

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.15 P.M. ON MONDAY, 4 APRIL 2016

**MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG.**

Members Present:

Councillor John Pierce (Chair)	
Councillor Danny Hassell (Vice-Chair)	
Councillor Mahbub Alam	–
Councillor Peter Golds	– Scrutiny Lead for Law Probity and Governance
Councillor Denise Jones	– Scrutiny Lead for Communities, Localities & Culture
Councillor Md. Maium Miah	– Scrutiny Lead for Resources
Councillor Helal Uddin	– Scrutiny Lead for Development and Renewal

Co-opted Members Present:

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

Other Councillors Present:

Mayor John Biggs
Councillor Rachael Saunders

Apologies:

Councillor Amina Ali	– Scrutiny Lead for Adult Health and Wellbeing
Councillor Oliur Rahman	–

Officers Present:

Simon Baxter	– (Acting Service Head, Public Realm, Communities Localities & Culture)
Mark Cairns	– (Senior Strategy, Policy and

Kevin Kewin	– Performance Officer) (Interim Service Head, Corporate Strategy and Equality)
Graham White	– (Interim Service Head, Legal Services, Law, Probity and Governance)
Zena Cooke	– (Corporate Director, Resources)
Kevin Miles	– (Chief Accountant, Resources)
Brian Snary	– Financial Accountant - Resources
David Knight	– (Senior Democratic Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Oliur Rahman.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

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 29th February, 2016 be approved as a correct record of the proceedings.

4. OVERVIEW AND SCRUTINY COMMITTEE ACTIONS

Cllr Hassell requested that the previously requested update on issues raised from a ward walkabout should be escalated to the Corporate Director of Communities, Localities and Culture if this was not forthcoming. The Committee noted that they would receive an update on the outstanding actions at the next meeting.

5. FUTURE DECISIONS

The Committee received and noted the current position regarding the forthcoming decisions.

6. REQUESTS TO SUBMIT PETITIONS

Nil items

7. UNRESTRICTED REPORTS 'CALLED IN'

Nil items

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee considered the Cabinet agenda for the 5th April, 2016 and raised the following questions:

Item 5.7 Revised Regulation 123 List and Planning Obligations Supplementary Planning Document (SPD)

Question: What steps will officers make to ensure the reporting of the decisions on the collecting of contributions from developers through CIL and Planning Obligations to DC/SDC and Full Council?

Subsequent to the meeting the following response was received: The Mayor in Cabinet on 5th January 2016 approved the implementation of an Infrastructure Delivery Framework (IDF), which from April 2016 will provide the governance framework for the collection, spend and **reporting** of CIL and S106 monies. Officers are working with the Mayor to ensure that appropriate reporting to all relevant parties is in place to support the implementation of the IDF, including to SDC/DC as appropriate, in accordance with the Mayor's Transparency Protocol. For reference, the relevant paragraphs of the January 5th Cabinet Report are included below:

6.36 Planned S106 expenditure information is currently reported to Full Council as part of the Capital Programme and Budget Setting Process. It is also the case that this information is reported to Cabinet and the Overview and Scrutiny Committee as part of the Capital Programme quarterly monitoring process.

6.37 The Infrastructure Planning Team is taking steps to ensure that CIL is effectively reported as part of the Capital Programme and Budget Setting Process. It is likely that expenditure and income information (for noting) for CIL will be reported and that S106 income information will also be reported for noting.

6.38 In addition to the reporting requirements set out in paragraphs 6.36 and 6.37 above, it is proposed that further specific reporting of collated CIL and S106 income and expenditure information is reported to Cabinet and the Overview and Scrutiny Committee on a 6 monthly basis. It will be the case that S106 revenue expenditure reporting will be undertaken on an annual basis to account for the extensive process of the assignment of revenue funding to the relevant S106 account.

A report regarding the use of S106 funding was presented to SDC at March 2016 Committee. It is proposed that this will become an annual report. Existing reporting regarding S106 can also be found on the Councils website at the link below. This includes: a copy of all signed S106 agreements; a summary of received contributions; a record of decisions made on the spend

of S106; and 6 monthly factsheets detailing infrastructure projects delivered using S106 funding [Register of planning decisions](#)

Item 5.10 London Borough of Tower Hamlets Adult Social Care Local account 2014/15

Qu: How will the 'Local Account' be promoted to residents in the Borough?

