

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 10 JUNE 2008

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

Members Present:

Councillor Abdul Asad (Chair)
Councillor Shahed Ali
Councillor Stephanie Eaton
Councillor Waiseul Islam
Councillor Shiria Khatun
Councillor A A Sardar
Councillor Bill Turner

Other Councillors Present:

Councillor Philip Briscoe
Councillor Peter Golds
Councillor Clair Hawkins
Councillor Sirajul Islam
Councillor Joshua Peck
Councillor Lutfur Rahman
Councillor David Snowdon

Co-opted Members Present:

–

Officers Present:

Suki Binjal	– (Interim Legal Services Manager)
Isobel Cattermole	– (Service Head, Resources, Childrens' Services)
Paul Evans	– (Interim Corporate Director Development & Renewal)
Afazul Hoque	– (Acting Scrutiny Policy Manager, Scrutiny and Equalities, Chief Executive's)
Michael Keating	– (Acting Assistant Chief Executive)
Martin Smith	– (Chief Executive)
Amanda Thompson	– (Team Leader - Democratic Services)

COUNCILLOR ABDUL ASAD IN THE CHAIR

1. ELECTION OF VICE-CHAIR

The Chair welcomed everyone to the first meeting of the Overview and Scrutiny Committee for the new Municipal Year.

MOVED by Councillor A A Sardar, **Seconded** by Councillor Shiria Khatun and

RESOLVED

That Councillor Bill Turner be elected Vice-Chair of the Overview and Scrutiny Committee for the current Municipal Year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ann Jackson and Mr H Mueenuddin, Co-opted Member.

3. DECLARATIONS OF INTEREST

The Chair declared a personal and prejudicial interest in agenda item 9.1 on the basis that he had been a Member of the Cabinet when the original decision was taken.

Councillor Shiria Khatun declared a personal and prejudicial interest in agenda item 9.1 on the basis that she had been a member of the Cabinet when the original decision was taken.

Following their declarations of interest both Members withdrew from the meeting during discussion of the item and did not return until after a decision had been made.

Councillor Joshua Peck and Councillor Clair Hawkins each declared a personal and prejudicial interest in agenda item 9.1 on the basis that they were Members of the Cabinet when the original decision was taken. Councillors Peck remained in the meeting to provide information and answer questions in relation to the Cabinet's decision. Councillors Peck and Hawkins then left the room during the Committee's discussion and decision on this agenda item.

4. UNRESTRICTED MINUTES

That the unrestricted minutes of the meeting held on 6 May 2008 be confirmed and as a correct record.

5. OVERVIEW AND SCRUTINY PROCEDURES

5.1 Terms of Reference

Mr Michael Keating, Acting Assistant Chief Executive, introduced the report asking the Committee to note its terms of reference being their first meeting of the new Municipal year.

Councillor Stephanie Eaton sought clarification in relation to paragraph 3.1 (i) of the report concerning the discharge of functions conferred by the Police and Justice Act 2006 and the Council's Crime and Disorder Committee and asked that this be confirmed as accurate.

RESOLVED

That the report be noted and confirmation of the discharge of functions conferred by the Police and Justice Act 2006 be reported back to the Committee.

5.2 Protocols and Guidance

Mr Michael Keating introduced the report which detailed the protocols for Members of the Overview and Scrutiny Committee and outlined procedures for the receipt of deputations and petitions.

RESOLVED

That the report be noted.

5.3 Schedule of Dates

Mr Michael Keating introduced the report detailing the schedule of meeting dates for the new Municipal year. The Committee were asked to note that the meeting on 9 September 2008 would begin at 5pm and not 7pm to take account of Ramadan.

RESOLVED

That the schedule of dates for meetings of the Overview and Scrutiny Committee for the Municipal Year 2008/2009 be noted.

5.4 Committee Membership/Appointment of Lead Scrutiny Members/Establishment of Health Scrutiny Panel/Co-optees

Mr Michael Keating introduced the report and advised the Committee of the need to agree the new scrutiny lead portfolios and lead members based on the new Community plan themes.

RESOLVED

1. That the membership of the Committee be noted;
2. That the new Scrutiny Lead Portfolios based on the Community Plan refresh and the new themes be agreed;
2. That the following Scrutiny Leads be appointed:-
 - Councillor Waiseul Islam – A Great Place to Live
 - Councillor A A Sardar – A Prosperous Community
 - Councillor Shiria Khatun – A Safe and Supportive Community
 - Councillor Stephanie Eaton – A Healthy Community
 - Councillor Ann Jackson – One Tower Hamlets
 - Councillor Bill Turner – Excellent Public Services
3. That the establishment by full Council on 21 May 2008 of the Health Scrutiny Panel and the appointment of Members thereto as detailed in paragraph 4.2 of the report be noted;
4. That the current details of the nominated/co-opted Members of the Overview and Scrutiny Committee as set out in the report be noted; and
5. That the details of arrangements for co-opted Members of the Health Scrutiny Panel be agreed.

