

SUPPLEMENTARY 2

THE EXECUTIVE

Tuesday, 22 December 2009

Agenda Item 10. Proposed Borough Wide Designated Public Places Order (Pages 1 - 16)

Agenda Item 11. Proposed Expansion of Thames View Infant School (Pages 17 - 23)

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THE EXECUTIVE

22 DECEMBER 2009

REPORT OF THE CORPORATE DIRECTOR OF ADULT AND COMMUNITY SERVICES

This report is submitted under Agenda Item 10. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency in order to avoid unnecessary delay in the proposed introduction of and consultation on a borough wide Designated Public Places Order.

Title: Proposed Borough Wide Designated Public Places Order	For Decision
<p>Summary:</p> <p>Survey results reveal a very high perception amongst residents that drunk and rowdy behaviour is a problem in Barking and Dagenham. The Council has powers under Section 13(2) of the Criminal Justice and Police Act 2001 which enables it to address this issue. The Act enables the Council to make areas where alcohol use is a problem a 'Designated Public Place', sometimes referred to as an 'alcohol control zone'. Following the designation, if a Constable or a Police Community Support Officer has reason to believe a person is consuming alcohol within the zone, s/he can require the person to stop consuming and surrender the alcohol. Failure to comply without reasonable excuse is an offence for which a person can be arrested and carries a £500 maximum fine.</p> <p>Designated Public Place Orders (DPPOs) are not a ban on public drinking and should be used to address alcohol-related disorder through proportionate use, eg a picnic in the park where beer is consumed may not be considered to be anti-social where no disorder is involved; whilst street drinking leading to rowdy behaviour may be deemed to be anti-social and therefore such drinking could be addressed through use of the Power.</p> <p>The London Borough of Barking and Dagenham has three Designated Public Places Orders (sometimes referred to as alcohol control zones) in areas around Barking Town Centre, Rainham Road South and Martins Corner and requests have been made for a further five areas where this power would be useful in terms of tackling street drinking.</p> <p>Following consultation with partner agencies it is being proposed that the Council adopts a borough wide Designated Public Places Order. The key reasons behind this proposal are:</p> <ol style="list-style-type: none"> 1. Having a number of separate DPPOs is confusing. The public have expressed confusion as to where they can drink alcohol in public and where this is a controlled activity. Having a number of DPPOs also makes it more complicated for the police who have to enforce these orders. 2. Separate DPPOs could lead to displacement of the street drinking and associated disorder. 3. Concerns about drunk and rowdy behaviour are borough wide, so this will help to address this concern at a borough wide level. 4. The implementation of DPPOs has significant financial implications. Each DPPO costs around £3000, with a borough wide Order costing approximately £5,000. It will be more cost effective to introduce a borough-wide Order now when the total number of separate DPPOs is still relatively low. 	

Legislation requires that a decision to make a Designation must be carried out by a full Council, which for the purposes of the London Borough of Barking and Dagenham is the Assembly. This report requests a decision from Executive about whether the proposal for a borough wide DPPO should be made to Assembly.

Wards Affected: All

Recommendation(s)

The Executive is asked to:

- (i) Support the proposal for a borough-wide Designated Public Place Order as detailed in the report;
- (ii) Authorise the Corporate Director of Adult and Community Services to undertake the necessary steps in preparation for the making of the Order by the Assembly at its meeting on 24 March 2010; and
- (iii) Recommend the Assembly that it use its powers under Section 13(2) of the Criminal Justice and Police Act 2001 to make the London Borough of Barking and Dagenham a Designated Public Place.

Reason(s)

The designation of the whole borough as an 'alcohol control zone' will assist in dealing with alcohol related disorder and public perception around this issue. This is a key priority for residents and will assist in achieving the Community Priority of a safer borough.

Implications

Financial

The proposals in this report do not raise any new ongoing capital or revenue financial implications for the Council. One-off costs will be covered within the Division's existing budgets. The estimated cost of designating the whole borough as a 'Designated Public Place' is approximately £5,000. This total includes the cost of producing the consultation letters to all licensed premises within the area and delivering them and the cost of erecting suitable signs at key locations in the zone. The signage would be moved from within the existing zones to key points for entering the borough. This would include borough boundaries and transport points and key locations where intelligence informs us that street drinking occurs. Additional signage would also be required, but there are already over 100 signs in the three existing DPPOs, so only an additional 30 would be required. This money is available from within existing resources.

There is a small implied recurring cost for the renewal or refresh of signs from time to time, which is not significant within the overall anti-social behaviour programme budgets.

Legal

The implications of designating an area as an alcohol control zone are discussed in the body of this report. The Home Office guidance makes clear that borough-wide DPPO's must only be considered where there is evidence of alcohol related anti-social behaviour in each and every part of the borough. The making of such a borough wide order therefore must be proportionate to the evidence of alcohol induced anti-social behaviour across the borough as a whole. Appendix 3 highlights the incidents of alcohol related nuisance and disorder.

Contractual

No specific implications.

Risk Management

There are a number of risks associated with the decision.

If the DPPO were not adopted:

- There is a risk of not having an effective approach to anti-social behaviour related to street drinking. Five additional orders are currently being requested to address alcohol-related disorder.
- There is a risk of not having a consistent approach to addressing this issue across the borough
- There is a risk in the public's dissatisfaction if relevant legislation is not used to address an issue of concern to them

If the DPPO is adopted:

- There is a risk that the community will perceive the powers as a 'ban' and that this will raise an expectation that public drinking is illegal. This could have a negative impact where this was the expectation and the community did not see a response they deemed relevant.
- There is a risk that the powers may be used inappropriately, for example where alcohol is confiscated from those who are not causing, or are unlikely to cause, public disorder and hence lead to dissatisfaction with the Police.

