

London Borough of Barking and Dagenham

Notice of Meeting

THE EXECUTIVE

Tuesday, 12 October 2004 - Civic Centre, Dagenham, 7:00 pm

Members: Councillor C J Fairbrass (Chair); Councillor C Geddes (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor H J Collins, Councillor S Kallar, Councillor M A McCarthy, Councillor M E McKenzie, Councillor L A Smith and Councillor T G W Wade

Declaration of Members Interest: In accordance with Article 1, Paragraph 12 of the 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

01.10.04

Graham Farrant
Chief Executive

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AGENDA

- 1. Apologies for Absence**
- 2. Minutes - To confirm as correct the minutes of the meeting held on 28 September 2004 (circulated separately)**

Business Items

Public Items 3 and 4 and Private Items 9 and 10 are business items. The Chair will move that these be agreed without discussion, unless any Member asks to raise a specific point.

Any discussion of a Private Business Item will take place after the exclusion of the public and press.

- 3. Selection of Barking & Dagenham's Panel of Registered Social Landlords (Pages 1 - 4)**
- 4. Visit and Study Tour of Good Practice Housing Sites (Pages 5 - 8)**

Discussion Items

5. **Licensing Act 2003 - Draft Licensing Policy and Licensing Board Arrangements (Pages 9 - 15)**
6. **Personnel Board Membership (Pages 17 - 20)**
7. **Any other public items which the Chair decides are urgent**
8. **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 Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972).

Discussion Items

None.

Business Items

9. **Installation / Upgrade of Gas Fired Central Heating & Hot Water Systems to Low Rise Dwellings - Notification of Tender (Pages 21 - 25)**
Concerns a Contractual Matter (paragraphs 8 and 9)
10. **Women's Refuges - Award of Supporting People Contract (Pages 27 - 30)**
Concerns a Contractual Matter (paragraphs 8 and 9)
11. **Any other confidential or exempt items which the Chair decides are urgent**

THE EXECUTIVE

12 OCTOBER 2004

REPORT OF THE DIRECTOR OF HOUSING & HEALTH

SELECTION OF BARKING & DAGENHAM'S PANEL OF REGISTERED SOCIAL LANDLORDS	FOR DECISION	
<p><i>This responds to the request from the Executive for a further report</i></p>		
<p>Summary</p>		
<p>This report responds to the Executive's request that officers continue to monitor the performance of Southern Housing Group (SHG) with a view to SHG's possible inclusion on the Council's Registered Social Landlord (RSL) preferred partner panel.</p>		
<p>The report provides details of progress on schemes in development and local initiatives taken by SHG together with information obtained from the Housing Corporation which is relevant for consideration. The report also highlights local action taken by SHG to improve estate management services and readiness to work in partnership with the Council.</p>		
<p>The report proposes that SHG be admitted to the Registered Social Landlord (RSL) preferred partner panel given the evidence obtained and the contribution made to achieving the Council's Community Priorities.</p>		
<p>Recommendation</p>		
<p>The Executive is asked to admit Southern Housing Group to the Council's panel of preferred RSL partners.</p>		
<p>Reasons</p>		
<p>The admission of SHG will strengthen the Council's ability to deliver high quality new affordable homes and bring about community regeneration programmes.</p>		
<p>Contact : Ken Jones</p>	<p>Head of Housing Strategic Development</p>	<p>Tel: 020 8227 5703 Fax : 020 8227 5595 Minicom: 020 8227 5755 e-mail : ken.jones@lbbd.gov.uk</p>

1. Background

- 1.1 At the Executive meeting on 7 October 2003, Members received a report proposing to add additional RSLs to the panel of preferred partners (Minute 141). The Executive agreed to admit SHG to the Council's panel of preferred RSL partners subject to good progress over the next six months with its new housing development at St. Ann's.

- 1.2 The Scrutiny Management Board called-in the decision and the matter was reconsidered by the Executive at its meeting on 17 February 2004. It was agreed at that meeting that officers should continue to monitor SHG's performance and to report back in due course.

