

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.20 P.M. ON MONDAY, 5 OCTOBER 2015

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

Members Present:

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| Councillor John Pierce (Chair) | |
| Councillor Danny Hassell (Vice-Chair) | |
| Councillor Mahbub Alam | – |
| Councillor Amina Ali | – Scrutiny Lead for Adult Health and Wellbeing |
| Councillor Craig Aston | – |
| Councillor Denise Jones | – Scrutiny Lead for Communities, Localities & Culture |
| Councillor Md. Maium Miah | – Scrutiny Lead for Resources |
| Councillor Oliur Rahman | – |

Co-opted Members Present:

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| Nozrul Mustafa | – (Parent Governor Representative) |
| Victoria Ekubia | – (Roman Catholic Church Representative) |
| Dr Phillip Rice | – (Church of England Representative) |
| Rev James Olanipekun | – (Parent Governor Representative) |

Others Present:

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| Lee Edwards | – London Borough of Redbridge |
| Kerie Anne | – UNISON |
| Clive Davis | – London Borough of Redbridge |
| Ben Unsworth | – Socrata |

Apologies:

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| Councillor David Edgar | – Cabinet Member for Resources |
| Councillor Peter Golds | – Scrutiny Lead for Law Probity and Governance |

Officers Present:

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| Mark Cairns | – (Senior Strategy, Policy and Performance Officer) |
| Melanie Clay | – (Director, Law Probity and Governance) |
| Kevin Kewin | – (Service Manager, Strategy & Performance) |

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| Ali Khan | – (Political Adviser to the Independent Group) |
| Kevin Miles | – (Chief Accountant) |
| Jackie Odunoye | – (Head of Strategy Regeneration & Sustainability) |
| Louise Russell | – (Service Head Corporate Strategy and Equality, Law Probity & Governance) |
| Brian Snary | – (Financial Accountant) |
| Matthew Vaughan | – (Political Adviser to the Conservative Group) |
| Sarah Williams | – (Team Leader Social Care, Legal Services, Law Probity & Governance) |
| David Knight | – (Senior Democratic Services Officer) |

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor David Edgar Cabinet Member for Resources and Councillor Peter Golds (Scrutiny Lead for Law Probity and Governance).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were not declarations of disclosable Pecuniary Interest.

3. UNRESTRICTED MINUTES

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

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 7th September, 2015 was approved as a correct record of the proceedings subject to the following changes.

Page 6 Section 7.2 Executive Mayors Perspective

Delete: “Finally, the Chair invited the Editor”

Insert: “Finally, the Chair invited the Senior Reporter”

Insert: The following additional point C “Consideration needs to be given regarding access to the sources behind the news stories and that those stories need to be released to local news media as quickly as possible **e.g.** the story regarding the unexploded bomb in Bethnal Green.

Page 8 Section 7.6 Whistleblowing

Delete: “The Committee received and noted a report that provided a focus on the Anti- Fraud and Corruption Strategy”

The Committee received and noted a presentation that provided a focus on Whistleblowing, the process for which forms part of the Anti- Fraud and Corruption Strategy”

Insert the following new fifth bullet point: Work is being undertaken to review the Council’s current Whistleblowing processes as part of a holistic approach to dealing with concerns.

4. REQUESTS TO SUBMIT PETITIONS

Nil items

5. UNRESTRICTED REPORTS 'CALLED IN'

Nil items

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 TRANSPARENCY COMMISSION

(i) Open Data – The experience of the London Borough of Redbridge

The Committee received and noted a presentation that provided a focus on the tools used by the local authority to share information with the public, through the use of web technology. A summary of the discussions on this presentation is outlined below:

The Committee heard that:

- The use of web technology to provide the public with easy access to data would have been impossible without it being driven by the Chief Executive of the Redbridge Council and its Corporate Management Team;
- Use of this innovative platform has substantially increased the range of data available to local residents, supporting the Council’s move towards making its data more accessible, increasing transparency, and driving service improvement;
- Redbridge’s approach to publishing data is informed by customer demand. In preparing the platform they established themes by examining the information that residents and others have asked for, for

example through Freedom of Information requests. They then used this knowledge to select which datasets to prioritise publishing;

- The number of Freedom of Information requests had reached a plateau since the introduction of the new web technology, although it was unclear if this was the main reason;
- There is tool on the web page in relation to the budget setting process

(ii) Open Data – Perspective from Socrata

The Committee received and noted a presentation from Socrata a privately-held cloud software company headquartered in Seattle with offices in Washington, D.C. and London. The core team consists of software engineers, designers, open government advocates, and business professionals.

