

# London Borough of Barking and Dagenham

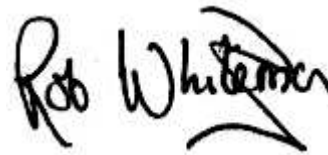
## Notice of Meeting

### ASSEMBLY

**Wednesday, 5 September 2007 - 7:00 pm**  
**Council Chamber, Town Hall, Barking**

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

**Chair:** Councillor S S Gill  
**Deputy-Chair:** Councillor J R White



R. A. Whiteman  
Chief Executive

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### AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interest**  
  
In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 25 July 2007 (Pages 1 - 12)**
4. **Annual Report of the Barking and Dagenham Youth Forum (BAD Youth Forum) 2006/07 (Pages 13 - 14)**
5. **Review of General Questions and Petitions Procedures (Pages 15 - 22)**
6. **Membership of Staffing Panels (Pages 23 - 25)**

7. **Members' Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters (Pages 27 - 40)**
8. **The Executive - Recent Business (Page 41)**
9. **Barking and Dagenham Partnership - Annual Review 2006/07 (Pages 43 - 50)**
10. **Customer Service Presentation - Customer Services Department**  
  
Presentation by Jackie Adams, Group Manager Rents and Benefits, Barking and Dagenham Direct Division.
11. **Appointments**
12. **Motions (Pages 51 - 52)**
13. **Leader's Question Time**
14. **General Question Time**
15. **Any other public items which the Chair decides are urgent**
16. **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. 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 as amended). ***There are no such items at the time of preparing this agenda.***

17. **Any confidential or exempt items which the Chair decides are urgent**

## ASSEMBLY

Wednesday, 25 July 2007  
(7:00 - 8:45 pm)

### PRESENT

Councillor S S Gill (Chair)  
Councillor J R White (Deputy Chair)

Councillor A Agrawal	Councillor J L Alexander
Councillor R W Bailey	Councillor Mrs S J Baillie
Councillor R J Barnbrook	Councillor G J Bramley
Councillor Ms E Carpenter	Councillor S Carroll
Councillor H J Collins	Councillor N Connelly
Councillor J R Denyer	Councillor Miss C L Doncaster
Councillor R W Doncaster	Councillor Mrs S A Doncaster
Councillor C J Fairbrass	Councillor M A R Fani
Councillor Mrs K J Flint	Councillor N S S Gill
Councillor D Hemmett	Councillor I S Jamu
Councillor S Kallar	Councillor Mrs C A Knight
Councillor J E McDermott	Councillor M E McKenzie
Councillor Mrs P A Northover	Councillor W W Northover
Councillor E O Obasohan	Councillor B Poulton
Councillor Mrs J E Rawlinson	Councillor Mrs L A Reason
Councillor Mrs V Rush	Councillor L Rustem
Councillor L A Smith	Councillor Miss N E Smith
Councillor J Steed	Councillor G M Vincent
Councillor L R Waker	Councillor P T Waker
Councillor Mrs M M West	

### APOLOGIES FOR ABSENCE

Councillor W F L Barns	Councillor R J Buckley
Councillor J Davis	Councillor Mrs D Hunt
Councillor J K Jarvis	Councillor Miss T A Lansdown
Councillor R C Little	Councillor M A McCarthy
Councillor D A Tuffs	Councillor Mrs P A Twomey

### 23. Declaration of Members' Interest

Councillor A K Agrawal declared a personal interest in Agenda Item 5 (Petition regarding parking conditions at Valence Infants' and Junior Schools - Minute 26 below) as he is Chair of Governors at Valence Infants' School.

The following Councillors declared personal interests in Agenda Item 7, (Petition requesting a new Community Centre - Minute 27 below) as follows:

- Councillor N S S Gill as he is a member of the Executive Committee of the Gurdwara; and
- Councillors S S Gill and I S Jamu as they are supporters of the Punjabi Welfare Association who organised the petition.

**24. Minutes (27 June 2007)**

**Agreed.**

**25. Petition opposing the issue of a licence to the Millennium Cash and Carry in King Edwards Road, Barking**

Received a report outlining details of a petition from over 100 residences regarding the issue of a licence to a business known as the Millennium Cash and Carry in King Edwards Road, Barking.

Noted that the Council will investigate claims of excessive noise and take action where necessary and **agreed** that:

1. the Council should seek continuing police support for enforcement of the traffic management arrangements in King Edwards Road near to the A13 and supplement this enforcement with periodic use of CCTV units once the Council has powers to enforce moving traffic offences;
2. rigorous enforcement of the parking conditions in the King Edwards Road – Movers Lane area be maintained in order to deter parking in contravention of the parking restrictions;
3. any reported allegation of animal abuse be forwarded to the Royal Society for the Prevention of Cruelty to Animals and residents to be informed accordingly; and
4. the Council maintains a review of the conditions in the King Edwards Road/A13 area to ensure that improvements made so far are maintained.

**26. Petition regarding parking conditions at Valence Infants' and Junior Schools**

Received a report outlining details of a petition from over 100 residences regarding parking adjacent to Valence Infants' and Junior Schools in the Bonham Road area in Dagenham.

**Agreed:**

1. the use of a temporary CCTV unit in the Valence schools area to enforce parking restrictions and deter parking abuse by parents delivering or collecting their children to/from school following a successful trial at other schools;
2. a publicity exercise with parents and children of the school with regard to the new initiative involving CCTV parking enforcement;
3. subject to a successful bid to Transport for London, implementation of a 20 mph zone in the Bonham Road area that will improve pedestrian conditions, traffic management and parking arrangements, including improved facilities for children crossing Bonham Road; and
4. that the Road Safety Service support both schools in developing their Travel Plans.

In response to Members' comments about addressing issues highlighted in the report, mention was made of the 'walking bus' scheme being piloted in the Borough.

**27. Petition regarding vehicles travelling illegally along Stamford Road, Dagenham**

Received a report outlining details of a petition from over 100 residences regarding drivers ignoring traffic restrictions in Stamford Road, near to Monteagle School, and travelling the wrong way along a one-way road.

**Agreed:**

1. to seek ongoing enforcement by the Police service to such a degree that drivers are deterred from driving the wrong way along a one-way street;
2. support the Council's efforts in gaining authority to undertake enforcement of moving traffic offences in support of the Police; and,
3. that a CCTV unit be utilised to support enforcement of the restrictions once the Council has appropriate powers.

**28. Petition requesting a new Community Centre**

Received a report outlining details of a petition received by the Council from the Punjabi Welfare Association for additional community facilities for the Punjabi community on the site of The Lintons and suggesting that a commemorative statue of Elizabeth Fry be erected in the Quaker Burial Ground.

Noted that the Council will be undertaking a number of pieces of work that will eventually lead to a strategy for how community space is provided and managed within the Borough. The specific request from the petitioners will be considered in the light of that Strategy, when developed. Actions to be taken to address the suggestion for a commemorative statue of Elizabeth Fry in the Quaker Burial Ground were also noted.