2. Southern Housing Group Performance

2.1 New Developments

- 2.1.1 St. Ann's - The mixed tenure development of 125 new homes at St Ann's is ahead of schedule and now planned for completion in February 2005. Good communication has been established with the local Tenants & Residents Association, Council Members and officers. Problems had been encountered in appointing a locally based Residents Liaison Officer although covering arrangements had proved effective. The Council has provided the first set of nominations to the rented homes (the Council has 100% nomination rights)
- 2.1.2 Barking Reach Zones 11, 8 and 6 – Zone 11, consisting of 34 rented and 22 shared ownership properties, was completed in December 2003 on schedule. Zones 6 and 8 were completed ahead of schedule in July 2004 with 20 rented and 46 shared ownership properties.
- 2.1.3 Review Road and Goresbrook Road – both comprise 8 keyworker flats and were completed on time and have been marketed.
- 2.1.4 Tanner St (Poulten site) - 12 keyworker flats (4 rented and 8 shared ownership) are on schedule.
- 2.1.5 Each of the above schemes has contributed to meeting local housing needs, with particular emphasis on keyworker needs. Nominating to these rehousing opportunities has proved to be successful and the schemes have provided very positive press coverage for the Council.
- 2.1.6 SHG have given a commitment to work with the Council to plan a local housing company / housing regeneration company to manage their housing developments – this could relate to Barking Riverside and will involve board representation from Council Members and local tenants.

2.2 Initiatives

SHG have introduced several local initiatives which are contributing to the achievement of Community Priorities:

- A Social Investment Officer has been employed by SHG dedicated to working in the borough. The officer's work programme covers a number of projects across estates.
- The Youth Development Officer employed by SHG works with young people on their estates in Barking and Dagenham. An example of this is on Marks Gate where

SHG play an active part in encouraging youth activities – they provide £2,500 towards the Summer Scheme and £5,000 to a Youth Environmental Project.

Members of their staff are involved in the Crime and Disorder Working Group. SHG have assisted in developing an Anti-Social Behaviour booklet for Marks Gate and provided funding of £500.

- SHG have set up their Thames Gateway Regional operation for their management, maintenance and regeneration teams in Crown House, Barking Town Centre. This comprises 25 staff and gives a local contact and service access point to their tenants in Barking and Dagenham (and neighbouring boroughs).
- They are to commit £30,000 towards Active Citizenship pilots after having received support from the Housing Corporation to run 2 pilots in London. SHG had identified Barking and Dagenham for one of these and begun discussions with the Council.
- A member of SHG's staff is secretary of the Marks Gate Agenda 21 Neighbourhood partnership.
- A residents' panel is being established for consultation purposes on services.

2.3 Housing Corporation Assessment

The Housing Corporation Assessment system is now based on the "traffic light" system to illustrate its evaluation of compliance with the Regulatory Code and Development performance. A green light indicates no material concerns. The 4 areas for assessment are:-

- viability
- properly governed
- properly managed
- development

The assessment gave SHG 4 green lights with an attaching commentary of "The group achieved all of its targets. A good performance." SHG have been awarded programme partner status by the Housing Corporation which gives additional flexibility to the RSL in terms of the use of their investment allocation.

SHG succeeded in securing £22.4million in Housing Corporation grant for investment in new affordable housing from the 2002/03 allocation – this was the 5th highest in London (from 101 developing RSLs).

2.4 Local Estate Management Service Improvement

SHG has demonstrated commitment to raise their estate management profile in Barking & Dagenham, tackling anti social behaviour and responsiveness to the community and in particular to Council Members. A range of initiatives being put in place and being considered for Gibbfield Close Marks Gate which will bring about a

sustainable long term solution, evidence this. This work has been aided by involvement of the Lead Executive Member for Housing, Health and Adult Care. These improvements have been helped by SHG's office base being in Barking Town Centre.

3. Proposal and Justification

- 3.1 The addition of SHG to the Council's panel of preferred RSL partners will strengthen the regeneration and development capacity available to the Council and it is therefore proposed to admit SHG with immediate effect.
- 3.2 The justification for this action is the contribution that will be made to achieving the community priorities, as is demonstrated above.
- 3.3 An annual review process of the performance of RSL panel members has been agreed by the Executive. This will assess:-
 - estate and tenancy management
 - repairs performance
 - compliance with nomination agreements
 - development performance
 - participation in RSL forum
 - commitment to building sustainable communities.

The assessment of SHG (and all other partner RSLs) will then be reported to the Executive with any proposals to exclude / suspend an RSL partner.

