

# London Borough of Barking and Dagenham

## Notice of Meeting

### ASSEMBLY

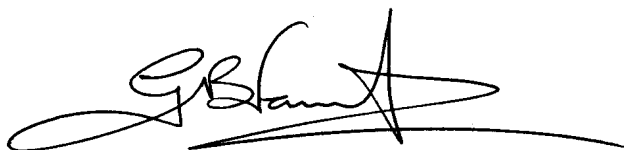
**Wednesday, 9 April 2003 - Town Hall, Barking, 7:00 pm**

To: Members of the Council of the London Borough of Barking and Dagenham

**Chair:** Councillor J Davis  
**Deputy-Chair:** Councillor D F Best

#### Declaration of Members Interest

In accordance with Article 1, paragraph 12 of the Council's Constitution, Members are asked to declare any direct/indirect financial or other interest they may have in any matter which is to be considered at this meeting



28.3.02

Graham Farrant  
Chief Executive

Contact Officer: Valerie Dowdell  
Tel: 020 8227 2756  
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e-mail: valerie.dowdell@lbbd.gov.uk

#### AGENDA

1. **Apologies for Absence**
2. **To confirm as correct the minutes of the Assembly meetings held on 25 and 26 February and 5 March 2003 (Pages 1 - 10)**
3. **Tribute to the late Councillor Sid Summerfield (Page 11)**
4. **Members' Appointments (oral)**
  - (i) Member Panels for Cross Cutting Best Value Reviews
  - (ii) Integrated Waste Management Contract Liaison Committee

**5. Petitions (Pages 13 - 19)**

- (i) Millennium Centre Car Park
- (ii) Hooks Hall Pond, The Chase Local Nature Reserve

**6. Local Issues (for discussion) (Pages 21 - 23)**

- (i) Barking Town Centre Action Plan - Presentation by Jeremy Grint, Head of Regeneration
- (ii) Roger Luxton, Director of Education, Arts and Libraries, will introduce the Education Development Plan (EDP) Update for 2003/04

An introductory report is attached; the EDP itself has been circulated separately

**7. Report of the Executive (for decision) (Pages 25 - 36)**

**8. Leader's Question Time (for response)**

**9. General Question Time (for response)**

**10. Report of the Scrutiny Management Board (for information) (Pages 37 - 39)**

**11. Report of the Community Forums (for information) (Pages 41 - 46)**

**12. Report of the Standards Committee (for decision) (Pages 47 - 78)**

**13. Report of the Development Control Board (for information) (Page 79)**

**14. Report of the Personnel Board (for information) (Pages 81 - 82)**

**15. Report of the Regulatory and General Matters Board (for information) (Page 83)**

**16. Report of the Community Empowerment and Engagement Policy Commission (for decision) (Page 85)**

**17. Report of the Director of Corporate Strategy (for decision) (Pages 87 - 110)**

**18. Any other public items which the Chair decides are urgent**

- 19. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

### **Private Business**

The public and press have a legal right to attend Council meetings such as the Assembly, except where business is confidential or certain other sensitive information is to be discussed. There are no such items at the time of preparing this agenda.

- 20. Any other confidential or exempt items which the Chair decides are urgent**

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## **ASSEMBLY**

Tuesday, 25 February 2003  
(7:00 - 8:25 pm)

### **PRESENT**

Councillor D F Best (Deputy Chair)

Councillor J L Alexander	Councillor W F L Barns
Councillor Mrs J Blake	Councillor G J Bramley
Councillor Mrs J E Bruce	Councillor Mrs J Conyard
Councillor A H G Cooper	Councillor R J Curtis
Councillor W C Dale	Councillor C J Fairbrass
Councillor M A R Fani	Councillor Mrs K J Flint
Councillor C Geddes	Councillor A Gibbs
Councillor Mrs D Hunt	Councillor I S Jamu
Councillor T J Justice	Councillor S Kallar
Councillor D S Miles	Councillor D O'Brien
Councillor B M Osborn	Councillor Mrs C T Osborn
Councillor J W Porter	Councillor Mrs V M Rush
Councillor Mrs P A Twomey	

### **APOLOGIES FOR ABSENCE**

Councillor Ms M G Baker	Councillor Mrs E E Bradley
Councillor H J Collins	Councillor L A Collins
Councillor B Cook	Councillor Mrs J E Cooper
Councillor Mrs V W Cridland	Councillor J R Denyer
Councillor D J Felton	Councillor M W Huggins
Councillor R J E Jeyes	Councillor F C Jones
Councillor M A McCarthy	Councillor M E McKenzie
Councillor Mrs J E Rawlinson	Councillor L A Smith
Councillor A G Thomas	Councillor T G W Wade
Councillor J P Wainwright	Councillor L R Waker
Councillor Mrs M M West	

#### **71. Appointment of Chief Financial Officer**

Two candidates were nominated to go forward to the Assembly, to give a presentation on:

“How do you get the public to understand our budget?”

Agreed to appoint Julie Parker on a starting salary of £90,000 plus an essential user car allowance.

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## **ASSEMBLY**

Wednesday, 26 February 2003  
(7:00 - 7:50 pm)

### **PRESENT**

Councillor J Davis (Chair)  
Councillor D F Best (Deputy Chair)

Councillor J L Alexander	Councillor W F L Barns
Councillor Mrs J Blake	Councillor G J Bramley
Councillor Mrs J E Bruce	Councillor L A Collins
Councillor B Cook	Councillor Mrs J E Cooper
Councillor R J Curtis	Councillor W C Dale
Councillor C J Fairbrass	Councillor M A R Fani
Councillor Mrs K J Flint	Councillor C Geddes
Councillor A Gibbs	Councillor Mrs D Hunt
Councillor I S Jamu	Councillor T J Justice
Councillor S Kallar	Councillor M A McCarthy
Councillor D S Miles	Councillor D O'Brien
Councillor J W Porter	Councillor Mrs V M Rush
Councillor L A Smith	Councillor A G Thomas
Councillor Mrs P A Twomey	Councillor T G W Wade
Councillor Mrs M M West	

### **APOLOGIES FOR ABSENCE**

Councillor Ms M G Baker	Councillor Mrs E E Bradley
Councillor A C Clark	Councillor H J Collins
Councillor Mrs J Conyard	Councillor A H G Cooper
Councillor Mrs V W Cridland	Councillor J R Denyer
Councillor D J Felton	Councillor M W Huggins
Councillor R J E Jeyes	Councillor F C Jones
Councillor M E McKenzie	Councillor B M Osborn
Councillor Mrs C T Osborn	Councillor Mrs J E Rawlinson
Councillor J P Wainwright	Councillor L R Waker

#### **72. Appointment of Director of Leisure and Environmental Services**

One candidate, Niall Bolger, was nominated to go forward to the Assembly, to give a presentation on:

“What are the potential benefits from developments in the Thames Gateway for Barking and Dagenham?”

Agreed to appoint Niall Bolger on a starting salary of £90,000 plus an essential user car allowance.

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## **ASSEMBLY**

Wednesday, 5 March 2003  
(7:00 - 8:20 pm)

### **PRESENT**

Councillor J Davis (Chair)  
Councillor D F Best (Deputy Chair)

Councillor J L Alexander	Councillor Ms M G Baker
Councillor W F L Barns	Councillor Mrs J Blake
Councillor G J Bramley	Councillor Mrs J E Bruce
Councillor A C Clark	Councillor H J Collins
Councillor L A Collins	Councillor Mrs J Conyard
Councillor B Cook	Councillor A H G Cooper
Councillor Mrs J E Cooper	Councillor Mrs V W Cridland
Councillor R J Curtis	Councillor W C Dale
Councillor J R Denyer	Councillor C J Fairbrass
Councillor M A R Fani	Councillor D J Felton
Councillor Mrs K J Flint	Councillor C Geddes
Councillor Mrs D Hunt	Councillor I S Jamu
Councillor R J E Jeyes	Councillor F C Jones
Councillor T J Justice	Councillor S Kallar
Councillor M A McCarthy	Councillor D S Miles
Councillor D O'Brien	Councillor B M Osborn
Councillor Mrs C T Osborn	Councillor J W Porter
Councillor Mrs J E Rawlinson	Councillor Mrs V M Rush
Councillor A G Thomas	Councillor Mrs P A Twomey
Councillor T G W Wade	Councillor L R Waker

### **APOLOGIES FOR ABSENCE**

Councillor Mrs E E Bradley	Councillor A Gibbs
Councillor M W Huggins	Councillor M E McKenzie
Councillor L A Smith	Councillor J P Wainwright
Councillor Mrs M M West	

The Chair welcomed the new Member for Longbridge Ward, Anton Clark, to the Assembly.

#### **73. Minutes (12 February 2003)**

Agreed.

#### **74. Tribute to the late Councillor Laurie Bunn**

Tributes were paid to the late Councillor Bunn and a minute's silence was held in his memory.

## 75. Members Appointments

Agreed the following appointments:

- **Local Housing Company Board** - Councillors Mrs Hunt, Miles, B Osborn and Mrs West
- **Best Value Review Member Panels for Cross Cutting Best Value Reviews:**
  - **Regenerating the Local Economy** - Councillors Mrs Blake, Bramley, Bruce, Dale, Jones, Miles and Thomas
  - **Procurement** - Councillors Cook, Davis, Denyer and Miles
- **Trustees of the Brocklebank Lodge Trust Fund** - Councillors Jones and H Collins

## 76. Petition Requesting Action to Prevent Flooding in Church Elm Lane, Dagenham

Considered a petition organised by the Dagenham Village Residents' Association, which was introduced by the Secretary, Mr. V R Tolchard, requesting that the flooding of Church Elm Lane between Rectory Road and Royal Parade be brought to the attention of the responsible body.

The Assembly was sympathetic to the petition and suggested that Thames Water be invited to meet them to discuss the problems being experienced in the Borough.

Agreed to endorse the actions taken so far by Officers and noted that there will be ongoing liaison with Thames Water Utilities regarding this and other flooding issues.

## 77. Local Issues

### (i) Cleaner, Greener, Safer

Councillor Osborn introduced a video made by Councillor McKenzie and himself showing what the Council is doing to take Cleaner, Greener, Safer issues forward in the Borough, which has been produced to inform tenants about these actions. Service charges are seen as a way forward for funding the new initiatives and a series of consultation exercises will shortly be carried out with residents to explore the possibility of introducing these charges.

### (ii) National Service Framework for Older People's Services

Catherine Mitchell, Director of Older People's Services Primary Care Trust/Social Services, gave a presentation on the National Service Framework for Older People's Services.

At the end of September/beginning of October the Social Services Inspectorate (SSI) will carry out an inspection of Older People's Services. It is important that all Members and staff are kept informed of the work that is being undertaken so that they can respond to any questions the SSI may ask. There will be regular articles in Council publications and briefings for staff.

The Assembly thanked Ms Mitchell for her presentation.

## **78. Report of the Executive**

Received the above report, which included recommendations on:

- (i) The Delivery of Housing Services
- (ii) The Formation of a Local Housing Company
- (iii) The Calendar of Council Meetings for 2003/04
- (iv) The JNC Officer Pay Review

Agreed:

- (i) The proposed constitution for Community Housing Partnerships, the scope of delegated authority and the new article for the Constitution.
- (ii) To nominate four Members to join the Local Housing Company Board (see Minute 73)
- (iii) To approve the Calendar of Meetings for the coming municipal year
- (iv) The recommendations set out in the report to the Executive relating to the JNC Officer Pay Review

## **79. Leader's Question Time**

In relation to the JNC Officers' pay review, Councillor Jeyes asked that 'consideration be given to terminating the use of Hay Consultancy. All employees should be considered with equity. This could be our contribution to stop leapfrogging of salaries throughout England'.

The Leader responded that all employees are considered equally in the Borough and the Council has not leapfrogged salaries. He explained the background to the use of Hay Consultancy, commenting that the Authority had used the services of the Association of Local Government in the past, but this had proved too slow a process and obviously the review could not be undertaken in-house.

## **80. Report of the Scrutiny Management Board**

Noted.

## **81. Report of the Development Control Board**

Noted.

## **82. Report of the Personnel Board**

Noted.

## **83. Report of the Borough Finance Officer**

Received the report of the Borough Finance Officer on the Budget for 2003/04. Councillor Geddes commended the work done by the Head of Corporate Finance.

Agreed:

- A The Budget 2003/04

1. That the following, as submitted in the Annual Estimates Book, be approved: -
  - (a) the revised revenue estimates for the year 2002/2003 and the revenue estimates for 2003/2004.
  - (b) the capital programme for the year 2003/2004 and, in principle, for 2004/05 to 2007/08.
2. That it be noted that at its meeting on 17 December 2002 the Assembly calculated the amount of 51,921 as its Council Tax Base for the year 2003/2004 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.
3. That the following amounts be now calculated by the Council for the year 2003/2004 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992: -
  - (a) £414,608,609 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
  - (b) £209,408,609 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
  - (c) £205,200,000 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 32 (4) of the Act, as its budget requirement for the year.
  - (d) £162,430,596 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant reduced by the amount of the sums which the Council estimates will be transferred in the year from its General Fund in accordance with Section 97 (4) of the Local Government Finance Act 1988 and increased by the amount of any sum which the Council estimates will be transferred from its collection Fund to its General Fund pursuant to the directions under Section 98 (4) of the Local Government Finance Act 1998 made on the 7 February 1994.
  - (e) £823.74 being the amount at 3 (c) above less the amount at 3 (d) above, all divided by the amount at (2) above, calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic amount of its Council Tax for the year.

(f) Valuation Bands

A	B	C	D	E	F	G	H
£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
549.16	640.69	732.21	823.74	1,006.79	1,189.85	1,372.90	1,647.48

being the amounts given by multiplying the amount at 3 (e) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band 'D' calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2003/2004 the amounts which the Mayor of London has calculated in accordance with Section 47 of the 1992 Act, as amended by Section 92 of the 1999 Act, as the amounts of Council Tax for the financial year beginning on 1 April 2003 for each category of dwelling are as follows: -

Precepting Authority	Valuation Bands							
	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Greater London Authority	149.60	174.53	199.47	224.40	274.27	324.13	374.00	448.80

5. That, having calculated the aggregate in each case of the amounts at 3 (f) and 4 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2003/2004 for each of the categories of dwellings shown below: -

Valuation Bands

A	B	C	D	E	F	G	H
£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
698.76	815.22	931.68	1,048.14	1,281.06	1,513.98	1,746.90	2,096.28

B Medium Term Financial Strategy

To adopt the budget strategy for the future years set out in section 12 of the report.

C Statutory Requirements for Borrowing Limits

That, in accordance with the requirements of Section 45 of Part IV of the Local Government and Housing Act 1989:

1. The overall borrowing limit for 2003/04 be £26.4m to cover the estimated outstanding debt remaining after the premature repayment of external debt during 1992/93 (This is currently financed from internal funds).

2. The amount of money which the Council borrows by way of short term money be limited to £5.3m being 20% of the total borrowing limit (In practice, no such borrowing is likely in 2003/04).
3. The limit on the proportion of borrowing by means of loans at variable rates of interest be £3m (In practice no such loans are likely to be raised during 2003/04).

That at present no cuts in funding or changes in arrangements for school crossing patrols is made, and a full risk assessment is carried out.

#### **84. Private Business**

Agreed to exclude the public and press for the remainder of the meeting, as the business was confidential.

#### **85. Chief Executive's Department - Restructuring**

Received the report of the Chief Executive proposing a restructuring of the Chief Executive's Department.

Agreed the recommendations set out in the report.

### **THE LATE COUNCILLOR SIDNEY (SID) SUMMERFIELD**

The late Councillor Sid Summerfield died on 16th March 2003 in Harold Wood Hospital, after a long illness. He was admitted to hospital in October after suffering a stroke and fighting cancer. He was 72 years old.

Sid Summerfield worked for many years for the Council as a finance officer responsible for debt collection. He was a Member of the Labour Party for nearly thirty years and acted as agent for Jo Richardson (former MP for Barking) for 12 years. He was also for twenty years, during his working life, the Union Secretary for the APEX union.

He was elected as a Councillor in 1998 and sat on a number of committees under the old Council structure, including the Contractual, Technical and Social Services Committees and the General Purposes Committee.

After the reorganisation of the Council in May 2000, Councillor Summerfield served on the Development Control Board, the Regulatory & General Matters and Housing & Council Tax Benefits Review Boards. He was also a member of the Eastbrook, Heath and Alibon Community Forum

Sid Summerfield recently resigned as a Councillor due to his ill health. He lived in Dagenham for 60 years and is survived by his wife Rita, 4 children and several grandchildren.

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**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE DIRECTOR OF LEISURE AND ENVIRONMENTAL SERVICES**

<b>PETITION: MILLENNIUM CENTRE CAR PARK</b>		<b>FOR DECISION</b>
<p><i>Article 2, paragraph 15 of the Constitution requires petitions which contain more than 50 signatories from separate households to be reported to the Assembly together with details of action taken or proposed</i></p> <p><b><u>Summary</u></b></p> <p>To report the receipt of a petition from the Dagenham Conservative Association requesting the installation of closed-circuit television cameras (CCTV) to protect the car park at the Millennium Centre at Eastbrookend Country Park.</p> <p><b><u>Recommendation</u></b></p> <p>The Assembly is recommended to:</p> <p>(i) note the contents of this report,</p> <p>(ii) agree that the lead petitioner be informed that the advice of the Crime Prevention Design Officer is being sought on methods of improving the security of the car park and action will be taken on the Police's recommendations, subject to funding being available. It is hoped that a verbal update on this can be made at the meeting.</p>		
Contact:		
Peter Parkin	Parks & Countryside Manager	Tel: 020 - 8227 3079 Fax: 020 - 8227 3129 Minicom: 020 - 8227 3034 E-mail: <a href="mailto:peter.parkin@lbbd.gov.uk">peter.parkin@lbbd.gov.uk</a>

1. **Background**

A petition dated 25 February 2003 and containing 96 signatures has been received from the Dagenham Conservative Association. The covering letter requests CCTV to protect the car park at the Millennium Centre, Eastbrookend Country Park.

2. **Current Position**

- 2.1 A public car park, serving Eastbrookend Country Park and the Millennium Centre, is situated between the Millennium Centre building and The Chase, off Dagenham Road, on the northern boundary of that section of the Country Park.