**29. Petition requesting a pedestrian crossing in Gale Street near Cambell Schools**

Received a report outlining details of a petition from approximately 100 residences regarding the need for a pedestrian crossing facility in Gale Street, near Langley Crescent.

Noted that the Council has been successful in a bid to Transport for London to improve pedestrian facilities and introduce greater speed control in the area and that within the current financial year a zebra crossing will be introduced in Gale Street and a 20 mph restriction will be implemented in the Langley Crescent area.

**30. Petition regarding the closure of the Curzon Community Centre**

Received a report outlining details of a petition asking for the Council's help in saving the Curzon Club from closure.

As a result of meetings between Council officers, the Portfolio Holder for Community Halls, members of the club and petitioners it has been established that the financial

position of the club is rather better than was thought. Club members and local residents have rallied round to help support the club and, with assistance from Council officers, a new committee is working to ensure that the club can repay debts and develop new activities.

Noted that since the petition was sent to the Council the club has had support from Members, officers from the Community Development Service, the Neighbourhood Management Service and from Barking and Dagenham Enterprises. This support will continue into the future with business advice available to the club from the Business Relationship Managers working within Learning Skills and Enterprise and the Neighbourhood Management Service, giving support to further developing the community activities.

**Agreed** that all the officers involved in setting the club on the road to recovery be thanked for their hard work.

### **31. Customer Service Presentation - Adult and Community Services**

Heather Wills, Head of Community Services, Libraries and Heritage, gave a presentation outlining what is being done in her division, which encompasses Libraries, the Barking Learning Centre, Heritage Services, community development, equalities and diversity, Neighbourhood Management and community cohesion, in relation to customer focus.

Heather highlighted the fact that satisfaction levels have all risen since the last survey was done and the maximum number of annual complaints received over the last three years was 35. However, whilst very few complaints are received the service is not complacent and use the information from complaints, plus suggestions and comments through the 'Tell Us' scheme, to improve their services. Improvements that have been made include a review of opening hours, introduction of materials in new languages to meet community needs, public toilets in new buildings, and added to some older ones, DVDs for hire and memory sticks for IT use.

In conclusion, Heather gave further details about how the services consult and engage with their users and how they will continue to improve.

### **32. Report of the Corporate Directors of Adult and Community Services and Resources: Best Value Review of Anti Social Behaviour**

Noted the Best Value Review and **agreed**:

1. the four key recommendations of the review:
  - to ensure a co-ordinated response to anti-social behaviour in the borough. A Council and partner-wide Anti-Social Behaviour Intervention Group should be established to consider and deliver on the strategic vision of the borough in terms of its anti-social behaviour work.
  - the Borough needs to develop an integrated approach to anti-social behaviour with co-located teams and a structure which allows for a holistic approach across the partnership to addressing the needs of the community, those responsible for anti-social behaviour and the partnership as a whole.

- improve communication of the Council's and its partners processes for preventing and dealing with anti-social behaviour to all members of the local community and our partners. Implement a comprehensive Media and Communications Strategy for the partnership.
  - in terms of operational delivery, a Standing Case Conference should be established to address behaviours of key individuals and families and to deliver early intervention to target the previous agenda.
2. for officers to work on the detailed Improvement Plan contained within this report; and
  3. to report back to this meeting in 6 months' time with a progress report.

Members raised concerns relating to targets for improvement, graffiti and how to deal with this and facilities for young people which Glynis Rogers, Head of Community Safety and Preventive Services responded to in detail, confirming that work was underway to address all of these issues.

### **33. Report of the Corporate Director of Resources: New Code of Conduct for Members**

Muhammad Saleem, Divisional Director of Legal Services, introduced a report on the new Model Code of Conduct for Members, published by the Government in April 2007, highlighting the main changes from the existing code.

**Agreed that:**

1. the new Code of Conduct, as appended to the report, be adopted with immediate effect, in place of the Council's current Code of Conduct for Members, and that the Constitution be amended accordingly; and
2. the ten general principles governing the conduct of Members of local authorities be included as a preamble to the Code.

### **34. Motions**

#### **Motion 1. Flying the St George's Cross and Union Jack on Council buildings**

Received the following motion from Councillor Bailey and seconded by Councillor Barnbrook:

"Now that Gordon Brown and the Labour Party are dropping the official policy on flag flying over public buildings and flying the Union Jack even over no 10 Downing Street I again move that this council should fly the flag of this country, the St Georges Cross and the Union Jack above the Civic Centre and the Town Hall in Barking."

The following amendment was moved by Councillor Fairbrass and seconded by Councillor Liam Smith:

Replace the original motion with - "The Council notes that the Prime Minister has instructed that all Government buildings should fly the Union flag daily.

The Council should maintain its custom of flying the Union flag on those days previously listed by the Department of Culture Media and Sport and that the flag of St George will be flown on the 23 April and on days of note for England."

The amendment was put to the vote and by a majority vote was **agreed**.

**Agreed**, that the Council notes that the Prime Minister has instructed that all Government buildings should fly the Union flag daily.

The Council should maintain its custom of flying the Union flag on those days previously listed by the Department of Culture Media and Sport and that the flag of St George will be flown on the 23 April and on days of note for England.

## **Motion 2. Census of Barking and Dagenham**

Received the following motion from Councillor Barnbrook and seconded by Councillor Bailey:

"A census of the Borough of Barking & Dagenham be set up and implemented as soon as possible, to follow in line with other London Boroughs and the comment of MP Jon Cruddas. To find out the actual population of Barking and Dagenham."

The following amendment was moved by Councillor Fairbrass and seconded by Councillor Bramley:

Replace the original motion with - "This Council recognises the inadequacy of the existing approach to assessing the population changes within the borough and the consequent negative impact on funding to the area. The Council welcomes the work being undertaken by London Councils to address this issue, and notes the success of the London Council's campaign in getting the Office for National Statistics (ONS) to review the way census data is adjusted to reflect more rapid population changes. Also that the Council notes that this work is recognised by government and will be used to inform grant settlements. The work of the ONS already starts to recognise that the population is underestimated by the census data, but not by the amount that we believe to be the case based on more local information. Lastly, that the Council agrees to continue to support this campaign as the most effective means of getting proper recognition for the impact of population changes in the borough."

The amendment was put to the vote and by a majority vote was **agreed**.



**Agreed**, that this Council recognises the inadequacy of the existing approach to assessing the population changes within the borough and the consequent negative impact on funding to the area. The Council welcomes the work being undertaken by London Councils to address this issue, and notes the success of the London Council's campaign in getting the Office for National statistics (ONS) to review the way census data is adjusted to reflect more rapid population changes. Also the Council notes that this work is recognised by government and will be used to inform grant settlements. The work of the ONS already starts to recognise that the population is underestimated by the census data, but not by the amount that we believe to be the case based on more local information. Lastly, the Council agrees to continue to support this campaign as the most effective means of getting proper recognition for the impact of population changes in the borough.