The presentation provided an outline on how Socrata through the use of smart technologies and digital connectivity has helped local and national governments meet environmental, social and economic challenges and opportunities, through opening up their data.

It was noted that there are a range of different arguments for open government data **e.g.** some advocates contend that making government information available to the public as machine readable open data can facilitate government transparency, accountability and public participation. Some make the case that opening up official information can support technological innovation and economic growth by enabling third parties to develop new kinds of digital applications and services **i.e.** to make it easier for residents, researchers and developers to access, analyse and share information. This could allow new solutions to the borough's challenges to be developed.

(iii) The Unions' Perspective – Unison

The Committee received and noted a presentation that provided a focus on what Unison felt was required to ensure that there is transparency in governance.

The Committee heard that:

- Unison believes that there were significant problems with the quantity, quality and integrity of the information shared with residents and staff about proposed changes to council services during the 2014 Your Borough Your Voice public consultation;
- Improvements need to be made if future public consultations are to be genuine and meaningful. This should include sufficient detail of what is being proposed and an honest appraisal of the potential risks and dependencies that changing or stopping a service may bring;
- Unison would wish to see greater information sharing about key policies such as the consideration of outsourcing, shared services and strategic partnerships;

- Unison believes that there should be as wide a consultation as possible at the earliest possible stage, when policy on matters such as procurement are being considered, especially with key stakeholders, one of which is the Trade Unions;
- Unison believes that LBTH should adopt a culture of preference for disclosure and openness in procurement, unless it can be clearly demonstrated that it is not possible for compelling legal or other reasons;
- In the shadow of high profile social care failures such as in Rotherham, it is the union's view that to facilitate transparency in governance this must be taken forward with genuine intent. The focus should not simply being on 'tweaking' or publicising current procedures, but rather on learning lessons from the past and developing strategies that move the organisational culture forward;
- Unison has mechanisms in place to address issues of serious concern, and that they will if necessary meet with councillors to address a particular situation.
- Unison were concerned that staff were reluctant to speak up about perceived serious wrongdoing because of a perception that the working culture discouraged this;
- The Social Work Health Check had recommended an exercise /strategy must be developed to increase worker confidence in the council's Whistleblowing policy. This should include Trade Union involvement.

The Chair Moved and it was:-

RESOLVED

That the service be invited to respond to Unisons concerns that staff were reluctant to speak up about perceived serious wrongdoing because of a perception that the working culture discouraged this.

(iv) The Unions Perspective – Unite

The Committee Received and noted a briefing paper in which Unite outlined the following views:

- Availability of one copy of the agenda at the Town Hall Reception at 5pm, or later, on the statutory publication date does not comply with the spirit of the statute Posting or couriering the next day, or later ,significantly reduces the opportunity for Members/public to read/digest the contents of the agenda and engage with the decision making process;
- The agenda should, unless there are very exceptional circumstances, contain all minutes/ reports detailed on the agenda rather than an agenda with several reports marked 'to follow' and then late publication/circulation of several supplementary agendas 1 or 2 days later. This approach is not conducive to fully informed discussion and smooth decision making by Members, who may not have received all

the papers or who have to flick between several agenda packs to find the information they feel merits discussion. Again it significantly reduces the opportunity for Members or the public to read/digest and engage with the decision making process. A new approach would require a directive from the new Chief Executive and Corporate Management Team support.

Unite also identified steps which it felt would facilitate transparency in governance:

- That Cabinet/ Committee agendas are published and circulated in accordance with the spirit of statutory Access to Information requirements (5 working days before a meeting);
- The restoration of the provision within the Council's Constitution for public deputations at Cabinet/Committee meetings providing appropriate notice is given and criteria met (as with petitions) and would increase the scope for engagement and controversial debate;
- Review of the criteria around exemption of Cabinet/ Committee reports from publication to ensure it is fit for purpose. There should be a mechanism, independent of Officers and Mayor/Members involved in the decision making process, to validate the legitimacy of exemption from publication of reports e.g. the Chair of OSC (as with urgent decision making); the Speaker of Council or the Chair of Standards Committee?;
- More Council meetings should be held outside the Town Hall, whether in Council buildings or community venues, as the accessibility of Mulberry Place does not assist public engagement with the decision making process; and
- The Council and Democracy webpage should be made easier to navigate.