The following Background papers were used in the preparation of this report: -

Executive report - Selection of Registered Social Landlords 20 May 2003
Executive report -Selection of Registered Social Landlords for Barking & Dagenham's Preferred Partner Panel 7 October 2003
Executive Report – Response to Scrutiny Management Board Call-In: Selection of Barking & Dagenham's Panel of Registered Social Landlord Partners 17 February 2004
Housing Corporation Assessment – Southern Housing Group (LH3947) September 2003

THE EXECUTIVE**12 OCTOBER 2004****REPORT FROM THE DIRECTOR OF REGENERATION AND ENVIRONMENT**

VISIT AND STUDY TOUR OF GOOD PRACTICE HOUSING SITES	FOR DECISION						
<p><i>This report deals with a proposed visit which will cost in excess of £1,000 and the Constitution (Conferences, Visits and Hospitality) therefore requires that the approval of the Executive is sought.</i></p>							
<p>Summary High quality building and environmental standards in housing developments are essential to the development of sustainable communities in the Borough.</p> <p>A comprehensive visit / study tour is proposed to view a number of good housing sites in London and the South-East, where well designed, high density housing has been achieved.</p> <p>The visit / study tour is to enable Councillors to gain an appreciation of what makes successful, high quality developments in line with the Mayor's London Plan density levels, which will be required in new housing development in the Borough.</p> <p>The visit / study tour has been specifically designed for the Council by 'Design for Homes' who run the annual Housing Design Awards.</p> <p>The total cost of the visit /study tour will not exceed £2,000; the cost of which will be met from existing budgets.</p> <p>Recommendation In accordance with the Conference, Visits and Hospitality Rules in the Constitution, the Executive is recommended to approve a visit outside the Borough to explore policy and service initiatives on the basis that the total cost will not exceed £2,000 and this will be met from existing budgets.</p> <p>Reason To assist the Council in achieving its Community Priorities of "<i>Improving Health, Housing and Social Care</i>", "<i>Regenerating the Local Economy</i>" and "<i>Raising General Pride in the Borough</i>" through securing high quality design in all new residential developments.</p> <p>Wards Affected None.</p>							
<p>Contact</p> <table border="0"> <tr> <td data-bbox="148 1693 309 1765">Bernadette McGuigan</td> <td data-bbox="448 1693 775 1765">Group Manager Urban Design, DRE</td> <td data-bbox="810 1693 1453 1839">Tel: 020 - 8227 3881 Fax: 020 - 8227 3896 Minicom: 020 - 8227 3034 E-mail): bernadette.mcquigan@lbbd.gov.uk;</td> </tr> <tr> <td data-bbox="148 1877 309 1910">Ken Baikie</td> <td data-bbox="448 1877 756 1948">Group Manager Area Regeneration, DRE</td> <td data-bbox="810 1877 1273 1948">Tel : 07870 278447 E-mail : ken.baikie@lbbd.gov.uk</td> </tr> </table>		Bernadette McGuigan	Group Manager Urban Design, DRE	Tel: 020 - 8227 3881 Fax: 020 - 8227 3896 Minicom: 020 - 8227 3034 E-mail): bernadette.mcquigan@lbbd.gov.uk ;	Ken Baikie	Group Manager Area Regeneration, DRE	Tel : 07870 278447 E-mail : ken.baikie@lbbd.gov.uk
Bernadette McGuigan	Group Manager Urban Design, DRE	Tel: 020 - 8227 3881 Fax: 020 - 8227 3896 Minicom: 020 - 8227 3034 E-mail): bernadette.mcquigan@lbbd.gov.uk ;					
Ken Baikie	Group Manager Area Regeneration, DRE	Tel : 07870 278447 E-mail : ken.baikie@lbbd.gov.uk					

1. Background

- 1.1 As part of the sustainable communities agenda, the Borough will see the development of around 20,000 new homes over the next 10 to 15 years, predominantly in the regeneration areas of Barking Town Centre and London Riverside. A number of the issues have been raised by Councillors in how we address design quality, liveability and sustainability with this volume of housing at the densities advised by the Office of the Deputy Prime Minister (ODPM) and the Mayor of London.
- 1.2 Councillors have expressed an interest in seeing good practice housing developments where good design and high density is combined, in locations that are similar to those presented in Barking and Dagenham.
- 1.3 Design for Homes, who run the 'Housing Design Awards', has been contracted by the Civic Trust and English Partnerships to run 'Action Learning Tours' this year for Borough and District Councils.