### 35. Leader's Question Time

No questions were received.

### 36. General Question Time

**Question:** Councillor Mrs Baillie asked if the Portfolio Holder for Community Safety, Parks Open Spaces and Events could inform the Assembly of the costs involved in the Policing and Security precautions at the Town Show following the decision of the BNP to hold a rally outside of the Town Show site? Despite the strong advice from both the Met Police and the Council's Chief Executive that such a rally would divert valuable police resources from ongoing national security activities.

**Response:** Councillor Mrs Rush said that our town show was an overwhelming success again this year, with over 100,000 visitors over the two days. The preparations were, however, overshadowed by the proposals by Councillor Barnbrook and colleagues to hold a demonstration, which would have detracted from the family fun event which is our town show.

In order to police the demonstration a considerable policing presence was made available by the Metropolitan Police. Prior to the first meeting officers were asked to remember that they were not preparing for the siege of Stalingrad. There then followed substantial planning by both Council and police which went on in the weeks leading up to the show to ensure that any such demonstration would cause minimal disruption. The total cost of this activity was £36,000 in police and Council time, spent on meetings and managing the protest on the day itself. This works out at £6,000 spent on each BNP protestor who turned up on the day.

This is money that could have been far better spent on delivering what people really want to see – continuing to cut crime and improve neighbourhood safety.

Councillor Mrs Rush went on to say that Councillor Barnbrook claimed to have informed the police some 48 hours before the start of the show that the demonstration would probably not take place, but the genie was already out of the bottle, his call for a demonstration had been widely published on his party's website and in the press, and is still on his party's website today. The Council

therefore had no option other than to carry through with the policing plans.

In conclusion, Councillor Mrs Rush said this just goes to show that, far from helping the community, the BNP much prefer to waste people's valuable time and money.

**Question:** Councillor Mrs P Northover asked if the Portfolio Holder could give some information as to when the regeneration of the Heathway will be finished.

**Response:** Councillor Kallar stated that the Dagenham Heathway public realm works will take approximately 9 to 12 months to complete, and the diversion for southbound traffic using the Heathway will be in operation for 20 weeks from 16 July 2007.

**Question:** Councillor Connelly said that within the Eastbrook Ward there are a number of roads that are concrete surfaced. Some of these roads have not been resurfaced for at least 27 years and as a result become very slippery when wet, which is hazardous to the local population. He asked if it would be possible to obtain a schedule for when these roads are due to be resurfaced with full road markings.

**Response:** Councillor McKenzie said that the Council is investing a considerable amount of funding in its highways maintenance programme as part of an ongoing schedule of repairs.

The roads and footpaths are being dealt with on a "worst first" basis in terms of general condition. There are no concrete roads in the Eastbrook Ward planned to be reconstructed in the current financial year.

Councillor McKenzie went on to say that as roads and footpaths deteriorate at a varying rate it is not possible to prepare a programme that includes all of the boroughs roads. However, in the next few months officers will be preparing a proposed schedule for the coming three years. Road safety is a priority and preparation is underway to survey all concrete roads for skid resistance to determine whether they are adequate. If treatment is deemed necessary this will be considered for inclusion in future road safety programmes.

**Question:** Councillor Barnbrook asked how many failed 'asylum seekers' are currently being housed by the council? He asked if they are being housed in Council houses or if the Council is paying private landlords? Councillor Barnbrook said he would also like to know how much this is costing the taxpayers of this borough. Finally, he asked why are we housing foreigners who have no legal right to be in this country?

**Response:** Councillor Liam Smith said that since 2001 housing law has not allowed any form of accommodation to be provided to any person 'subject to immigration control' [which includes 'failed asylum seekers'].

He went on to say that:

- (1) The Council does not provide housing for asylum seekers or failed asylum seekers.
- (2) In Children's Services there are no failed asylum seekers who are in

receipt of services.

- (3) Adult and Community Services do not fund asylum seekers. In 2006/07, however, it is estimated that £94,021 was spent on accommodation and subsistence for 9 failed asylum seekers with no recourse to public funds. These service users are 'destitute plus' and are therefore entitled to support under Section 21 of the National Assistance Act. These costs are far lower compared to other London Boroughs.
- (4) To date all costs for asylum seekers, both children and adults, have been covered through central government grant.

In conclusion, Councillor Smith said that if Councillor Barnbrook knew of any asylum seekers who are being housed in this borough, and could provide him with the details, he would investigate the matter.

**Question:** Councillor Bailey asked how much tax payers' money was spent in the last financial year on translation and interpreting costs for foreigners in this borough? He said he would also like to know, now that Labour has decided tax payers' money spent on translation and interpreting services is money which is wasted and is contributing to problems with race relations, is our Council going to immediately stop these services?

**Response:** Councillor Fairbrass said that the Council strongly rejects the suggestion that any money it spends on translating and interpreting is 'wasted' or that it contributes to problems with race relations.

The recent report by the Commission on Integration and Cohesion confirms the importance of targeted translation and interpreting where there is a need for it. This is consistent with the Council's position, as the Council remains fully committed to assisting all residents to participate fully in the community.

In the last financial year the Council spent £64,600 on all translation and interpreting services. It is impossible to determine how much of this was spent on so called 'foreigners' as opposed to British citizens, but it should also be noted that this includes spending on British Sign Language interpretation for deaf.

**Question:** Councillor Sandra Doncaster said that the Government is now saying that funding for ethnic single issue groups (for example a drop in centre just for pregnant Bangladeshi women) should end and asked how many ethno specific single issue groups the Council funds. She also asked how much they cost the tax payer and will the Council will be following the Government's recommendations and terminating this funding?

**Response:** Councillor Fairbrass said the recent report by the Commission on Integration and Cohesion is not Government policy, we understand that the Government is considering whether or not to adopt its recommendations.

The dictionary definition of 'ethnic' is 'sharing a distinctive racial, religious, linguistic or cultural heritage'. Only eight groups have been identified as being currently funded across the Council which are specifically targeted at single ethnic groups. The total funding given to these groups is £89,500.

Councillor Fairbrass went on to say that all funding provided through the corporate grants programme has the following criterion attached for delivery 'Provide information on how you have/are planning to work towards community cohesion' and organisations are monitored on the extent to which they achieve this. Every organisation is therefore required to demonstrate that, over time, they are moving to increase integration with the wider community and, as integration takes place, the costs will reduce. This is fully consistent with the recommendations of the Commission on Integration and Cohesion.

In conclusion, taking this and the previous question together, Councillor Fairbrass said the total expenditure on both items is £154,100.

Of this amount £141,587 comes to us as grant.

The Council tax payer contributes £13,815.

This equates to 8.12 pence per year for every local resident.

Many of the recipients of the service will, of course, be tax payers themselves.

**Question:** Councillor Claire Doncaster said It had come to their attention, by shop keepers and visitors to Barking shopping centre and the market area (excluding the covered shopping mall), that on the spot fines of £75 are being given out for 'stubbing' cigarettes out on the street. She asked when this was imposed and does it apply to people spitting, 'general' littering and spitting gum out onto the streets and paved areas?"