- 2.2 The car park is fenced and gated, but the gate is generally open throughout the day and evening, usually being locked by Parks Constabulary staff in the evening, once it is clear of vehicles. The car park is overlooked by the rear of the Millennium Centre, but is not under constant surveillance by staff working there.
- 2.3 Following the advice of the Crime Prevention Design Officer in 2001 the shrubs planted around and within the car park were reduce in height. The shrubs are now regularly maintained, although obviously they will make growth during the spring and summer.
- 2.4 After dark, two solar powered lights provide a low level of illumination at the two pedestrian entrances from the car park to the Country Park, apart from this the area is not lit.
- 2.5 Staff at the Millennium Centre are sometimes made aware by the car owners of break-ins to, or theft of cars from the car-park. A record is made of such reports and the person reporting the incident is always advised to report the incident to the police. However, it is not clear how many people take that step, or how many do not report incidents to our staff, given that the car park is open for longer hours than the Millennium Centre. There have been three incidents involving cars belonging to Millennium Centre staff.
- 2.6 No issues have been raised at the Eastbrookend Support Group quarterly meetings in relation to this car park.
- 2.7 In the 12 months from March 2002 to February 2003, twelve incidents were reported to staff at the Millennium Centre. Of these, two took place in September, two in October and five in December, of which four were over an eight-day period. There have been no further reports since December 2002.
- 2.8 Metropolitan Police crime figures show 10 incidents of theft of or from a motor vehicle during the same period.
- 2.9 The car park has not been raised as an area of concern at regular tasking meetings between the Police and the Council, and compares favourably with some other car parks in the Borough. Eastbrook Ward also has one of the lower incidences of crime in the Borough.

### 3. **Proposal/Options**

- 3.1 The petition calls for CCTV cameras to protect the car park. It would be technically possible to install cameras capable of colour pictures in daylight and black and white pictures after dark. These could be either transmitted to the Council's Communications Centre or alternatively be a stand alone system, both of which will need to produce images of evidential standard in order for them to be of use to the Police.

- 3.2 It has always been the policy of this Council to prioritise the installation of CCTV by reference to reported crime figures. Looking at these alongside the costs of installation and maintenance of CCTV cameras allows an assessment to be made of the relative cost benefit of proceeding with the installation.
- 3.3 In this case, the reported crime figures for the location, when set against crime figures for other locations in the Borough, are relatively low, and would not therefore justify the installation of cameras under the Council's current policy.
- 3.4 Contact has been made with the Crime Prevention Design Officer, and following an initial discussion, and in the light of the crime figures for the location, a site visit is to take place to:
- See if changes to the position and orientation of parked vehicles could be made,
  - Look at opportunities for giving advice to car park users about vehicle security,
  - Examine other possibilities for improving the situation.

It is hoped to be able to provide a verbal update on the suggestions arising out of the site visit at the Assembly.

#### 4. **Financial Implications**

- 4.1 A budget cost for two cameras (as described in paragraph 3.1) linked to the Communications Centre would be approximately £50,000 for installation plus annual revenue costs to cover maintenance and recording of around £2,000 to £2,500.
- 4.2 A two camera stand-alone system (paragraph 3.1) would cost in the region of £10,000 plus annual revenue cost to cover maintenance and recording of around £500.
- 4.3 There is no provision in current budgets for installation, or maintenance and monitoring costs for CCTV cameras at this location. If it were considered desirable to install cameras using existing budgets, there would need to be a matching reduction in expenditure on maintaining the Millennium Centre or Eastbrookend Country Park.

#### 5. **Consultation**

Valerie Harding, General Administration Manager, LESD  
Roger Brett, Emergency Planning and Communications Centre Manager, LESD  
Colin Talbot, Communications Centre Assistant, LESD  
Mike Sibley, Deputy Security/Investigations Manager, LESD  
Crime Prevention Design Officer, Metropolitan Police

## 6. **Conclusion**

- 6.1 Whilst any level of criminal activity is to be regretted and condemned, the problem at the Millennium Centre car park is, in comparative terms, not great. The installation of CCTV would be an expensive way of dealing with the issue, without a guarantee of success.
- 6.2 Other methods relating to the design and layout of the car park, and the giving of advice to car park users, are available and will be discussed with the Crime Prevention Design Officer to identify the most suitable for this location.

### **Background papers used in the preparation of this report:**

Petition

## THE ASSEMBLY

9 APRIL 2003

### REPORT OF THE DIRECTOR OF LEISURE AND ENVIRONMENTAL SERVICES

<b>PETITION – HOOKS HALL POND, THE CHASE LOCAL NATURE RESERVE</b>	<b>FOR DECISION</b>	
<p><i>Article 2, paragraph 15 of the Constitution requires petitions which contain more than 50 signatories from separate households to be reported to the Assembly together with details of action taken or proposed.</i></p> <p><b><u>Summary</u></b></p> <p>To report the receipt of a 338 signature petition regarding a licence between the Council and Eastbrook Angling Club to fish at Hooks Hall Pond. The petition is headed:</p> <p><i>I / we the undersigned demand that the London Borough of Barking &amp; Dagenham renew the tenancy / lease / licence to the members of the Eastbrook Anglers Club of Hooks Hall Pond!</i></p> <p>Many of the signatories of the petition are not residents of the Borough.</p> <p>The matter to which the petition refers has been the subject of wide consultation and negotiation in an attempt to agree a compromise between the three principal parties involved; namely the Eastbrook Angling Club, London Wildlife Trust and the Council, including the length of a trial period of operation.</p> <p><b><u>Recommendation</u></b></p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"><li>(i) note the receipt of the petition and that wide consultation has been carried out on the future use of the Pond;</li><li>(ii) note that a compromise on the use of the pond and a trial period of operation has been agreed, subject to ratification;</li><li>(iii) note that, if the compromise arrangements and the trial period of operation do not go well, a further report will be presented to the Executive to resolve this issue; and,</li><li>(iv) agree that the Lead Petitioner be advised accordingly.</li></ul>		
Contact	Peter Parkin Parks & Countryside Manager	Telephone: 020 - 8227 3079 Fax: 020 - 8227 3129 Minicom: 020 - 8227 3034 E-mail: <a href="mailto:peter.parkin@lbbd.gov.uk">peter.parkin@lbbd.gov.uk</a>

## 1. **Background**

- 1.1 Hooks Hall Pond (also informally known as Curzon Lake) is situated within The Chase Local Nature Reserve at Eastbrookend. For a number of years it has been fished under licence by the Curzon Club (Angling Section), but over the last two years or so the Section broke away from its parent club and reformed as Eastbrook Angling Club. Officers experienced considerable difficulty in knowing who to deal with in this transitional period, for whilst the “new” Eastbrook Angling Club portrayed itself as the legitimate successor to the Curzon Club (Angling Society), the Curzon Club was unwilling, initially, to relinquish the licence in its name. On advice from the Solicitor to the Council, the matter was resolved by revoking licences to both organisations, which presented the opportunity to review the future use of the Pond. The Club in both its forms has a history of working with disabled anglers to encourage their involvement and participation in the sport.
- 1.2 In the summer and early Autumn of 2002, Officers of the Parks & Countryside Ranger Service consulted with the Eastbrookend Support Group as to possible future management options for Hooks Hall Pond. The Support Group is a user forum for Eastbrookend Country Park and The Chase Local Nature Reserve and includes interested parties such as the Eastbrook Angling Club and London Wildlife Trust.
- 1.3 Following the consultation process and considering other angling facilities within the Borough, along with balancing the needs that are coming out of the London Bio-diversity Action Plan, an officer decision was made to designate Hooks Hall Pond as a conservation area, and to assist the Club members in merging with or moving to an alternative club(s) or lake(s). This decision was taken under the Scheme of Delegation in accordance with the Council’s Constitution.
- 1.4 Once the Eastbrook Angling Club was notified of this decision, new representatives of the Club contacted the Council, outlining concerns that not all of the relevant information had been given to them by their previous representative, the person with whom Officers had been dealing.
- 1.5 The original officer decision was therefore suspended, and a wider process of consultation was put in place, with a view to the matter being placed before the Council for a decision
- 1.6 Members were advised, through a Briefing Note circulated in the November 2002 edition of Member Matters, of the situation regarding the licence to fish Hooks Hall Pond.

## 2. **Current Position**

- 2.1 The wider consultation process is underway, with articles appearing in The Citizen and the Barking & Dagenham Post, and questionnaires distributed to, and returned by, interested organisations and individuals.
- 2.2 Representations have been made to the Council on behalf of the Club by both of the Borough’s MPs, who have been informed that the Club is being allowed to continue to use the pond whilst the wider consultation is carried out.

2.3 A meeting has also taken place between the Eastbrook Angling Club, London Wildlife Trust and Council Officers to try and reach a compromise between the parties that will allow angling and nature conservation to continue side by side. There was initial agreement on most of the points discussed, but it took longer to come to an agreement on the length of time for which the revised arrangement should be trialled.

2.4 In mid-March it was finally agreed that a trial period of two years, from 1 April 2003 to 31 March 2005, should be adopted, subject to approval by the Eastbrookend Support Group, which next meets on 16 April 2003. If the agreement is ratified, then the results of the wider consultation will not be required, as the involved parties will have reached agreement on a way forward.

### 3. **Proposal / Options**

3.1 In view of the compromise agreement now negotiated between the parties, and subject to the approval of the Eastbrookend Support Group on 16 April 2003, a trial, 2 year agreement will be entered into, to terminate on 31 March 2005.

3.2 If problems or difficulties are experienced during the trial period, then in view of the history of this case, a report will be presented to the Executive to consider the next steps, including the long-term future use of the Pond.

### 4. **Financial Implications**

4.1 Eastbrook Angling Club were paying a licence fee of £150 per annum.

4.2 As licence fees for angling on the Borough's lakes come up for renewal, it is normal practice for the fee to be reviewed by the Council's Property Consultants to bring it in line with market rates for similar facilities in the area.

### 5. **Consultation**

5.1 Consultation has been held with those organisations mentioned above, the Council's Access Officer and Legal Services. The public consultation has been through articles in The Citizen and the Barking & Dagenham Post.

### **Background papers used in the preparation of this report:**

Petition

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**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE DIRECTOR OF EDUCATION, ARTS AND LIBRARIES**

<b>EDUCATION DEVELOPMENT PLAN</b>	<b>FOR DECISION</b>	
<p><i>To present to the Assembly the update of the Education Development Plan (EDP) for 2003/04</i></p>		
<p><b><u>Summary</u></b></p> <p>Last year we were required to complete the Council's Second EDP (EDP2) to cover the period 2002-07. This was agreed by the Council and the Department for Education and Skills (DfES). The plan outlines our priorities for school improvement and includes details of how these priorities will be pursued. Performance targets for 2004 were also agreed with the DfES and schools. The plan received very favourable feedback from both the DfES and the Office for Standards in Education (OFSTED).</p> <p>We are required to review the priorities on an annual basis and update the plan accordingly. The original performance targets for 2004 have remained, but school level targets for 2004 have been added.</p> <p>Our updated EDP2 for 2003-04 has been circulated separately.</p> <p><b><u>Recommendations</u></b></p> <p>The Assembly is asked to approve:</p> <ol style="list-style-type: none"> <li>1. The Plan for confirmation to the DfES.</li> <li>2. The School Improvement Priorities and Activities for 2003/04.</li> </ol> <p><b><u>Reason</u></b></p> <p>The Council needs to ensure that it continues to challenge and support local schools and their pupils to achieve at the highest possible level. EDP2 sets out how the Council will build upon past achievements, to raise aspirations even higher and ensure that all pupils make the most of the opportunities available to them.</p>		
<p>Contact Officer: Jenny Crossley</p>	<p>Head of Policy and Management Services</p>	<p>Tel: 020 8227 3507 Fax: 020 8227 3101 Minicom: 020 8227 3180 email: <a href="mailto:jenny.crossley@lbbd.gov.uk">jenny.crossley@lbbd.gov.uk</a></p>

## 1 Background

1.1 EDP2 was agreed by the Council and the DfES last year. The plan covers the 5 year period 2002-07. The plan sets out the eight priority areas agreed between the Council and its partners in education. The eight priorities are:

- 1) Promoting Inclusion
- 2) Raising Standards in Literacy
- 3) Raising Standards in Numeracy
- 4) Raising Standards for Primary Children
- 5) Raising Standards at Key Stage 3 (11-14 year olds)
- 6) Raising Standards at GCSE and Above (14 years and over)
- 7) Raising Attainment Through Support for School Management
- 8) Improve the Teaching and Use of ICT in Schools

These priorities remain in the updated plan for 2003/04. The update includes details of activities to be implemented to pursue progress in each of these priority areas during 2003/04.

1.2 The original plan for 2002-07 includes Borough level performance targets to be achieved by 2004. These include targets for attainment at Key Stages 2,3 and 4. It also includes attendance targets and attainment targets for looked after children and children from ethnic minorities. These targets have not be changed in the update for 2003/04.

1.3 The update for 2003/04 includes attainment targets for all schools with pupils at Key Stages 2, 3 and 4.

1.4 The EDP remains the key document outlining the Council's strategy for school improvement. The plan brings together a wide range of inter-related plans and initiatives. Since preparing the original EDP2 the Council has been invited to participate in a number of exciting new education initiatives. The updated EDP2 incorporates these initiatives. These initiatives include:

- ICT Test Bed Pilot
- Leadership Incentive Grant
- Behaviour Improvement Package

## 2 Community Strategy

### 2.1 ***Better Education and Learning for All***

The updated EDP will make a major contribution to the delivery of the Barking and Dagenham Community Strategy. It is particularly crucial to the delivery of actions agreed under the *Better Education and Learning for All* Priority.

### 2.2 ***Regeneration of the Local Economy***

The improved attainment levels of both pupils and parents will increase the skills of the local population and support local people into better jobs.

- 2.3 ***Improving Health, Housing and Social Care***  
Better education generally and specifically in health and social issues coupled with improved support for vulnerable pupils and their parents will support this Priority.
- 2.4 ***Promoting Equal Opportunities and Celebrating Diversity***  
The EDP supports access to education for all. It provides a diverse range of activities which support underachievers and those who are gifted and talented as well as pupils from diverse backgrounds and vulnerable children.
- 2.5 ***Making Barking and Dagenham Cleaner, Greener and Safer***  
There are environmental components within the national curriculum for geography and science, with specific initiatives which develop environmental awareness, for example projects at the Millennium Centre and the Ford Environmental competition. The improvements in standards of education and drive to improve attendance generally will also support this Priority.
- 2.6 ***Developing rights and responsibilities within the local community***  
Citizenship is now part of the revised national curriculum framework. Strategies to address bullying and racism also support this Priority.
- 2.7 ***Raising Pride in the Borough***  
The success in test and exam results in recent years and the improvement of pupils moving on to higher and further education provides recognition for the achievement of both schools and the Authority in the borough.

### **3 Public Service Agreement (PSA)**

- 3.1 The updated EDP2 will also support the delivery of the Council's PSA currently being negotiated with the Government. It will support the delivery of three targets to be delivered by the end of the 2005-06 academic year.

***Target 1***

14 children leaving care to achieve 5 or more A\*-C grades at GCSE

***Target 2***

95% of 15 year olds to achieve 5 or more A\*-G (Including English and Maths) grades at GCSE

***Target 6***

92% attendance in secondary schools and 95% in primary schools

- 3.2 Following the completion of negotiations over the Council's PSA any grants awarded and freedoms and flexibilities agreed will be incorporated into the update of the EDP for 2004-05.

### **Background papers used in the preparation of this report:**

EDP (2002-07)  
EDP Update and Consultation (2003-04)  
DfES EDP Update Guidance (2003-04)

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**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE EXECUTIVE**

<b>THE EXECUTIVE - RECENT BUSINESS</b>	<b>FOR DECISION</b>	
<p><i>This regular report on the work of the Executive is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p>		
<p><b><u>Summary</u></b></p>		
<p>This report summarises the work of the Executive on 25 February, 11 and 18 March 2003.</p>		
<p>It includes recommendations from the Executive on the following matters:</p>		
<ul style="list-style-type: none"> <li>• Early Years Development and Childcare Partnership Implementation Plan 2003/04</li> </ul>		
<p>It also summarises the decisions taken and the other matters considered by the Executive. Key issues have included:</p>		
<ul style="list-style-type: none"> <li>• Leisure and Amenities Charges 2003/04 (A3)</li> <li>• Progress with Regards to Identifying Suitable Burial Space (A8)</li> <li>• Equalities and Diversity in Employment Policy (A11)</li> <li>• Social Services Charging 2003/04 (A13)</li> </ul>		
<p><b><u>Recommendations / Reasons</u></b></p>		
<p><b>Early Years Development and Childcare Partnership Implementation Plan 2003/04</b></p>		
<p>The Executive received the Early Years Development and Childcare Partnership (EYDCP) Implementation Plan 2003/04 (previously circulated to all Members)</p>		
<p>The Assembly is recommended to:</p>		
<ol style="list-style-type: none"> <li>1. Approve the EYDCP Implementation Plan; and</li> <li>2. Note that the integration of early years education and childcare and the development of neighbourhood nurseries may impact on the organisation of schools. The uptake of part-time nursery education places in schools may be affected.</li> </ol>		
<p>Contact: Barry Ray</p>	<p>Democratic Services Officer</p>	<p>Tel: 020 8227 2134 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: <a href="mailto:barry.ray@lbbd.gov.uk">barry.ray@lbbd.gov.uk</a></p>

## **A DECISIONS TAKEN BY THE EXECUTIVE**

**25 February 2003**

### **1. Performance Monitoring**

Received the Best Value Performance Plan monitoring report for the third quarter 2002/03. Progress against a range of key Performance Indicators was presented and discussed.

Agreed;

1. To receive a further report detailing the geographic and age breakdown of pedestrians killed or seriously injured in road traffic accidents in the Borough; and
2. That the first joint Executive/ Primary Care Trust Board meeting should look at the provision of speech therapists in the Borough.

### **2. Recruitment and Selection Monitoring**

Noted the quarterly recruitment and selection report, which reviewed recruitment and selection activities for the 9 month period from 1 April to 31 December 2002.

Agreed to change the frequency of reporting this monitoring information from quarterly to six monthly.

**11 March 2003**

### **3. Leisure and Amenities Charges 2003/04**

Received a report regarding Leisure Activity and Cemetery Charges for 2003/04.