Staffing

No specific implications

Customer Impact

Alcohol consumption in public places is a key concern for residents and this proposal addresses this concern. Full consultation would be undertaken with the public and premises effected by the proposal and the results of this consultation considered prior to making a final decision on the implementation of a borough wide DPPO.

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

A number of equalities issues have been identified with the introduction of this new enforcement option. At the most basic level all signage is pictorial to ensure that they can be understood by people who do not speak English as their first language or who have literacy or learning difficulties.

More importantly data will be requested of the Metropolitan Police to enable the Council to review the enforcement of the zone and whether it impacts disproportionately on any equalities group. No reason can be identified at present that should imply a disproportionate effect on any one group.

Safeguarding Children

Anecdotally residents would suggest that street drinking is a 'youth' problem but evidence suggests that our street drinking population varies from young disorderly drinkers through to older street drinkers who congregate at venues across the borough to drink together. As such it is unlikely that the enforcement of such a zone will adversely impact on any particular age group.

Action to deal with the harmful effects of alcohol, of which this proposal is only one element, safeguards children. This proposal aims to encourage responsible drinking and reduce disorder, both of which should positively impact on children. The making of the Order should be seen in the context of the Council's wider Licensing Policy where protecting children from harm is a key objective under the Licensing Act.

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998, as amended by subsequent legislation, places a responsibility on local authorities to consider the implications of any proposals on crime, disorder, anti-social behaviour, drug/alcohol misuse or factors adversely affecting the environment.

Alcohol-related disorder has been identified as an issue for the Borough, and is raised as a consistent concern of local residents. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the associated detrimental effect this has on residents' feelings of safety.

The negative impact of street drinking has been identified in the recent Place Survey. The 2009 Place Survey showed that 45.5% of residents surveyed felt that drunk or rowdy behaviour in public places was a problem in the local area (an increase from 36% of respondents agreeing that it was a problem in 2007). This figure placed Barking and Dagenham as the 3rd worst borough in London for this indicator, and was the only anti-social behaviour related question within the Place Survey that got worse between 2007 and 2009. A borough wide DPPO would help us address this concern alongside other measures contained the Alcohol Strategy.

Property/Assets

No specific implications.

Options appraisal

In the development of this report it has been considered whether we should implement DPPOs in all the areas where we are receiving complaints of alcohol related disorder or, as this report suggests, designate the whole borough as an alcohol control zone. The designation of the whole borough is the preferred option for the reasons set out in the report. However, individuals DPPOs could be used in a targeted way, if this is the decision of Members.

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1. Background

- 1.1 The Criminal Justice and Police Act 2001 (CJPA) gives local authorities the power to designate by order public areas where it is an offence to drink alcohol after being required by a police officer not to do. Where a Designated Public Places Order (DPPO) is in effect the police have the power to require individuals to surrender any opened or sealed containers of alcohol. If they fail to comply with the request they can be arrested or given an on the spot fine. Once a DPPO is adopted it remains permanently in force for the designated area.
- 1.2 A DPPO is not a ban on drinking in public, but is intended to give police extra powers to address alcohol related anti-social behaviour and disorder.
- 1.3 Barking and Dagenham have adopted a relatively cautious approach to the implementation of DPPOs. Many other boroughs have multiple DPPOs, or increasingly borough-wide orders with some success in reducing alcohol-related anti-social behaviour and disorder in public places.
- 1.4 The borough has three areas which are currently Designated Public Places in areas around Barking Town Centre, Rainham Road South and Martins Corner. These are shown on the map, which is attached as **Appendix 1** to this report. Also shown on this map are the further five areas where the Council is receiving sustained reports of street drinking.
- 1.5 On 28 July 2009 a strategy meeting was held with the Metropolitan Police to look at what measures could be employed to reduce alcohol related disorder in the locations which were being suggested as further DPPOs. It was agreed at this meeting that a borough wide Designated Public Places Order (or 'alcohol control zone') would be an appropriate response to the issues.

2. Reasons for Proposing a Borough Wide DPPO, Legal Process and Monitoring

- 2.1 The 2009 Place Survey showed that 45.5% of residents surveyed felt that drunk or rowdy behaviour in public places was a problem in the local area (an increase from 36% of respondents agreeing that it was a problem in 2007). This figure placed Barking and Dagenham as the 3rd worst borough in London for this indicator, and was the only anti-social behaviour related question within the Place Survey that deteriorated between 2007 and 2009. This is clearly an issue which resonates with residents and which they wish to see addressed.
- 2.2 As can be seen from the map attached at **Appendix 1**, the introduction of DPPOs in all the areas from where complaints are received would result in eight DPPOs in total.
- 2.3 Whilst DPPOs are in themselves a deterrent there is a very real risk that a dispersed approach of this order would result in significant displacement to non-designated areas. Although there is no evidence that the existing DPPOs have resulted in any displacement this is a concern of residents, which having a borough wide DPPO would address.
- 2.4 The Drug and Alcohol Action Team (DAAT) support a borough wide Designated Public Places Order and have been consulted in the preparation of this report. The

DAAT are of the opinion that, in terms of people with alcohol misuse problems who would choose to drink on the street, a borough wide DPPO will be clearer in terms of what is required of them. The DAAT also agree with the Licensing Team that having a borough wide DPPO is clearer for the public as the boundaries for the DPPO are borough boundaries which are clearly marked in most places.