2. Proposed Study Tour

- 2.1 A draft itinerary for the proposed study tour is attached as Appendix A for information. This is currently being refined by officers and the Design for Homes team, to ensure that it meets our requirements. The latest itinerary will be advised at the meeting.
- 2.2 On a typical tour, four to six Regeneration / Planning Officers and a minimum of 12 Councillors attend up to four good practice schemes in an eight hour trip. Pick up and drop off would be from our offices. It is anticipated that this visit /study tour will be of interest to key Lead Members and members of the Development Control Boards.
- 2.3 It is hoped to carry out the tour by the end of October 2004. An oral up-date of the proposed study date will be given at the meeting.

3. Financial Implications

- 2.4. The price for day tours is £1,500+VAT. This includes lunch and refreshments, a copy for all delegates of the recently published research into residents' Perceptions of Privacy across various house-types (normally sold for £150), full commentary by experts on the sites visited and coach hire.
- 2.5. The costs for the Tour will be shared jointly by the Regeneration Implementation and Planning and Transportation Divisions, out of existing budgets.

4 Consultation –

- 4.1. The following people have been consulted on this report and have raised no objections to the proposals.

DRE:

Jeremy Grint, Head of Regeneration

Peter Wright, Head of Planning and Transportation

Tim Lewis, Group Manager Development Control

Gordon Glenday, Group Manager Sustainable Development

Corporate Strategy:

Rossanna Kendall, Head of Corporate HR- Training

Finance:

Bob Cooper, Interim Head of Finance, DRE

H&H

Ken Jones, Head of Housing Strategy

Lead Members:

The following are aware of the proposals.

Regeneration, Councillor Kallar.

Housing, Health and Adult Care, Councillor Smith.

Draft Itinerary For Study Tour

8.45am	Tea and Coffee served on coach
9.00a.m.	Coach departs LBBB (pick up times and point(s) to be confirmed)
9.45a.m.	Arrive Ingress Park, Greenhithe
10.30 a.m	Leave Greenhithe
11.00 a.m	Arrive Docklands to visit <ol style="list-style-type: none"> 1. Britannia Village (one of the first Design Coded developments and a mix of townhouses, apartments, sheltered housing and commercial at more than 100 Dwellings per hectare running alongside one of the Royal Docks. 2. The Boardwalk, Bellway Homes and Tower Hamlets with RMA Architects. Brownfield residential and commercial development of 476 houses and apartments around 1.2 hectare Poplar Dock which was the first in the UK to respond to intensification agenda by adding storeys. 3. Ocean Wharf, Furlong Homes development of two apartments buildings facing onto River Thames at 190 dwellings per hectare 4. Chronos Buildings, Mile End Road, mixed use development of 6 townhouses, shops, and 59 flats or maisonettes at 148 dwellings per hectare by Copthorn Homes and Proctor Matthews Architects
12.00p.m.	Leave Docklands
12.20 p.m.	Arrive Brewery Square, Clerkenwell. Berkeley Homes and Southern Housing Group. 198 market sale flats and 57 affordable on an adjacent site in a mix of five to eight storey buildings containing ground floor commercial which create a new urban quarter
1.00p.m.	Lunch near Brewery Square and presentation of 'Perceptions of Privacy and Density in Housing' report
2.00p.m.	Leave Clerkenwell
2.05p.m.	Gainsborough Studios, Hoxton. New-build and refurbished apartments and commercial premises at more than 200 dwellings per hectare alongside Grand Union Canal
2.35p.m.	Leave Hoxton
3.15p.m.	Arrive Hither Green, Bellway Homes South Eastern + PRP Architects, 493 units at 99 dwellings per hectare. Important to see the departure between Bellway national product and new scheme, notably in how parking and streetscape are planned.
3.45p.m.	Leave Hither Green
4.30p.m.	Return to LBBB Offices

THE EXECUTIVE**12 OCTOBER 2004****JOINT REPORT OF THE DIRECTOR OF HOUSING AND HEALTH
AND THE DIRECTOR OF CORPORATE STRATEGY****LICENSING ACT 2003 – DRAFT LICENSING POLICY AND
LICENSING BOARD ARRANGEMENTS****FOR DECISION**

Under the Licensing Act 2003 the Council must establish a Licensing Policy and set up a Licensing Board.

Summary

This report considers how to establish a Licensing Board. It proposes that the Regulatory and General Matters Board has the capacity to take on the new licensing role and could do so with small alterations to its structure and functions. It would be able to provide focused decisions on licensing applications that have received objections.