Agreed, in order to set the Leisure Activity Charges for the forthcoming year in accordance with the principles of the Charging Policy Commission and pending the recommendations of the Leisure Facilities Scrutiny Panel and to assist with the Community Priority of "Improving Health, Housing and Social Care":

1. The proposed Leisure Activity and Park Sports Charges at an overall average increase of 6%, which will result in an anticipated £1,316,820 income and £2,728,235 (67.4%) subsidy. This is subject to a further report reviewing these charges being presented to the Executive in six months;
2. The extension of the Leisure Pass to include Registered Adult Carers for the Disabled or the Infirm and those receiving Incapacity Benefit;
3. That the period of validity of the Leisure Pass should be one year for all categories of entitlement and accordingly that the cost of the Leisure Pass should be increased to £3.00 per annum;
4. That the activities available to Leisure Pass holders should be standardised across all the sites to include Swimming, Fitness Rooms, Badminton, Squash, Table Tennis and GP Referral Sessions;

5. That a report on the Cemetery Charges should be presented in August / September 2003 in order that stakeholders can be consulted on the proposed programme of Charges;

#### **4. Fees and Charges: Births, Deaths and Marriages Registration Service**

Received a report identifying the costs of running the Births, Deaths and Marriages Registration Service.

Agreed, in accordance with the guidelines laid down by the Charging Policy Commission, to increase the charges for 2003/04 for performing a civil marriage ceremony at Approved Premises as set out in the report and that a further report reviewing these charges be presented to the Executive in 6 months.

#### **5. Planning Post Search and other Enquiry Charges**

Received a report proposing changes to the Planning enquiry charges for 2003/04.

Agreed, in accordance with the guidelines laid down by the Charging Policy Commission, to increase charges for Planning Post Search and Consultancy enquiries for 2003/04 as set out in the report.

#### **6. Consultation Strategy and Toolkit**

Agreed, in order to maximise the effectiveness of Council consultation, to adopt the Consultation Strategy and Toolkit, which sets out the basic principles for consultation and provides practical guidance for practitioners.

#### **7. Removal of Public Pay Phones**

British Telecom has written to the Council advising of plans to remove 24 public pay phones in the Borough, and that the Council has until 14 March 2003 to confirm that any interested parties have been advised and to pass on any comments for consideration.

Agreed, in order that local views can be taken into account:

1. That the responses to the public consultation form a collective response from the Council; and
2. To request usage figures from British Telecom for the phones they plan to remove, to be circulated to members.

#### **8. Progress with Regards to Identifying Suitable Burial Space**

Received a report presenting the findings of feasibility studies into the suitability of a number of sites for burial purposes.

Agreed, in order to facilitate the provision of burial facilities in the Borough to meet demand for the next 50 years, to:

1. Support the extension of the Field site and:
  - a) Approve the appropriation of the field north of Chadwell Heath Cemetery site for burial purposes pursuant to Section 214 of the Local

Government Act 1972, subject to the necessary Town Planning consents being given;

- b) Authorise the Director of Leisure and Environmental Services to take any actions necessary to permit the re-siting of the Kingston Hill Avenue Recreation Ground to an area nearer to Gibbfield Close, including giving notice of intention to appropriate the Recreation Ground for burial purposes pursuant to Section 214 of the Local Government Act 1972;

2. Defer the decision on the future of the Bridport Avenue site; and
3. To authorise the Director of Leisure and Environment Services to undertake the necessary actions up to tender stage.

**9. Council's Housing Strategy, Housing Revenue Account Business Plan 2003/06, Capital Strategy & Asset Management Plan**

Received a report advising of the evaluations made by the Government Office for London (GoL) of the Council's:

- Housing Strategy;
- Housing Revenue Account (HRA) Business Plan;
- Asset Management Plan (AMP); and
- Capital Strategy.

Agreed, in order to raise GoL's assessment of the Council and to contribute to raising the Council's future Comprehensive Performance Assessment, to:

1. Support a further submission to GoL to seek fit for purpose assessments for the Council's Housing Strategy and HRA Business Plan;
2. Support the actions being undertaken to raise the Capital Strategy and Asset Management Plan assessments for 2003; and
3. That these matters be discussed further at the Corporate Monitoring Group.

**10. The Council's Participation in the Draft London Plan: Examination in Public**

Received a report outlining the next key stage in the Mayor for London's draft London Plan, in which the Council has an opportunity to make representations to the Examination in Public (EiP) Panel.



Agreed, in order to make sure that the Council's interests are fully considered by the EiP Panel, and to respond quickly to requests for information by the Panel, to delegate authority for the Council's participation in the EiP to the Director of Leisure and Environmental Services.

**11. Equalities and Diversity in Employment Policy**

Received a report introducing the new policy regarding Equalities and Diversity in Employment; the policy takes account of the Council's approach to equalities and diversity, sets the Council's aims for equalities and diversity in employment and sets standards in relation to our employment practice.

Agreed to replace the Equal Opportunities in Employment Policy, which was last reviewed in 1997, with the Equalities and Diversity in Employment Policy.

**12. Procurement Policy Statement**

Received a procurement policy statement setting out the principles by which the Council will conduct procurement and related exercises.

Agreed, to adopt the statement in order to establish a foundation for good practice across the Council.

**13. Social Services Charging 2003/04**

Received a report outlining the required changes to the Social Services non-residential charging policy, as required by the Department of Health "Fairer Charging" statutory guidance policy document.

Agreed, in order to implement the required changes to the current charging policy:

1. The proposed banding for charges for Home Care and the proposed basis for assessing whether users have the ability to pay full costs;
2. Option 2 of the four models of Home Care subsidy and charges identified in the report;
3. The Supporting People Charging Option 1 outlined in the report.
4. An increase in charges for Welfare Meals of 6.5% (from £1.75 to £1.86) as set out in paragraph 11.4.2;
5. The Residential & Day Care charges for other Local Authorities (and full payers) as set out in the report, with a benchmark price of £490 for nursing homes; and
6. That comparative data from other Councils be submitted to the Executive for information in due course.

**14. Procurement of Capital Projects**

Received a report providing an explanation of the procurement routes recommended for a number of building projects within the Education, Arts and Libraries capital programme.

Agreed in order to ensure that the procurement of capital projects is in accordance with the Council's Constitution, to proceed with the procurement of projects as described in the report.

**15. Capital Programme and Resource Monitoring 2002/2003**

Received a report proposing changes to the profile of the Education, Arts and Libraries capital programme.

Agreed, due to the circumstances of the projects set out in the report, to approve the changes to the capital programme as proposed.

**16. John Perry Primary School - Disposal of Surplus Car Parking**

Agreed to the disposal of the surplus land detailed in the report, in order to improve the car parking and traffic management at the school and allow refurbishment of the pupil toilet areas with no capital requirements from the Borough.

**17. Revised Job Specifications & Grading - Strategic Managers, Youth Offending Team & Substance Misuse Services**

Agreed the revised job descriptions and new gradings for the posts of Strategic Managers for the Youth Offending Team and Substance Misuse Services as set out in the report, in order to take account of the extensive changes to the role and function of these posts.

**18. Trickle Transfer Programme**

Received a report setting out the effects of rapidly increasing property values on the scheme to transfer vacant houses to the Stort Valley Housing Association.

Agreed, in order to receive the benefits of £3.6m in income and the transfer of liability for the improvement and maintenance of these properties, that a discount of 10% be applied to the final batch of 40 properties, equivalent to a loss of income of approximately £420,000.

The Executive will review the decision in the event that the cessation of Local Authority Social Housing Grant is deferred.

**19. Implementing the New Central Structure**

Received a report setting out changes needed to supplement the agreed restructure of the Chief Executive's Department into two departments, Finance and Corporate Strategy. The report includes the recruitment process for the Head of Organisational Department and Employee Relations within the Corporate Strategy Department.

Agreed, in order to implement the proposals for the restructure of the Chief Executive's Department agreed by the Assembly:

1. The new function and title of the Head of Business Services;
2. The new reporting line for the Head of Departmental Human Resources to the Director of Finance;
3. The transfer of staff and functions to the Head of Organisational Development and Employee Relations and the new job title;
4. The job description and salary for the Head of Organisational Development and Employee Relations;
5. That a Members' Panel, comprising Councillors Fairbrass, Geddes, Alexander, Osborn and a minority representative carry out the recruitment of the Head of Organisational Development and Employee Relations;
6. That Tribal GWT be appointed to assist in this process;
7. That the same Members Panel carries out an interim appointment to Head of Organisational Development and Employee Relations as appropriate; and
8. The title of the post referred to in the report as 'Head of Legal Services' be amended to 'Solicitor to the Council'.

**20. Urgent Action**

Received a report setting out urgent action taken under Article 1 (17) of the Constitution.

Noted that the Chief Executive, the Borough Personnel Officer and the Chairs of the Assembly and the Scrutiny Management Board will meet together with the Leader to discuss this matter.

**18 March 2003**

**21. Delivery of Housing Services**

Received a report setting out details of the second round of recruitment in the community for Board members to sit on the Community Housing Partnerships (CHP).

Agreed to the placement of the successful residents on their appropriate CHP Board, as set out on the list attached to the report, in order that the Boards are up and running before the end of the financial year.

**22. Barking Town Centre Market**

Received a report setting out proposals to increase the rental charges levied on the Barking Town Centre market traders.

Agreed, in order to reflect inflation over the last three years whilst retaining the principle to break even, to the increase in charges from 1 April 2003 as set out in the report.

**23. Programme of Twinning Events for 2003/04**

Noted a report detailing events and activities to be organised in conjunction with the Borough's German twin town of Witten, Tczew in Poland and other associated towns during the forthcoming Council year.

Agreed, funding for the Dagenham Town Show and the Witten Onion Festival, as set out in the report, in order to raise the profile of the Borough on a national and international level.

**24. Improving Social Services: Financial and Commissioning Framework**

Received a report setting out a performance improvement and financial and commissioning framework to take Social Services to a robust position and continue the modernisation of social care.

Agreed, in order to continue to achieve improvements in the performance of Social Services, the:

1. '3 star plan' for Social Services - the vision for modernisation and performance improvement over the next two years via a review of the Commissioning Intentions 2003/04; and
2. Financial Framework for Accelerating Improvement via spending at Formula Spending Share (FSS) in 2003/04 onwards.

**25. Bed and Breakfast Costs and Financial Forecast 2003**

Received a report outlining the reasons for the increases in Bed and Breakfast expenditure and the current and expected downward trend of reliance on Bed and Breakfast accommodation.

Agreed, in order to reduce reliance on Bed and Breakfast accommodation:

1. The Bed and Breakfast budget for 2003/04;
2. To undertake a review of the percentage of all allocation of accommodation offered to homeless applicants; and
3. That a minimal target of 40% of housing allocations be made to homeless applicants.

**26. Client Planning Team**

Received a report setting out the process for engaging a consultant partner to provide advice and training within the construction planning team and the proposed structure of that team.

Agreed, in order to plan and procure more effective ways of delivering major programmes of work:

1. The Process for engaging a consultant partner; and
2. That Councillor B Osborn joins the tender evaluation team.

**27. Review of Charges for the Collection of Trade and Other Waste, Emptying of Cesspools, Vehicle Crossings and MOT's**

Received a report proposing increases in the charges for the collection of trade and other waste, emptying of cesspools, the construction of vehicle crossings, the carrying out of MoT vehicle tests and other services.

Agreed the increased charges as set out in the report, with effect from 1 April 2003, in line with the Charging Policy for Council services, in order to reflect the current costs of the services provided and increases in costs made to the Authority.

**28. Provision of Interim Kerbside Recycling Scheme**

Received a report outlining the proposed kerbside multi-material recycling scheme and details of the funding bid made to the 'London recycling fund' to part fund the project.

Agreed the introduction of a Kerbside Recycling scheme and the acceptance of the Department of the Environment, Food and Rural Affairs (DEFRA) grant funding, in order to improve recycling performance and reach national Best Value Performance Indicator targets.

**29. Review of On/Off Street Parking Charges**

Received a report setting out the options for setting on and off street parking charges for the 2003/04 financial year.

Agreed, in accordance with the Council's Charging Policy, to:

1. Increase off-street parking charges by approximately 14%;
2. Increase on-street parking charges by approximately 4%;
3. The appropriate traffic orders being amended accordingly; and
4. The proposals set out in paragraph 5 of the report, subject to staff consultation being carried out in respect of the Town Hall staff car park.

**30. London Riverside and Barking Town Centre**

Received a report seeking funding in order to take forward the draft Framework Plan and other studies, which will help in the delivery of the Barking Town Centre.

Agreed to vire £100,000, included within revenue reserves as contingency, towards supporting the delivery of the Barking Town Centre Programme.

**31. Barking Town Centre Action Plan 2003/04**

Received a report outlining the draft action plan for 2003/04, which sets out the objectives, outcomes, performance indicators, 5 year priorities, a key programme map and milestones for the Barking Town Centre.

Agreed, in order to deliver the proposals for the Barking Town Centre, the:

1. Draft Barking Town Centre Action Plan for 2003/04, including the objectives, outcomes and priorities; and
2. Framework Plan as the strategic basis for the Barking Town Centre, subject to further development regarding the testing of the retail and movement strategies.

**32. Reception and Re-integration Unit, St. Georges Complex**

Received a report setting out proposals for the erection of a demountable building to be used for a Reception and Re-Integration Unit, catering for children with a record of poor attendance at school, which will be funded by the Government's Behaviour Improvement Programme.

Agreed to waive the normal tendering arrangements in accordance with Section 4.1(e) of the Council's Contract Rules to accept the tender price of £133,615 submitted by Borrás Construction Ltd, in order to avoid any delays and additional costs involved in carrying out another tendering exercise in light of Borrás Construction Ltd having submitted the lowest price for similar work on the same site.

**33. Supporting People Contracts**

Received a report highlighting those services eligible to receive Supporting People grant and interim contracts to be issued as set out in the Supporting People strategy agreed in September 2002.

Agreed, in order to progress the implementation of the programme in Barking and Dagenham, the issuing of the Supporting People Contracts as set out in the report.

**34. Treasury Management Annual Strategy Statement**

Received a report setting out the annual strategy statement for 2003/04 in respect of the Council's Treasury Management functions.

Agreed the statement in accordance with the Treasury Policy Statement.

**35. Head of Finance: Corporate Services - Additional LSMR Post**

Received a report seeking approval for the creation of an additional Head of Finance Post to manage the Corporate Finance, Insurance and Accounts Payable groups. The report also outlined changes to the responsibilities of Heads of Finance posts in each of the service departments.

Agreed to:

1. The creation of a new post of 'Head of Finance: Corporate Services' at a single point salary (LSMR Point 67 - £50,820).
2. The changes and regrading of the four existing Heads of Finance as set out in paragraph 3 of the report.
3. The renaming of 'The Head of Corporate Finance' to 'The Head of Financial Services'.

**36. Land Disposal Programme and Lymington Fields**

Received a report seeking the disposal of the largest of the Borough's vacant sites (Lymington Fields) as part of a programmed approach to identifying and reusing vacant and under utilised land and property whilst meeting the Council's needs for capital receipts to fund the Capital Programme.

Agreed, in order to meet the Council's Housing Strategy and Education Strategy targets, to:

1. Approve the disposal of vacant land at Lymington Fields; and
2. Consider entering into negotiations with the company named in the report for the sale of part of the Lymington Fields site (8.5 acres) at 'housing' land values and on the terms proposed by the officers, in order to realise the full land value.

**37. Customer First - Interim Management Arrangements and Review of Secondment**

Received a report providing an update on the Customer First scheme, which is entering the implementation stage, and the recruitment to the post of Head of Customer First and of staff for the Planning Team.

Agreed to:

1. End the secondment of Lawrence Ashelford to the post of Head of Customer First, with effect from 1 April 2003. Lawrence Ashelford is to return to his substantive post of Head of Policy in Health and Social Care. A further report on the arrangements for the assimilation of this post will be presented to the next meeting of the Executive; and
2. The approach taken for the interim management of Customer First.

## **B INFORMATION AND OTHER ITEMS**

**11 March 2003**

### **1. Exit Interview Procedure**

Noted a report detailing the Council's new Exit Procedure that will become operational from 1 April 2003, the reasons for its implementation and how the information that it provides will be monitored and used.

### **2. Greater London Magistrates Court Authority (GLMCA)**

The Executive was advised that the GLMCA has confirmed its proposal to close the Barking Magistrates Court, despite the Council's objections.

The Council is now appealing against this decision and the Executive endorsed this course of action.

**18 March 2003**

### **3. Sustaining Improvement in Educational Attainment**

Noted a report setting out plans and targets for the continued drive to raise educational attainment in Schools in the Borough through funding of the Department at FSS.

This will allow the Department to continue to improve performance above national average and aim for the top quartile, address increasing problems with pupil mobility, support the Authority's application for Beacon status, assist with the implementation of the Office for Standards in Education (OFSTED) action plan and the Education Development Plan as well as meet the Department for Education and Skill's (DfES) expectations that FSS be passed on to the education service in full.

### **4. Budget Monitoring Report - January 2003**

Received a monitoring report covering the Council's capital and revenue expenditure to the end of January 2003.

### **5. "Building of the Community Priorities"**

Received a presentation regarding the strategy to deliver the first target of the Government's Decent Homes Standard and integrating this with local budget devolution to the Community Housing Partnership's.

### **Background papers used in the preparation of this report:**

Minutes, agendas and public reports for Executive meetings on 25 February, 11 and 18 March 2003.



**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE SCRUTINY MANAGEMENT BOARD**

<b>REPORT OF MEETING - 19 MARCH 2003</b>	<b>FOR INFORMATION</b>	
<p><i>This regular report on the work of the Scrutiny Management Board is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p> <p><b><u>Summary</u></b></p> <p>This report summarises the work of the Scrutiny Management Board at its meeting on 19 February 2003.</p> <p>The Board considered the following (further details are set out in the report):</p> <p><b>People Matters and the Way Forward for Internal Communications-</b> Welcomed past and present members of the People Matters (PM) Editorial Board and received a report on the way forward for internal communications.</p> <p><b>Draft Scheme for Co-ordinated Admissions to Secondary Schools -</b> Details of the draft scheme for co-ordinated admissions to secondary schools.</p> <p><b>Estate Management -</b> Progress on the Estate Management and Corporate Working action plan and additional developments.</p> <p><b>Community Forums - Public Interaction -</b> Considered receiving a six-monthly report highlighting areas of concern/other key points arising from Community Forums.</p> <p><b>Routine Items -</b> The Forward Plan, current, ongoing and future Scrutiny Panels and future/outstanding reports, including draft final report of the Traffic Calming Scrutiny Panel.</p> <p><b>Children's Matters and Integrating Health and Social Care -</b> The Board has commented that work on children's matters should be progressed as soon as possible, particularly in view of the Council's corporate parenting role, financial arrangements and the Social Services Inspectorate's reports. A special Board meeting has been arranged for this which will be reported at the next Assembly meeting.</p>		
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(i) **People Matters and the Way Forward for Internal Communications** - The Board welcomed past and present members of the People Matters (PM) Editorial Board and received a report on the way forward for internal communications including:

- the Editorial Board's discussions on the way forward
- progress so far - improving PM in its printed form and online, Trade Union involvement to elicit general involvement and contributions and editorial control and diversity
- broader issues for internal communications - the need for savings may move PM towards a simpler, but perhaps more frequent, news sheet format

The Board requested a progress report in six months time, including Editorial Board Policy and membership, particularly Legal Services representation on the Board. The Board also requested an example of the revised format prior to implementation in 2004 due to the Board's concern that this is likely to be a detrimental step.