(v) Update on responses to the Transparency Commission

The Committee received and noted a presentation that provided an update on the outcome of the consultation which had explored views about:

- The extent to which the Council keeps residents informed about what it does, what it spends and how decisions are made;
- Views about the quality of information provided;
- Views around how effectively, and openly, the Council engages and consults with residents; and
- Open comments invited on all areas and residents asked for suggestions for improvement.

As a result of discussions on the presentation the Committee:

1. Indicated that they wanted to have the opportunity to consider the accountability of the Commissioners and that East End Life could be used to provide more details of their role;

2. Noted that the submissions would be considered with all the data received and would feed into the proposals going forward;
3. Noted that a community engagement strategy was being developed and that the Somali Task Group would be involved in the development of this strategy;
4. It was noted that the Council for Voluntary Service had been used to provide a link between the Council and the Third Sector although other ways of engagement are being considered;
5. Stated that it felt that using only the Council for Voluntary Service would reach a limited number of organisations; and that more use should be made of the Idea Stores and Children Centres as means to increase the reach to the Third Sector; and
6. Indicated that it would like to see the time frame for taking forward engagement with the Third Sector.

(vi) Empowering Ward Members

The Committee received and noted a report on the involvement of non-executive ward councillors in participatory budgeting models. In particular:

- This has been a topic that has been considered in ongoing legislation since the establishment of the strong leader/cabinet model and later the executive mayoral model of local government. Many councils allocate a fund for ward budgets, providing elected members with flexibility in the deployment of their allocated Ward Budgets within the powers available to them under the Localism Act;
- Elected Members have the power to approve projects if, in their opinion, they address an issue of local need;
- Ward budget funding support is normally only eligible for individual projects for a maximum of one financial year.

8. STRATEGIC PERFORMANCE AND CORPORATE REVENUE AND CAPITAL BUDGET MONITORING Q1 2015/16 (MONTH 3)

The Committee received a monitoring report that detailed the financial outturn position of the Council at the end of Quarter 1 for 2015/16 compared to budget, and service performance against targets. This included:

- the projected year-end position for the General Fund Revenue, Housing Revenue Account and Capital Programme;
- Summary of the movement on Reserves; and
- An overview of performance for all of the reportable strategic measures.

As a result of discussions the Committee:

- Noted that the Council had entered into a Retention Agreement with the Secretary of State in November 2012 to allow for usage of those receipts from the sale of Council housing. DCLG rules stipulated that these Right to Buy (RTB) 1-4-1 receipts must be spent on the re-provision of council homes;
- Heard that in light of the summer budget announcement and the need to maximise the 1-4-1 receipts and the stock condition survey that is currently being undertaken, uncommitted elements of the housing revenue account capital programme are being reviewed;
- Noted that following the decision of the Mayor in Cabinet on the 28th July a further report was to be considered in respect of the delivery and procurement options of the new civic centre. However, at this stage it has been assumed that £1.12 million of the residual £2.5 million of resources ear-marked for the project will be spent this year with the further report including the financial requirements of the full project. Finally it was noted that there would be a briefing on the options for the new civic centre the next week;
- Heard that at the end of quarter one 26.93% of council tax have been collected against the target of 24.25%;
- Noted at the end of quarter one 29.82% of non-domestic rates had been collected against a target of 24.9%;
- Was informed that between April-June 2015, 279 over-crowded families had been re-housed against a quarterly target of 234. At the end of quarter one 29.36% of the annual target had been achieved. The outturn was 58% higher than this time last year when 171 families had been re-housed due to overcrowding. The total number of lets was greater than last year, although still low compared to previous years;
- Was advised that the employment rate in Tower Hamlets is 69.7% compared to the London average of 71.7%, a gap between Tower Hamlets and the London average of 2 percentage points. The target of ensuring the gap is less than 2.5 percentage points has been exceeded and this also represents a considerable improvement from this time last year when this gap was 5.9%;
- Heard that the quarter one performance for the Jobseeker's Allowance (JSA) claimant rate shows a 0.3% gap between Tower Hamlets and London; the target of 0.5 percentage point has been exceeded. The JSA claimant rate for Tower Hamlets was 2.4% and the London average was 1.9%. It was noted the trend is positive to this time last year when the gap was 0.8%. It was noted that the number of residents on JSA has reduced from 6643 in June 2014 to 4588 in June 2015;
- Was informed that the number of working days lost to sickness and absence at the end of June 2015 was 8.42 days per FTE post. This is 2.32 days above the end of year target of 6.1 days; and increase of 0.27% compared to last month; and an increase of 15.39% days compared to the same period last year;
- Felt there was a need to look at health related issues and to ensure the proper management of sickness by managers;
- Noted that in 2014-15 the smoking quit rate per 100,000 residents aged 16 or over was 626. The minimum expectation of 833 was