**Response:** Councillor Fairbrass said yes, we can issue fines for this type of behaviour and do not hesitate to do so. The Council's Street Wardens Service issues over 650 fines for this and other forms of littering each year. In fact Street Wardens recently issued an FPN to a solicitor in Barking Town Centre who unlawfully discarded his cigarette on the street.

Councillor Fairbrass went on to say that if this was in relation to a piece of casework could he remind the Member that she can report the matter to Barking and Dagenham direct on 0208 227 3000 or talk to Councillor McCarthy, the Lead Portfolio Holder, or the Head of Service, Darren Henaghan, who will be happy to discuss it with her. He also highlighted the fact that Councillor McCarthy held a portfolio meeting on 2 July which focussed on enforcement. However, no BNP councillors attended, or offered apologies, although they were invited.

In conclusion, Councillor Fairbrass said, now that the ban on smoking in pubs, restaurants etc has come into being we expect street litter to increase because of people smoking outside. The cost of cleaning this up should not fall to the tax payer.

**Question:** Councillor Rustem said that, according to the Chief Executive in a recent edition of the Barking and Dagenham Post dated 11 July 2007, the Dagenham Town Show was described as being "not a political event". If this event was indeed supposed to be non-political then why did the Leader of the Majority Group feel the irresistible

urge to inform us all in 'The Dagenham Town Show Magazine' about how 'Saturday will see Rise East take to the stage as they hold a musical extravaganza dedicated to anti-racism, with a host of diverse acts set to take the stage in the borough...'? Why was party political literature - in the form of specific anti-BNP leaflets – allowed to be distributed on official stalls? Why also was Ken Livingston, the Labour London Mayor, invited to make a political speech and allowed to turn the Dagenham Town Show into a political spectacle for far left anti democratic groups. By turning the Dagenham Town Show into a political spectacle does the Leader not now see that 'diversity' and 'anti-racism' are political concepts hijacked by far left troublemakers and rabblers?"

**Response:** Councillor Fairbrass said:

- The Rise Festival is a free, open air music event that celebrates multi-cultural London, through the enjoyment of music. It is a non political event and political parties have no involvement in its organisation. Rise was offered as an extra attraction to the Town Show, we accepted. It was not the type of music that attracts him but it was obvious from the large and diverse audience they had, that many people do enjoy the music they perform.
- The Council did not allow party political literature to be distributed and there was none on any official stall. Councillor Fairbrass said he alerted an officer about political literature being given out by the Respect Party and action was taken to confiscate the literature or remove the people who were distributing the material from the showground.
- The Mayor of London was not invited to make a speech, nor was he invited to visit the Town Show. Councillor Fairbrass said this was very remiss of us and he thanked the Councillor for fetching it to his attention. He said he would correct these two errors next year.
- Councillor Fairbrass concluded by saying the Council will continue to ensure that the Dagenham Town Show remains an event that welcomes and brings together all members of our community.

**Question:** Councillor Mrs Knight said she had been informed that the Council intends to close the Dagenham Central and Parsloes Park bowling greens and the Barking Indoors Bowls club. She asked when this was decided and by whom? Councillor Mrs Knight also asked what the justification was for closing these greens which are a valued resource, particularly for the elderly in the borough, and could the Council guarantee that all bowling greens in this borough will remain open.

**Response:** Councillor Mrs Rush said that the questions from the opposition party never failed to amaze her, in that they are outdated and inaccurate.

The Council does not intend to close down the parks bowling greens in Central Park or Parsloes Park, neither do they intend to close Barking Indoor Bowls Club.

Despite the £30,000 reduction required in this year's budget round, and the members of the opposition would have been aware of this from this year's budget report that came to Assembly, but then she forgot the opposition party refused to attend the meeting, the provision of outdoor bowling greens still

remains the most subsidised outdoor sports facility in the Borough's parks.

Councillor Mrs Rush went on to say that the Council originally drew all the clubs together in early March to see if they would consider merging and sharing facilities. Having met with the clubs to discuss the proposals it became apparent that they were not in favour of merging at the current time and they would rather pay slightly more and retain their individual clubs' identities than merge and share facilities.

In conclusion, Councillor Mrs Rush said that the Council are in dialogue with the Short Mat Bowls Club, who are also based in Barking Park, regarding the future of their facility and how this fits in with the proposed improvement works which will be progressed as part of the Heritage Lottery Fund proposals for the park as a whole. A commitment has been given that the Council will endeavour, over the next twelve month period, to come up with options to relocate the Short Mat Bowls Club in a suitable facility elsewhere in Barking.

## THE ASSEMBLY

5 SEPTEMBER 2007

### REPORT OF THE BAD YOUTH FORUM

<b>Title: Annual Report of the Barking and Dagenham Youth Forum (BAD Youth Forum) 2006/07</b>	<b>For Information</b>
<p><b>Summary:</b></p> <p>The BAD Youth Forum aims to give the Council greater contact with young people and in turn give young people a voice in local democracy.</p> <p>The Forum is an annually elected representative body of all young people aged 13 – 19 years old in the Borough, regardless of background. It is made up primarily of school students and representatives from various other youth organisations in the Borough.</p> <p>The elections for the current Forum were run in secondary schools on 10 October 2006. Those appointed to the Forum were invited to take part in an induction day at The Vibe Youth Centre ahead of the first meeting.</p> <p>The Forum is based on the academic year (September – August). As in previous years this year's Forum was launched in October to coincide with Local Democracy Week (LDW). It has met as a whole every two months and newly formed sub groups met more regularly to consider specific issues important to young people in the Borough.</p> <p>The young people decided the structure and ground rules and agreed a job description, contract of involvement, and composition of its four sub groups (Crime and Safety, Equalities, Youth Facilities and Youth Senior Management Team (YSMT)).</p> <p>The annual Question Time style Q &amp; A session provided the young people the opportunity to put questions to a panel of local and national decision makers as part of the borough's contribution to LDW.</p> <p>To further increase young people's awareness of issues of democracy the Forum attended a meeting on 26 February 2007 at the Houses of Parliament hosted by Jon Cruddas, MP. Issues raised included:</p> <ul style="list-style-type: none"> <li>• the impact of the 2012 Olympics in improving the health of young people,</li> <li>• addressing gun and knife crime,</li> <li>• stereotyping young people,</li> <li>• democracy and the different political parties within the borough, and</li> <li>• availability of a variety of food options in schools</li> </ul> <p>The Forum provides the opportunity to consult and inform young people, and officers from across the Council and representatives from other organisations have attended Forum meetings. These have included presentations about:</p> <ul style="list-style-type: none"> <li>• the Council's political structure,</li> <li>• substance misuse,</li> <li>• the Local Development Framework (LDF), and</li> <li>• the Magistrates Public Engagement Team</li> </ul>	

