

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 6.30 P.M. ON MONDAY, 17 DECEMBER 2018

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

Members Present:

Councillor Marc Francis (Vice-Chair)	– Lead for Resources
Councillor Sufia Alam	– Lead for Children's Services
Councillor Mufeedah Bustin	
Councillor Kahar Chowdhury	– Lead for Health, Adults and Community
Councillor James King	
Councillor Kyrsten Perry	
Councillor Bex White	– Lead for Governance
Councillor Andrew Wood	
Councillor Tarik Khan	– Councillor Helal Uddin

Co-opted Members Present:

Neil Cunningham	– Parent Governors
Joanna Hannan	– Representative of Diocese of Westminster
Ahmed Hussain	– Parent Governors
Fatiha Kassouri	– Parent Governors
Dr Phillip Rice	– Church of England Representative
Khoyrul Shaheed	– Muslim Faith Community

Other Councillors Present:

Mayor John Biggs	
Councillor Danny Hassell	– Cabinet Member for Children, Schools and Young People
Councillor Candida Ronald	– Cabinet Member for Resources and the Voluntary Sector

Apologies:

Councillor Abdal Ullah	
Councillor Dipa Das	– Lead for Place
Councillor Mohammed Pappu	

Officers Present:

Stephen Ashley	– Independent Chair of the Local
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Richard Baldwin	– Safeguarding Children's Board (Divisional Director, Children's Social Care)
Victoria Hiney	– Safeguarding Children Board Co-Ordinator
Rafiqul Hoque	– (Lettings Services Manager, Housing Options Service, Development & Renewal)
Debbie Jones	– (Corporate Director, Children and Culture)
Matthew Mannion	– (Committee Services Manager, Democratic Services, Governance)

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations of disclosable pecuniary interest were received.

2. **UNRESTRICTED MINUTES**

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

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 26th November, 2018 were approved as a correct record of the proceedings.

3. **SCRUTINY SPOTLIGHT**

3.1 Mayor John Biggs Scrutiny Spotlight

The Committee received a presentation from Mayor John Briggs he set out the Council's key achievements over the last seven months since the election and noted that this had been a particularly busy period. The questions and comments from Members on the report may be summarised as follows:

The Committee:

- Noted that the LGA Peer Review in June, which had noted areas of improvement around developing an open culture; strong leadership; the Council's healthy financial position and ongoing work around an increasing the pace and appetite for change;
- Noted that the Council has made strong progress in its improvement journey, culminating in the Council's directions lapsing in September;
- Was advised that further work has included the development of the Council's new Strategic Plan, Partnership Plan and aimed to improve transparency by revising its Performance Reports;

- Was informed with regard to Children's Services, the Council has prepared for Ofsted visits, launched a social worker academy, held an Early Years Summit with key partners and offered free meals to children to stave off holiday hunger;
- Noted that to further address poverty, the Council has continued its Council tax Reduction Scheme, based on 100% Council Tax Liability;
- Noted that to tackle ASB and crime, the Council has increased funding and continued Operation Continuum to disrupt drug markets in the Borough;
- Was informed that the Council has also (i) Launched the Breath Clean campaign to change behaviours to tackle air pollution across Tower Hamlets; (ii) Built new Council homes to address the Borough's affordable housing needs; (iii) Helped 5,000 residents find work through a new WorkPath Programme; and (iv) Brought waste back in-house to improve waste and recycling service delivery; and
- Was advised by the Mayor that regarding the future uncertainty with both Brexit and the Fair Funding Review and the Council's efforts to mitigate any risks of uncertainty through launching a Brexit commission.

The Committee then queried the Council's work and plans on following areas:

- **School Planning:**

What can the Council do to alleviate school funding difficulties? The Committee noted that the Council has limited influence over school budgets. Schools are facing budget deficits and year on year cuts, exacerbated by demographic changes resulting in take up in some areas lagging behind full capacity. The Committee noted that the Council does not have resources to shore up these deficits but is working with schools to mitigate the impact.

How is the Council easing school planning uncertainty? The Committee noted the problems with predictability in the west of the Borough and had consulted with key stakeholders.

- **Childcare Support:**

The Committee noted that Government funding provides 30 hours of childcare for under 5s for working parents, compared to 15 hours of childcare for non-working parents. This is not assisting parents get into work and alleviating child poverty. The Committee noted that the Council is looking at providing a package of funding (approximately £1m) but Government has delayed its plans on packages on this.