(ii) **Draft Scheme for Co-ordinated Admissions to Secondary Schools** - The Board's role is to ensure that key decisions are taken in accordance with the Constitution. It received details of the draft scheme for co-ordinated admissions to secondary schools, which is due to be submitted to the Executive for approval on 15 April 2003.

The report covered the Government's changed timetable for admissions to secondary schools and the wide-ranging work being done by the Education, Arts and Libraries Department for this.

The Board requested a report back after implementation of the new arrangements for the September 2004 intake.

(iii) **Estate Management** - The Board noted progress on the Estate Management and Corporate Working action plan and additional developments. It requested a progress report in three months time covering void management, including garages.

(iv) **Community Forums - Public Interaction** - The Democratic Support Scorecard 2002/03 includes an objective to encourage and empower citizens to be more participative. One of the actions to meet this objective is to improve the link and flow of information between Community Forums and other parts of the political structure, particularly scrutiny.

Actions have been implemented to support the objective e.g. the continued promotion of links to Community Forums with other parts of the political structure - Forums are increasingly recognised as consultation vehicles before reports go to the Executive etc. The Board agreed a further suggested action to support the objective i.e. receiving a six-monthly report highlighting areas of concern/other key points arising from the Forums, giving Members the opportunity to consider the sort of issues being raised directly by the community for possible scrutiny/investigation.

(v) **Routine Items - The Forward Plan, current, ongoing and future Scrutiny Panels and future/outstanding reports** - The Board noted/commented as follows:

- Housing Associations - Expressed concern about the lack of attendance at the urgent meeting on 18 March 2003 and stressed the importance of everyone being involved throughout the Panel's work. The Board agreed to review membership if Panel Members are unable to attend meetings.

- Scheme of Delegation - Agreed Councillor Justice to fill vacancy on Panel.
- Traffic Calming Scrutiny Panel - Welcomed the Panel's report on traffic calming and suggested revising recommendation 2(b)2. Commended the Panel and officers for their excellent work.

**Background papers used in the preparation of this report:**

Minutes of the Scrutiny Management Board 19 February 2003

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**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE COMMUNITY FORUMS**

<b>REPORT ON RECENT MEETINGS</b>	<b>FOR INFORMATION</b>	
<p>This is the regular report on the work of the Community Forums submitted under article 2, paragraph 9.2 of the Constitution.</p>		
<p><b><u>Summary</u></b></p>		
<p>The report summarises the activities of the Community Forums since the last report in February 2003. The main points arising were:</p>		
<ul style="list-style-type: none"> <li>• Details of attendance figures</li> <li>• Presentations from the Council about the Street Warden Service, Parks &amp; Countryside Rangers Service, NHS Scrutiny Panel, Neighbourhood Renewal, Cultural Opportunities in the Borough, the Barking Town Centre Strategy proposals</li> <li>• Presentations from other agencies including PCT LIFT Project, London School of Hygiene &amp; Tropical Medicine re: transport and health, Anti Drugs police operations, Futures Careers Service, Groundwork Hackney – Community Action Planning and Domestic Violence</li> <li>• Community Feedback on the work of the Barking &amp; Dagenham Local Strategic Partnership</li> <li>• Feedback on Ward visits</li> <li>• Updates on local issues including Bevan Avenue, A1306 Improvements and Chequers Corner/South Dagenham redevelopment plans and the former Erkenwald site planned for a Pupil Referral Unit</li> <li>• A wide range of street scene related items discussed under the public question and answer sessions at each Forum, as well as specific issues such as opportunities to develop voluntary youth facilities in the Parsloes Forum area, building new housing on flood plains, the siting of the new Jo Richardson School, opening hours of the Marks Gate Police Station, the continued nuisance from the use of fireworks all year round and flooding problems in Ashton Gardens/High Road, Chadwell Heath</li> <li>• Report back on the outcome of the quarterly meeting of Chairs/Deputy Chairs of Community Forums and other Forums set up to review best practice across all Forums</li> </ul>		
<p>Contact: John Dawe</p>	<p>Democratic and Electoral Services Manager</p>	<p>Telephone: 020 8227 2135 Fax: 020 8227 2171 Minicom: 0208 227 2685 E-mail: <a href="mailto:john.dawe@lbbd.gov.uk">john.dawe@lbbd.gov.uk</a></p>

## **1. Attendance**

- 1.1 The attendance figures for the last meetings of each of the Forums are as follows:

Eastbrook, Heath and Alibon - 13 January 2003	(45)
Abbey, Gascoigne and Thames - 20 January 2003	(22)
Parsloes, Becontree and Valence - 27 January 2003	(37)
Eastbury, Mayesbrook and Longbridge - 10 February 2003	(70)
River, Village and Goresbrook - 17 February 2003	(65)
Wellgate - 24 February 2003	(24)

- 1.2 A number of the attendances were down this time, explanations for which include a poor response to the daytime meeting in the Abbey area and the trialling of a new venue at Wellgate.

## **2. Current Position**

- 2.1 A summary of the deliberations of each of the Forums is set out below:

### **Eastbrook, Heath and Alibon**

Forming part of yearly visits to individual wards with Ward Councillors, Graham Farrant, Chief Executive, personally attended the meeting to report on the Alibon Ward visit from 2 September 2002.

This provided an opportunity for the members of the public to raise and get responses to a number of street scene related items.

Presentations were received on the Street Warden and Parks and Countryside Rangers services.

Sue Lees, Director of the Barking and Havering Local Improvement Finance Trust (LIFT), gave a presentation about the LIFT project, which is committed to improving access to primary healthcare facilities, such as GP surgeries and health centres in the Borough. The project, which is a public/private partnership, has a long term rolling programme of improvements planned for the next 20 years. Although there were no plans to improve facilities within the Community Forum area within the first tranche, the intention is to look at the Five Elms and Oxlow Lane Clinics in line with other projects in the future.

### **Abbey, Gascoigne and Thames**

Forming part of the Neighbourhood Renewal initiative operating within the Forum area a Neighbourhood Management Steering Group has been formed to deliver on an ambitious range of projects within the locality; regular feedback upon which is given to the Community Forum.

The meeting also received information from Chief Inspector Barbara Deacon about ongoing Police operations on the Gascoigne Estate, seeking to combat the problem of drugs.

The NHS LIFT project presentation centred on the plans for the development of the new Thames View Health Centre next to the Sure Start scheme on Bastable Avenue.

Doctor Carolyn Stephens of the London School of Hygiene and Tropical Medicine, reported on the findings of work involving Borough schoolchildren looking at transport and health related problems within the Borough, principally around the A13.

Officers in Leisure and Environmental Services have been working with Dr Stephens and her team and are pleased there are now independent findings to support some of the traffic concerns on the A13. It is hoped that when the current traffic works are completed the road will be a lot safer.

New information was provided about the work of the Futures Career Service, which has set up a neighbourhood based information/advice and guidance service for adults. It focuses on all aspects of employment and training related matters for adults, and seeks to identify the barriers that people are encountering in accessing services, learning and employment.

The public question and answer session raised previous concerns about building new housing on the flood plains at Barking Reach, as well as seeking clarification as to why the new Jo Richardson School will now be built at Castle Green rather than Barking Reach as originally planned.

### **Parsloes, Becontree and Valence**

As part of a regular feedback from the community on the outcome of the Barking and Dagenham Local Strategic Partnership, Joan Davies, the Forum's representative, summarised the outcome of the meeting held from October 2002. This included details of a bid made to the National Lottery under the "Fairshare: Transforming Our Space" Scheme, for funds to improve Parsloes Park. The format of reporting upon the Partnership is currently being reviewed so as to ensure it is more relevant to the local community.

Jane Hargreaves, Head Literacy and Cultural Services, gave a presentation outlining current cultural opportunities within the Borough and future plans around the use of existing libraries, the leisure centres, parks, including Eastbrookend Country Park, Eastbury Manor House, Barking Abbey and grounds and particularly relevant to the Parsloes area, Valence House Museum. A Member level group has been established to develop the project and public consultation is ongoing. Soundings were taken from the Forum and a number of comments were made, particularly concerning changes to the character of the Museum, fishing in the moat, accessibility and parking.

Groundwork Hackney outlined their proposals for improvements to Martins Corner, made up of funding secured through grant support and the Community Forum's minor environmental improvement budget. So as to address issues raised during public consultation on the project, it has been linked up with other Borough initiatives such as the Alleygator Scheme, which provides gates to private alleyways to prevent fly-tipping and anti-social behaviour.

Under the public question and answer session Mr McNab, a local resident referred to the work he has been undertaking to establish a youth facility within the area to address, as he sees it, a gap in service provision. This followed the review of the Youth Service some years ago, and the subsequent closure of a number of youth clubs in the Borough.

The Forum welcomed the enthusiasm shown to develop new youth facilities and accordingly arrangements have been made for a meeting between Mr McNab and Council officers to consider potential options for suitable premises.

### **Eastbury, Mayesbrook and Longbridge**

Jeremy Grint, Head of Regeneration, provided an update on the Barking Town Centre Strategy in response to questions raised at a previous meeting. Alongside this a report was presented on the ideas around the Town Square redevelopment, which is now subject to a planning application.

The presentations generated considerable feedback, with there being negative responses to the suggestion to partly pedestrianise London Road to expand the market, concerns about bus routes if London Road is downgraded, clarification about the future use of the Broadway Theatre, which is the subject of a major renovation programme for a Performing Arts Centre; questions around the provision of local health services as opposed to a new hospital, and the amount of car parking spaces generally available within the Town Centre.

Sarah Williams, Groundwork Hackney, talked briefly about the role of Groundwork in developing community action plans for a number of the Community Forums. Part of Groundwork's co-ordinating role includes getting an understanding of local issues, engaging the wider community, developing the role of residents, as well as exploring solutions and funding opportunities for individual projects. A newsletter is being produced, which will include a questionnaire prioritising actions for the future within the local areas, broken down into a number of subject headings, namely Environment, Housing, Health, Safety, Education, Employment and Community. Community Forums will receive regular updates on progress with the action plans.

The Forum received updates on developments on the Erkenwald site, which has been earmarked for a Pupil Referral Unit, together with feedback from Roy Reeves, the Deputy Chair and Forum representative on the Barking and Dagenham Local Strategic Partnership.

Public questions and answers dealt with the then recent incident involving the partial collapse of the tunnelling for the Channel Tunnel Rail Link in Newham, works around Barking Station, a request for an update on the Bevan Avenue development for the next meeting, clarification about the future use of the University of East London site, the development of Eastbury School/ potential closure of Hulse Avenue, signage and clamping of vehicles on private roads, work on the Longbridge Road and bus lane changes, as well as the problem of vandalism on the Keir Hardie Estate.

### **River, Village and Goresbrook**

General updates were provided on the A1306 improvements and the Chequers Corner/South Dagenham redevelopment plans, as well as the outcome of the Goresbrook Ward visit undertaken with the Chief Executive.

At the request of the community the Forum agenda was targeted towards health related issues, with presentations from Sue Lees on the NHS LIFT project, Fiona Stokes representing the Project Director on the new Oldchurch hospital development and Annette Rauf - Domestic Violence Co-ordinator,



who provided information about domestic violence and the strategy for addressing the problem. Alongside this DC Phillip Kelly updated the Forum on the work of the Community Safety Unit, which was set up in 1999 and which, in addition to domestic violence, addresses crimes of racial hatred.

From January 2003 the Council has been given a new power to look into and report upon local health services on behalf of residents. A NHS Scrutiny Panel has therefore been set up to carry out the work and the Panel is now in the process of asking local people what the key issues are for them in helping to decide what areas to look at. Part of that work includes presentations at each of the Community Forums. The following areas were put forward for possible consideration by the Panel

- acute shortage of speech and language therapy services
- review of the manner in which training is undertaken for hospital nursing staff
- consideration of local GPs' ability to remove people from patient lists
- the manner in which GPs make repeat prescriptions

### **Wellgate**

In addition to the NHS LIFT project and NHS Scrutiny Panel presentations, the meeting received information about Neighbourhood Renewal and specifically the Neighbourhood Action Plan, which is developing a number of projects within the area; the first being the redevelopment of Tantony Green. At the request of the Forum information was presented about the newly established Community Housing Partnerships.

The public and question and answer session dealt with the usual mix of environment and street scene related issues, as well as addressing a concern about the proposals to close Marks Gate Community Hall to the over 50s.

In accordance with agreed practice at the Forum a schedule of outstanding items was submitted, which led to further debates regarding the traffic management system in Billet Road, the community's desire to see extended open hours of the Marks Gate Police Station, the use of the Sainsbury's car park at Chadwell Heath, CCTV provision in High Road, Chadwell Heath, the continued nuisance from the use of fireworks all year round, flooding problems in Ashton Gardens/High Road and footpath maintenance and parking issues generally.

### **3. Meetings of Chairs/Deputy Chairs of Community Forums and Other Forums**

- 3.1 A quarterly meeting of Chairs/Deputy Chairs of Community Forums last met in March 2003 which included invites to other Forums that operate in the Borough, namely Forum for the Elderly, the Access Group for the Disabled and the B.A.D. Youth Forum. The meeting received information on proposals to develop the Customer First initiative and specifically the forthcoming public consultation exercise, which will involve presentations at future Community Forums.
- 3.2 Bill Coomber explained that short films Celebrating Equalities and Diversity would be presented in the current round of Community Forums.

- 3.3 Darryl Telles, the Neighbourhood Renewal Co-ordinator for the Abbey area gave an update on the outcome of a Faith Community Reception held in February, seen as the first strand of a broader attempt to engage harder to reach groups. The next Reception will seek to encourage young parents to attend Community Forums, because few people with children are attending to date and are not using crèche facilities that are being provided.
- 3.4 One the purposes of the meeting is to consider issues of best practice across all six Forums and to that extent it has been agreed that following complaints from the community, in future there will be a maximum of three presentations on each Community Forum agenda, together with strict time slots for officers/other agencies to work to. It was also agreed that Chairs and Deputy Chairs should be fully briefed on proposed presentations and that, through Democratic Services, a “sifting” process be conducted to ensure that all presentations are relevant to Community Forums rather than “ticking boxes” for other people’s consultation purposes.

**Background papers used in the preparation of this report:**

Community Forum agendas and minutes

**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE STANDARDS COMMITTEE**

<b>REPORT OF MEETING ON 13 MARCH 2003</b>	<b>FOR DECISION</b>
<p><i>This regular report on the work of the Standards Committee is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p> <p><b><u>Summary</u></b></p> <p>The following main business was carried out by the Standards Committee at its last meeting on 13 March 2003.</p> <p><b>1. Members' Code of Conduct</b></p> <p>The Members' Code of Conduct is based on the national model and it has been in operation over the last year. No apparent difficulties have been raised. In reviewing the Code, the Committee therefore agreed to leave the Code unchanged.</p> <p><b>2. Member / Employee Relations Protocol - Revisions</b></p> <p>The Committee considered revisions to the Member / Employee Relations Protocol to take account of compliance with the Members' Code of Conduct, new Data Protection provisions and clearer information about dealing with complaints.</p> <p>Agreed to recommend the revised Protocol for adoption by the Assembly. (Appendix 1 - changes highlighted in text)</p> <p><b>3. Contractors and Monitoring of Behaviour</b></p> <p>The Committee received a report setting out proposed new arrangements for ensuring that officers monitor the behaviour of contractors. The Committee welcomed Trade Union involvement in the monitoring of standards, particularly on workforce issues.</p> <p>Agreed to decide whether any further input is required by the Committee once the matter has been considered by the Management Team.</p> <p><b>4. Draft Guide for Members – Use of Council Resources, Facilities and Equipment</b></p> <p>The Committee considered the first draft of a Guide for Members about the Use of Council Resources, Facilities and Equipment. This has since been circulated to all Members and relevant Officers for comments. A final draft will be considered at the next meeting.</p>	

## 5. Standard Matters

Received details of Member related issues dealt with by the Chief Executive and the Monitoring Officer.

Data Protection issues were involved in some cases and the Committee welcomed the guidance note that has now been circulated to Members.

### **Recommendation**

To agree the revised Member/Employee Relations Protocol.

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### **Background papers used in the preparation of this report:**

Minutes of the Standards Committee - 13 March 2003

**PROTOCOL RE: MEMBER AND EMPLOYEE RELATIONS**

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## INTRODUCTION

Barking and Dagenham has traditionally enjoyed excellent relations between Members and employees. Mutual respect and understanding between both is essential to good local government.

The purpose of this Protocol is to guide Members and employees of the Council in their working relations with one another. It brings together many of the practices and values which have previously contributed to a successful partnership but also acknowledges areas which have sometimes caused embarrassment or difficulty. The Protocol also reflects the cultural change which is occurring under the modernising arrangements and has regard to the increasing joint working between Members and employees, and with external partners. Equalities, natural justice and reasonableness are strong underlying intentions throughout.

The Protocol is intended to be clear and understandable by all. Importantly, it seeks to exclude any scope for misunderstanding which might lead to unreasonable behaviour or inappropriate action. The Protocol therefore offers some form of protection for both Members and employees.

The Protocol is underpinned by the separate Codes of Conduct which apply to Members and employees, and the general principles around Standards in Public Life, some aspects of which are particularly relevant to good Member/employee relations:-

*Selflessness*

*Members should never use their position as a Member to gain for themselves, their family or their friends any financial benefits, preferential treatment or other advantage, or to confer such benefits, treatment or advantage improperly on others.*

*Leadership*

*Members must respect the political impartiality and professional role of the authority's statutory and other employees, and always act in a way that preserves public confidence in the authority.*

The Protocol also operates under the general premise that both Members and employees are working towards the same goals and priorities. It has regard to the Council's wish to be open and honest in its dealings within and outside the Authority, to work corporately, and to do so in a manner which encourages a participative culture.