6. REQUESTS TO SUBMIT PETITIONS

No petitions were received.

7. REQUESTS FOR DEPUTATIONS

No deputations were received.

8. SECTION ONE REPORTS 'CALLED IN'

8.1 Report Called In - Heron Quays West – Proposal to Use Compulsory Purchase Powers to Aid Land Assembly and Development

Further to their respective declarations of a personal and prejudicial interest, Councillor Abdul Asad and Councillor Shiria Khatun left the meeting for the duration of the Committee's consideration of this agenda item.

COUNCILLOR BILL TURNER IN THE CHAIR

Suki Binjal, Interim Legal Services Manager, informed Members that a letter had been received before the meeting from the solicitor representing a number of Third Parties currently occupying the site at Heron Quays West. The representative had asked that the letter be circulated to Members and its content read out to the meeting. Ms Binjal advised that such a representation would be regarded as a deputation and that in accordance with the Council Procedure Rules at Part 4.1 of the Council's Constitution (Rule 20.1), the deadline for receipt of deputation requests had passed before the letter was received.

The Committee agreed to hear the Call-in before considering whether or not to hear the representation.

Mr Michael Keating outlined the call-in procedure to the Committee.

Councillor Shirley Houghton for the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the provisionally agreed decision to use compulsory purchase powers in respect of land at Heron Quays West, mainly that the correct process and procedure was not followed by the Cabinet, and an independent valuation of the site had not been made.

Councillor Houghton then responded to questions from the Committee in relation to the content of the call-in requisition, and suggestions that the Cabinet were not in full possession of the facts.

The Committee then considered whether to hear the representation from the Third Parties raised previously. Councillor Oliur Rahman asked why the representation had not been received before the deadline for deputations. The representative for the Third Parties indicated that they did not wish formally to submit a deputation but merely to put forward a number of points as set out in their letter. Suki Binjal, Interim Legal Services Manager, advised the Committee that the Constitution provided for such third party contribution only by means of a deputation or petition. It was open to the Committee however to consider whether to suspend the relevant Procedure Rule to enable a deputation to come forward without the stipulated notice period.

Councillor Stephanie Eaton moved, and Councillor Oliur Rahman seconded, that Council Procedure Rule 20.1 be suspended in order to allow the Committee to debate whether to hear the deputation. This motion was put to the meeting and was agreed.

Following debate, the committee voted on whether to hear the deputation and decided that they would not.

Councillor Joshua Peck, Lead Member for Resources and Performance, on behalf of the Cabinet, then addressed the Committee in response to the Call-

in stating that the accuracy of the valuation had never been an issue and that the regeneration benefits for the community were huge and justified the Compulsory Purchase Order (CPO). He advised that he was satisfied that the process had been followed correctly and that the Cabinet had all the information it needed.

Committee Members then put detailed questions to Councillor Peck and Mr Paul Evans, Interim Director, Development and Renewal, on a number of issues including the influence of the proposed community benefits on the decision, the consultation process, and the information available to the Cabinet.

After questions and before the Committee debated the matter, Councillor Peck and Councillor Hawkins left the meeting.

Following the debate the Committee voted on whether to refer the item back to the Cabinet for further consideration and it was

RESOLVED:

That the alternative course of action proposed in the Call-in be not pursued and the decision of the Cabinet be confirmed.

9. BUDGET AND POLICY FRAMEWORK ISSUES

9.1 Children and Young People Plan - Annual Review and Update

COUNCILLOR ABDUL ASAD IN THE CHAIR

Councillor Clair Hawkins introduced the report detailing the review of the Children and Young People's Plan (CYPP) which had been updated by the Council's Children's Services and external partners.

Councillor Waiseul Islam stated that in addition to Tower Hamlets EBP, the following organisations should be included in youth partnerships/contracts and in the provision of work placements in Canary Wharf and city firms – Brick Lane Youth Development Association, Davenant Youth Centre of Excellence, Bangladesh Youth Movement, and the Sidney Youth Project.

During the discussion the Committee made a number of comments on the updated strategic objectives, activities and targets and

RESOLVED

That the following comments be made to the Cabinet on 11 June 2008:

The Overview and Scrutiny Committee welcomed the report on the Children and Young People's Plan Annual Review and Update. The Committee noted

the progress that had been made and were particularly pleased to note the four star rating for the service. It also noted that this was a partnership document and had been consulted widely with all the stakeholders including the views of young people.

However, the Committee felt there were a number of issues the Cabinet should consider in agreeing the updated plan and also in developing the new plan next year. This included the need to be more explicit in all plans for more affordable and social rental housing and in particular for this plan around the impact poor housing has on young people. The report discusses substance misuse but does not have any details about the growing problem of under age drinking within the borough and the subsequent problems this causes. This is an area of proposed scrutiny review this year which could make recommendations for the new plan to be developed in 2009/10.

The Committee also raised concerns in relation to sexual health and teenage pregnancy and asked that the Council continue working with external partners to provide advice and information to our young people.