missed. The 2014-15 outturn was a deterioration of last performance of 862 per 100,000;

- Heard that the average time between the children entering care and moving in to an adoptive family was 762 days against the minimum expectation of 614 days. It was also noted the 762 days is the rolling year to the end of June so is in line with the previous period based on new definition. It was also noted that the old three year rolling definition would show LBTH at 634 days until the end of June 2015, and the actual figure for quarter one performance is 229 days (i.e. there had been one adoption between April-June that took 229 days from the child entering care until placement with adopters). However, improving adoption importance remains a priority and children services are setting up a new permanence team and increasing the pool of available adopters to support this. Notwithstanding the above mentioned the Committee felt there was a need to mitigate the suffering of these children and welcomed the fact that measures were being taken to address this situation;
- Wanted to know if LBTH had the capacity to take adoptive children from Syrian refugee camps. In response it was noted LBTH are waiting to hear more details on the Government's proposals and the impact on social care provision.
- Felt there was a need to promote how families could come forward to adopt within their own communities.
- Stated they would like to see figures of homeless persons and the cost to provide accommodation.
- Was concerned about people in jobs without decent pay and wanted to get a true picture of the situation within LBTH. It was noted that the welfare reform task group monitors how LBTH responds to welfare reforms as well as monitoring the level of poverty (e.g. the use of food banks).
- Indicated that it would like more information on capital monitoring and would wish to get the data in plain English so that they could concentrate on the message instead of being distracted by any complicated language.

9. OVERVIEW AND SCRUTINY WORK PROGRAMME 2015/16

The Committee received and noted the Overview and Scrutiny the draft 2015/16 work programme attached as an appendix to the report that had been informed by a Committee workshop session facilitated by an external consultant. As a result of consideration of the programme the Committee:

- Heard that it received a request to consider how the council had dealt with a petition on lease holder services and charges;
- Commented that more needed to be done to encourage applications from individuals so that LBTH can reflect the community it seeks to serve. It was agreed that this topic would form a specific challenge session.

- Stated that it was important to find new school governors from a younger age group and a wider cross-section of the community. It was noted the Somali Task Force would be looking at this issue.
- Indicated that it would wish to include a progress update on children's centres on its work programme.

Accordingly, the Chair Moved and it was:-

RESOLVED

Agree the work programme attached as Appendix 1, subject to the changes mentioned above.

9.1 Appointments to Inner North East London Standing Joint Health Overview and Scrutiny Committee 2015/16

The Committee received a report that provided a background to the establishment of Inner North East London Standing Joint Health Overview and Scrutiny Committee and asked the Committee to appoint 3 Members for the duration of the municipal year.

As a result of discussion on the report it was noted that Cllr Amina; Ali Cllr Shahed Ali; and Cllr Dave Chesterton have been drawn from the membership of the Health Scrutiny Panel to represent the authority on the Inner North East London Standing Joint Health Overview and Scrutiny Committee (INEL SJHOSC) to respond to consultations and represent the interests of the Borough on health matters.

Accordingly, the Chair Moved and it was:-

RESOLVED

That Cllr Amina; Ali Cllr Shahed Ali; and Cllr Dave Chesterton be appointed to represent the authority on the Inner North East London Standing Joint Health Overview and Scrutiny Committee (INEL SJHOSC) to respond to consultations and represent the interests of the Borough on health matters.

10. VERBAL UPDATES FROM SCRUTINY LEADS

Full consideration of this item was deferred until the next meeting.

11. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

Nil items

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

Nil items

13. 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.

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

Nil items

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

The Committee noted that there would be a report on Poplar Town Hall before the end of the year and consideration needed to be given if report would be considered a specially convened meeting.

The meeting ended at 10.15 p.m.

Chair, Councillor John Pierce
Overview & Scrutiny Committee