Subsequent to the meeting the following response was received: We will communicate the Local Account to residents based on our understanding of communication needs of our service users. We know from a recent survey that only 16% of adult social care users report being able to use the internet (a further 13% report others are able to access the internet and look up information for them on their behalf), compared to 87% of all residents in Tower Hamlets. For this reason, as well as promoting the Local Account on the Council's website, we will print copies and distribute these in the places we know are attended by adult social care users and their carers. This includes Day Centres, the Carers Centre, One Stop Shops, Idea Stores, GP surgeries, and the different information and advice agencies that comprise Local Link.

We will send / email copies to third and voluntary sector organisations, both to raise their awareness of adult social care and to encourage them to provide copies to residents.

9. SCRUTINY SPOTLIGHT

9.1 Mayor and Quarter 3 Strategic Performance Monitoring

The Committee received and noted the Quarter 3 Strategic Performance Monitoring report. The main points of the discussion maybe summarised as follows.

The Committee:

- Noted that some of the indicators are governed by external factors outside of direct council control, but are useful to include given that they reflect issues that are of real concern to LBTH residents, and also help the Committee hold partners to account;
- Noted that eight of the fourteen measures which have deteriorated in performance compared to this time last year relate to crime measures; the police, rather than the council, are responsible for crime performance;
- Noted that that with regard to the number of working days/shifts lost to sickness absence per employee the minimum expectation of 6.5 days has been missed and sickness is higher than at the same point last year. At the end of November 2015, the average days lost per FTE across the council was 8.62 days. This is 1.12 days above the end of year target of 7.5 days and an increase of 1.17 (13.53%) days compared to the same period last year. Both short term and long term

absence have increased over the past 12 months. The Committee indicated that it would wish to see the briefings being provided to managers on the management of sickness;

- Noted that there are several strategic performance measures which report on a quarterly basis but for which Q3 data is currently not available due to a time lag in reporting. Q2 data has been provided in the report and appendix. These are the number of smoking quitters and percentage of household waste sent for reuse, recycling and composting. Accordingly, the Committee asked for the figures regarding Numbers of Smoking Quitters and the Percentages of Household Waste sent for reuse, recycling and composting;
- Noted that the increased financial incentive to landlords has not enticed them to offer properties to the Council for Assured Shorthold Tenancies for LBTH customers rather than the general public. As the welfare reforms continue to be rolled out, landlords become more risk averse with regard to potential unaffordability and rent arrears for that not in work or on low incomes – the majority of LBTH clients. As a result of the Committee asked to receive details as what can be done to increase the supply of Affordable Housing; and
- Considered comments from Dr Rice that the Council should consider joining those urging the Government to bring an end to casino-style gambling on the high street, and prevent betting shops from clustering and destroying shopping districts, especially in deprived areas.

As a result of discussions on the report the Committee **agreed** the following:

1. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.6 of the Report) the Committee asked for the figures regarding Numbers of Smoking Quitters and the Percentages of Household Waste sent for reuse, recycling and composting;
2. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.10 of the Report) the Committee asked for the briefings being provided to Mgrs. on the Mgt of sickness; and
3. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.11 of the Report) the Committee asked what can be done to increase the supply of Affordable Housing.
4. **Regarding Q3 Strategic Performance Monitoring** Early Years Foundation the Committee requested a comparison of improvements achieved with those of Newham, Hackney, and Southwark.

10. UNRESTRICTED REPORTS FOR CONSIDERATION

10.1 Corporate Revenue and Capital Budget Monitoring Q3 2015/16 (Month 9)

The Committee noted the report that details the financial position of the Council at the end of Quarter 3 for 2015/16 compared to budget. This included projected year-end position for the (i) General Fund Revenue; (ii) Housing Revenue Account and the (iii) Capital Programme. The main points of the discussion may be summarised as follows:

The Committee in considering the report:

- Noted that there had been slippage on the capital programme regarding provision for two year olds due to the timescale for resolving lease agreements and procurement/portal issues on the following schemes: Whitehorse Road 1 o'clock club, Bethnal Green Gardens new nursery, Limehouse child care provision and Lincoln Hall playgroup;
- Was informed that the Adult Services Directorate had reported a £1m overspend as a result of savings pressures, staff and care package costs. There are many factors and assumptions which need to be considered. The Committee considered the analysis of these factors and the variances and the associated risks. It was noted that at present it appears that the current potential reserves held both in the Directorate and centrally would be sufficient to contain the position to an overspend of £1m. However, the Committee was advised that the use of any reserves (apart from growth and inflation) are one-off resources for this financial year only. The main factor at this juncture was that there are savings of £1m which are held in a central holding code, this forecast assumes that these savings are unlikely to be delivered. This has also been discussed at the Financial Strategy Group (FSG) and it had been agreed that the 2015/16 Medium Term Financial Plan Savings which are not being achieved and being covered by the use of reserves would be highlighted in the budget monitoring as a potential directorate overspend; and
- Noted that with regards to Children's Services the main factor that needs to be noted at this juncture is that there are savings of £0.989m which are held in a central holding code in vote H82, up to this point the forecast had assumed that these savings will either be delivered or receive a target adjustment from corporate resources for slippage of savings or under-delivery, but these are now being forecast as an overspend pressure. It was noted that there are however significant risks associated with this figure which need to be reported upwards in the form of potential overspends – prior to the use of reserves. In addition, it was noted that there are budget pressures which relate to Preventing Violent Extremism (PVE) which is an area of work which is not receiving any extra funding.

10.2 Grants Scrutiny Panel

The Committee noted that following a Best Value Inspection undertaken by Pricewaterhouse Coopers during 2014, the Secretary of State for Communities and Local Government issued the Council with Directions on 17th December 2014. The Directions focused on particular areas which had been the subject of the Best Value inspection and included grants.

As part of the Directions, it was noted that a Grants Action Plan had been developed and agreed. As part of that Plan, a recommendation was to review arrangements post-Commissioners for future executive decision-making and

the action arising was to establish a cross-party working group to develop proposals for future arrangements. A proposal was put to the Commissioners at their Decision Making Meeting on 1st March 2016 that a Sub-committee of the Overview and Scrutiny Committee should act as the “**cross-party forum**” to be established to review officer recommendations prior to their consideration at a Commissioners’ Decision Making Meeting and this proposal was agreed. The Commissioners agreed to receive a further report setting out the details of the Committee arrangements.

A summary of the discussions on this report is set out below:

- Some members set out the need for the Sub-committee to adequately take into account social value considerations, the borough’s One Tower Hamlets approach, concerns about how the how the Sub-committee’s chair would be selected and how political proportionality rules were being applied to its membership, and the timing of the creation of the Sub-committee.
- Agreed that any decision relating to the composition of the Sub-Committee should be made independently of any political bias;
- The exact number needed to be settled and the Sub-Committee should also include in its membership co-opted non-voting members;
- Agreed that training would be required to promote and maintain high standards of conduct by Elected and Co-opted Members; and
- Agreed nominees should be sought from the leaders of the three political groups for members of this Sub-committee.

As a result of the discussions on this report including the appendices relating to Terms of Reference and the Forward Plan the Committee:

1. **Agreed** to add to the Overview and Scrutiny work programme, the review of Officer recommendations regarding grants and award of grants prior to their consideration at a Commissioners’ Decision Making Meeting;
2. **Agreed** to the establishment of an Overview and Scrutiny Grants Sub-Committee which will act as a scrutiny panel to undertake the reviews in recommendation 1 above;
3. **Considered** and **agreed** the terms of reference; forward plan; charring arrangements; and training programme for such Sub-Committee as set out in Appendix A and B of the report;
4. **Considered** and **concluded** that the composition of the Sub-Committee should be settled on five elected members, namely the Chair of Overview and Scrutiny (or his/ her nominated Deputy) and two other Members of Overview and Scrutiny Committee from the administration and one each from the opposition parties with the addition of co-opted non-voting members, the exact number to be agreed; and
5. **Agreed** that a report would be presented to Overview and Scrutiny Committee in 3 months to review the work of the Overview and Scrutiny Grants Sub-Committee and whether changes need to be made to its Terms of Reference, charring and composition.