Recommendations

The Executive is asked to consider the proposals for the establishment of a Licensing Board and:

1. Approve the draft Licensing Policy for consultation purposes.
2. Recommend to the Assembly that Article 7C of the Constitution be amended as follows;
 - (a) That the Regulatory and General Matters Board be renamed the Licensing Board,
 - (b) Having regard to the political balance requirements of Section 15 of the Local Government and Housing Act 1989, to fix the membership of the Licensing Board to ten Members,
 - (c) That the Chair and Deputy Chair of the Licensing Board be fixed positions
 - (d) That the quorum of the Board be set at five Members, including the Chair and/or the Deputy Chair;
 - (e) That the Board becomes the Council's decision making body for all contested Licensing Act applications in addition to its current role, and an appeal body for applications determined by officers
 - (f) That the terms of reference of the Licensing Board be amended accordingly.
3. Further recommend to the Assembly that (a) the Independent Members' Remuneration Panel be advised of the new Chair and Deputy Chair positions and be asked to consider the appropriateness of associated Special Responsibility Allowances, and (b) all necessary changes be made to the Council's Constitution.

Reasons

To prepare to take on the new responsibilities provided by the Licensing Act 2003 the Council needs to establish a Licensing Board and agree a Licensing Policy.

Contact: Clive Vallis	Licensing Development Officer	Tel: 020 8227 5734 Fax: 020 8227 5699 Minicom: 020 8227 5755 E-mail: clive.vallis@lbbd.gov.uk
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1. Background

- 1.1 The Licensing Act 2003 received Royal Assent in July 2003. It combines three previously separate systems of licensing - liquor licensing, public entertainment licensing and night café licensing - in a single new system. In doing so it transfers responsibility for liquor licensing from the Magistrates Court to the Council and makes significant changes to licensing controls and administration. Individuals as well as premises will need to be licensed where alcohol is sold.
- 1.2 The Act allows for the issuing of a Premise Licence and a Personal Licence.

Premise Licence

A Premise Licence is issued with conditions attached which specify the type of entertainment that can go on, the hours of opening and other crime, safety and nuisance related conditions.

The licence is issued for the lifetime of the business at the premises concerned. There is no annual renewal. If business changes hands, or the type of activity at the premises changes significantly, the licence has to be reconsidered and reissued.

Personal Licence

In order to run a licensed premise an individual must hold a Personal Licence and become a “designated supervisor”. Also at least one Personal Licence holder must be on site whenever the business is open.

Licences are issued for ten years and are valid nationwide to those who have received appropriate training and been through an interview and a Criminal Records Bureau check.

- 1.3 The Act also requires the Council to publish a statement of Licensing Policy. The Policy must, among other things, explain how the Council will meet four main objectives behind the Licensing Act which are:
- Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.4 The Council must also set up a Licensing Board to oversee the new regime and determine contested applications.

2. Licensing Policy

- 2.1 Central Government has published guidelines and specified a series of legal requirements which must be included within the Licensing Policy. A first draft Licensing Policy has been prepared representing the basic requirements under the Act. The Policy now needs to be circulated for wide consultation in order to localise it and reaffirm what is important to Barking and Dagenham. The first draft Policy has been circulated to Executive Members separately. The Management Team have also been consulted.
- 2.2 The Licensing Policy will have an impact on and need to be shaped by other Council policies. Relevant policies are:
- Community Safety Strategy
 - Crime and Disorder Strategy
 - Cultural and Tourism Strategies
 - Drug and Alcohol Strategies
 - Enforcement Policy
 - Environmental Strategy
 - Fair Treatment for All - Equalities and Diversity Position Statement.
 - Leisure Strategy
 - Local Authorities Enforcement Concordat
 - Neighbourhood Renewal Strategy
 - Regeneration Strategy
 - Transport Plan
 - Unitary Development Plan
 - Waste Strategy
- 2.3 In order to meet the timescale for implementing the new regime the Council must have its Licensing Policy finalised by 7th January 2005. The Policy can be revised from time to time and must be reviewed every three years.
- 2.4 The Act requires the Council to consult specific stakeholders about the Policy and the draft lists these. Once the Executive has approved the draft Policy the consultation exercise will begin. Officers expect to bring the amended draft to the Executive during December 2004 and the Assembly for final approval and formal adoption by the Council in January 2005.