The Protocol has been endorsed by the Standards Committee, the Assembly, the majority and minority party groups individually, the Chief Executive and his Management Team, and the Trade Unions. It will be reviewed annually by the Standards Committee who will make recommendations to the Assembly as appropriate.

The Protocol came into effect in May 2001.

It applies to all elected Members of the Council, **and, where relevant, statutory co-opted members**, and **to** all employees of the Council, with the exception of those who are Schools based who have a separate code. It is also intended that the Protocol should apply to any consultants, contractors or agency personnel working on behalf of the Council and it is the responsibility of the employing manager to ensure that relevant sections of the document are brought to the attention of such workers at the beginning of their employment.

## **THE DISTINCTIVE ROLES OF MEMBERS AND EMPLOYEES**

It is important that both Members and employees respect their distinctive roles in order for relations to be clear and appropriate.

### **Members:**

Members are elected democratically. It is their policies, ideas and decisions which people vote for.

It is their role to:-

- Represent the local community and ensure that its best interests are considered during policy making
- Set the Council's strategic direction, the policy framework, corporate goals, overall priorities and targets
- Develop policy proposals with professional advice from employees
- Monitor the implementation and effect of their decisions
- Add a political dimension when appropriate

### **Employees:**

Employees are employed by the Council to undertake an organisational role. It is their job to:-

- Deliver services to the community according to the policies and requirements set by the Council
- Draft policy proposals which accord with the overall framework set by Members
- Give professional advice in the course of policy development
- Manage the organisation

Put simply, Members are responsible for determining policy and the Council's strategic direction; employees are responsible and accountable for implementing policy and delivering services.

Given these roles, employees are employed to work within and pursue Council policies and priorities unaffected by personal inclinations.

Employees are accountable to their Managers and ultimately their Chief Officer. They work to the instructions of their Manager, and not to individual Members of the Council - whatever office a Member might hold. Members should not interfere with matters that are properly the responsibility of employees.

(The Council's Scheme of Delegation explains in more detail where specific responsibilities lie).

## WHAT MEMBERS CAN EXPECT OF EMPLOYEES

Members can expect employees:-

- To do their job effectively and efficiently
- To strive to provide services which offer best value
- To behave in a manner which accords with the standards set by the Council
- To be helpful, respectful and courteous to Members
- To assist Members in carrying out their role as Members of the Council in connection with Council business (they cannot, however, assist with party political or campaigning activity, or with private business)
- To deal with Members' enquiries fairly and efficiently
- To be open and honest with Members. To tell the whole story, giving any bad news as well as the good.
- To work with all Members equally and fairly
- To act lawfully
- To give advice or recommendations based on reasoned options
- To ensure that Members have all the information necessary to make informed judgements
- To maintain confidentiality where it is proper for them to do so
- Not to canvass Members or otherwise seek to gain favour from them for personal or career advantage
- To have regard to social hours and generally to be sensible about contacting Members at potentially inconvenient times, unless in an emergency or otherwise agreed.



## WHAT EMPLOYEES CAN EXPECT OF MEMBERS

Employees can expect Members:-

- To accept that employees are accountable to their Manager
- Not to become involved in the day to day management of the Council
- To accept that employees act independently of political bias
- To fully consider advice and recommendations for the purpose of making informed judgements
- Not to ask employees to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job
- Not to exert influence or pressure, or request special treatment, because they are a Member
- Not to request unauthorised access to resources or information held by the Council
- To treat employees in a reasonable manner
- To be open and honest with employees
- To act lawfully
- To maintain confidentiality when appropriate to do so
- To respect that employees have private lives and not to contact them outside normal working hours, or at home, unless in an emergency, or if the employee is officially working from home, or otherwise agreed

## **POLITICAL NEUTRALITY AND IMPARTIALITY OF EMPLOYEES**

The National Code of Conduct for local government employees states:-

*"Employees serve the Authority as a whole. They must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected".*

Members should understand that employees will generally operate in a politically neutral capacity. By law, some posts are specifically designated as "politically restricted", meaning that they cannot be filled by employees who are linked to a political party or group, either through direct involvement or by, for example, canvassing on their behalf. These are mainly posts at a senior level within the organisation or where the postholders are regularly involved, as part of their work, in advising Members.

Members should not discuss party politics with employees nor must they assume that there is an allegiance to a particular party. Members should not place employees in an embarrassing situation where, for example, they feel they have to agree with a particular political line, whether this be nationally or locally based, although employees must follow the overall objectives of the Council and must not work against them.

Within the framework of a formal meeting, however, it is natural that Members will make political statements. Employees should have a general awareness of the Council's political direction and acknowledge that at a strategic level this is bound to have an influence. But, it is not for employees to challenge such direction and they will co-operate with it - unless it is illegal.

It is not improper that employees may sometimes wish to seek political guidance in framing policy proposals. However, when they write reports or give advice they have a duty to give professional advice and to make Members aware of all the options available.

*The section which follows deals specifically with Party Group meetings.*

## PARTY GROUP MEETINGS

It is common practice for party groups to give preliminary, informal consideration to Council business in advance of the formal decision making process. Whilst it is not normal practice, employees may be asked to attend party group meetings to brief Members in a professional capacity. However, this is seen as happening rarely, not regularly. Such attendance will be on the understanding that other party groups will be similarly served should they so request. The political neutrality of any employee attending a group meeting must be respected.

Employees will respect the confidentiality of any party group discussions at which they are present and, in particular, not relay any such discussion to another group.

All requests for an employee to attend a party group meeting should be made through the Chief Executive (or, in their absence, another member of the Management Team, i.e. a Director) who will judge which employee is the most appropriate to attend. This avoids any danger of an individual employee being identified with the party concerned. The employee will be at senior ( usually Director or Senior Manager) level.

Employees may also be asked to give support in other ways such as briefing Chairs or spokespersons prior to a formal meeting. Again, whilst in practice such support is likely to be in most demand from whichever party group is in control of the Council, such support is available to all groups.

In all these instances it is important that Members and employees understand the following:-

- (a) employee support cannot extend beyond providing information and advice in relation to Council business - employees cannot be involved in party business. Where possible, this rule can be assisted if employees are not present when party business is being discussed - thought should be given to the way in which the business for the meeting in question is structured
- (b) party group meetings cannot make Council decisions and any conclusions reached cannot be interpreted as such or acted upon
- (c) where employees provide information and advice to a political group this cannot act as a substitute for providing all necessary detail to a formal meeting

Special care is needed where employees are involved in providing information or advice to a party group which includes non-Members of the Council. Such people are not bound by the national (local) Code of Conduct (in particular the provisions concerning declaration of interests and confidentiality). Employees may not, therefore, be able to provide confidential detail as they would to a Members only meeting.

Any cases of particular difficulty or uncertainty in relation to employee advice to party groups should be raised with the Chief Executive.

## GENERAL CONTACTS WITH EMPLOYEES

Members are free to approach any Council department for any information, explanation or advice that they need to assist them in carrying out their role as a Member.

Contact between Members and employees will normally be at a senior level or with employees whose role is naturally associated with Members. Generally, enquiries should be made to the appropriate service manager or to a designated liaison employee within the department. (Other employees might feel awkward, unsure, or unduly pressurised to comply with Members' requests.) This does not, however, mean that Members should have no contact at all with employees at all levels; indeed, general communication and interaction should not be discouraged.

Generally, Members should contact the Director or Head of Service if the matter is very serious or sensitive, or if they are experiencing difficulties in getting a response from the service manager.

Members also have the support facility offered by Members' Services within the Chief Executive's Department. Enquiries can be made on a Member's behalf by the staff in this central unit.

Care must be taken to ensure that a complaint, as opposed to an enquiry, on behalf of a constituent is put through the official complaints procedure.

Details of an appropriate contact employee is given in all written communications with Members.

Members should not put pressure on any employee in relation to matters which have been delegated to employees. This might lead employees to make decisions that:

- are not objective and cannot be accounted for, and/or
- favour, unfairly, one member or group of the public over another

Equally, Members should avoid bringing any influence to bear on an employee to take any action which is:

- against normal procedures or Council policy
- a breach of the Code of Conduct for employees
- in conflict with the Council's Constitution
- unlawful

Employees have a duty to report to their Director any attempt to exert improper influence. The Chief Executive will also personally wish to be made aware of any such instances and investigate as necessary.

Members must avoid becoming involved in any employee related matters as this could jeopardise official consultation, grievance, disciplinary and appeal procedures.

See also the section on Documents and Information - Accessibility and Confidentiality.

## **ROLES ON OUTSIDE ORGANISATIONS AND GROUPS**

It is natural that some Members and employees will be members - in their own right - of organisations or groups (political, voluntary or otherwise), within the community. Some Members and employees may work for such bodies.

It is essential that Members and employees do not use their Council position to obtain preferential treatment for the organisation or group concerned in a way that a non-Member or non-employee could not. To do so would be totally improper. In particular it would make it very awkward for staff who might find it difficult to suggest that a Member should use the proper channels when they are clearly not carrying out constituency work.

If a Member or employee has a role on an outside organisation or group, whether it be in a personal capacity or as a result of a position held on the Council, it is important to be aware that this could create a conflict of interest. A Member can act in the interest of the external body but must recognise the need not to take part in any Council decisions that affect the organisation or group - whether they be nominated by the Council or not - or to take part in any work associated with the organisation or group which could place them in a situation whereby they might be asked to make a judgement on a Council action.

Members and employees should remove themselves from any potential conflict of interest. Where there is doubt, it is always wise to err on the side of caution.

## **FAMILIARITY, FRIENDSHIPS AND RELATIONSHIPS**

Close personal familiarity, in the office or at meetings, between individual Members and employees should be avoided ~~as far as possible~~ as this can damage working relationships and prove embarrassing to colleagues on both sides. In particular, it could bring into question an employee's ability to deal impartially with other Members, and vice-versa.

However, it is recognised that personal, family or business relationships or friendships will exist between some Members and employees. These should be made known by a Member to the Leader of the party group (or another Member of the group if so designated as the contact point), and by an employee to their Director - for their information. The Director will inform the Chief Executive and the Head of Organisational Development.

Persons engaged in such friendships or relationships should take special care not to seek, or be seen, to influence their positions through their respective friend or partner. Name dropping to seek advantage is totally unacceptable. People should also go out of their way to ensure that colleagues are not placed in an awkward or embarrassing situation as a result of a friendship or relationship.

A Member involved in a relationship or otherwise associated with an employee should declare an interest if, on any occasion, they are involved in decision-making directly related to the employee concerned, or the service in which they work. Where appropriate, they should seek to avoid being a member of a related meeting.

Certain informal gestures in a formal work setting may be innocently made but could be perceived by the recipient to be unwelcome or embarrassing. Such gestures should always be avoided.

## **EMPLOYEES AND THEIR PERSONAL LIFE**

Many employees live in the Borough and may wish to attend local events or public meetings in a personal capacity - for example, a Ward Surgery or a Community Forum. Members should respect this and not seek to "use" the individual concerned as an employee at such times.

Where necessary, for example, in a Ward Surgery, anything discussed by an employee (in confidence or otherwise) as a resident should be so respected by the Member and not discussed in the workplace.

At public meetings and the like, an employee, as a resident, may wish to voice concerns about certain services or facilities in the area, or to ask questions or make suggestions. This is natural and acceptable to a certain degree. However, that person should not maliciously undermine the Council by adverse or negative comments. At all times, employees must observe the standards set out in the national Code of Conduct.

The area in which an employee lives should have no bearing on their employment and Members should not, at any time, show favour to those who live in the Borough or those who originated from the area.

## **MEMBERS AND THEIR USE OF COUNCIL SERVICES AS A RESIDENT OF THE BOROUGH**

There will be many times when Members use Council services as a resident - sometimes the service may be of a sensitive, confidential or personal nature (e.g. a social service, financial benefits etc.) and there may be some awkwardness or embarrassment on either side.

In all instances, the employee providing the service will maintain full confidentiality where this is appropriate and will treat the Member concerned in the same way as any other customer. The Member will not seek or expect any preferential treatment.



## **TRADE UNIONS**

The Council has traditionally welcomed and recognised trade union membership and the important role that trade union involvement and participation offers. Relations are generally very good.

The Employee Joint Consultative Committee provides a forum for effective communication and consultation between all employees and the Council. This meeting is represented on the Council side by Members and on the employee side by trade union officials. It provides an opportunity to promote and foster good employee relations, and prevent or remove any friction or misunderstanding.

Trade union representatives may sometimes express views on behalf of their union which may be critical of the Council as an employer. This is acceptable in this context and a normal part of trade union negotiations or discussions. The fact that a representative may speak out in this way on behalf of colleagues should not be held against that person in their personal employment.

## **CONDUCT AT MEETINGS AND EVENTS**

Members and employees should observe the degree of formality in behaviour that is appropriate to the event.

A formal approach should generally be applied in open meetings although the use of first name terms is acceptable if there is a consensus. The important issue is that the audience should be able to identify who is speaking or being addressed.

Such formality between Members and employees is not usually necessary at social events. However, any event attended as a result of the Member or employee's role with the Council should have regard to the fact that close personal familiarity might embarrass others or damage external relationships, and therefore should be avoided. Where there is doubt, a more formal approach is potentially less damaging than a casual one.

# DOCUMENTS AND INFORMATION - ACCESSIBILITY AND CONFIDENTIALITY

## General

Members are free to approach any Council Department to provide them with such information, explanation or advice (about that Department's functions) as they may reasonably need to assist them in carrying out their role as a Member of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant service manager or departmental contact point. **Employees have a duty to assist Members with their requests subject to any statutory limitations referred to in this document. Where an employee is unable to assist they should provide a full explanation.**

Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a committee meeting. This right applies irrespective of whether the Member is a member of the committee concerned. This right does not, however, apply to any matters which are subject to restricted circulation and Members should not pressure an employee to provide such reports or tell them what they are about. Such reports will, however, be minimal. In the main, these reports will contain personal information about named employees (further detail is provided in the Appendix).

The common law right of Members is much broader and is based on the principle that any Member has a right to inspect Council documents provided they can justify that the information is reasonably necessary to enable the Member to perform their duties as a councillor. This is commonly referred to as the "need to know" principle. It can sometimes be unclear.

The exercise of this right depends, therefore, on the Member's ability to demonstrate that they have the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. However, on the other hand, subject to any Data Protection issues, Members would have a right to trawl files and documents should they feel this would be beneficial to any scrutiny investigation.

A service manager may make the judgement but if they are in any doubt they will seek advice from their Director or Head of Service. In the event of dispute, the Chief Executive will determine the matter. The judgement about documents required for scrutiny purposes is the responsibility of the Head of Democratic Support.

In some circumstances (e.g. a committee Member wishing to inspect documents relating to the functions of that committee), a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know", and therefore has no right to inspect a document which forms part of the internal workings of another party group.

Any Council information provided to a Member must only be used for the purpose for which it was provided i.e. in connection with the proper performance of their duties as a Member of the Council. ~~This point is emphasised in the National Code of Local Government Conduct in the following terms:-~~

~~"26—As a councillor or a committee or sub-committee member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else."~~

Under Data Protection legislation Members are not entitled to receive personal information regarding an individual, e.g. a constituent, unless the employee is authorised by the person or family concerned to do so. It is not enough for a Member to say that the individual has given such authority; it either needs to be presented in writing and signed by the individual, or the employee holding the information will seek authority directly from the individual.

**Data Protection Regulations also set out the circumstances in which sensitive personal data can be provided to Members. Sensitive data is that which includes information relating to a person's:**

- racial or ethnic origin
- political opinions
- religious or other similar beliefs
- trade union membership
- physical or mental health or condition
- sexual life
- offences (including alleged offences)
- criminal proceedings (including outcomes and sentences)

The Regulations are quite complex and there are numerous conditions that apply in different circumstances. Members only need to be aware of the existence of the regulations and understand that any requests for access to such sensitive data must be dealt with on a case by case basis. Detailed advice can be obtained from Legal Services.

Where sensitive data can be provided to Members there may be reasons why that data cannot be passed on by the Member to the individual who the information relates to. Briefly, this relates to situations where the individual may harm themselves or others as a result of having access to the information. Similarly it is necessary to safeguard the employees and other professionals dealing with the individual.

Any request for information which falls within the description of sensitive personal data, can only be made to the Chief Executive as the Chief Executive is the person designated by the Council as having responsibility for ensuring that the Council complies with its obligations under the Data Protection legislation.

All requests must be in writing and signed by the Member and, where possible, the individual concerned. A form has been devised for this purpose. To enable the process to function speedily and efficiently, the Chief Executive can ask the relevant Director or Head of Service to assist in any dealing with requests for sensitive personal data, but the initial request must be to the Chief Executive.

**On receiving any sensitive personal data a Member continues to be subject to the same degree of confidentiality and restriction of disclosure as the Council and its employees. This means that the information must only be used for the purpose for which it was provided. It can only be shared with individuals who are covered by the same confidentiality agreement or who the Chief Executive (or Director/Head of Service) has agreed can have access to the information.**

Where any document, copy correspondence or information is so marked or said to be confidential, Members and employees must strictly observe this. This also applies to any information which is generally recognised as being of a confidential nature. It is always best to err on the side of caution or seek advice if necessary.

A Member must not prevent another person from gaining access to information to which that person is entitled to by law.

### **Summary of Members' Right of Access**

<b>Situation</b>	<b>Right of Access</b>
<b>Open agenda reports and supporting documentation</b>	<b>Full and unrestricted access to all Members</b>
<b>Member of a Committee with a restricted access report</b>	<b>Full and unrestricted access to Member of committee only</b>
<b>Member but not of a Committee with a restricted access report</b>	<p><b>Access depends upon Members demonstrating:</b></p> <ul style="list-style-type: none"> <li>• "Need to Know"</li> <li>• Scrutiny role</li> <li>• Consent of individual</li> <li>• Exception identified in this guidance</li> </ul>
<b>Member wishes to see employee details</b>	<b>Disclosure if within exceptions of "Employee Related Information" otherwise no disclosure</b>
<b>Member without written authorisation to inspect/receive sensitive personal information</b>	<b>Seek initial advice from Legal Services before making a formal request to the Chief Executive. Each case will depend on the circumstances</b>
<b>Member with written authorisation to inspect/receive sensitive personal information</b>	<b>Member will need to show written authorisation to inspect/receive sensitive personal information</b>
<b>The Full Electoral Register</b>	<b>Information relating to the Member's Ward only</b>

### **Employee Related Information**

Information about individual employees will, generally, not be released. This is because, as an employer, the Council is obliged to respect confidentiality. There are Data Protection and Human Rights issues.