Other key activities/achievements of the Forum during 2006/07 include:

- Securing funding from the Youth Opportunities and Youth Capital Fund (£16,150.00). The monies were used to develop the following work of the sub groups:-
  - Video and poster campaign to tackle bullying and knife crime in the borough
  - Organisation of a cultural/equalities event
  - Production of a young people friendly booklet outlining facilities, information and advice available in the borough
- Participating in the Borough's first Children and Young People's Conference
- Participating in the Joint Area Review of Children's Services
- Developing the first Council based website designed by, and dedicated to, young people
- Holding an Urban Question Time session involving the Chief Executive, the Director of Children's Services, Borough Commander Tony Eastaugh and Paul Sinden, Director of Commissioning at the Primary Care Trust (PCT).
- The Crime and Safety Sub Group received the Diana Anti-Bullying Award for their 'outstanding contribution to tackling bullying in the community' through the production of an anti-bullying leaflet and DVD distributed across the borough.
- Working towards, and achieving, bronze and/or silver levels of the accredited Youth Achievement Awards

The young people were all presented with a certificate in recognition of their contribution to the success of this year's Forum.

Representatives from the Forum have been invited to attend the Assembly to present this report and answer any questions Members may have. The anti-bullying DVD referred to above will be played at the start of this meeting.

<b>Contact Officer:</b> Julie Willing	<b>Title:</b> Democratic Services Officer	<b>Contact Details:</b> Tel: 020 8227 2119 Fax: 020 8227 2171 E-mail: <a href="mailto:julie.willing@lbbd.gov.uk">julie.willing@lbbd.gov.uk</a>
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## Consultees

The following were consulted in the preparation of this report

- Councillor Jean Alexander, Lead Member, Children's Services
- Nina Clark, Assistant Chief Executive (Democracy and Partnerships)
- Darren Antoine, Youth Worker
- John Dawe, Group Manager, Democratic Services

## Background Papers Used in the Preparation of the Report:

Minutes of the BAD Youth Forum (16 October 2006, 26 February 2007, 23 April 2007 and 16 July 2007.)



**THE ASSEMBLY**

**5 SEPTEMBER 2007**

**REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**

<b>Title: Review of General Questions and Petitions Procedures</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>This report proposes changes to Article 2 – the Assembly (Sections 13 &amp; 17–General Questions and Procedures for Petitions) of the Constitution as follows:</p> <ul style="list-style-type: none"> <li>• <b>General Questions</b></li> <li>(i) All questions must indicate the name of the councillor asking the question at the time that the written notice of the question is provided;</li> <li>(ii) In the event that the person asking the question is not present on the evening of the Assembly, the question will be withdrawn; and</li> <li>(iii) Any questions withdrawn as indicated in (ii) above, or withdrawn at the request of the Councillor asking the question, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months.</li> </ul> <p>Appendix A sets out the proposed new wording for the relevant part of the Constitution.</p> <ul style="list-style-type: none"> <li>• <b>Procedures for Petitions</b></li> </ul> <p>Under the existing arrangements petitions are only presented to Assembly at the very end of the petitions process. Also, lead petitioners are only invited to address the Assembly where it has NOT been possible to identify an acceptable solution to all parties prior to a report being submitted to the Assembly. It is felt that petitioners should have an early opportunity to present petitions to the Assembly and it is therefore proposed that in future all petitions containing more than 100 signatures from separate addresses in the Borough should, upon receipt, be presented to the first available Assembly meeting. It is also being suggested that lead petitioners deliver their presentations within the actual Chamber as opposed to the upstairs gallery to enable better communications between Members and the petitioners, and also to emphasis that the gallery is less a place of speech and more one to listen.</p> <p>Appendix B sets out proposed new wording for the relevant part of the Constitution</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Recommendation</b></p> <p>To approve the revised changes to the Council’s Constitution described in the summary and as set out in the appendices.</p>	

**Reason:** All significant changes to the Council's Constitution require the approval of the Assembly. The changes are proposed in the interests of efficiency, reasonableness and openness.

**Implications:**

**Financial:** The proposal will help to prevent unnecessary preparation work and bureaucracy which can be quite costly.

**Legal:** The proposed changes will be incorporated into the Council's Constitution.

**Risk Management:** The proposal around the submission of general questions reduces the risk of block questions being submitted.

**Social Inclusion and Diversity:** None

**Crime and Disorder:** None

**Contact Officer:**

Nina Clark

**Title:**

Assistant Chief Executive  
(Democracy & Partnerships)

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**Consultation:**

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

Councillor C.J. Fairbrass, Leader of the Council  
Councillor R.Gill, Chair of the Assembly

**Background Papers used in preparation of the report:**

The Council's Constitution

**Extract from the Council Constitution  
Part B, Article 2**

(**Note:** New wording is shown in “**bold**”.)

13. General Questions

- 13.1 Questions relating to any matter on the agenda or otherwise may be raised at the meeting at the appropriate stage, subject to the discretion of the Chair who will ensure that questions are appropriate and relevant. However, questions about individual constituency issues cannot be considered. Members will be given an equal and fair opportunity to ask questions but each Member will be restricted to one question.
- 13.2 Written notice of any general questions must be received by the Chief Executive by no later than noon on the Monday before the meeting. **All questions must indicate the name of the Member asking the question at the time that the written notice of the question is provided.**
- 13.3 Wherever possible, answers will be given at the meeting by the appropriate Member. In the event that it is not possible to do so, a written response will be sent to the questioner, with copies to all Members, as soon as possible.
- 13.4 **In the event that the Member who submitted the question is not present at the Assembly meeting, the question will be withdrawn.**
- 13.5 **Any questions withdrawn as indicated above, or withdrawn at the request of the Member who submitted the question, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months.**
- 13.6 Where a Member wishes to exercise the right to ask a question in connection with Local Authorities' Interest in Companies, he/she should give notice in writing to the Chief Executive at least seven clear working days before the Assembly meeting at which this matter is to be submitted to enable a response to be given at the meeting.
- 13.7 Subject to any discretion exercised by the Chair, there is no right for the Member who asked the question to ask a supplementary question nor is there provision for any debate on the issue. The exception to this is any case where, in the view of the Chair, the nature of comments made about an individual named Member of the Council warrants an opportunity of reply by that Member if he/she so wishes.

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**Extract from the Council Constitution  
Part B, Article 2**

(**Note:** Current wording to be deleted is shown as “~~crossed through~~”, and new wording is shown in “**bold**”.)