- 2.5 The Police Licensing Team have been consulted in preparation of this report. They are of the opinion that having 8 separate DPPOs will cause difficulties in terms of enforcement. Police officers on the street will have to check maps to make sure that anyone who they want to stop consuming alcohol is actually within a DPPO, which is time consuming and reduces officer's confidence in enforcing the order. The Police Licensing Team are therefore of the opinion that a borough wide DPPO will be easier to enforce than the current arrangements and would be preferable to further separate DPPOs.
- 2.6 It will be simpler to communicate with the public where the DPPO is when it is borough wide and they can be clear as to their expectation in terms of enforcement activity.
- 2.7 In support of the effective implementation of the borough-wide DPPO it is proposed that a protocol be agreed between the Council and the Metropolitan Police Service to provide guidance to Police Officers, Police Community Support Officers and the public as to how the powers in the Order should be used. In particular this should include:
- an emphasis that the Order does not constitute a ban on drinking in public
 - those general conditions under which the powers in the Order, for example to confiscate alcohol, will be used
 - the importance of proportionality and necessity in the application of the powers
 - the rights of the public in respect of the application of the powers in the Order
- 2.8 Over 700 DPPOs have been implemented across the country and they are a measure which is popular with the general public when used to address alcohol-related issues. Other measures can command a considerable amount of bureaucracy and can impact on officer time. The power to request a person stops drinking or the confiscation of alcohol does not involve any level of bureaucratic process.
- 2.9 The power to confiscate alcohol at a time when disorder is happening is perceived as a useful tool in terms of deterrent.
- 2.10 Evidence of alcohol related crime and disorder is required to implement DPPOs. A range of data from police and partners has been collected that gives evidence of alcohol-related crime and disorder across the borough. This is presented at **Appendix 3.**
- 2.11 **Enforcement Activity in the Current DPPO Areas**

Barking Town Centre – commenced on 20 December 2004

During 2004 there were 124 street drinking incidents and 123 during 2005. During 2004, 40% of these reports resulted in a classified street drinking incident and

during 2005 this increased to 56%. Between May and August 2009 the Police made 1,091 Alcohol Seizures within the DPPO in Barking Town Centre, an average of 273 per month.

Rainham Road South – commenced on 24 November 2008

During the 8 months between Dec 08 and Jul 09 there have been 22 street drinking incidents reported; this is an increase of 83% on the preceding 8 month period.

During the 8 month period preceding the order 42% of these reports resulted in a classified street drinking incident and during the following 8 months this decreased slightly to 41%.

Martins Corner – commenced on 16 September 2009

No comparable data is available as this Order has only been in place a few months.

- 2.12 The above figures show that the DPPO in the town centre has been more effective in dealing with alcohol related disorder than that in Rainham Road South. The Town Centre DPPO has been in place for some considerable time and therefore enforcement is embedded. It is also a clearly designated areas, being edged by the ring road around Barking; making the DPPO a clearly defined area.
- 2.13 The adoption of a borough wide DPPO would create the clarity around the boundaries of the DPPO.
- 2.14 The function of Designation of a Public Place under the Act is an activity which is excluded from the powers of an Executive by the Local Authorities (Function and Responsibilities) Regulations 2000.
- 2.15 This designation must be made by the Council as Assembly. It must resolve to make a specified area a Designated Public Place under the Act for which there is controlled alcohol consumption.
- 2.16 Once a problem has been identified, for which a Designated Public Places Order may be appropriate, the steps to create a Designated Public Place are as follows:-
- (i) The Council must consult with the Police and Licensees of any licensed premises in the proposed Designated Public Place, or whom they may consider will be affected;
 - (ii) The Council must take reasonable steps to consult with the owners or occupiers of any land identified which may be affected;
 - (iii) An advertisement carrying a Notice must be placed in a local newspaper, identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation with 28 days for representations;
 - (iv) The Order is made by the Assembly;
 - (v) Following the making of the Order by the Assembly a further Notice must be placed in a local newspaper identifying the place, setting out the effect and the date of commencement;
 - (vi) The Council must ensure that there are sufficient signs for the public to draw their attention to the place covered by the Order;
 - (vii) A copy of the Order must be sent to the Secretary of State and Police Commander for the area.

- 2.17 The effect of the Order is to give the Police the power to require a person in a Designated Public Place not to drink alcohol in that place where the Police Officer reasonably believes the person is, has, or intends to, drink alcohol. Further they must surrender up to the Police Officer any other alcohol containers in their possession. Failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse is an arrestable offence. A Police Support Officer can also exercise this power.
- 2.18 A person guilty of such an offence would be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale, which is currently £500.
- 2.19 It is not the case that the order creates an offence of drinking in a public place. It is an additional tool for the Police when enforcing order in the area which it covers, such that it is an offence not to dispose of or surrender the alcohol when asked to do so.
- 2.20 A copy of the draft Notice is to be found at **Appendix 2** of this report.
- 2.21 It is expected that police will monitor use of the power, both in terms of geographical impact, but also in terms of those who are subject to the power, to include such factors as ethnicity and age.
- 2.22 In addition outcomes will be measured through monitoring associated crime and disorder data and targets including:
- NI 41 the perception of drunk and rowdy behaviour
 - NI21 Dealing with local concerns about anti-social behaviour and crime by the local Council and Police
 - CAD data for alcohol and public disorder call outs
 - Alcohol related ambulance data
 - Surveys through community communicators and other sources

3. Links to Corporate and other Plans and Strategies

- 3.1 This proposal is linked to objectives in the Alcohol Strategy and Health and Wellbeing Strategy and is in line with the licensing objectives of the Council.