There will, however, be some circumstances when the general principles will be set aside. These are:-

- (1) where an employee's action or inaction has led to potential or actual harm to the community, or presents a serious risk to the community;
- (2) where the employee's action or inaction has caused serious financial loss to the Council or the community;
- (3) where the employee's action or inaction has caused damage to the Council's reputation;
- (4) where the actions or inaction of the employee has caused, or is likely to cause, an issue relating to public confidence in the Council's services;
- (5) where the action or inaction of the employee has caused or is likely to cause an issue relating to statutory or government bodies' confidence in the Council's services;
- (6) where the employee's action or inaction needs to be informed to Members for them to make decisions in relation to Council business;
- (7) where a Director, in consultation with the Chief Executive and Head of Organisational Development and Employee Relations, reaches the view that the matter is of such gravity that Members should be informed and, if need be, consulted as to action that needs to be taken;
- (8) where it will be necessary for Members to authorise action, including legal action, directed either at the employee concerned or that business to which the employee's action or inaction relates.

In any of these instances, details will be passed to the following Members only on a strictly confidential basis:-

The Leader and Deputy Leader of the Council  
The Chair of the Assembly  
The Leaders of Minority Groups

Only with the Chief Executive's authority, in consultation with those Members, will the information be released to other Members.

(A specific protocol on dealing with human resource issues at meetings is attached as an appendix to this document).

### **Requests by Other Elected Representatives**

For clarity, this section of the Protocol also deals with other elected political representatives including Members of the UK Parliament (MP's), the European Parliament (MEP's) and the Greater London Authority (MGLA's).

Other elected representatives' right of access to Council Agenda Reports is no greater than a member of the public. They therefore have a right to access all open agenda material. They do not have a right to access any material, which is exempt from publication under Schedule 12A of the Local Government Act 1972. They do not have any right to access to details about employees.

The right of other elected representatives to sensitive personal data will depend upon the context that a request is made and, as with Members, advice should be sought from Legal Services.

#### Summary of Other Elected Representatives Right of Access

<b>Situation</b>	<b>Right of Access</b>
<b>Open Council agenda reports and supporting documentation</b>	<b>Full and unrestricted access</b>
<b>A restricted access Committee report</b>	<b>No access</b>
<b>Employee details</b>	<b>No access</b>
<b>Without written authorisation to inspect /receive sensitive personal information</b>	<b>Seek initial advice from Legal Services before making a formal request to the Chief Executive. Each case will depend on the circumstances</b>
<b>With written authorisation to inspect/receive sensitive personal information</b>	<b>Will need to show written authorisation to inspect/receive sensitive personal information</b>
<b>The Full Electoral Register</b>	<b>MPs: Information relating to the MP's Constituency MEP'S and MGLA: Information relating to both constituencies</b>
<b>The Edited Register</b>	<b>Information across both constituencies</b>

## **CORRESPONDENCE**

Correspondence between an individual Member and an employee will not normally be copied (by the employee) to another Member. Where the employee feels that this is appropriate, it will be made clear to the original Member. Clearly this will not apply to any correspondence which is marked 'Confidential' unless there are justified reasons which will be discussed with the originating Member.

When writing to a Member, or group of Members, the correspondence will clearly indicate the names of any others who have been sent the same correspondence, including any who have been copied in for their information.

This is in the spirit of openness and to avoid any surprises or later allegations around "silent copies".



## COMPLAINTS AND CRITICISM

Sadly, but inevitable in such a large organisation, there will be occasions (hopefully rare) when a Member or employee may wish to make a complaint against the other, or criticise actions. It is important that procedures are in place to deal with any cases.

### Complaints by Members

A complaint by a Member about an employee should be made to the Director of the service in question. If, however, a Member feels that the matter is one which could be determined by the relevant service manager or Head of Service, the complaint may be referred directly to that person with a copy to the relevant Director.

Complaints should be in writing, marked "private and confidential". A copy should always also be sent to the Chief Executive and the Head of Organisational Development and Employee Relations (HODER).

A complaint by a Member against a Director should be made **in writing marked "private and confidential"** to the Chief Executive.

A complaint by a Member against the Chief Executive should be made **in writing marked "private and confidential"** to the Leader of the Council.

**A complaint by a Member about a former employee should be made to the previous Director (copy to the Chief Executive and the HODER) who will decide on the best way of dealing with the matter depending on the circumstances. Where felt necessary this will be in consultation with the Chief Executive, HODER, and/or Monitoring Officer as appropriate.**

**Any complaint can only be about a matter which the complainant knew about within the last 12 months.**

Members have a right to know if action has been taken to correct a matter, but they must not either

- (i) insist, or be seen to insist, that an employee is disciplined or
- (ii) influence the level of any disciplinary action which might be taken against an employee

In all cases, Members and employees have an obligation to maintain confidentiality throughout.

At the earliest opportunity and no later than within ten working days, the recipient of the complaint will acknowledge receipt and give an indication of what action they intend to take and roughly how long they need to investigate the matter.

Members have a right to be told the outcome of any disciplinary case, but no entitlement to detailed information about the hearing or its conduct.

In any instance, if a Member is not satisfied that action has been taken to set matters straight, they may refer the matter directly to the Chief Executive for independent assessment.

Members must not sit on any meeting of the Personnel Board dealing with a case which they have been involved with.

Members have the right to generally question, indeed criticise, reports or the actions of employees, but they should always:-

- avoid personal attacks on employees
- ensure that any criticism is constructive and well founded

Members should avoid undermining employees at meetings, or in any public forum. This would be damaging, both to effective working relationships and to the public image of the Council.

Where a Member has had reason to question, criticise or complain about the actions of a particular employee, once the issue has been dealt with through appropriate mechanisms, irrespective of the outcome, professional behaviour is expected from both parties - there must be no grudge to bear on either side. To do so openly or behind the scenes will only fuel continued unrest and is not in the Council's interests. Any such difficulties will be referred by the employee to their Director or by the Member to their respective party group leader.

The Head of Organisational Development and Employee Relations is overall responsible for monitoring complaints by Members about employees.

### **Complaints by Employees**

**Any complaints which allege that a Member has breached the Members' Code of Conduct must be referred directly to the Standards Board for England (with a copy to the Council's Monitoring Officer), or passed to the Monitoring Officer for onward transmission to the National Board.**

**Any other complaints about Members will be dealt with as follows:**

A formal complaint by an employee about a Member should be made to the employee's service manager who will deal with the matter directly, if appropriate, or refer the matter to their Head of Service or Director. In all instances a copy of the complaint will be given to the Director. The Director, Head of Service or service manager, will investigate the matter and advise the Leader of the party group of the complaint.

Complaints should be in writing, marked "private and confidential". A copy should always also be sent to the Chief Executive and the **Council's Monitoring Officer** ~~Borough Officer for Democratic Support and Legal Services [BODSLS]~~.

A complaint against a party group Leader will be referred to the Leader of the Council.

A complaint against the Leader of the Council should be made in writing to the Chief Executive **with a copy to the Council's Monitoring Officer**.

**A complaint by an employee about a former Member should be made in writing to the employee's service manager who will deal with it personally as they see fit, or refer it to their Director or Head of Service for consideration.**

**Any complaint can only be about a matter which the complainant knew about within the last 12 months.**

~~Where considered appropriate by the BODSLS in his/her capacity as the Council's Monitoring Officer, a complaint will be referred to the Standards Board for England. This will apply in any instances where there is an alleged breach of the Members' Code of Conduct.~~

As soon as possible but within no later than ten working days, the recipient of the complaint will acknowledge receipt and give an indication of how the matter will be dealt with and roughly how long it might take.

Again, confidentiality should be maintained.

The ~~Council's Monitoring Officer~~ Council's Monitoring Officer BODSLS is overall responsible for monitoring complaints received from employees about Members.

### Complaints by Members about Members

A complaint by a Member about another Member should be made in writing to the Chief Executive who will determine how best to deal with it, in consultation with the Council's Monitoring Officer as necessary.

If, however, the matter is a party issue, it should be dealt with through party mechanisms with no officer involvement.

If the complaint alleges a breach of the Members' Code of Conduct it should be referred to the Standards Board for England, or the Council's Monitoring Officer for passing on, as referred to above.

### Complaints by Employees about Employees

A complaint by an employee about another employee - in most circumstances it will be appropriate to use the relevant procedure (such as the grievance, harassment and bullying procedure). If the complainant can show that none of these are appropriate they should refer the matter to their line manager or their departmental Human Resource team.

## **BREACHES OF THE PROTOCOL**

Relevant Sections offer advice as to how to deal with any difficulties around or breaches of this Protocol. It is hoped that these routes will successfully and quickly resolve any issues.

In all other cases, a breach of the Protocol by a Member may be reported to the Council's Monitoring Officer (MO) (Room 160, Town Hall, Barking) who will decide whether or not to deal with the matter directly, or whether the matter needs to be referred to the Standards Board for England, or another more formal avenue.

The MO will acknowledge receipt of the complaint within five working days and give an indication of how it is proposed to deal with it.

Where the matter is dealt with at MO level, there is a right of appeal against the outcome within ten working days after the complaint has been dealt with, to the Standards Committee.

In instances of a breach of the Protocol by an employee, the matter will be dealt with through the Council's disciplinary or other relevant employee related procedures.

## **REVIEW AND REVISION**

This Protocol will be reviewed annually by the Standards Committee who will make any recommendations for revision to the Assembly.

The Protocol is part of the Council's Constitution and the Assembly is responsible for its adoption and any revisions necessary.

**Any typographical or minor revisions can be agreed by the Head of Democratic Support.**

Standards Committee March 03/      *(Contact Officer : Nina Clark : Tel. 020-8227 2114)*  
Assembly April 03

## **APPENDIX TO MEMBER/EMPLOYEE RELATIONS PROTOCOL**

### **DEALING WITH HUMAN RESOURCE ISSUES AT THE EXECUTIVE/SCRUTINY MANAGEMENT BOARD/ PERSONNEL BOARD/ASSEMBLY COUNCIL MEETINGS**

#### **Introduction**

When Members consider items about the people we employ, in their capacity as the employer, ~~they the Authority~~ must be mindful of a number of matters:

- Employees have rights, on an individual basis, to be treated fairly. (This includes expecting the employer to maintain confidentiality about an individual's personal and employment details)
- Information relating to employees is often confidential in nature and should not be available widely throughout the organisation (at Member or employee level). Only those who need to know should know
- Members, as the employer, should have the opportunity to consider, debate and decide upon issues without managers/employees being present
- A variety of decisions on Human Resource (HR) matters, including the fair treatment of people by their employer, are subject to external scrutiny.

For these reasons:

- Written information to Members on HR management and/or personal HR matters, which address employee's issues in respect of an individual, should be restricted to relevant Members and appropriate employees. This information should not be included as part of the usual circulation for a report.
- The meeting considering these matters should be conducted in private and those people who should not be in attendance should be asked to leave the meeting.

#### **Guidelines:**

**The following persons should have access to all private and confidential reports about Human Resources matters which relate to individual employees (no other persons should have such access unless otherwise determined by the Chief Executive and/or the Head of Organisational Development and Employee Relations (HODER).**

**All Members of the Council**

**The Chief Executive**

**The Head of Organisational Development and Employee Relations**

## **The Monitoring Officer**

**All members of The Management Team, unless otherwise determined by the Chief Executive and/or the HODER.**

**Any other officers authorised by the Chief Executive and/or the HODER (usually, these include the Head of Corporate Communications, the relevant Democratic Services Officer and specified Human Resources Officers).**

**Independent members of the Standards Committee (SC) for SC purposes only.**

~~The Chief Executive (CE) and the HOD will have access to all reports and all meetings of Members about Human Resource matters.~~

~~The HOD may delegate some matters to the relevant HR Manager (Central or Departmental) and/or Legal Officer (internal or external), who will have access to appropriate reports and meetings.~~

**The following persons should be able to attend Council meetings about private and confidential Human Resources matters (no other persons should have such access unless otherwise determined by the Chief Executive and/or the HODER**

**Members of the meeting considering the matter.**

**Other Members of the Council - only if they can demonstrate a "need to know" as specified elsewhere in this guidance.**

**The Chief Executive.**

**The Head of Organisational Development and Employee Relations.**

**The Monitoring Officer.**

**All members of The Management Team, unless otherwise determined by the Chief Executive and/or the HODER.**

**Any other officers authorised by the Chief Executive and/or the HODER (usually, these include the Head of Corporate Communications and the relevant Democratic Services Officer).**

**Independent members of the Standards Committee (SC) for SC purposes only.**

~~Where the Monitoring Officer is involved, they will have access to appropriate reports and meetings.~~

**The following additional guidelines also apply:**

Where there are any financial implications to be considered by the Council or financial issues to be considered arising from a Monitoring Officer investigation, the **Chief Financial Officer** ~~Director of Finance~~ will have access to appropriate reports and meetings **in any event.**

There may be meetings where it is appropriate to invite representatives of the Trades Unions. **In such cases, arrangements will be made by the Head of Organisational Development and Employee Relations and the relevant Democratic Services Officer.** ~~and cognisance must be given to this. The designated Democratic Services Officer should ensure that they know when this is appropriate. Again, if there is any doubt, the HOD should be consulted.~~

~~Private and Confidential items – (General)~~

- ~~• All Directors may receive the agenda.~~
- ~~• All may remain in attendance at the meeting should they choose to do so.~~
- ~~• Any other employee, where relevant, by invitation from the CE, relevant Director, and/or HOD may be supplied with the relevant report and be invited to attend in a support capacity – e.g. Head of Service/Service Manager/HR Manager or delegate.~~
- ~~• Co-opted members, members of the public and staff (other than those outlined above) should not be provided with the report and should be asked to leave the meeting at the appropriate point.~~
- ~~• Independent members of the Standards Committee (SC) may receive the report for SC purposes and remain in attendance.~~

~~Private and Confidential items in relation to Senior Management issues – (General – not including local terms and conditions and pay)~~

- ~~• All Directors may receive the agenda.~~
- ~~• All may remain in attendance at the meeting should they choose to do so.~~
- ~~• Any other employee, where relevant, by invitation from the CE and/or HOD only, may be supplied with the relevant report and be invited to attend in a support capacity – e.g. Head of Service/HR Manager.~~
- ~~• Co-opted members, members of the public or employees (other than those outlined above) should not be provided with the report and should be asked to leave the meeting at the appropriate point.~~
- ~~• Independent members of the Standards Committee (SC) may receive the report for SC purposes and remain in attendance.~~

~~Private and Confidential items in relation to Senior Management issues (Specific and/or General re local terms and conditions and pay)~~

~~Where an issue relates specifically to the employment of a Manager in the JNC range, (therefore is a personal, individual employment issue which is confidential)–~~

~~The CE and/or HOD will establish whether any Directors receive the agenda and are invited to remain in attendance at the meeting.~~



- ~~Any other employee, where relevant, by invitation from the CE and/or HOD only, may be supplied with the relevant report and be invited to attend in a support capacity – e.g. Head of Service/HR Manager.~~
- ~~Co-opted members, members of the public and employee (other than those outlined above) should not be provided with the report and should be asked to leave the meeting at the appropriate point~~
- ~~Independent members of the Standards Committee (SC) may receive the report for SC matters and remain in attendance.~~

~~Where an issue relates to general local terms and conditions of service and pay matters in the JNC range, Members, as the employer, should retain the right to debate and consider the issue, in private, before making their decision. Therefore –~~

- ~~The CE and/or HOD will establish whether any Directors receive the agenda and are invited to remain in attendance at the meeting.~~
- ~~Any other employee, where relevant, by invitation from the CE and/or HOD only, may be supplied with the relevant report and be invited to attend in a support capacity e.g. Head of Service/HR Manager.~~
- ~~Co-opted members, members of the public and employees (other than those outlined above) should not be provided with the report and should be asked to leave the meeting at the appropriate point.~~
- ~~Independent members of the Standards Committee (SC) may receive the report for SC purposes and remain in attendance.~~

#### Private and Confidential items in relation to any employee (Specific)

~~Where an issue relates specifically to the employment of any employee, (therefore is a personal, individual employment issue which is confidential) –~~

- ~~The CE and/or HOD will establish whether any Directors receive the agenda and are invited to remain in attendance at the meeting. Usually, the Director from the relevant department will be provided with the report.~~
- ~~Any other employee, where relevant, by invitation from the CE and/or HOD or the Director of the relevant department only, may be supplied with the relevant report and be invited to attend in a support capacity – e.g. Head of Service/Service Manager/HR Manager or delegate.~~
- ~~Co-opted members, members of the public and employees (other than those outlined above) should not be provided with the report and should be asked to leave the meeting at the appropriate point.~~
- ~~Independent members of the Standards Committee (SC) may receive the report for SC purposes and remain in attendance.~~

*(Contact Officer: Head of Organisational Development and Employee Relations Tel. 020-8227 2130)*

Standards Committee March 03/Assembly April 03



**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE DEVELOPMENT CONTROL BOARD**

<b>REPORT OF MEETING OF 4 MARCH 2003</b>		<b>FOR INFORMATION</b>
<p><i>This regular report on the work of the Development Control Board is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p> <p><b><u>Summary</u></b></p> <p>This report summarises the matters dealt with by the Development Control Board at its meeting on 4 March 2003.</p> <ol style="list-style-type: none"> <li>1. A total of fourteen planning applications were presented involving new planning.</li> <li>2. From these applications, ten were decided in accordance with the officers' recommendation; and four deferred for site visits.</li> <li>3. A further two applications relating to the same site which are now the subject of a planning appeal for non-determination, were considered and refused in accordance with officer recommendation, to be taken into account during the appeal.</li> <li>4. The Board noted that two Town Planning Appeals had been lodged and another four had been determined, one allowed and three dismissed.</li> <li>4. Details of applications determined by the Director of Leisure and Environmental Services under delegated authority were presented covering the period 15 January to 7 February 2003.</li> </ol>		
<p>Contacts: John Dawe</p>	<p>Democratic and Electoral Services</p>	<p>Tel: 020-8227 2135 Fax: 020-8227 2171 Minicom: 020-8227 2685 e-mail: john.dawe@lbbd.gov.uk</p>
<p>Councillor Mrs Bruce</p>	<p>Chair of Development Control Board</p>	<p>Tel: 020 8227 2116 e-mail: jean.bruce@lbbd.gov.uk</p>

**Background papers used in the preparation of this report:**

Minutes of the Development Control Board meeting held on 4 March 2003

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**THE ASSEMBLY**

**9 APRIL 2003**

**REPORT OF THE PERSONNEL BOARD**

<b>REPORT OF RECENT MEETINGS</b>		<b>FOR INFORMATION</b>
<p><i>This regular report of the work of the Personnel Board is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p> <p><b><u>Summary</u></b></p> <p>This report summarises the work of the Personnel Board from 24 February - 5 March 2003.</p> <p>The Board has considered the following (further details are set out in the report):</p> <ul style="list-style-type: none"> <li>• redundancies - Social Services and Housing and Health Departments</li> <li>• payment of death grant - Chief Executive's Department</li> </ul>		
<p>Contact: Kal Benning</p>	<p>Team Manager Democratic and Electoral Services</p>	<p>Tel: 020 8227 2348 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: <a href="mailto:kalbinder.benning@lbbd.gov.uk">kalbinder.benning@lbbd.gov.uk</a></p>

The Board has met and addressed matters as follows:

**1. 24 February 2003**

The Board reconvened to consider the following:

- feedback from the Management Team (TMT) regarding (a) the corporate approach around redundancy/redeployment and (b) the delay in submission of reports to the Personnel Board and the potential financial implications of this: and
- the latest status of employees concerned in the Social Services Department, including those who have volunteered for redundancy and the financial implications.