The Committee highlighted that although a lot of good work had been done with partners there seemed to be lack of data available from the partner agencies such as accurate information on the levels of teenage pregnancies. It was noted that the Council was working with our partners to help build their capacity to provide more accurate and robust data.

The Committee commented that there was no specific mention of the problem of grooming of young children as highlighted by a recent report by Barnardo's. The Committee also highlighted the issue of disproportionate use of custodial sentencing on young people in Tower Hamlets.

Members felt that more work was needed to ensure that children can be given access to their local schools. Further work also needed to be done on reducing child poverty and ensuring young people from this Borough are benefiting from the economic benefits of Canary Wharf and the City through employment and training initiatives such as work placements.

9.2 Tower Hamlets Community Plan to 2010: Year 8 (2007/2008)

9.3 The Council's Strategic Plan 2006 to 2011: Year 3 Implementation Plan (2008/09) and Best Value Performance Plan

Councillor Lutfur Rahman, Leader of the Council, introduced the Community and Strategic Plans and highlighted the successes for the Council over the last 12 months, and the areas of opportunity and key challenges that the Council would face during the coming year.

Arising from the discussion a number of points were made which it was agreed should be referred to Cabinet for consideration as set out below:

RESOLVED

The Overview and Scrutiny Committee broadly welcomed the new Community Plan to 2020 and the Strategic Plan and the target areas that the Leader identified as priorities over the coming 12 months including tackling crime, improving employment rates, promoting community cohesion, improving housing, increasing recycling and maximising the benefits to the Borough derived from the Olympics. The Committee also emphasised a number of items requiring priority attention within the plans and which the Cabinet should consider in its debate on the adoption of the plans.

The Committee highlighted that the lack of figures on some of the targets within the Community Plan proved difficult to understand and scrutinise. The Committee also wished to reinforce to the Cabinet the importance of increasing social rental housing and ensuring housing within the borough is affordable for residents on low incomes.

The Committee supported the Leader's recognition of the importance of increasing housing stock within the Borough which met local needs and also in trying to achieve the maximum benefit for local residents from all major developments.

Finally the Committee reinforced the importance of continuing the Council's improvements in delivering on set targets within the Best Value Performance Plan. The Committee also believed that the Council should be benchmarking itself against other Boroughs, particularly the leading performers in each area, and driving forward its own goals and performance.

10. PERFORMANCE MONITORING

10.1 Diversity and Equality Action Plan 2007/08 - End of Year Monitoring report

Councillor Sirajul Islam, Deputy Leader of the Council, introduced the end of year progress report on the Council's Diversity and Equality Action Plan for 2007/8 which demonstrated that the Council was continuing to make good progress on the implementation of the diversity and equality agenda, and had responded effectively to recent changes in legislation and policy.

RESOLVED

That the report be noted.

11. SCRUTINY MANAGEMENT

11.1 Scrutiny Challenge Session – Interpreting and Translation Provision

The Chair introduced the report updating the Committee on the outcome of the Scrutiny Challenge Session on Interpreting and Translation Provision which had taken place in April 2008.

RESOLVED

That the report be noted.

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

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

RESOLVED

That the following pre-decision questions be submitted to Cabinet for consideration

Agenda Item 9.1 Housing Investment Programme 2008/09 to 2012/2013(CAB 001/089)

1. Can the Cabinet explain why the Disabled Facilities Grant is being cut by £88,000 in 2009/10?

This is an area that needs more funding judging by the increase in the elderly population in the borough, which is likely to rise over the next few years rather than decrease, also it is crucial to offer permanent changes homes upgrading to full mobility. We are chronically short on this need currently as seen in the Scrutiny Review of Choice Based Lettings. This area needs proper funding and full funding would also reduce costs that the council pays to 'rent' temporary equipment.

2. In relation to the Cash Incentive Scheme will the Cabinet consider the value of properties on the ground floor and those not on the ground floor should be the same as residents are told the properties are the same and we should reflect this on the value of this scheme.

Agenda Item 12.4 Award of Chillers for Anchorage House (CAB 009/089)

1. During the initial instalment of the equipment was there not a risk analysis done, did that analysis fail to identify that this equipment will come to an end at some point? What were the recommendations of the risk assessment at that time?
2. Should the problem with the old chillers not come up in the regular maintenance of the equipment? Why was this not raised then? Should there be a review on the company that is responsible to maintain this equipment?

3. When was the technical consultant first commissioned to review this problem and when was the technical specification for the tender first produced?
4. Why is this information not included in the report for Members to have a clear picture of the timescales?
5. In regards to the four specialist companies that were contacted how were they found? What assurance can you give that these companies are not known or related to any Officers or Members of the Council?
6. Will Allen Hubbard only install the new equipment or install and maintain it for "X" amount of years? If they are not maintaining it then who will and what would the cost implication be?
7. When are the new company expected to start work on the equipment? What would be the down side if the tender has to go out on OJEU from this point, can the equipment hold for another three months?

The meeting ended at 9.50 p.m.

Chair, Overview and Scrutiny Committee