4. Consultation

- 4.1 In line with the Act in order to introduce a borough wide DPPO consultation would need to be undertaken with residents and licensees.
- 4.2 In terms of licensees it is proposed that this consultation take the form of a letter to each licensed premises, addressed to the licensee, advising them of the proposal and asking for their comments.
- 4.3 In terms of consulting residents of the borough it is proposed that consultation be carried out via The News, on the corporate website, other media and via the Public Notices in line with the legislation.
- 4.4 Initial consultation has been carried out by the Community Communicators. 100% of these felt that a borough wide alcohol control zone would be beneficial in

reducing antisocial behaviour and addressing the concerns of residents about alcohol consumption in public places.

4.5 The following were consulted in the preparation of this report:

Councillor J Alexander, Cabinet Member for Safer Neighbourhoods and Communities
Yinka Owa, Legal Partner – Property, Contracts and Procurement
Darren Henaghan, Divisional Director of Environmental and Enforcement Services
Rob Williams, Group Manager, Environment and Trading Standards
Steve Whitelock, Group Manager, Adult and Community Services Finance, Corporate Finance
Jenny Beasley, Manager, Drug and Alcohol Action Team
Inspector Gray, Barking and Dagenham Police
PC O'Connor, Barking and Dagenham Police Licensing Officer

5. Background Papers Used in the Preparation of the Report:

The Criminal Justice and Police Act 2001
Alcohol Strategy

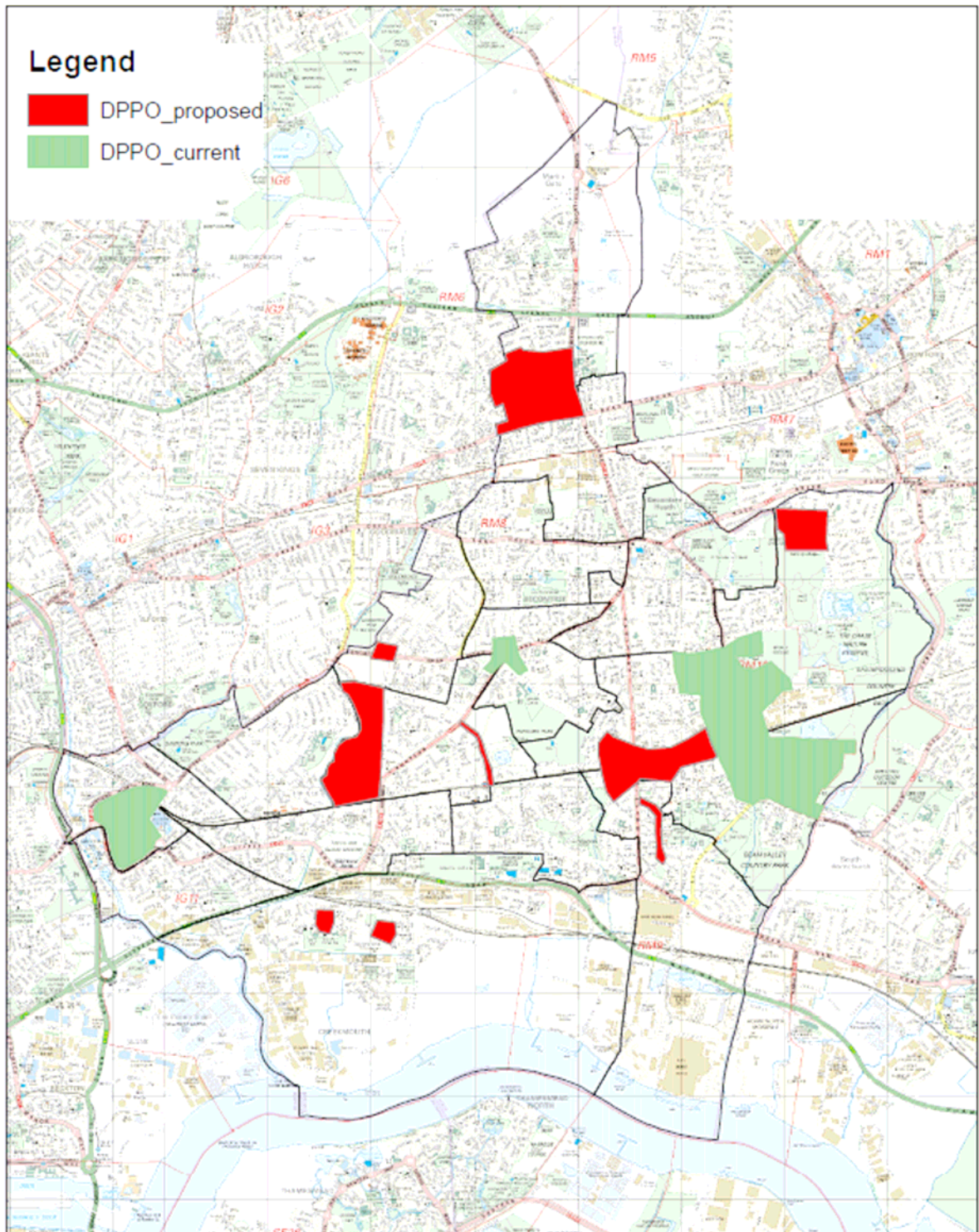
6. List of appendices:

Appendix 1: Map of existing and proposed DPPOs
Appendix 2: Proposed Notice
Appendix 3: Alcohol related disorder data

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Map of Current and Proposed DPPOs

London Borough of Barking and Dagenham
Established and Proposed Designated Public Place Orders



produced by GIS and Information Team (Policy and Performance) Oct 2009

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NOTICE

**LONDON BOROUGH OF BARKING AND DAGENHAM
DESIGNATION ORDER PURSUANT TO SECTION 13 OF THE
CRIMINAL JUSTICE AND POLICE ACT 2001**

**The Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2001**

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES

The Council of the London Borough of Barking and Dagenham proposes to make an Order pursuant to Section 13 of the Criminal Justice and Police Act 2001 (the “Act”) designating all public places within the boundaries of the London Borough of Barking and Dagenham. This includes all those public places within the area shown edged red on the plan annexed thereto (a copy of the plan being available for inspection at the Town Hall Barking).