- **SEND funding:**

The Committee noted that the overspend in SEND spending needs to be addressed by 2020 and queried the process and timeframes of consultations around services likely to be affected, such as the Support for

Learning Service (SLS). The Committee also noted that there were difficult choices around SEND across the country, which included reduced services around transportation and diagnosis. There will be more detail in the budget, which is due to be published at the end of the week.

- **Local Authority Day Nurseries:**

The Committee noted that it had not received a report from the Mayor in Cabinet responding to the OSC's call-in recommendation to further consult on the decision to close the Local Authority Day Nurseries (LADNs). The Committee asked for clarification on the Mayor's key drivers in deciding to close the LADNs, against the Committee's recommendations. Further, the Committee highlighted the diversity benefit gains that LADNs provide in supporting parents of under two year olds work, with potentially better value for money than WorkPath. The Mayor highlighted that the funding was not in place and does not believe the model to be correct. Accordingly, the Mayor noted that early years and under 5's were an area of growth in the budget but not through LADNs.

- **Air Quality:**

The Committee noted the pressures of housing demand in the borough and queried how the Mayor intends to protect green spaces and air quality for residents near TfL roads. The Mayor highlighted that the borough is the second densest local authority in London but had schemes of pocket parks, larger green spaces incorporated in the community infrastructure levy. The mayor also highlighted that the borough had some of the worst air quality in London and was in breach of EU guidelines and the Council was looking at road configuration, parking charges and planting to tackle air quality. However, traffic is also linked to resident behaviours and a more long term education piece was required to encourage residents onto public transport.

- **Housing:**

The Committee also queried how the Council was driving social housing building, addressing building delays and penalising land banking? The Committee noted that the Council's powers to penalise land banking are limited. To meet London's housing needs, the housing market depends on the private market. Last year 32 schemes lapsed and the economy will impact development in the private sector. The Committee noted that the Mayor mentioned land banking in his manifesto and further queried how he was working with the Mayor of London to set appropriate housing targets. The Mayor of London has set out 50% more housing, compared to the Local plan, which conservatively expects 35% more housing in Tower Hamlet's Local Plan, based on viability assessments. To meet these targets, the Mayor noted programmes of estate regeneration and new Council homes acquisition and building.

- **Rehousing Large Families:**

The committee noted the need for 4/5 bedroom houses to rehouse larger families. The Mayor noted that the waiting list can be over a decade and that this was a significant issue, which Tower Hamlets could not solve on its own. The Council have worked on incentives and better use of resources by addressing under occupation. The Council is also working on a limited program of knock-through's.

- **Waste and Recycling:**

The Committee noted that the waste and recycling service required improvement and has now been brought in-house. The Committee queried how the council would tackle low recycling levels and whether bringing the service in-house would be more cost beneficial. The Mayor highlighted that recycling levels tended to be less in boroughs with less gardens and was more resource intensive in high rise dwellings and therefore would be unlikely to save money. The Committee also noted past problems in measuring recycling levels and requested more information on this (see actions).

- **Fast food shops and licensing:**

The Committee noted that some areas have significant numbers of fast food restaurants, which was worrying at a time of high levels of childhood obesity. The Mayor noted that the Council can regulate change of use licensing and last year rejected 63% of applications. There are also rules around how far from schools fast food restaurants can be. However, the borough is an attractive place for entrepreneurial business start-ups and the Council need to work with businesses to encourage healthier options and nudge behaviours to through educating young people.

- **Direct Payments:**

The Committee commented that some of the performance figures around adult social care required clarity. In particular, MP3.1 commentary needs to be more detailed to state how many service users and carers are not supported through direct payments and the impact on those people.

- **Care in People's Homes:**

The Committee noted introducing charging of home care and day care. The Committee noted that charging was only introduced recently and is dependent on the level of income. Monitoring is taking place to ensure this doesn't lead to hardship and people are not refusing care packages because being charged.

The Chair Moved and it was:-

RESOLVED

The Committee welcomed more opportunity to engage with the Executive to influence the Council's policy development, for example

1. Jointly establishing terms of reference on charging for home care;

2. Working together on the Council Tax Reduction Scheme around minimum floor income, due to be determined next month; and
3. Reviewing the two child allowance to understand the impact on universal credit and housing benefit and aligning the Council scheme with the Government's scheme.