3. Establishing a Licensing Board through the Regulatory and General Matters Board

- 3.1 The Council must set up a Licensing Board with between ten and 15 elected Members. A meeting of 15 Members is a very large number, so we feel that setting the membership at ten is the most appropriate. Members need to be aware that under the Act the Board can only be made up of elected Members of the Authority, leaving no provision to procure or co-opt people from the existing regime of Magistrates, the Police or elsewhere to carry out this function.

- 3.2 The Board has been established as a “committee” under the Local Government Act 1972 and Local Government and Housing Act 1989, and as such political balance requirements apply to the membership. This means that not all seats on “committees” should be allocated to the same political group. The number of seats depends upon the size of each political group as a proportion of the membership of the Council as a whole. In this instance based on a suggested membership of ten it will be necessary to offer one seat on the Board to the minority parties.
- 3.3 The current role of the Regulatory and General Matters Board (‘RGMB’) is to exercise all of the Authority’s licensing and regulatory duties, functions and powers. These functions would still remain with the addition of the new duties and powers under the Licensing Act 2003. All other considerations aside, this would make the RGMB the logical choice to fulfil the Licensing Board role.
- 3.4 The Board currently consists of a pool of Members from which five are selected, by rota, to serve when required. In order to comply with the new Act, we need to alter its title to Licensing Board and set the membership.
- 3.5 Under the Act there is an option for the Council to establish additional panels to handle some of the work of the Licensing Board. However to ensure consistency the Chair and/or Deputy Chair would need to be present at all meetings. With this and the anticipated workload in mind, it is suggested that we adopt a Board only approach but review the situation in the light of experience at an appropriate time after implementation.
- 3.6 Training will need to be provided for all Members who sit on the Licensing Board and this will be organised once the structure and membership of the Board is settled.

Expected Licensing Board Workload

- 3.7 There are around 220 premises in the Borough licensed by Barking Magistrates Court to sell liquor. Under the current system each licence is issued for three years so around 75 come up for renewal annually. The Court’s Licensing Committee sits each year in February to renew existing licences. They sit on ten other occasions during the year to consider new applications (around five per year) and applications for licence transfers (around 100 per year). The Committee sits to hear all applications whether or not they are contested. Very few applications are opposed at present either by the Police, residents or other people or organisations.
- 3.8 It is suggested that most of the Council’s licensing decisions can be made by officers under delegated authority. Under the new system some licensing decisions will have to be made by the Licensing Board, as the Act specifically prevents some things being delegated (see appendix 1). These include all applications for premises or personal licences in which objections are received together with a number of other decisions which cannot be delegated.
- 3.9 Currently the Magistrates Court deals with very few contested applications. However, one of the fundamental principles behind the shift of liquor licensing

to Local Authorities is that the community will become far more involved in the decision making process. We anticipate that 10% of licence applications will receive objections leaving around 22 to be covered by the Board. In subsequent years, only if the premise changes hands or they fundamentally change the layout or characteristics of the bar do they need to reapply.

- 3.10 All applicants or objectors will have the right of appeal over a decision regarding an application that has been made. If a delegated officer has made the decision it can be reviewed at the Licensing Board. If it is made at the Licensing Board it would then be heard at the Magistrates Courts.

4. Timetable to Introduce the Licensing Act 2003

- 4.1 7th July 2004 the Licensing Act 2003 guidelines were produced enabling us to finalise the Council's Draft Policy Statement.
- 4.2 August 2004 - the Department for Culture, Media and Sport were due to release the Application regulations, Application Forms and proposed fees, however we have now been informed that the forms will be released in early October and the fees are now the subject of parliamentary review.
- 4.3 7th January 2005 all Policy statements must be finalised and formally adopted.
- 4.4 7th February 2005 is the first appointed day by which all procedures must be in place to deal with all new licensing applications. Between the two appointed dates the current system will run in parallel with the new system. Existing liquor licences will stay in force and under the jurisdiction of the Magistrates until they are transferred over to the Council, or a new application has been made. The guidance for this process is still to be finalised by Government.
- 4.5 November 2005 has been given as when the old regime expires and the Local Authorities take full control.

5. Financial Implications

- 5.1 At this stage, it is not known what the net cost of the Licensing Act 2003 will be. A growth bid of £120K was previously agreed by the Executive for 2004/05 to meet the additional costs of running the new licensing arrangements and the potential loss of income from the standardisation of the fees. A further report will be submitted to the Executive when the Government has finalised the fees and the full extent of the proposals are known.
- 5.2 If the decision is taken to appoint a permanent Chair and Deputy Chair, the Independent Members Remuneration Panel will be required to consider the appropriateness of applying Special Responsibility Allowances to both positions.