DEFINITION OF PUBLIC PLACE

“Public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (Section 16(1) of the said Act.)

THE EFFECT OF THE ORDER

The effect of such an Order is that the Police have the power to require a person, in such public place, not to drink alcohol in that place where the officer reasonably believes the person is, has or intends to do so, and to surrender any alcohol containers in the person’s possession. Failure to comply with an officer’s requirement in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence. A person guilty of such an offence will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). (Section 12 of the said Act).

EXCLUSIONS

Excluded from the Order will be:-

- Any area which is within the cartilage of any licensed premises or registered club;
- Any place where the sale of alcohol has been authorised by virtue of an occasional license or permission;
- Any place where the Council has granted a permit pursuant to Section 115 (E) Highways Act 1980.

Any person wishing to make representations on the proposal should make them in writing to the Group Manager – Community Safety, 3rd Floor Roycraft House, 15 Linton Road, Barking, Essex IG11 8HE.

.....
Chief Executive

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Alcohol Related Disorder Data

Evidence suggests that Barking and Dagenham has one of the highest rates of alcohol-related Violent Crime and alcohol-related Sexual Offences per 1,000 population in the Country

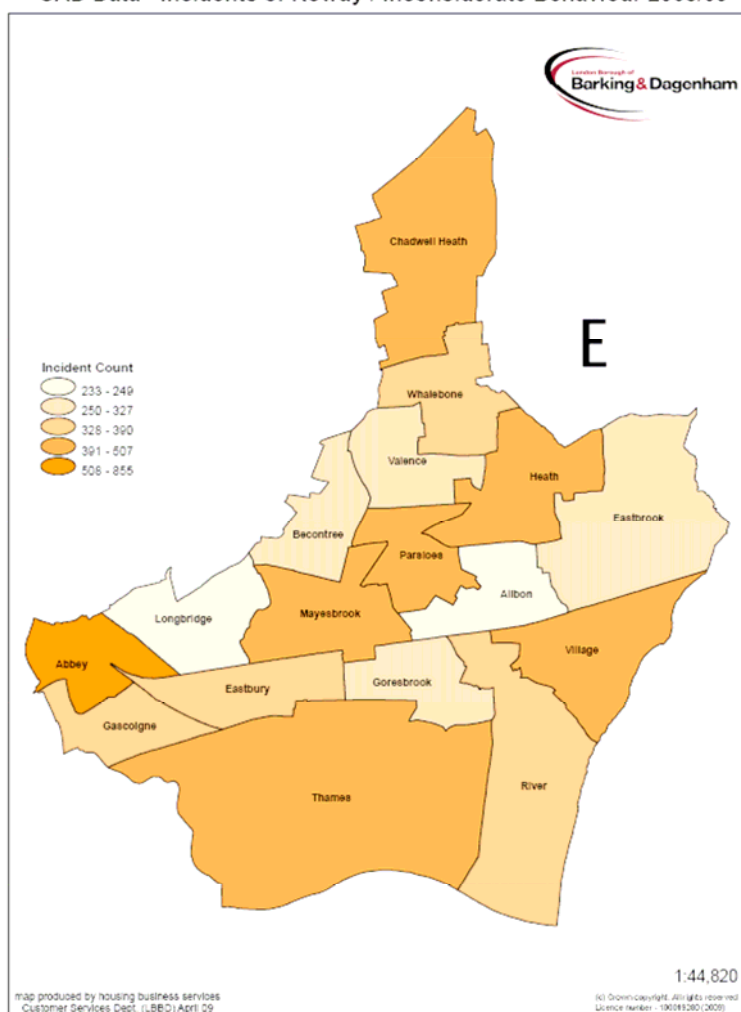
	Alcohol-related Violent Crime	Alcohol-related Sexual Offences
Barking and Dagenham	11.04	0.22
London Ave	8.51	0.15
National Ave	6.53	0.13

Barking and Dagenham are ranked 338th for Alcohol-related violent crime and 340th for sexual offences (out of 354 LA's in country)