17. Procedure for Petitions

- 17.1 All petitions<sup>1</sup> should be addressed to the Chief Executive and will be directed to Corporate Complaints. If another department or division receives a petition, Corporate Complaints should be alerted immediately and arrangements made for the petition to be re-directed to them.
- 17.2 On receipt, Corporate Complaints will determine how many people have signed the petition and whether the petition constitutes a request for a service / policy change or a complaint.
- 17.3 In all cases, Corporate Complaints will immediately copy the petition to the Leader of the Council and the relevant Lead Member(s) and Ward Councillors, advising them of the number of signatories and the referral they have made. After this, the relevant Heads of Service in the department dealing with the petition will be responsible for keeping these Members informed of progress.
- 17.4 If the petition contains signatures from less than 100 separate addresses<sup>2</sup> and constitutes a request for a service / policy change, Corporate Complaints will refer it to the appropriate department and ask them to investigate the request and respond direct to the lead petitioner(s).<sup>3</sup>
- 17.5 If the petition contains signatures from less than 100 separate addresses and constitutes a complaint, Corporate Complaints will refer it to the appropriate department to be dealt with through the Corporate Complaints Procedure.

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<sup>1</sup> A petition is defined as “a formal document appealing to an authority for a right or benefit etc, especially one signed by a large number of people...” They are usually headed with a short statement (the ‘prayer’) setting out the petitioners’ request (“We the undersigned...” or similar), followed by the petitioners’ signatures and addresses. Although petitions would usually be expected to contain a large number of signatures, any document in this sort of format is still a petition, even one signed by just a few people. For the purposes of this procedure, a letter signed by more than one person from separate addresses should also be treated as a petition.

<sup>2</sup> This includes both residential and business addresses and signatories must be resident in the borough or liable for business rates.

<sup>3</sup> Sometimes, the organiser(s) of the petition will be clearly identified on the petition or in a covering letter. Where this is not the case, the first signatory on the petition should be treated as the “lead petitioner.”

17.6 All petitions sent to the Council which contain signatures from 100 or more separate addresses in the Borough will be reported by the relevant Chief Officer to the Assembly within 2 months. If it is not possible to resolve the matter in that time frame, then a holding report should be presented to the Assembly. **referred by Corporate Complaints to the appropriate department with a copy to Democratic Services, on the basis that the relevant Chief Officer will report it to the next Assembly meeting. In such cases the steps that shall be followed upon receipt of a petition are:**

- **Democratic Services will write to the lead petitioner inviting them to attend the next meeting of the Assembly to present the terms of the petition**
- **The relevant Chief Officer, portfolio holder and ward councillors will be notified about the petition by Corporate Complaints and, if necessary, the Chief Officer will contact the lead petitioner to ascertain more information. The Chief Officer will then brief the relevant portfolio holder in advance of the Assembly**
- **The lead petitioner will be asked to present the terms of the petition from the floor of the Chamber to the Assembly for a maximum of five minutes. Members will then have the opportunity to ask any questions of either the lead petitioner or relevant officers, up to a maximum of ten minutes in total**
- **The portfolio holder will then be given the opportunity to respond and explain what will happen next with the petition**
- **At the end of the debate, the lead petitioner will be asked to retire to the public gallery**

~~17.7 Before a petition is reported to the Assembly, the lead Chief Officer will arrange a meeting to discuss the way forward. The lead Chief Officer will invite the lead petitioner(s) and the relevant Lead Member(s). Where the matter concerns a particular ward(s), they shall also invite all the relevant ward Councillors; where this is the case, the ward Councillors may nominate one or more of their number to represent them, but at least one should attend. The Chief Officer may attend the meeting themselves and/or be represented by the relevant Head of Service. The meeting shall be chaired by the relevant Lead Member or, in their absence, the Chief Officer or their representative.~~

~~17.8 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 the way forward. The parties should aim to agree a way forward at this meeting (or a recommendation to the Assembly if the proposed action requires approval). However, if this is not possible, a second meeting will be arranged within ten days or as soon as practical afterwards, for this purpose. If there is any dispute over the way forward, the parties should 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 agreed or recommended way forward.~~

- ~~17.9 The lead petitioner(s) will be invited to address the Assembly (subject to the provisions set out in paragraph 17.10 below), for the purpose of introducing their 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.~~
- ~~17.10 The Lead petitioner(s) will not be invited to speak to the Assembly in those cases where an acceptable solution to all parties has been identified and/or implemented prior to the report being submitted to the Assembly.~~
- ~~17.11 After the meeting, Democratic Services will write to the lead petitioner informing them of the outcome. If the petition has been classified as a complaint by Corporate Complaints, the letter will inform the lead petitioner that, if they are unsatisfied with the Assembly's decision, they may appeal to the Local Government Ombudsman.~~
- 17.7 Depending on the course of action adopted for a particular petition the Chief Officer will make arrangements to contact the lead petitioner, the portfolio holder and relevant ward and/or other councillors, to keep them informed of developments and an eventual outcome within a timescale not exceeding two months from the date of the Assembly meeting. In the event of exceptional circumstances preventing the notification of an outcome, then all parties should be notified of the progress and reasons for delay.**
- 17.8 Following the Assembly the Chief Officer will contact colleagues in Marketing and Communications to make sure that, where appropriate, relevant publicity is undertaken using available mechanisms such as the Council's website, ward newsletters, Member Matters etc.**
- 17.9 The following exclusions apply to petitions regardless of how many people have signed the petition:
- Petitions regarding those matters which fall within the responsibility of any quasi-judicial Board (i.e. the Development Control Board, the Licensing and Regulatory Board). Separate arrangements apply to these meetings including steps to ensure that Councillors are kept informed.
  - In relation to petitions from Council staff, the Employee Joint Consultative Committee has agreed that the issues raised in such petitions be dealt with through the Council's Grievance Procedure or collectively through the Trade Unions. Any queries about this should be directed to Head of Human Resources.
  - Any petitions relating to the day-to-day operation of a particular school(s) will be referred to the relevant Governing Body of the school(s) concerned for action and a response.
  - Any petitions relating to issues which are outside the Council's direct control i.e. matters governed by national legislation. Where such petitions are received the relevant lead Chief Officer will write to the lead petitioner to explain why the petition cannot be considered and advise what alternative routes/actions can be followed up.

- ~~17.10 A progress report on all outstanding petitions due to be submitted to the Assembly will be presented to the monthly Assembly agenda planning meeting.~~
- 17.10 The petitions procedure is separately available on the Council's website and intranet, complete with contact details for Corporate Complaints, Development Control and Democratic Services.