10.3 2016-19 Children and Families Plan

The Committee received and noted a copy of the 2016-19 Children and Families Plan that set out how the Partnership will support children and families in Tower Hamlets over the next three years. It was also noted that the Plan has been developed in close consultation with staff and stakeholders, as well as with children and families themselves. The main points of the discussion may be summarised as follows:

The Committee:

- Noted that the consultation on the priorities within the 2016-19 Children and Families Plan had been carried out with a wide range of children, families, staff and stakeholders. This had included meetings with the Parent and Carer Council, with a Parent Forum at a Children's Centre, and with pupils at the Pupil Referral Unit and at a local primary school. A range of communication was initiated with staff (across the Council) and stakeholders, including the Local Safeguarding Children Board;
- Was informed that almost 100 children, young people and adults had expressed their views on the issues affecting children and families in Tower Hamlets, as did a large number of staff from a wide range of organisations. This feedback had driven and shaped both the needs assessment and the final 2016-19 Children and Families Plan. Some of the key messages had included (i) the importance of professionals treating each child or young person as an individual; (ii) active play and socialising is beneficial to children and families and should be protected and promoted; (iii) housing was highlighted by many as a problem facing a number of families, and one that can affect all other areas of life; (iv) parents can need support in their parenting role, and should be encouraged to engage in activities that are relevant to their children's lives; and (v) mental and emotional wellbeing needs to be considered in all services;
- Noted the Plan identifies three cross-cutting priorities which will underpin the work planned for the next three years (i) help at an early stage; (ii) holistic support that is easy to access and (iii) protecting and promoting the rights of the child;
- Noted the Lead Cabinet Member for Children Services and the Director for Children's Services hold the overall strategic responsibility. The overall operational responsibility is held by Children's Social Care, with social workers and carers directly delivering corporate parenting on a day to day basis;
- All elected members of the council have a role as corporate parents towards children in care which encompasses the following responsibilities to (i) ensure that the council is meeting government objectives and abiding by statutory guidance in relation to looked after children and care leavers; (ii) ensure that the council is meeting the targets it has set itself in relation to children looked after and care leavers; and (iii) have an overview of operational work plans related to children looked after and care leavers; and (iv) contribute to and

facilitate scrutiny of target areas in relation to children looked after and care leavers.

- Commented that the Plan should include more about speech and language development, and oral health; and that work to tackle child sexual exploitation should better reflect supporting families as a whole.

10.4 Improving disabled and ethnic minority staff representation at the senior manager (LP07+) level

The Committee received and noted this report which outlined the recommendations for improving disabled and ethnic minority staff representation at the senior manager (LP07+) level. It was noted that representation of disabled and ethnic minority staff at LP07+ are both Strategic Plan measures and measures in the council's Single Equality Framework. They are key measures to combat inequality in the workforce and to promote equality of opportunity. The challenge session aimed to improve performance against these strategic measures and improve overall disabled and ethnic minority representation within the workforce. Should the reports or its recommendations lead to service or policy change a full equality analysis will be undertaken. As a result of discussions on this report the Committee:

- a. **Agreed** the draft report and the recommendations; and
- b. **Authorised** the Interim Service Head Corporate Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

10.5 Promoting a shared responsibility and removing barriers to improved recycling in the borough

The Committee received and noted a report that outlined the recommendations of a recycling Scrutiny Challenge Session. It was noted that recycling and waste disposal are services supplied to all households in the borough. Increasing recycling rates and reducing contamination of recycling waste will have a financial benefit to the whole community through a reduced budget spend on waste disposal. The current cost of disposing of uncontaminated recycling waste is £17.85 per tonne compared to up to £129.05 for heavily contaminated recycling waste. Savings could potentially be diverted to other frontline services that residents rely on. In addition, the Committee was informed that one of the aims of the challenge session was to look at best practice in positively influencing residents to recycle more and more effectively. Recommendations have had regard to households who may be on low incomes as they relate to better communications and incentives rather than penalties e.g. Recommendation three was aimed at supporting residents to recycle more, and to recycle right despite any language barriers they may face. As a result of discussions on the report the Committee:

- a. **Agreed** the draft report and the recommendations; and

- b. **Authorised** the Interim Service Head Corporate Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

11. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items

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

Nil items

13. OVERVIEW AND SCRUTINY ACTION NOTES 2016-17

Noted

14. EXCLUSION OF THE PRESS AND PUBLIC

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

15. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

16. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items

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

Nil items

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

Nil items

The meeting ended at 10.15 p.m.

**Chair, Councillor John Pierce
Overview & Scrutiny Committee**