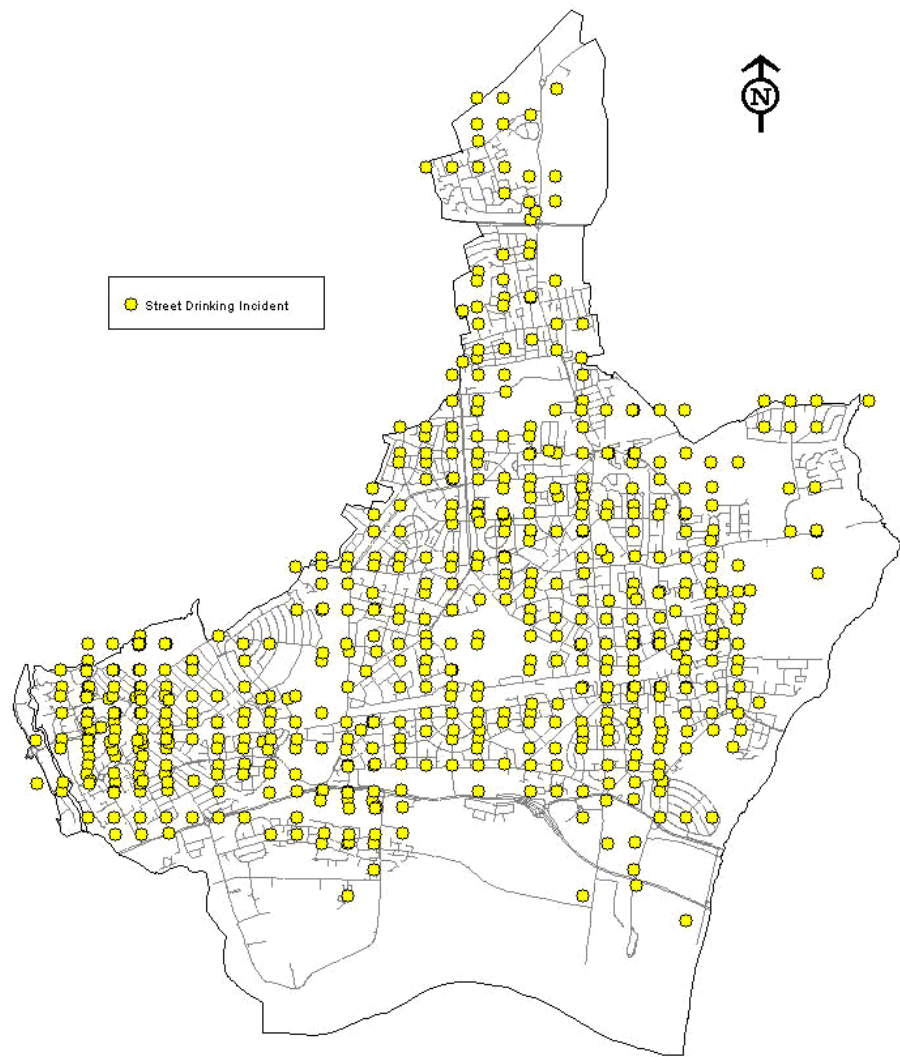
The number of offences of alcohol related violence has increased as a proportion of violent offences consistently since 2003

CAD Data - Incidents of Rowdy / Inconsiderate Behaviour 2008/09


Ward Name	Total
Abbey	855
Alibon	233
Becontree	315
Chadwell Heath	462
Eastbrook	290
Eastbury	390
Gascoigne	365
Goresbrook	327
Heath	437
Longbridge	249
Mayesbrook	419
Parsloes	454
River	365
Thames	446
Valence	293
Village	507
Whalebone	365
Grand Total	6,772



Street Drinking Incidents Notified to Police Between 01/11/2008 and 31/10/2009



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 METROPOLITAN POLICE	Working together for a safer London	Author: Jeff PATTESON - C086316	Date: 15/12/2009
BARKING AND DAGENHAM		BOROUGH INTELLIGENCE UNIT - ANALYSIS SECTION	

The above shows the even spread of reports made to police about street drinking. The only areas with no reports represent areas which do not have residential housing.

The perception of people that drunk and rowdy behaviour is a problem in the borough is the only crime and disorder related perception indicator that has got worse

Question	2006/07 result	Provisional Place Survey result 08/09
Perceptions of people being drunk or rowdy behaviour as being a problem	36%	45.4%

THE EXECUTIVE

22 DECEMBER 2009

REPORT OF THE CORPORATE DIRECTOR OF CHILDREN'S SERVICES

This report is submitted under Agenda Item 11. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency in order to avoid unnecessary delay in the expansion of a school to accommodate increased pupil numbers.

Title: Proposed Expansion of Thames View Infant School	For Decision
Summary:	
<p>This report presents a proposal for the formal expansion of Thames View Infant School from a three form to a four form entry from 1 September 2010, thereby increasing the standard admission number to 120 pupils in each of the three year groups (Reception, Year 1 and Year 2). Interim arrangements were made with effect from September 2008 to increase the intake for Reception and Year 1 to four forms of entry. Therefore this proposal, in effect, formalises that arrangement as well as introducing an additional form for Year 2 pupils..</p> <p>The benefits of this proposal will be to increase school places in the infant age range in order to meet the increasing demand for school places. This increase in demand for school places has arisen from the regeneration of Barking and the extended area together with changes in demographics, and in particular new families moving to the newer homes on the Thames View Estate.</p>	
Wards Affected: Thames Ward	
Recommendation(s)	
<p>The Executive is recommended to agree the formal expansion of Thames View Infant School from a three form to a four form entry Infant School with effect from the start of the Autumn Term 2010 as detailed in the report.</p>	
Reason(s)	
<p>To assist the Council in achieving its Community Priority 'Inspired and Successful' and in fulfilling its duty to provide every child in the borough with a school place.</p>	
Implications	
<p>Financial</p> <p>The cost of the accommodation to provide space for the additional pupils has been identified and budgeted at £70,000 in total. This is the cost for refurbishment of a double demountable that was already on the school premises but not being used for classroom teaching. In order to make the demountable habitable for teaching, extensive refurbishment is required. Whilst some of the actual costs are awaited, best estimates have been used in arriving at this budgeted figure that will cover the necessary works and also includes professional fees. This budget cost will be a charge against a capital grant</p>	

from the Department for Children, Schools and Families (DCSF) Basic Need Safety Valve Funding, part of which is identified on the Capital Programme (project number 2724) of £1.1m over two years. Therefore the £70,000 call on this grant makes this project affordable.