In conclusion, Councillor Francis thanked the Mayor for his presentation Council's key achievements.

3.2 Strategic Plan Performance & Delivery Reporting: Quarter 2 2018/19

The Committee received a report that provided an update on the delivery and implementation of the council's Strategic Plan 2018/19 up to the end of quarter 2 (September 2018).

The Committee noted that:

- Council's Performance and Accountability Framework sets out the process for monitoring the timely and effective delivery of the Strategic Plan to improve outcomes for residents. In line with the framework, the Mayor in Cabinet receives regular update reports to ensure oversight of delivery, performance and improvement at Cabinet level;
- This report promotes openness, transparency and accountability by enabling Tower Hamlets residents to track progress of activities that impact on their lives and the communities they live in;
- As part of the budget setting report at the beginning of 2018, the Council adopted a set of eleven new corporate outcomes grouped under three priorities. This was the first step on moving the council to becoming a much more outcome-based organisation which focuses on making a difference to people's lives;
- In July 2018 the Cabinet had adopted a new Strategic Plan based on the new corporate outcomes. With each outcome being supported by a number of activities and the impact of activity is being measured through strategic performance indicators aligned to each outcome;
- The Council's Strategic Plan is focused on meeting the needs of the diverse communities living in Tower Hamlets and ensuring that everyone can play their part in a vibrant and cohesive community. The strategic outcomes and supporting activities are designed to reduce inequalities and the foster community cohesion;

As a result of discussion on the report the Committee queried the Council's work and plans on following areas:

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In conclusion, Councillor Francis thanked the Mayor for his presentation Council's key achievements.

4. UNRESTRICTED REPORTS FOR CONSIDERATION

4.1 Children's Services Improvement - Quarterly Progress Report Quarter 2 2018/19:

The Committee received a report that provided an update on progress in delivering improvements to Children's Services in response to the report published by Ofsted in April 2017 which rated the Council services as being 'inadequate'. The Council's improvement plan aims to achieve a standard of 'good' in summer 2019, when it is likely to be next inspected. This is a bold aspiration but the Council believes it is the minimum local children and families deserve.

Committee focused on the following areas:

- 3.1- 15%gap- what doing to shorten impact and improve closer to 100%? Context – CIN plans improved but more work to be done. CIN plan is just below child protection plan- visits are not where the Council wants to be for children on cusp so important that get in early to prevent. Reasonably steady practice then decline. Plans not completed because sickness and illness. Children in need – working on voluntary basis- not statutory. Committee discussed that the figure of 90% could not be a stretch target if the upper limit was 95% and noted that there was a downward trend so this target was not going in the improvement trajectory;
- Care leavers – what does “suitable accommodation mean- why 18%? Suppliers provide suitable accommodation. Some are in youth custody / prison which is deemed unsuitable. 44 care leavers between 18-25
- Health assessments – what have these not been included in the performance measures. Now 50%- how many children does this impact? Barts Health have commissioned a review to gain a clearer idea of delays. Not on here because on dashboard. Committee noted that in future this needs to be on here. How many children does this impact? What happens to those going over 28 days?
- Child’s diversity explore in “most” cases. What is “most cases” and what is the impact of not exploring this for the child?
- Missing children in care- how many are missing. Better at tracking. What are the reasons? Missing care- daily tracker. Reasons for missing are 1) visiting family and friends but recorded as missing every time leave supported accommodation, 2. Crossing county lines and exploitation, 3. Safety plans- children are found. . Missing children- 77% had a return to home interview in 3 days. 1 of hardest to reach groups so this is good performance.
- Are you seeing a tangible decrease in missing children through interventions and prevention work and how are you explaining to the wider community? Neglect addressed through early help pathway and early identification and how link with schools and social workers. Not yet seeing a decrease in missing children numbers. Building greater awareness and confidence to identify concerns. Tracking the same names in particular- comes out in profile- understand why young people going missing. Exploitative relationship. Quarterly reports become outdated but cabinet member acknowledged that OSC may require specific information to help them provide effective scrutiny.
- CIN visit measure in plan- what measures to ensure consistent upward trend- 100 children not visited in 4 weeks. Children visited but not recorded. Seeing an improvement in performance- trends of concern. Supervision- performance surgeries. Continuing to do month by month. Performance drifting until intervention. Focus on statutory visits- all children needs protection.
- Exploitation- needs performance data- how many at work? Areas of improvement- what of your action plan? Do you have measures to adequately address?