**THE ASSEMBLY**

**5 SEPTEMBER 2007**

**REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**

<b>Title: Membership of Staffing Panels</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>The Governance Working Party which reported to the Annual Assembly in May 2007 noted, amongst other things, that in line with the Local Authority (Standing Orders) Regulations the composition of panels to deal with staffing matters relating to Statutory and JNC Officers should in future be agreed through the Assembly. As a consequence the Constitution was amended to reflect this change.</p> <p>Having regard to the existing political balance requirements of the Council it is now proposed that the membership of Panels should be made up as follows:</p> <p style="text-align: center;"><b>Appointments/Assimilations/Dismissals/Disciplinary/Grievances</b></p> <p>The Leader and Deputy Leader of the Council as Chair and Deputy Chair respectively, the relevant Portfolio Holder(s), one further Member from the Majority Group and one Member from the Minority Group, the latter appointments to be agreed by the Chief Executive in consultation with the respective Group Leaders.</p> <p style="text-align: center;"><b>Appeals against Dismissals/Disciplinary/Grievances</b></p> <p>A minimum of two Executive Members, one further Member from the Majority Group and one Member from the Minority Group, all to be determined by the Chief Executive in consultation with the respective Group Leaders and subject to none of the Members having participated in any previous Panel relating to the case in question. Where a case involves an appeal by any of the three Statutory Officers, the Panel will also include a separate independent person.</p> <p>In any case involving an appeal by the Chief Executive then the make up of the Panel will be determined by the Corporate Director of Resources in consultation with the respective Group Leaders.</p> <p>In future, the Panels will be appointed by the Assembly as part of the annual appointments process.</p> <p>Appendix A sets out an extract from the Constitution (Scheme of Delegation) outlining the responsibilities of these two Panels.</p> <p><b>Wards Affected: None</b></p>	
<p><b>Recommendation</b></p> <p>The Assembly is recommended to agree:</p>	

<p>(i) the composition of Panels to deal with staffing matters relating to Statutory Officers and JNC Officers as set out in this report; and</p> <p>(ii) the appropriate amendments to the Council's Constitution in relation to the make up of the Panels.</p>		
<p><b>Reasons</b> In accordance with the Constitution the Assembly is responsible for implementing changes to the Council's governance arrangements.</p>		
<p><b>Implications</b></p> <p><b>Financial:</b> None</p> <p><b>Legal:</b> The proposed changes reflect the relevant regulations in relation to dealing with senior Council Officer posts</p> <p><b>Risk Management:</b> If the proposed changes are not adopted the Council will be in breach of the Local Authority (Standing Orders) Regulations in relation to executing staffing related issues in relation to Statutory and JNC Officers.</p> <p><b>Social Inclusion and Diversity:</b> None</p> <p><b>Crime and Disorder:</b> None</p>		
<p><b>Contact Officer:</b></p> <p>John Dawe</p>	<p><b>Title:</b></p> <p>Group Manager Democratic Services</p>	<p><b>Contact Details:</b></p> <p>Tel: 020 8227 2135          Fax: 020 8227 2171          Text phone: 020 8227 2685          Email: <a href="mailto:john.dawe@lbbd.gov.uk">john.dawe@lbbd.gov.uk</a></p>

**Consultees:**

Councillor C Fairbrass, Leader of the Council  
 Rob Whiteman, Chief Executive  
 Nina Clark, Assistant Chief Executive (Democracy & Partnerships)  
 Paul Feild, Principal Corporate Solicitor

**Background Papers:**

Local Authority (Standing Orders) Regulations  
 Governance Report to Annual Assembly in May 2007

**Extract from the Council Constitution  
Part C (Scheme of Delegation)  
Section A - The Assembly**

In accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations SI 3384/2001 to:

- Appoint a Panel of Members having regard to the political balance requirements, involving at least two members of the Executive including the Leader of the Council and the relevant Lead Member, to:
  - shortlist candidates for the position of Chief Executive (Head of Paid Service), the appointment of whom to be agreed by the Assembly.
  - appoint all JNC Officers including the Monitoring Officer and Chief Financial Officer (Section 151 Officer).
  - dismiss as well as consider disciplinary action and grievances in respect of all JNC Officers with the exception of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer), whose cases will additionally require the involvement of an independent person, and in the case of dismissal, be subject to recommendations to the Assembly .
- Appoint a further Panel of Members having regard to the political balance requirements, involving at least two members of the Executive to:
  - consider, with the involvement of a separate independent person, appeals in respect of disciplinary action and grievances against the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer);
  - consider appeals in respect of dismissal, redundancy, disciplinary action and grievances from JNC Officers;

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## THE ASSEMBLY

5 SEPTEMBER 2007

## REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

<b>Title: Members' Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters</b>	<b>For Decision</b>	
<p><b>Summary:</b></p> <p>The Council has adopted a new Code of Conduct for Members. Some revisions to the Members' Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters are recommended consequent upon the new Model Code. In particular, there is now provision for a Member, otherwise having a prejudicial interest, to attend a meeting for the purpose of making representations, answering questions or giving evidence, subject to the Member withdrawing after so doing. The revised Codes are set out at Appendices 1 and 2.</p> <p><b>Wards Affected:</b> None</p>		
<p><b>Recommendation:</b></p> <p>That the suggested amendments to the Members' Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters as set out in the report be agreed and that the Constitution be amended accordingly.</p>		
<p><b>Implications:</b></p> <p><b>Financial:</b> None.</p> <p><b>Legal:</b> These are covered in the report.</p> <p><b>Risk Management:</b> The Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters are designed to help Members in their deliberations and should reduce the risk of Members being in breach of the Code of Conduct or the Council being subject to legal challenge.</p> <p><b>Social Inclusion and Diversity:</b> None.</p> <p><b>Crime and Disorder:</b> None.</p>		
<p><b>Contact Officer:</b></p> <p>Robin Hanton</p>	<p><b>Title:</b></p> <p>Group Legal Manager</p>	<p><b>Contact Details:</b></p> <p>Tel: 020 8227 3201          Fax: 020 8227 3698          E-mail: robin.hanton@lbbd.gov.uk</p>

## **1. The New Code of Conduct**

- 1.1 The Assembly, at its meeting on 25 July 2007, adopted a new Members' Code of Conduct in line with the Model Code of Conduct published by the Government in April 2007. The Council's Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters have been reviewed in the light of the new Code.

## **2. The Members' Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters**

- 2.1 The new Members' Code of Conduct aims to provide Members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. The Council's Constitution makes provision for speaking by interested parties and applicants or their representatives at meetings of the Development Control Board and the Licensing and Regulatory Board.
- 2.2 It is suggested that the following additional paragraphs be incorporated into the Members' Code of Conduct for Planning Matters and for Licensing and Regulatory Matters:

### **“Speaking at Meetings as an interested party or applicant”**

If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case if you too are eligible you can also attend the meeting for that purpose only. You should not sit with Members of the Board and your right to address the Board is the same as other Members of the public.

However, you must immediately leave the room once you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to improperly influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.”

- 2.3 Other changes are suggested consequent upon the provisions of the new Model Code which are highlighted in Appendices 1 and 2 to the report.
- 2.4 In relation to personal interests there is now reference in the new Code to a member of family or any person with whom the Member has a close association. In relation to prejudicial interests there is now a condition that for the interest to be prejudicial the matter has to affect the Members' financial interests or relate to a licensing/regulatory matter.

2.5 There is now no longer an obligation for a Member to report another Member for breaching the Code of Conduct and an appropriate amendment to the Code of Conduct for Planning Matters is proposed in paragraph 7.

### **3. Development Control Board and Licensing and Regulatory Board Consultation**

3.1 The two Panels of the Development Control Board and the Licensing and Regulatory Board have been consulted upon the proposed revisions.