Legal

The proposals have been published in accordance with the Education and Inspections Act 2006 and the required procedural and implementation arrangements are being followed.

The formal consultation process commenced on 3 October and concluded on 31 October. A summary of the responses received from the consultation is attached at **Appendix 1**.

Contractual

There is anticipated to be, as indicated above, a relatively small sum of up to £70,000 to be spent in supporting the School to establish a class base to house 30 pupils. This funding will be used to improve the decor and feel of the accommodation and these improvements will be undertaken on advice from colleagues in the Asset Management and Capital Delivery Team of the Council and using the Council's term maintenance contractor.

IT equipment will be provided through approved education suppliers and other equipment, furniture and fittings will be provided through the School.

Risk Management

We need to make provision as a statutory obligation for additional pupil places in the Borough and these proposals mitigate the risk of failing to provide suitable numbers of places for pupils' learning.

Staffing

There will be an increase in staff at the school as the school will need to increase the numbers of teaching and non-teaching staff to support the increase in pupil numbers.

Customer Impact

The increase in pupil places at the School will improve the available places for parents expressing a preference for their children to attend Thames View Infants. It will also ensure that pupils have better access to education provision in the primary sector and are more likely to be able to attend schools in their local area.

Safeguarding Children

No specific implications.

Crime and Disorder

No specific implications.

Property / Assets

The value of the school estate has been enhanced, but this is of small value in comparison with the whole school estate.

Options appraisal

- (i) Do nothing - This would not be possible due to the legal and statutory obligations placed on the Council.
- (ii) Adapt existing building - This was rejected due to the disruption it would cause to the existing school life together with the unknown costs and likelihood of this being an

option that would be too expensive. However, a new classroom and adaptations to the hall are under discussion with funding to come from The London Thames Gateway Development Corporation.

- (iii) New Build - This option would be too expensive and funding for a new build is not available. Further, this would not be delivered for September 2010, which is when the school places are needed.
- (iv) Refurbishment of Demountables - This provides places for September 2010 and there is cost certainty. (recommended option)

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1. Background

- 1.1 With the regeneration of Barking Town Centre and extended area of Barking, new homes are being created, being replaced or being refurbished and there are new homes at Thames View. This investment is attracting more families to the area and with this comes demand for more school places, particularly in the primary school sector. There is also an element of demographic change which is having an impact as properties built for families are once again being occupied by families.
- 1.2 This increase in pupil population has been particularly evident over the last 18 months. Prior to the start of the 2008/09 academic year, Thames View Infants School found themselves with additional pupils wanting to attend the school. The school is popular with parents, as is Thames View Junior School, and both schools have waiting lists. In response to this need for additional school places, the school was expanded by two classes on a temporary basis from September 2008 by admitting an additional class of up to 30 pupils at Reception age and likewise for Year 1. This has meant Reception Year and Year 1 have moved up from three forms of entry to four forms of entry whilst Year 2 has remained at three forms of entry.
- 1.3 The proposed permanent expansion of Thames View Infant School is therefore in response to both existing and potential (forecast) demand.

2. Proposal

- 2.1 A special meeting of the Governing Body of the school was held on 9 September 2009 at which the governors agreed to support the proposal to expand the school permanently from three to four forms of entry from 1 September 2010 subject to accommodation provision being made available which met with their requirements.
- 2.2 The school already had two double demountable buildings that were being used for extended school activities. Provision of additional classrooms for the schools

temporary expansion (Phase 1) to Reception Year and Year One from September 2008 was made by the partial refurbishment of one of the existing double demountables that was being used to host various community groups and an extended breakfast and After School Club. Phase 1 of the expansion cost approximately £40,000 and was met through the Basic Need Safety Valve Fund, a grant from DCSF.

- 2.3 In order to accommodate the permanent expansion from September 2010 the second existing double demountable will require extensive refurbishment at a cost of approximately £70,000. The refurbishment works will include IT installation, carpeting, plumbing, heating, fitting out and external decorations.
- 2.4 The ongoing revenue costs of running the proposed school expansion will be funded through the ring-fenced Dedicated Schools Grant (DSG). This is allocated to authorities on the basis of actual pupil numbers and will therefore take account of the increase in the school population.
- 2.5 There are also plans to refurbish the kitchen following the securing of a grant from DCSF towards the works. In addition, plans to extend the hall and build another classroom using money from the London Thames Gateway Development Corporation are under discussion.

3. Outcome of Consultation

- 3.1 A series of meetings have been held with teaching staff and with representatives on the School's Personnel and other various school and Governing Body meetings.
- 3.2 Letters were sent to parents, carers and guardians of pupils and to the staff and governors of the School formally advising them of the proposal to expand the school and the reasons for this on 5 October 2009. The School has also held coffee mornings and distributed consultation brochures in order to allow parents to bring forward any questions they may have. Also, a suggestion box was available in the school specifically relating to this issue.
- 3.3 The Council has published a formal notice to expand the school by one form of entry with effect from 1 September 2010 with a new standard admission number of 120 pupils in each year group. The notice was published in the local press on 3 October 2009 and copies of the notice were displayed in Thames View Infant and Junior Schools and Barking Library. The notice period expired on 30 October 2009.
- 3.4 No responses were received regarding the published notice. Feedback from the Governing Body, the Union, parents and teachers regarding the expansion indicates they have some concerns regarding such issues including lack of outdoor play space for the increased pupil numbers, under-provision of toilet facilities, a restricted dining area, limited space in the hall to allow children the statutory minimum two hours of PE each week, children in the demountables not feeling part of the school and restricted space in the staff room.
- 3.5 On some of the particular building related issues where there have been concerns expressed, a comparison has been made with schools of a similar size, i.e. four forms of entry Infant schools, and it is worth noting of the nine Infant schools of that size:

- Hall Size – Five of them have smaller halls (three of them are smaller and have no additional area for lunches)
- Staffroom – Seven of them have smaller staffrooms.
- Gross Internal Area of School – Three of them have a smaller area in total.
- Adult Toilets – Comply with the DCSF Building Bulletin 99.