The Board welcomed that The Management Team is keen to explore all internal and external redeployment, retraining/re-skilling avenues in redundancy cases and will consider arrangements to ensure that there is a clear corporate work plan for redeployment/redundancy matters, including the financial implications.

Whilst the Board agreed in principle to the redundancy of employees as detailed in the report included in the agenda, it requested further information so that Board Members are fully informed of the situation.

The Board expressed concern regarding the delay in submission of reports to the Personnel Board, particularly as the notice period had already commenced for the employees concerned in the Social Services Department. It was agreed that future reports in relation to redundancies be brought to the Personnel Board with a clear 8 week prior to the actual redundancy notice period.

**2. 25 February 2003**

Agreed payment of a death grant for an officer in the Chief Executive's Department.

**3. 5 March 2003**

Agreed the following redundancies in the Housing and Health Department:

- (i) Income Stream Manager, Repairs Service
- (ii) Section Supervisor, Direct Labour Organisation Division

**Background papers used in the preparation of this report:**

Minutes of the Personnel Board 24 and 25 February and 5 March 2003

**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE REGULATORY AND GENERAL MATTERS BOARD**

<b>REPORT OF MEETING OF 25 FEBRUARY 2003</b>		<b>FOR INFORMATION</b>
<p><i>This regular report on the work of the Regulatory and General Management Board is submitted under Article 2, Paragraph 9.2 of the Constitution.</i></p> <p><b><u>Summary</u></b></p> <p>This report summarises the work of the Regulatory and General Matters Board at its meeting on 25 February 2003.</p> <p>The Board considered an appeal following an officer's decision to reject a request for a succession of tenancy based on legislation.</p> <p>In view of the personal circumstances surrounding this particular case, the Board agreed to uphold the appeal and authorised the Director of Housing and Health to grant a new tenancy to the appellants.</p>		
<p>Contacts: John Dawe</p>	<p>Democratic and Electoral Services Manager</p>	<p>Tel: 020 8227 2135 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: john.dawe@lbbd.gov.uk</p>
<p>Councillor Mrs West</p>	<p>Chair of Regulatory and General Matters Board</p>	<p>Tel: 020 8592 5071 E-mail: margaret.west@lbbd.gov.uk</p>

**Background papers used in the preparation of this report:**

Minutes of the Regulatory and General Matters Board meeting held on 25 February 2003

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**THE ASSEMBLY**

**9 APRIL 2003**

**REPORT OF THE COMMUNITY EMPOWERMENT AND  
ENGAGEMENT POLICY COMMISSION**

TERMS OF REFERENCE	FOR DECISION	
<p><i>The Assembly is responsible for overseeing the work of Policy Commissions.</i></p> <p><b><u>Summary</u></b></p> <p>Following its recent appointment by the Assembly, the Policy Commission had its first meeting on 4 March 2003. It appointed Councillor Mrs Rush as its Chair and considered a scoping report setting out draft terms of reference and recommendations for taking its work forward.</p> <p><b><u>Recommendation</u></b></p> <p>The Assembly is recommended to confirm the following terms of reference for the Policy Commission:</p> <ol style="list-style-type: none"> <li>1. To identify best practice in other Councils</li> <li>2. To create a vision for community empowerment and engagement in the area building on work undertaken in the Community Forums, Community Development, Neighbourhood Management, Community Housing Partnerships and other initiatives</li> <li>3. To develop some key actions for the borough to improve community empowerment and engagement</li> <li>4. To have regard to any related equalities &amp; diversity and health issues.</li> </ol>		
<p>Contacts:</p> <p>Councillor Mrs Rush</p> <p>Steve Foster</p>	<p>Chair</p> <p>Democratic and Electoral Services</p>	<p>Tel: 020 8491 3551 E-mail: val.rush@lbbd.gov.uk</p> <p>Tel: 020 8227 2113 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: steve.foster@lbbd.gov.uk</p>

**Background papers used in the preparation of this report:**

None

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**THE ASSEMBLY****9 APRIL 2003****REPORT OF THE DIRECTOR OF CORPORATE STRATEGY****THE CONSTITUTION: PLAIN LANGUAGE SUMMARY  
AND PROCEDURAL CHANGES****FOR DECISION**

*This report proposes changes to the Constitution, which the Assembly must agree.*

**Summary**

This report is in three sections:

- The first sets out a plain language Summary of the Council's Constitution. It is intended that this be produced in leaflet form and replace the current Summary, which forms Part A of the Constitution. The Summary has been drafted as part of the Council's wider efforts - led by Anita Curcio, the Plain Language Project Co-ordinator - to ensure that plain language information is available about its structure and services. It is hoped that, with clearer information to hand, more residents will be encouraged to take part in local democracy. The Assembly is asked to comment on the Summary and agree both its submission to the Plain English Campaign, for 'Crystal Marking', and its subsequent publication.
- The second sets out for the Assembly's approval proposed changes to the procedure for the submission of petitions by local residents, together with procedural and other minor changes to the Constitution.
- The third seeks the Assembly's approval to delegate to the Head of Democratic Support (HoDS) future minor administrative changes to the Constitution. These would include minor amendments required by legislation (such as the recent change in the deadline for the public deposit of agendas) and other minor changes such as amendments required to job/department titles following the recent restructuring of the Council's corporate centre.

**Recommendations/Reasons**

The Assembly is recommended to:

1. Agree that the Summary be submitted to the Plain English Campaign for Crystal Marking, in order to ensure that information on the Constitution is available to residents in plain language. The Constitution must include a Summary under the relevant legislation and guidance.
2. Approve the proposed amendments to the Constitution set out in section 2 of the report, in order to improve the operation of the Council's democratic structure.

3. Delegate to the HoDS future minor administrative Constitutional changes, so that these can be made as and when necessary.

Contact:		
Steve Foster	Democratic and Electoral Services	020 8227 2113 (telephone) 020 8227 2171 (fax number) 020 8227 2685 (minicom) e-mail <a href="mailto:steve.foster@lbbd.gov.uk">steve.foster@lbbd.gov.uk</a>

## 1. **Plain Language Summary of the Constitution**

### *Background*

- 1.1 The Constitution sets out for Members, officers and the public how the Council carries out its business. It explains how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are efficient, transparent and accountable to local people.
- 1.2 Councils are required to have constitutions under Section 37 of the Local Government Act 2000. This Council's Constitution came into effect in January 2002, having been operated on a pilot basis from May 2001. As required by the Act, the Constitution, which runs to roughly 300 pages, starts with a brief summary.

### *Why a Plain Language Summary?*

- 1.3 Government guidance requires that constitutions be written, as far as possible, in plain language. This Council's Constitution was drafted with this requirement very much in mind and particular efforts were made to ensure that the Summary was clear, concise and free of jargon.
- 1.4 The Council is currently running a project to ensure that plain language information is available about its structure and services. As part of this, a wide range of Council publications have been submitted to the Plain English Campaign for "Crystal Marking" - editing or re-editing in plain language form. Once edited, the publications bear the "Crystal Mark", the Plain English Campaign's official stamp of approval.
- 1.5 As the Constitution is such an important document, the Summary has been redrafted with a view to its submission for Crystal Marking. Although the current Summary was drafted with plain language in mind, there is always room for improvement. One of the Council's main objectives is to encourage local people to get more involved in local democracy; to help achieve this, every reasonable step must be taken to ensure that the public understands how local democracy works and how they can take part. It would be impractical and costly to "Crystal Mark" the whole Constitution, due to its size and the frequency of procedural and other minor amendments.

## *The Plain Language Summary*

1.6 The revised Summary is attached as Appendix A. The following key points are drawn to the Assembly's attention:

- The revised Summary largely covers the same areas as the current version, but has been re-worded and re-arranged to make it easier to read.
- The revised Summary places greater emphasis on encouraging the public to take part in local democracy and each section explains how to get involved or obtain further information.
- Once the Summary has been Crystal Marked it will be published in leaflet form for the public and revised on an annual basis. The final design will be produced in consultation with Corporate Communications. The leaflet will be made available in Council offices and the libraries; it will also be circulated at Community Forums, the BAD Youth Forum and during local democracy week. The Summary will be made available on request, at no charge, in one of the eleven community languages and on audio tape or in large print. The information on the leaflet will also be placed on the Council's website. The leaflet will be publicised in the Citizen and through other appropriate means.

## **2. Procedural Changes to the Constitution**

### *Petitions*

2.1 The Constitution (Article 2, Paragraph 15) provides that all petitions sent to the Council which contain at least 50 signatories from separate households be reported to the Assembly (except for petitions regarding planning applications, which are submitted to the Development Control Board, or falling within the remit of the Regulatory & General Matters and Personnel Boards, which are submitted to the relevant board).

2.2 The ability for residents to raise issues in this way with all Members of the Council is an important feature of Barking & Dagenham's democratic arrangements. However, the Assembly is not an ideal environment for the in-depth discussions between Members, officers, residents and other parties that are sometimes necessary to progress these issues. The difficulties include:

- The sheer number of people attending each meeting (70 or so in the main chamber and, when petitions have been discussed, anything up to 30 or 40 in the public gallery).
- The layout of the room – the main chamber is separate from the public gallery, which can make communication difficult
- The pressure of business means there is not always as much time as might be desirable to deal with each petition.

- 2.3 It is therefore proposed that, before petitions are submitted to the Assembly, the relevant Chief Officer arranges a meeting between the lead petitioners, the relevant Lead Member(s) and, where the matter concerns a particular ward(s), Ward Councillors. The Chief Officer would either attend this meeting themselves and/or be represented by an appropriate senior officer. The purpose of this meeting would be to give the petitioners an opportunity to present their case in full, allow the Council representatives an opportunity to ask any questions and enable both parties to discuss a possible way forward. If the issue is fairly straightforward, the parties may agree a recommended way forward at this meeting. However, if further work is required, a second meeting would be arranged a week or so later for this purpose. The petition would then be presented to the Assembly, with an accompanying report setting out the outcome of the meetings and the recommended way forward.
- 2.4 The lead petitioner would retain their right to address the Assembly, although it is suggested that, as a further improvement and to reflect Members' comments at a recent Assembly, the time limit be extended from two to five minutes. In addition, it is suggested that the procedure provides that, at the Chair's discretion, other petitioners may speak and that the lead petitioner may speak again after his initial address (e.g. if the Chair wishes to give them a right to reply to Members' comments). It is also proposed that the order of Assembly business be amended so that petitions are the first item after the minutes of the previous meeting; this will emphasise the importance of petitions and allow any petitioners who do not wish to attend the whole meeting to leave once their petition has been considered.
- 2.5 The proposed amendments to the Petitions procedure are set out in the schedule of proposed changes attached as Appendix B.

*Call-In:*

- 2.6 The Constitution allows Members to Call-In any decision of the Executive. There was some confusion recently about whether this included recommendations made by the Executive to the Assembly.
- 2.7 The position is that recommendations can be Called-In as, in agreeing to make a recommendation, the Executive is making a decision. However, it is suggested that, to avoid any doubt in the future, the Constitution be amended to clarify this and the procedure to be followed where a recommendation is called in. These amendments are set out in Appendix B.

*Other changes*

- 2.8 Appendix B includes the following other proposed changes:
- The Executive: Increasing the membership from eight to ten Members.

- Ceremonial Council: formalising as part of the Constitution the established practice of holding regular agenda planning meetings between the Mayor, the Leader of the Council and the Chief Executive
- Development Control Board: including details of the Development Control Board Visiting Panel

### **3. Minor Administrative Changes**

- 3.1 The Assembly is asked to agree that minor changes of a purely administrative nature be delegated to the Head of Democratic Support without reference to Members.
- 3.2 These changes would include minor amendments required by new legislation (e.g. the recent change in the deadline for the public deposit of agendas) and other minor matters. To give an example, minor amendments need to be made to reflect the introduction of the Modern.Gov system, which allows Members and the public to view agendas and minutes on line, and amendments to job/department titles need to be made following the restructuring of the Council's corporate centre.
- 3.3 Any changes with any political or structural significance, minor or otherwise, would continue to be reported for the Assembly's approval.

#### **Background papers used in the preparation of this report:**

The Council's Constitution  
Draft Public Summary of the Constitution

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# **THE COUNCIL CONSTITUTION A SUMMARY**

# Contents

1. Introduction
2. Community Priorities
3. The people on your Council
  - Councillors
  - Staff
4. Council meetings and overall Structure
  - Assembly
  - Executive
  - Scrutiny
  - Community Forums
  - Regulatory and Other Boards
  - Policy Commissions
  - Standards Committee
  - Ceremonial Council
  - Joint arrangements and partnerships
5. Your rights and how you can get involved
6. Map of wards *[will be added in final version]*

## 1. Introduction

Your Council is here to provide essential services across the Borough and, working in partnership with local agencies like the Police and the Health Service, to meet the needs of all people living, working or visiting here.

So the decisions that we make on your behalf are really important. We want to encourage you to have more say in how the Council is run, the types of services provided and planning for the future.

This guide is a summary of the Council Constitution. It explains how the different parts of the Council structure work together, how Council decisions are made and how you can have your say on them. The full Council Constitution can be viewed at the Dagenham Civic Centre, Barking Town Hall, local libraries or on our website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

## 2. Community Priorities

Your Council has seven Community Priorities. These priorities direct the way the Council is working to improve the Borough for everyone. They are:

- **Promoting equal opportunities and celebrating diversity** by reducing all types of discrimination, valuing the contribution of all people and improving access to all public services.
- **Better education and learning for all** by continuing to improve the quality of education for young people and making it easier for people of all ages to access further education.
- **Improving health, housing and social care** by providing the right care for vulnerable people, creating a better environment for healthy living, building homes that suit people's needs and educating people on how to improve their own health.
- **Developing rights and responsibilities with the local community** by building a better relationship between the Council and everyone in the Borough and involving citizens in the decision-making process.
- **Making Barking & Dagenham cleaner, greener and safer** by reducing crime and anti-social behaviour and making the Borough more attractive and environmentally friendly.
- **Raising general pride in the Borough** by celebrating what's good about our Borough and promoting its image to the rest of the world.
- **Regenerating the local economy** by encouraging businesses to invest in the Borough, supporting local businesses to create more jobs and training opportunities and ensuring a wider choice of new housing.

### **3. The people on your Council**

#### **Councillors**

The Council is made up of 51 councillors (or “Members”) who are elected by you at local elections held every four years. (An up to date list of Councillors is available in the libraries, at the Civic Centre and the Town Hall and on the Council’s website: [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

The Borough is divided into 17 areas called “wards.” (See the map in Part 6). Each ward elects three councillors. To stand for election, councillors have to live or work in the Borough or be on the electoral register.

Councillors have two main roles:

- to represent the whole community, by making decisions about Council policy, services and finances; and
- to represent the interests of the people in their ward.

Councillors are your main link to the Council and will give you advice and help if needed. Councillors also hold “surgeries” where you can talk to them face to face. You can also write to, telephone or e-mail your councillor. Their contact details are available on the Council’s website or from the Members’ Secretary, Andrea Catlin (telephone: 020 8227 2116 or e-mail: [andrea.catlin@lbbd.gov.uk](mailto:andrea.catlin@lbbd.gov.uk)).

#### **Staff**

The Council employs about 7,800 staff who are responsible for putting decisions into action and providing the day-to-day delivery of Council services. They are led by the Chief Executive, Graham Farrant, and his management team.