- Do you have data- 53 people CSE? Risk assessments= most vulnerable. Assessments updated regularly. Criminal exploitation- co-location of police colleagues- disruption techniques.
- Do you have sufficient resources? Best way to tackle exploitation at early stage- source – strengthen work with early help and work with schools. Need culture shift from police. – dedicated resource to team.
- Auditing- what cases are these targeted? Thematic approaches. Front door assessment and intervention audited.
- Performance data- include dashboard

Recommendations:

1. Information in reports in future. Chair and Scrutiny lead for Children's service both highlighted that the performance data need to be included in the actual report presented to the committee to assist effective scrutiny and transparency. This includes health assessment performance data.

In conclusion, Councillor Francis thanked Councillor Hassell on progress in delivering improvements to Children's Services.

4.2 MTFS Budget Update 2019-22

The Committee received a report that aimed to provide an update on the Budget for 2019-2020 and Medium Term Financial strategy (MTFS) for the period 2019 - 2022. It was noted that (i) the Council is under a duty to set a balanced and sustainable budget and maintain adequate reserves such that it can deliver its statutory responsibilities and priorities; (ii) A Medium Term Financial Strategy (MTFS) covering the entirety of the resources available to the Council is considered to be the best way that resource prioritisation and allocation decisions can be addressed and agreed in a way that provides a stable and considered approach to service delivery and takes into account relevant risks and uncertainty; and (iii) A statutory budget consultation is required with business ratepayers, however, a broader consultation with all residents and other relevant stakeholders is considered to represent best practice. In particular, the Cabinet Member for Resources and the Voluntary Sector, Councillor Ronald, highlighted (i) The impact of the Chancellor's recent budget announcement – 29 October; (ii) The Local government Settlement for 2019-2020; (iii) Updates on the 2019-2020 London business Rates retention Scheme; (iv) New governance arrangements on the new capital programme; and (v) Outcomes from the recent budget consultation.

The Committee considered the following budget areas:

- Additional Government Adult Social Care Funding potentially has a wide application but only applies 2019-20. Further funding will depend on the Fair funding review.
- London Business Rate Retention Scheme: The Committee noted that London Council's Executive agreed through urgency powers to extend the

pilot scheme in London. However, for 1919-20 the retention will be reduced from 100% to 75% of growth above the baseline and the 'no detriment' clause will be removed. Based on these factors, the Council has factored in a conservative estimate of £4m (as opposed to £10m last year).

In conclusion, Councillor Francis thanked Candida Ronald for her presentation.

4.3 LBTH Homelessness and Rough Sleeping Strategy - 2018 - 2023

The Committee will receive a report plus a briefing regarding the Homelessness and Rough Sleeping Strategy - 2018 – 2023. It was noted that under the Homelessness Act 2002 all housing authorities must have in place a homelessness strategy. It must be renewed at least every 5 years. The Ministry of Housing, Communities and Local Government (MHCLG) indicates that it is also a requirement due to recent release of its Rough Sleeping Strategy and the Mayor's Rough Sleeping Plan of action for Local Housing Authorities to have in place a Rough Sleeping Strategy. The London Borough of Tower Hamlets' current Housing Strategy had been adopted by the Council in December 2016, and covers a full range of housing issues that included meeting overall housing need, new housing supply including affordable housing, regeneration, the prevention of evictions; tackling poor conditions in the private rented sector; developing access to the private sector rented accommodation and a commitment to partnership working.

The Committee noted that:

- The Service has overall been one of the best within London in spite of the pressures on this service;
- Regarding the quality of temporary accommodation the Service aims to ensure the homes provided are to a certain standard;
- The Council will be joining the Government-funded homelessness scheme that is intended to provide accommodation for homeless people. Under this scheme Capital Letters, a company being set up by local authorities in London, which will rent or lease properties to move households from temporary accommodation into affordable private rented homes. The homes will be a mix of private rented sector properties let by the property owner to households nominated by the Council and properties leased directly from landlords or managing agents;
- It was important for those placed in accommodation should in the first instance report any issues regarding repairs to the property to the landlord. Then if these are not addressed satisfactorily the matter should be escalated to the Council (**e.g.** heating and ventilation) and that in certain instances people would be moved by the Council into other properties (**e.g.** those managed by Registered Providers);
- That in 2019 there will be a briefing session for councillors on the delivery of the Strategy;

- Consideration is being given to the feasibility of increasing the utilisation of community facilities (**e.g.** Mosques and Churches); and
- Whilst there are challenges in finding accommodation given the high rent levels if accommodation is found not to be suitable then the families/individual would be moved to a suitable property that meets the required standards.