3.6 Furthermore, some of the issues which are largely about building spaces will be addressed by the proposals referred to in paragraph 2.5 above.

3.7 Overall the area of the School including the demountable accommodation meets the guidelines. There are some particular facilities which need to be examined and responded to, the staff area is an example, and there remains a commitment from the Council to explore funding to replace temporary school accommodation which is a necessary feature of the school at present. Within the demands for other investments to respond to a growing pupil population across the Borough, officers in the Children's Services Department are seeking to attract investment from Central Government and given an opportunity some resources would be directed towards Thames View Infant School.

3.8 There has also been positive feedback to the consultation, which included that this would be good for the development of the estate, that the expansion would create more jobs, the expansion would make life easier for those living on the estate if they got a place at the school and this would avoid children having to travel to Dagenham for a school place.

3.9 Overall there was a very high and unprecedented response from both teaching staff and parents and set out at **Appendix 1** is a summary of the responses to the consultation.

3.10 Thames View Infants School is an 'outstanding' school and the Governing Body and the Headteacher purposefully strive for this deserved recognition. It is not the intention of this proposal to undermine that position but to expand provision for school places at a popular and successful school in accordance with Government policy. This supports the principles of extending opportunities for more pupils to attend the school and should mean that pupils from the local area are not displaced or having to travel any great distance to access a good school. This will also assist the Council in fulfilling its duty to provide every child in the borough with a school place.

4. Link to Corporate and other Plans and Strategies

4.1 The proposals in this report are in line with:

- The Children and Young People's Plan
- The Council Plan.

5. Consultees

The following have been consulted in the preparation of this report:

Councillor R Gill, Cabinet Member for Education and Children's Well-being

Councillor W Barns, Ward Councillor
Councillor B Poulton, Ward Councillor
Councillor J Rawlinson, Ward Councillor
Corporate Management Team
Jane Hargreaves, Head of Quality and School Improvement
John Hooton, Strategic Finance Controller
Yinka Owa, Legal Partner, Procurement, Contracts, Property
Shenis Hassan, Group Manager, Children's Services Finance
Sue Lees, Divisional Director of Asset Management and Capital Delivery
Bal Gill, Strategic Manager, Admissions
Head Teacher, Thames View Infant School
Chair of Governors, Thames View Infant School

6. Background Papers Used in the Preparation of the Report:

- Legislation which allows this - Education and Inspections Act 2006
- Consultation letter dated 1 October 2009
- Notice Published 3 October 2009
- Report to Executive dated 20 January 2009
- DCSF Guidance: Making changes to a maintained mainstream school

7. List of appendices:

Appendix 1 – Thames View Infant School Consultation Summary

Thames View Infants Consultation Summary

Responses Received From	Summary of comments
<p>Governor (dated 20.10.09)</p> <p>UNION (NUT – Barking & Dagenham Association)</p>	<p>In addition to three permanent classrooms, the following are also required:</p> <ul style="list-style-type: none"> • An enlarged hall as currently unable to provide minimum PE requirements and associated difficulties with lunchtimes and assemblies due to lack of hall space. • Refurbishment of the kitchen, an extended staffroom and additional toilets including a disabled staff toilet • Reinstatement of space for special needs, EAL groups, community groups/activities etc • An interview/meeting room for confidential meetings and a Deputy Head Teacher’s Office
<p>Local resident (12.10.09)</p> <p>Local Employee (09.10.09)</p>	<p>Other concerns are:</p> <ul style="list-style-type: none"> • expansion should be undertaken within the framework of a plan that ensures future developments do not negatively affect existing pupils. • of failure in their outstanding commitment to community engagement and family learning. • failing to provide the support group space essential to accelerate the learning of ‘significantly below average pupils’ to ‘generally above the national average’.
<p>Parents</p> <p>School Employees</p>	<ul style="list-style-type: none"> • isolating staff and pupils and making them more difficult to manage by distributing them in demountable classrooms away from their peers and year group learning zones. • failing to provide staff with adequate professional/ personal space. • increased workload for administrative staff with expansion in pupil numbers. • felt they had been informed late and that a voting system should be in place • felt that portacabins were not the best solution for providing extra space.
<p><u>Summary of Responses:</u></p> <p>Governing body - 1 (Chair)</p> <p>Local Resident - 1</p> <p>Parents - 8 (named)</p> <p>Parents - 22 (unnamed)</p> <p>Teachers - 11 (named)</p> <p>Teachers - unknown (unnamed)</p> <p>Union - 1</p> <p>Miscellaneous - 1</p>	<ul style="list-style-type: none"> • would like to know the effect this expansion would have on the children if there were no guarantees of building works and extensions. • insufficient play space and circulation space for children to move around safely • felt the school was already busy and chaotic at home times and this was dangerous. <p>There were also some positive comments that included:</p> <ul style="list-style-type: none"> • pleased the development of the estate was under review and that the realisation that more school places are needed. • expansion of school was a good idea as it would create more jobs. • thought the expansion was a good idea and would make life easier for those that lived on the estate if they got a school place at the school as a number of children on the estate were travelling to Dagenham to go to school.

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