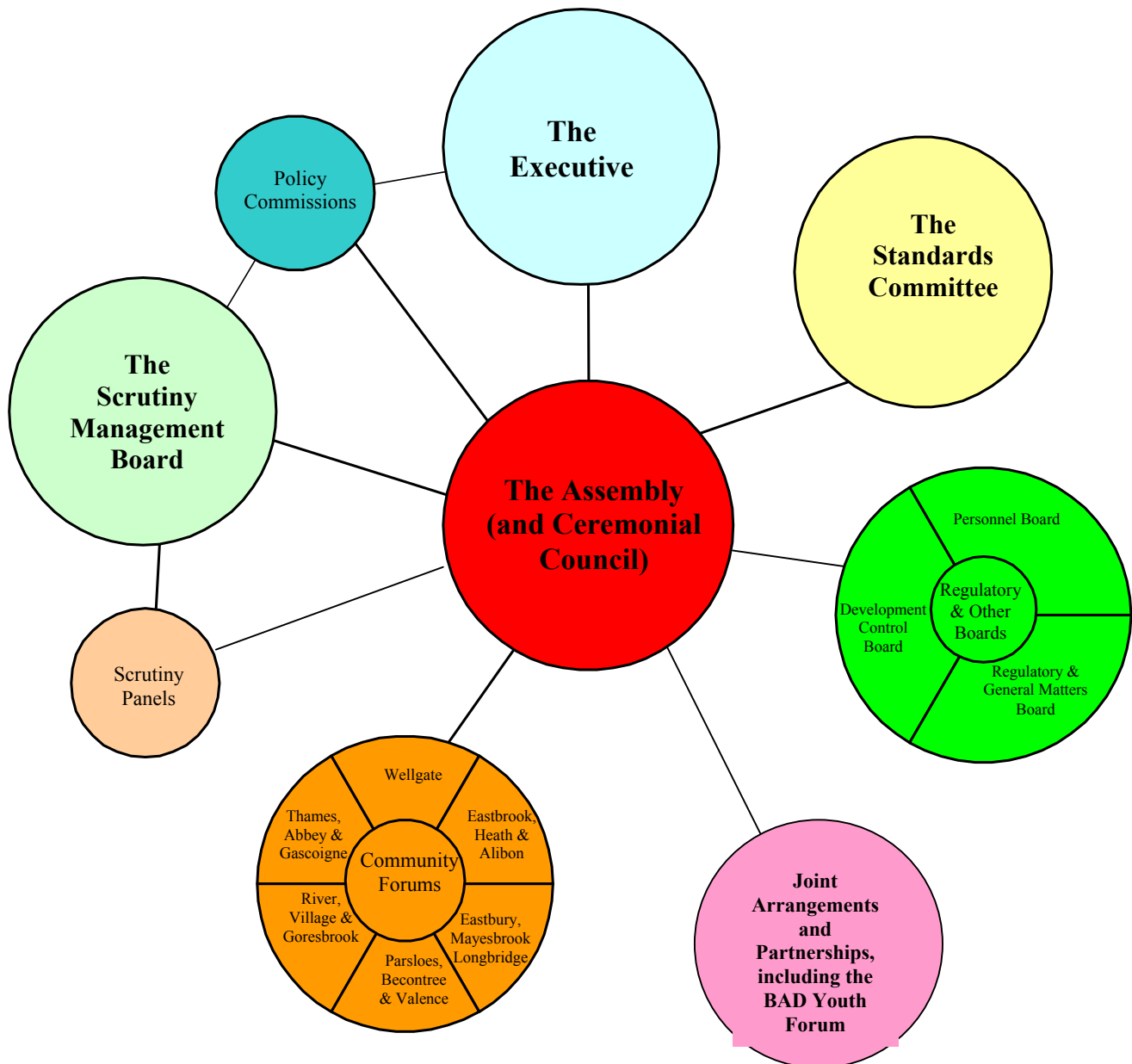
Council services are spread across a number of departments as follows:

- Education, Arts and Libraries – responsible for education and lifelong learning, arts and libraries services.
- Housing and Health – responsible for housing, environmental health and consumer protection.
- Leisure and Environmental Services – responsible for leisure, environmental services, development control (including planning applications), highways, transport, cemeteries, property and land, security and emergency planning.
- Social Services – responsible for meeting the social care needs of individuals and communities in the Borough, in particular through providing services for vulnerable children and families, adults and older people.
- There are also two central departments – Finance and Corporate Strategy. Finance runs local services such as Housing Benefits, while Corporate Strategy has a leading role in advising councillors on policy issues and helping to put their decisions into practice. The two departments also supply the Council with a wide range of administrative, financial, legal and personnel services.

## 4. Council meetings

The main Council meetings, which make up the 'political structure' aim to:

- involve citizens more in their communities and the way that they are run;
- involve the community more fully in the Council's work;
- act on the community's views more effectively;
- make it clear where decisions are made and who is responsible for them; and
- improve joint working arrangements between the Council and its partners.



Major decisions about our business are made at meetings. They are open to the public and advertised in advance. Everyone has the right to attend these meetings (although you will be excluded when personal or confidential matters are being considered).

Agendas, listing the issues to be considered at each meeting, are available for inspection at the reception counter at Dagenham Civic Centre and in local libraries, five days in advance of the meeting. Spare copies are also available at the meetings and you can also access them on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

The two main **decision making meetings** are the Assembly and Executive:

## **Assembly**

- Responsible for:
  - agreeing key Council policies; and
  - setting the annual spending budget and the Council Tax.
- Membership includes all 51 councillors.
- Meetings are held on the first Wednesday of every month at Barking Town Hall, starting at 7pm.

## **The Executive**

- Responsible for:
  - developing key policies and budget proposals for the Assembly's agreement;
  - making decisions about Council strategies, services and finances, based on the policies set by the Assembly;
  - ensuring all Council departments work well together in delivering services to local people; and
  - ensuring the Council works well with other local organisations, such as the Police and Health Services, for the benefit of the community.
- Membership includes ten councillors. Chaired by the Leader of the Council.
- Meetings are held most Tuesday evenings at Dagenham Civic Centre, starting at 7pm.

You can find out, from our "Forward Plan," the main decisions due to be taken by the Executive and the Assembly in the coming weeks. This also tells you who will be consulted about the various matters. You can look at the Forward Plan at Dagenham Civic Centre, local libraries or on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

## **Scrutiny - checking, challenging and monitoring decisions**

A key role for councillors who are not members of the Executive is "scrutiny". This involves looking closely at decisions, examining all parts of the Council's work and checking and challenging issues, policies or service provision. This is done in a number of ways:

### **The Scrutiny Management Board (SMB)**

Manages the scrutiny process.

- Responsible for:
  - keeping a check on all aspects of the Council's operation;
  - liaising with and making recommendations to the Executive and the Assembly on Council policies, the budget and service delivery;

- establishing and managing the work of scrutiny panels;
  - monitoring the decisions of the Executive through a “Call-in” process; and
  - looking at concerns arising from scrutiny work and advising on the action that should be taken in response.
- Membership includes seven councillors.
  - Meetings are generally held on the third Wednesday of the month, at Dagenham Civic Centre, starting at 6pm.

A “Call-in” process allows Executive decisions to be questioned by other councillors and, if necessary, changed before they are put into action.

“Call-in” meetings usually take place three weeks after the relevant Executive decision has been made. They are held at Dagenham Civic Centre.

**Scrutiny Panels** look at specific areas of the Council’s work, recognising what is done well and asking for improvements where necessary. Scrutiny panel meetings are open to the public, except where confidential matters are discussed. The Council is keen to include external representation on the Panels.

Scrutiny panel meetings are not fixed, so are advertised when they are arranged.

## Community Forums

- The role of Community Forums is to allow councillors, council officers, local organisations, local people, interest groups and businesses to come together to discuss major issues or matters of local importance.
- There are six Community Forums, each covering an area made up of two or three wards as follows:
  - Abbey, Gascoigne and Thames
  - Chadwell Heath and Whalebone (known as the Wellgate Forum)
  - Eastbrook, Heath and Alibon
  - Eastbury, Mayesbrook and Longbridge
  - Parsloes, Becontree and Valence
  - River, Village and Goresbrook
- Membership: all local citizens are invited to attend to share their views on the services provided by the Council and other local organisations, as well as policies and plans and local issues in general. Action is then taken in response.
- Ward councillors, council officers and representatives of organisations such as the police and health services attend the Forums to discuss their work with the community and answer any questions.
- Each Community Forum meets six times a year at a venue in the Forum area. Meetings are advertised in advance.
- Each Forum has a budget of £10,000 for environmental improvements in their area.

The Forums have a real influence on local services and policies. The views and issues raised are reported to the Assembly for consideration. Please attend your Forum to help make a difference to your local community.

**Development Control Board (DCB):** considers planning applications.

The DCB is open to the public. Meetings are usually held on the first and third Wednesday of the month, at Barking Town Hall, starting at 7pm.

A maximum of three people, including the applicant, may speak on any particular planning application they have an interest in. Applicants may only speak if an objector has spoken or if the application is recommended for refusal. Objectors may speak in any event.

**Regulatory and General Matters Board:** deals with licensing matters (such as licences for market traders).

The Board is open to the public (except for confidential matters). Meetings are usually held on the third Tuesday of the month, at Dagenham Civic Centre, starting at 6pm.

**Personnel Board:** deals with issues about individual council employees.

The Board deals mainly with confidential matters and is not usually open to the public.

**Policy Commissions:** develop new and review existing policies for agreement by the Assembly.

Open to the public (except for confidential matters). Meetings are not fixed but are advertised when they are arranged.

**Standards Committee:** promotes and maintains high standards of conduct by councillors and employees.

Open to the public (except for confidential matters). Meetings are held once every two months, (starting January), usually the 2nd Thursday, Dagenham Civic Centre, starting at 3pm.

**Ceremonial Council:** includes all 51 Members and meets to carry out ceremonial and public functions such as celebrating, promoting and rewarding the successes of local people, organisations and Council Staff. It is chaired by the Mayor.

Open to the public. Meetings are held five times a year at the Barking Town Hall, usually on a Friday, starting at 7.00pm.

## **Joint Arrangements and Partnerships**

We have set up a number of joint arrangements and partnerships with other local authorities and associations to provide quality services in the Borough and ensure local input is included in all planning strategies. Full details are included in the Constitution.



## 5. Your rights and how you can get involved

You can:

- **contact a councillor about any matter of concern to you.**

Information about councillors, together with their contact details, is available on the Council's website. You can also contact Members' Services on 020 8227 2116 or by e-mail ([andrea.catlin@lbbd.gov.uk](mailto:andrea.catlin@lbbd.gov.uk)).

- **view the full Council Constitution.**

A full copy of the Council Constitution is available at the Civic Centre, Town Hall, any of our local libraries or on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

- **attend Council meetings (except for confidential matters).**

Details of meetings are included in section 4 of this summary and dates are advertised in advance. You are also encouraged to attend your local Community Forum. More information can be found from local libraries, through the 'Citizen' and on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

- **take part in the Assembly's meetings.**

You can speak at the Assembly's public debates with the permission of the Chair or present a petition if 50 or more households have signed. For details on how to do this, contact Democratic & Electoral Services on 020 8227 2113.

- **inspect agendas and minutes for formal meetings and see reports and background papers (except confidential ones).**

Public agendas, minutes and reports are available at the reception counter at Dagenham Civic Centre, in local libraries and on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

- **find out and have your say on the key decisions to be taken by councillors and officers by looking at the "Forward Plan".**

You can look at this at the Civic Centre, local libraries or our website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)).

- **complain to the Council if you think we have failed to deliver a service that we promised or that you have not been treated politely and fairly.**

You can do this by:

- filling in the online complaint form on the Council's website ([www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)) or emailing: [complaints@lbbd.gov.uk](mailto:complaints@lbbd.gov.uk);
  - filling in a complaint form available from council offices and libraries;
  - writing a letter to Corporate Customer Services, Civic Centre, Dagenham RM10 7BN; or,
  - visiting a Council office.
- **complain to the Standards Board for England if you have evidence which you think shows that a councillor has not followed the Council's Code of Conduct for Members** (the Code is in the Constitution).

You can do this by writing to The Standards Board for England, St Christopher House, 98-104 Southward Street, London SE1 0TE, calling 020 7921 1800, emailing [enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk) or filling in an online complaints form on their website [www.standardsboard.co.uk](http://www.standardsboard.co.uk)

- **have your say on Council proposals.**

So that we can provide the right services and plan for the Borough, we need to know what you think about services and priorities. We regularly consult local people. If you are asked, please take the time to give your views.

In addition to the above, those people who live in the Borough have the right to:

- **vote at local elections (as long as you are on the electoral register).**

If you would like to register and/or apply for a postal vote for future elections, please contact Democratic & Electoral Services on 020 8227 2908, or email [electoral.services@lbbd.gov.uk](mailto:electoral.services@lbbd.gov.uk) or complete the online forms at [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

This leaflet is about how your Council works and how you can become involved in the decision-making processes. If you have difficulty understanding this leaflet because English is not your first language, you can ask for a translation by ticking one of the boxes. Fill in your name and address and return this form to the address below.

- Albanian
- Arabic
- Bengali
- Chinese
- French
- Lingala
- Polish
- Somali
- Swahili
- Turkish
- Urdu

NAME:  
ADDRESS:

If you would like information on audio tape or in large print, please contact us at:

Democratic & Electoral Services	Phone:	0208 227 2113
Corporate Strategy Department	Fax:	0208 227 2171
Civic Centre	Minicom:	0208 227 2685
Dagenham RM10 7BN	Email:	<a href="mailto:steve.foster@lbbd.gov.uk">steve.foster@lbbd.gov.uk</a>

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LONDON BOROUGH OF BARKING AND DAGENHAM

THE COUNCIL CONSTITUTION

PETITIONS

<u>Part(s) and Page of Constitution</u>	<u>Originator of Change</u>	<u>Proposed Change</u>
<p>1 <u>Petition's Procedure</u></p> <p>(i) Part B, Article 2 (p9.2)</p> <p>(ii) Part B, Article 2 (p15)</p>	<p>Democratic &amp; Electoral Services</p> <p>Democratic &amp; Electoral Services</p>	<p>Amend order of business at Assembly so that petitions are the first item after the minutes of the last meeting.</p> <p>Replacement paragraphs as follows (amendments in italics):</p> <p>15.1 All petitions sent to the Council which contain at least 50 signatories from separate households will be reported by <i>the lead Chief Officer to the Assembly for decision. [delete "together with details of any action which has been taken, or which is proposed, in response"]</i>. Exceptions apply to petitions regarding (i) planning applications which will be submitted to the Development Control Board and considered as part of the normal planning process; and (ii) those matters which fall within the responsibility of other Council quasi-judicial Boards which will be dealt with by the relevant Board.</p> <p>15.2 <i>Before a petition is reported to the Assembly, the lead Chief Officer will arrange a meeting to discuss a possible way forward. They shall invite the lead petitioners and the relevant Lead Member(s). Where the matter concerns a particular ward(s), they shall also invite the relevant Ward Councillors; where this is the case, the Ward Councillors may nominate one or more of their</i></p>

number to represent them, but at least one should attend. The Chief Officer may attend the meeting themselves and/or be represented by a relevant senior officer. The purpose of this meeting is to give the petitioners an opportunity to present their case in full, allow the Council representatives an opportunity to ask any questions and enable both parties to discuss a possible way forward. The parties may agree a recommended way forward at this meeting. However, if necessary, a second meeting will be arranged within ten days for this purpose. If there is any dispute over the way forward, the parties will make every effort to resolve this through negotiation (if the parties fail to reach agreement, this will be highlighted in the Assembly report). The petition will then be presented to the Assembly, with an accompanying report setting out the outcome of the meeting and the recommended way forward.

15.3 Petitions with fewer names will be accepted by the Chief Executive but not reported to the Assembly.

[Delete existing paragraphs 15.4 and 15.5 which state:

*“15.4 Depending on the nature of the petition and the timing, the petition may have been considered and responded to by the Executive or by the relevant department in advance of a meeting of the Assembly.*

*15.5 In the event that a petition has not been considered before the Assembly meeting, the meeting will give direction as to where it should be considered.”]*

15.4 The lead signatory will be invited to speak to the Assembly for the purpose of introducing the petition should he/she wish – a maximum of five minutes will be allowed for this. At the Chair's discretion and for a period directed by them, other petitioners may also speak and the lead petitioner may speak again after their initial address.

<p>2. <u>Ceremonial Council</u> Part B, Article 3</p>	<p>Democratic &amp; Electoral Services</p>	<p>(i) Paragraph 5 5. Frequency of Meetings Delete “As and when required - at least quarterly.” Replace with: “5.1 4 ordinary meetings per year (roughly quarterly) plus 1 Annual meeting. 5.2 The Mayor and Deputy Mayor, in consultation with the Leader and Deputy Leader, can call an extra meeting at any time having regard to statutory requirements.” (ii) Add new paragraphs 8,9 and 10 as follows: “8. Annual Meeting of the Ceremonial Council 8.1 Timing The annual meeting will be held in May 8.2 Main role The annual meeting will appoint the Mayor, the Deputy and the Mayor’s Chaplain. 9. Ordinary Meetings 9.1 Ordinary Meetings of the Ceremonial Council will take place in accordance with the Calendar of Meetings. Ordinary Meetings will:”</p>
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		<p>(a) recognise and thank individuals, community groups and organisations, including the long service of individual members of staff, for their hard work and dedication on behalf of and for the benefit of the community;</p> <p>(b) award Freedom of the Borough</p> <p>“10. Agenda Planning</p> <p>10.1 An agenda planning meeting is held between the Mayor, the Leader of the Council and the Chief Executive at a suitable time before the agenda is despatched.</p> <p>10.2 In the absence of the Mayor and/or the Leader of the Council, the Chief Executive is responsible for agenda planning.</p>
<p>3. <u>Executive</u> Part B, Article 4 (p3)</p>	<p>Democratic &amp; Electoral Services</p>	<p>Paragraph 3 (Membership) amend to read:</p> <p>“10 (including the Leader and Deputy Leader...)”</p>
<p>4. <u>Call-In</u> Part B, Article 5C</p>	<p>Democratic &amp; Electoral Services</p>	<p>(i) Insert new paragraph 2 as follows (existing paragraph 2 becomes paragraph 3):</p> <p>“2. Definition of an Executive Decision</p>



		<p><i>This includes any decision made by the Executive, including a recommendation to the Assembly or another part of the democratic structure”</i></p> <p>(ii) Insert new paragraph 2.5 as follows (subsequent paragraphs re-numbered):</p> <p><i>In the event that a recommendation is called in, the matter shall not be put to the Assembly until it has been considered through the procedure. Where such a recommendation has already been included on the agenda for an Assembly (or other meeting), it shall be withdrawn on receipt of the Call-In.”</i></p>
<p>5. <u>Development Control Board Visiting Panel</u></p> <p>(i) Part B: Article 7A</p>	<p>Democratic &amp; Electoral Services</p>	<p>Add new paragraph 10 as follows:</p> <p><b>10: Development Control Board Visiting Panel</b></p> <p><i>At its first meeting each Council year, the Board appoints a Visiting Panel to undertake inspections of buildings and sites as directed by the Board and to make recommendations to the Board arising from these inspections, unless otherwise empowered to act by the Board. The Panel consists of the Chair and Deputy Chair of the Board, together with 7 other members (6 permanent and the last reserved for a member representing the ward being visited by the Panel). The panel’s quorum is 3.</i></p>
<p>(ii) Part C, Section E</p>	<p>Democratic &amp; Electoral Services</p>	<p>Add following wording at end:</p> <p><i>The Board appoints a Visiting Panel to undertake inspections of buildings and sites as directed by the Board and to make recommendations to the Board arising from these inspections, unless otherwise empowered to act by the Board.</i></p>

