor Alibor Choudhury queried how Tower Hamlets were progressing on the usage of leisure facilities by older and younger members of the public. Councillor Khatun explained that children's targets had been set and all targets had been achieved apart from the target of increasing the usage of Ideas stores by younger people at the rate of 5%.

The Chair thanked Councillor Shiria Khatun for her attendance and for her responses to the questions raised by members of the Committee.

8. PERFORMANCE MANAGEMENT

8.1 Tower Hamlets Index - Monitoring Report October-November 2007

Councillor Joshua Peck introduced the end of November Tower Hamlets Index 2007/08 monitoring report. He explained that the set of indicators that constituted the Index reflected the strategic plan 2006 to 11, along with the Local Area Agreement. He highlighted that appendix one provided an overview of performance and comments on each indicator, with appendix two providing charts for a better overview of the performance trends overtime. In relation to the performance indicated in the report Councillor Peck explained that of the possible 39 applicable indicators, 16 were on track to achieve their end of year target and a further 17 had actions in place to ensure they get back on track to meet that target.

Councillor Peck drew particular attention to Indicator SP306 where the number of young people within education, employment or training had now reduced to 437; and SP111 where although the challenging target of 22% would not be achieved, Performance in January had increased to 15.8%.

Questions were then posed to Councillor Peck regarding the index. Councillor Stephanie Eaton enquired who the Performance Review Group were and when they met. Councillor Peck informed her that they met on a monthly basis to discuss performance issues; the next meeting was due to take place on the 6th of February 2008. He added that the group was made up

of the Tower Hamlets Chief Executive Officer, a corporate director and himself. Councillor Eaton also sought clarification on the preferred outcome column which was provided.

Councillor Ahmed Hussain asked in relation to the PI reference number SP212 (Percentage of Adult and older clients receiving a review), why the target was not 100 per cent. Councillor Peck explained that Targets were based on out turn last year what was known about need, in the population Tower Hamlets 86% target placed the council in the top band respectively.

Councillor Ahmed Hussain referred to SP516 and felt this should monitor the percentage of the top 1% of council staff who were from an ethnic minority. Councillor Peck considered that 5% was a more useful measure.

Councillor Heslop sought further information on PI reference numbers SP404 A and B (Improved overall attendance rates at primary school and secondary schools). Councillor Peck explained that persistent absence was the current focus and Tower Hamlets was doing well in regards to this.

RESOLVED

That subject to the comments above the performance information highlighted in the report be noted.

MOVED by Councillor Marc Francis and duly **AGREED** by the Committee:

That in accordance with Council procedure Rule 9, the meeting be extended by up to 30 minutes to enable the completion of remaining business.

9. BUDGET AND POLICY FRAMEWORK

9.1 General Fund Revenue Budget: Budget Requirement and Council Tax 2008/09

The Committee were presented with the 2008/09 budget proposals Councillor Joshua Peck highlighted the proposed Council tax increase of 3.5%, the equivalent of 50p more a week.

Committee members posed questions to Councillor Peck in relation to figures set out in the document.

Councillor Ahmed Hussain enquired if the Adult Health and Wellbeing Directorate could make its 5% saving through any other means than by cutting the 12.5 jobs, for example reducing senior salaries on consulting costs. Councillor Hussain felt that residents would suffer the affects of the proposed job cuts. The Committee discussed the proposed savings within

Adult Health and Well Being and the matters raised by the deputation earlier in the meeting.

Councillor Stephanie Eaton enquired in relation to the consultation summary, the number of residents that participated in the budget consultation process. Councillor Peck responded stating that it was desired that more members of the public participated in the process as well as detailing their responses, in acknowledgement that the process was not highly representative, he explained that a lot of work during the year went towards addressing it. Councillor Eaton felt that the poor response from members of the public were a result of poorly structured questions, and requested further information into the process that lead members are involved. Councillor Peck explained that the process goes to discussion at Cabinet in August, there directors are given objectives to convey to Budget sub-groups; this period takes two to three months and lead members are involved throughout.

Councillor Marc Francis welcomed the Budget report and stated that it was a very good budget overall. He commended the extra investment on the Environment and additional investment on CCTV for estates.

After discussion and a vote, the Committee

RESOLVED

To welcome the budget proposals, in particular the proposal that the level of Council Tax would increase by only 3.5% the efficient savings and additional investments proposed.

9.2 Capital Programme 2008/09 to 2010/11

This item was considered together with item 9.1

10. SCRUTINY MONITORING AND MANAGEMENT

10.1 Scrutiny Challenge Session Report - Determination of Major Planning Applications

RESOLVED

That the outcome of the Scrutiny Challenge Session on determination of Major Planning applications be noted.

11. VERBAL UPDATES FROM SCRUTINY LEADS

Scrutiny Lead members submitted there updates on paper as time had run in the allocated meeting time.

Councillor Alex Heslop's statement reported on the progress made at the Choice Based Lettings Review. It stated that the session was attended well by members, with a presentation by Capital Moves on Pan London Lettings. Members raised their concerns in particular at the 30% allocation of new builds into the scheme. The next review session will take place on the 6th of February 2008, where members will be visiting the East London Lettings Company which advertises social housing available for rent in East London for Redbridge, Newham, Waltham Forest, Hackney and Havering Councils.