In conclusion, Councillor Francis thanked Rafiqul Hoque for his presentation on the Rough Sleeping Strategy and the Mayor's Rough Sleeping Plan of Action.

5. REQUESTS TO SUBMIT PETITIONS

The Committee was advised that no requests to submit any petition's had been received for consideration at this meeting.

6. OVERVIEW & SCRUTINY COMMITTEE QUERY AND ACTION LOG 2018/19

Noted

7. CABINET FORWARD PLAN & WORK PROGRAMME REVIEW

Noted

8. UNRESTRICTED REPORTS 'CALLED IN'

Nil items

9. VERBAL UPDATES FROM SCRUTINY LEADS

1. **Councillor Bex White Scrutiny Lead for Governance** advised the Committee that (i) on Brexit Commission at its meeting on 27th November, 2018 the Commission had met at the Harford Health Centre to hear evidence from civil society representatives; and (ii) On 16th January, 2019 there will be a scrutiny spotlight session on communications.
2. **Councillor Kahar Chowdhury Scrutiny Lead for Health, Adults & Community** advised the Committee that on 11th December the Sub-Committee considered (i) received an overview of the findings from the recent impact assessment that was carried out to review the impact of the new charging policy for community-based adult social care services on service users and carers; (ii) Noted the results of the survey on adult and social care they will help the Council to understand the impact of services on people's quality of life and key areas for improvement, helping to inform and support the standard and delivery of adult social care services in Tower Hamlets; (iii) Received a report that provided an overview on Residential and Nursing Care Homes and Home Care provision in the Borough.

3. **Councillor Marc Francis Scrutiny Lead for Resources** advised the Committee that regarding the Challenge Session on Council Tax Reduction it was noted there had been a productive discussion with the Lead Cabinet Member.
4. **Councillor Sufia Alam Scrutiny Lead for Lead for Children's Services** advised the Committee that (i) she attended the Mayors Early Years Summit on 30th November which was a conversation on how high quality early childhood education and care can ensure children have the best health and education outcomes for life and how best it supports parents into training and employment; (ii) Meetings have been arranged with Directors/Service Leads and she has had a briefing from the Divisional Director, Children's Social Care.

10. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee received and noted those questions to be presented at Cabinet by the Chair in relation to unrestricted business on the agenda – **See Appendix 1**

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

Nil items

12. EXCLUSION OF THE PRESS AND PUBLIC

As 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.

13. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

14. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items

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

Nil items

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

Nil items

The meeting ended at 9.00 p.m.

**Chair,
Overview & Scrutiny Committee**

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6.6 Site at 20 Alton Street E14 6BZ	
Questions	Response
<p><i>3.14 Mixed Development</i></p> <p>Q What housing could be provided on the site if:</p> <p>a. the mosque was kept to its current size but new homes built above it?</p> <p>b. if the site was used for housing only?</p> <p><i>3.15 It has also been confirmed that the Council is not restricted from disposing of land where the main purpose is to be a faith use</i></p> <p>Q - who has provided this confirmation? what guidance (if any) exists in national legislation/guidance as to disposal of land for faith use?</p>	<p>a. A feasibility study was undertaken which assumed the ground floor space would be used as a mosque / community use based on an equivalent footprint to the existing temporary buildings. This provided a scheme for 12 apartments above the D1 ground floor space</p> <p>b. This was not an option that was considered, but based on the second feasibility study which assumed a much larger community building this then only generated 4 units, so it is likely that the site capacity for residential use only is in the order of 16 units.</p> <p>Consultation was undertaken with the Divisional Director of Legal Services and it was confirmed that there is no such national legislation or guidance that restricts a local authority from disposing of property for faith use. The Council's obligation would be to ensure that best consideration was obtained relating to any such disposal.</p>

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