6. **Consultation**

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

Councillor McKenzie – Lead Member
Councillor Fairbrass – Lead Member

David Woods - Director of Housing & Health
Darren Henaghan - Head of Health & Consumer Services
Colin Rigby - Head of Finance Housing & Health
Nina Clark – Head of Democratic Support
Paul Feild- Principal Solicitor
Democratic Services
TMT

Background papers used in the preparation of this report:-

- (i) The Licensing Act 2003
- (ii) The Local Government Act 2000.
- (iii) Guidance issued under Section 177 of the Licensing Act 2003 by the Department of Culture, Media and Sport.
- (iv) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (v) The Council's Constitution.
- (vi) E-mail from the Local Authorities Co-ordinating Body on Regulatory Services dated 20th February 2004.

Appendix 1
Table of who makes licensing decisions

Decisions made by:	Licensing Board	Council officers
Matter being decided:		
An application for a personal licence	If anyone objects	If no-one objects
An application for a personal licence from a person with a conviction that is not spent (A spent conviction is one that does not need to be declared as a specific length of time has passed.)	In all cases	
An application for a premises licence or club premises certificate	If anyone objects	If no-one objects
An application for a provisional statement	If anyone objects	If no-one objects
An application to vary a premises licence or a club premises certificate	If anyone objects	If no-one objects
An application to change a 'designated premises' supervisor'	If the police object	In all other cases
An application to stop being a 'designated premises' supervisor'		In all cases
An application for a premises licence to be transferred	If the police object	In all other cases
An applications for interim authorities	If the police object	In all other cases
An application to review a premises licence or a club premises certificate	In all cases	
Whether a complaint is irrelevant, unjustified, or made out of spite or to annoy		In all cases
Whether or not to object to an application we are consulted on but not being asked to license	In all cases	
A police objection about a temporary event notice	In all cases	

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THE EXECUTIVE**12 OCTOBER 2004****REPORT OF THE DIRECTOR OF CORPORATE STRATEGY**

PERSONNEL BOARD MEMBERSHIP	FOR DECISION
<p data-bbox="150 450 1450 517"><i>This report is submitted in accordance with the Council's Constitution, specifically Part B Article 7B.</i></p> <p data-bbox="150 557 300 595"><u>Summary</u></p> <p data-bbox="150 633 1450 775">This report proposes changes to the operation and administrative arrangements of the Personnel Board, with a view to achieving consistency in decision making, to focus on specific training for elected Members, and to consider a minor change to the terms of reference of the Board.</p> <p data-bbox="150 815 922 848">The Personnel Board deals with the following matters:</p> <ul data-bbox="197 855 1450 1227" style="list-style-type: none"> • Determining appeals against all decisions taken in respect of employment issues, other than in those cases either reserved to other Member meetings or delegated to officers; • Exercising the Council's functions in respect of early retirements, severance and redundancy of all employees except those subject to the National Schemes of Conditions of Service for JNC Officers; • Determining jointly with the Trade Unions, job evaluation appeals; • Approving injury allowances and discretionary death grants; and • Considering any employees' grievances as the third stage in the Council's grievance procedure. <p data-bbox="150 1267 1450 1518">The number of cases and consequently the number of meetings taking place is increasing, matters can be very complex, and cases are sometimes taken to an Employment Tribunal. Membership of individual Board meetings is drawn from a rota of Members resulting in different small groups of Members dealing with cases. This can lead to some inconsistency which opens up the scope for potential inequality in decision making where an employee is concerned, and consequently potentially could weaken the Authority's case at a Tribunal.</p> <p data-bbox="150 1559 421 1597"><u>Recommendation</u></p> <p data-bbox="150 1637 1450 1704">The Executive is asked to consider the suggested changes to the operation and make up of the Personnel Board and:</p> <ol data-bbox="197 1744 1450 1962" style="list-style-type: none"> 1. Recommend to the Assembly that Article 7B of the Constitution be amended as follows: <ol style="list-style-type: none"> a. Having regard to the political balance requirements of Section 15 of the Local Government and Housing Act 1989, that the membership of the Personnel Board be set at seven Members; 	

- b. That the Chair and Deputy Chair of the Personnel Board be fixed positions;
- c. That the quorum per meeting of the Board remains a minimum of three Members; including the Chair and/or the Deputy Chair;
- d. That the current terms of reference be amended so that no Member (including Trade Union Representatives) may sit on the relevant Board if they have worked particularly closely with a member of staff, who may be the subject of a report to a meeting of the Board.
- e. When the Board decides Job Evaluation Appeals the membership will be made up of an equal number of appropriately trained Members (to include the Chair and Deputy Chair), and Trade Union representatives, totalling 6 in line with current arrangements. For a meeting to proceed there shall be present at least two Council and one Trade Union representative(s); including the Chair and/or the Deputy Chair.