Councillor Mohammed Abdus Salique's statement reported on the progress of the Use of Consultants Review. It stated that the final meeting of the review was held on the 17th of January 2008, with the meeting producing some useful suggestions for the final recommendations. A final report is expected to come to the March Overview and Scrutiny Committee. Councillor Salique's statement further explained the provision for Translation and Interpreting services in the borough. This is in light of new local authorities' guidance, on publishing translated materials and supporting more people to take up English. Tower Hamlets will be working with the London Borough of Hackney on some aspects of the new guidance, to consider methods to communicate with the respective Communities in the borough.

Councillor Alibor Choudhury's statement reported on the evaluation of NRF Funding. It explained that the first review session had successfully taken place on the 23rd of January 2008, where members were given a brief overview of the NRF and the partnership role. The next review session is scheduled for Thursday 14th February with Anna Kavalla invited from the Government Office for London (GOL) to give members a briefing on what GOL expected the NRF funding to be spent on. In relation to the determination of major planning applications challenge session, the scrutiny Team are working with the department to draw up an action plan. This is set to be monitored through the Overview and Scrutiny tracking report on a six month basis.

Councillor Salim Ullah statement reported on the evaluation of tackling Anti Social Behaviour(ASB). It explained that the draft scoping document had now been finalised. A very successful review session had taken place on Thursday 10th January 2008, which looked at what Tower Hamlets was doing to combat ASB. The next review session had been scheduled for Thursday 7th February 2008, with the agenda focusing on the youth service, the police, Tower Hamlets Partnership with RSLs working together to combat ASB. In response to the effectiveness of Safer Neighbourhood Teams Challenge Session, an action plan had now been sent for officers to implement. This would be monitored through an Overview and Scrutiny Committee tracking report.

Councillor Ahmed Hussain's statement reported back on the Youth Service Challenge session. It explained that the final report from the scrutiny challenge session was currently being commented on, with the subsequent report being presented at the next Overview and Scrutiny meeting. In relation the Scrutiny Review of Young Peoples participation in sports leading up to the

Olympics, it was revealed that two sessions had taken place. The first looked strategies and partnership working and the second session the Working Group visited Mile End Park Leisure centre and York Hall. Councillor Hussain stated that he had attended the Boccia competition at Mile End Leisure centre to observe young disabled people young disabled people take part in Paralympics sports. He iterated the point that young people were consulted through surveys, but the desired feedback was currently less than encouraging. Schools of the borough had been invited to engage in the consultation and a visit to Marion Richardson School was scheduled to film a consultation.

Councillor Eaton's statement reported on the progress of her review on Tobacco Cessation. It was noted that work was underway on the final report and this would be reported to the Committee soon. There were two planned sessions to be held on for Members of the Health Scrutiny Panel. On 19th February the Panel will undertake a Challenge Session on revisiting the progress on implementing the recommendations from last year's scrutiny review on Access to GP/Dentistry Services. This will also be an opportunity for Members to tour the new Barkantine Centre. A workshop will also be held on 28th February 2008 to prepare Members for the forthcoming Annual Health Check for our local health trusts. Finally, it was noted that the next Joint Overview and Scrutiny Committee will be hosted by Tower Hamlets on 22nd February 2008.

12. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

The Committee considered thoroughly the proposed questions to submit to Cabinet and agreed that the following will be referred:

Agenda Item 6.1 Reviews of Parking Services' Fees and Charges (CAB 117/078)

1. Will the Cabinet consider the creation of a consumer co-operative to run a possible Community Car Club in Tower Hamlets? What is the likely cost of establishing a Community Car Club?

Agenda Item 10.5 Housing Revenue Account 2008/09 Second Budget Report(CAB 127/078)

1. What representations has the Cabinet made to the Department of Communities & Local Government about the impact of its rent restructuring regime leading to above-inflation rent increases on tenants on low fixed incomes?

2. What is the total amount held in the Housing Choice Reserve and how much has been placed in it in each year since its creation?

Agenda Item 12.1 Annual Performance Assessment of Adult Social Care 2006/07 (CAB 129/078)

1. What is the timescale for delivering the planned improvements in telecare and extra care housing?
2. What steps are being taken to reduce waiting times for major adaptations?
3. What actions are planned to increase the percentage of assessments for older people completed within two weeks?
4. What measures are being taken to improve the quality of commissioned homecare services?

13. EXCLUSION OF THE PRESS AND PUBLIC

Nil Items

14. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

The Chair Councillor Marc Francis took the opportunity on behalf of the Overview and Scrutiny Committee to thank the departing Assistant Chief Executive Sara Williams, for her contribution and hard work over the past few years with the Committee, other Committee members echoed these sentiments.

15. SECTION TWO REPORTS 'CALLED IN'

Nil Items

16. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS (IF ANY)

Nil Items

17. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT

The meeting ended
At 10.45pm