2. Further recommend to the Assembly that (i) the Independent Members' Remuneration Panel be advised of the new Chair and Deputy Chair positions and be asked to consider the appropriateness of associated Special Responsibility Allowances, and (ii) all necessary changes be made to the Constitution.

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1. Background

- 1.1 The present arrangements for membership of the Board is three Members per Board (drawn by the Chief Executive from a Panel appointed by the Assembly, based on a rota where that is possible). The membership of that Board should remain consistent when considering the same issue over more than one meeting.
- 1.2 With the broad range of employment related matters dealt with at the Board as set out in the summary, meetings are frequently called at fairly short notice and therefore in practice, as a result of Member commitments, the availability of some Members on the rota is restricted.
- 1.3 Over the past year there have been 20 Board meetings, all day-time. It is also relevant to mention that where cases are challenged through Employment Tribunals, Members of related Boards could be called as witnesses. In addition to the potential increased workloads for the Members' concerned, there are considerable cost implications in Tribunal cases, meaning it is vital that decisions taken at a Board level are robust and can stand up to independent scrutiny when challenged.

2. Proposed Changes

- 2.1 The nature of the Personnel Board is such that decisions taken do set precedents for future cases, and so it is important that the structure and make up of the Board supports consistency in decision making. However in practice the current Membership arrangements are resulting in an increased lack of consistency. With constant changes to employment law, it is becoming increasingly important to focus on the training needs of Members of the Board. For those reasons it is being proposed that rather than have a rota of Members, that a set number of Members be appointed (seven, including a permanent Chair and Deputy Chair; all of whom would then be given specific training to deal with the complex range of human resource issues.
- 2.2 The Personnel Board has been established as a “committee” under the Local Government Act 1972 and Local Government and Housing Act 1989, and as such political balance requirements apply to the membership. This means that not all seats on “committees” should be allocated to the same political group. The number of seats depends upon the size of each political group as a proportion of the membership of the Council as a whole. In this instance based on a suggested membership of seven it will be necessary to offer one seat on the Board to the minority parties.
- 2.3 Having reviewed the arrangements for the Personnel Board, as set down in the Constitution, it is necessary to make a small amendment to Section 2 which deals with the membership of the Board, to the extent that in future no Member, or Trade Union representatives when the Board considers Job Evaluation appeals, may sit on the relevant Board if they have in the past *worked particularly closely* with a member of staff who is the subject of a report to the Board. This will replace the existing qualification i.e. “no Member may sit on a relevant Board if they have worked closely with, or have more than a passing knowledge of the member of staff involved”. It is felt that the wording as it currently stands is too restrictive a qualification, and does not reflect the role played by Trade Union representatives when the Board considers Job Evaluation appeals.
- 2.4 The proposed amended wording for Section 2 is set out below:

Membership

- Seven Members.
- The Chair and Deputy Chair to be appointed annually by the Assembly.
- No Member, or Trade Union representatives when considering Job Evaluation appeals, may sit on the relevant Board if:
 - (i) they have been party to a staffing decision which is the subject of an appeal or otherwise; or
 - (ii) they have worked particularly closely with a member of staff the subject of a report to the Board.

- When the Board decides Job Evaluation Appeals the membership will be made up of an equal number of appropriately trained Members (to include the Chair and/or Deputy Chair), and Trade Union representatives, totalling six, with a minimum of two Council and one Trade Union representative(s), one of whom shall be the Chair or the Deputy Chair.

3. Financial Implications

- 3.1 If the decision is taken to appoint a permanent Chair and Deputy Chair, the Independent Members Remuneration Panel will be required to consider the appropriateness of applying Special Responsibility Allowances to both positions.

Consultations

The following have seen and approved this report:

Adrian Wilson-Smith, Head of Organisational Development and Employee Relations
Hayley Miller, Senior Human Resources Advisor
Councillor CJ Fairbrass, Leader of the Council

Background Papers- Nil

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