### **Background Papers**

The Local Authorities (Model Code of Conduct) Order 2007, and Explanatory Memorandum.

The Standards Board for England publication "The Code of Conduct Guide for Members May 2007".

## APPENDIX 1

# Members Code of Conduct for Planning Matters

### Introduction

The Council is the Local Planning Authority for Barking and Dagenham. ~~In due course,~~ The London Thames Gateway Urban Development Corporation will take responsibility for planning matters relating to major applications in its area of operation.

The Council's planning decisions must be taken with regard to policies contained in its adopted Development Plan (UDP), any supplementary planning guidance and any other material planning considerations. These decisions are made by Committees of elected Members (the Development Control Boards) and also by officers under delegated powers.

The Council's current Development Plan is the Unitary Development Plan which was adopted in 1995. However, recent changes to planning legislation require the production of a new Development plan, known as a Local Development Framework (LDF). The LDF must conform to Government Guidance and the London Plan. Until the LDF is formally adopted by the Council, planning decisions must be taken in accordance with policies contained in the adopted UDP, but should also recognise other material considerations such as Interim planning guidance, Government guidance and the London Plan.

Planning decisions should be taken with regard to the Council's policies, unless material considerations justify a departure. While many minor applications are dealt with by officers under delegated authority, as provided for under the constitution and as a requirement of government performance standards for planning, major schemes and those raising substantial objections are determined by the Development Control Boards.

This Members Code of Conduct for Planning Matters sets out the rules and procedures for the Council's Development Control Boards when determining planning applications and enforcement actions and considering site specific policy issues both in the lead up to and at a Development Control Board meeting. Our Code reflects the Council's Members' Code of Conduct, the advice of Local Government Ombudsman, the Standards Board for England and the Code of Conduct for Staff.

The law relating to the planning process obliges Members to act in a quasi-judicial and independent manner. They are required to consider planning applications and enforcement matters and site specific policy issues solely on their own merits, in line with published relevant policy.

The key objectives of this Code are:

- to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge
- to ensure that the role of officers, developers and applicants/members of the public are understood

To ensure these objectives are maintained all Members of the Council are advised to be familiar with the Code. If there are any concerns or lack of clarity about a planning matter



advice will be readily available from Officers. This will help avoid potential conflicts of interest, which may occur from time to time. If there should be any risk of unresolved conflicts with this Code Officers have been instructed to raise their concerns with of the Chair of the Development Control Board, who will be asked to take appropriate action, including giving specific advice to Members.

## The Code

### 1. How to avoid a conflict of interest and still assist your constituents

**1.1** In making their decisions Members of Development Control Board are required to have a neutral position on any application. This means they cannot be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Adhering to the following rules will ensure that public confidence in the Development Control Board is maintained and also serve to minimise the prospect of non-planning related matters clouding the judgment of Members. This is a requirement of the law and this guidance is aimed to assist Members in complying with this complex area of legislation and case law. Officers are always available to assist individual Members on these matters.

**1.2** As their role is quasi-judicial, Members of the Development Control Boards must not be involved in the support of, or the opposition to planning applications or enforcement actions. This could be considered as “prejudging” an application for permission or an enforcement action that may be considered by the Board. Similarly, Members of the Development Control Boards should not allow themselves to be influenced by members of the public and developers who might approach them and they should not be influenced by party politics or the views of other Members.

If Members do have particularly strong views on a particular planning matter they should seek advice from the Divisional Director of Legal Services and Monitoring Officer, the Corporate Director of Regeneration or the Head of ~~Planning and Transportation~~ Spatial Regeneration in order to minimise any risk to themselves.

**1.3** As decision-makers Members of the Development Control Boards should neither be seen to be pre-judging the application, or to be influenced by those with whom they have a special relationship such as fellow Members, at any stage prior to determination. Members should similarly avoid making public statements as to their support of, or opposition to, any application. This could be considered to be pre-judging the proposal and as such, could bring into question whether Members are acting independently on the merits of the case.

**1.4** If Members should receive lobbying material relating to potential applications, they should not respond and should forward it to the Council’s Development Control Manager.

If a Member is approached by an individual or an organisation in relation to a particular planning application on the agenda of an upcoming meeting, the Member should explain that they are unable to personally comment on the application but

that the person or organisation may:

- Where the application is not yet on the agenda, write to the Planning Officer responsible for the particular application/enforcement action who will take into account any material planning considerations raised in the representations when preparing the report for the Development Control Board;
- Contact the Democratic Support Officer to request to speak at the meeting;
- Contact an alternative Councillor who is not a member of the Development Control Boards.

**1.5** It is recommended that they make a written note of any approach made to them.

**1.6** If a Development Control Board Member decides to become involved in organising the support of or opposition to a planning application, then that Member should accordingly declare an interest at the beginning of the meeting (see *"When to declare an Interest"* below) and remove themselves from the room when the Development Control Board is determining the item in question.

By becoming involved in a planning application prior to the meeting other than to read the Planning Officer's report and to attend a Site Visit accompanied by the Planning Officers, the Member risks forfeiting his or her right to take part in the discussion or vote on that particular item.

**1.7** If Members are under any doubt as to whether they have expressed a view on a planning matter before going to the meeting, they should seek advice from the Divisional Director of Legal Services and Monitoring Officer in advance of the meeting.

**1.8** Ward Councillors who wish to make representations to the Development Control Boards should in particular note 1.2 and 1.3 on influencing other Members, 3.2 on Declarations of Interest and 6.3 and 6.4. If any doubt exists in a Member's mind about possible personal or prejudicial interests they should seek advice from the Divisional Director of Legal Services and Monitoring Officer in advance of the meeting.

## **2. When to declare an interest?**

**2.1** As outlined in the Council's Members' Code of Conduct, Members' interests are broken down into two distinct categories: personal interests and prejudicial interests, the latter being the more serious interest. A Member may have a personal interest, but that interest may not be a prejudicial interest which would preclude them from participating in a discussion and voting on a particular item.

**2.2** In general terms, if a Member is aware that he/she or one or more of their relatives or friends has an interest (directly or indirectly, for example, through

an organisation of which they are a member, or a company of which they are a director) in any matter before a Development Control Board and if the decision to be taken by the Members may be regarded as potentially affecting the well-being or financial position of that Member or ~~one or more of their relatives or friends~~, a member of his/her family or any person with whom he/she has a close association then such a '*personal interest*' must be declared before the matter is discussed, or as soon as it comes apparent to that member.

- 2.3** A Member with a '*personal interest*' also has a '*prejudicial interest*' in a matter if the matter affects his/her financial interests or relates to a licensing/regulatory matter and the interest is one, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest. In practice, it is more often than not, that a personal interest will be perceived by the public to be a prejudicial interest.
- 2.4** The Members' Code of Conduct sets out a number of exceptions to the above rule where a Member may regard them as not having a prejudicial interest, despite having a personal interest. Members are advised to be familiar with these provisions.
- 2.5** A common potential prejudicial interest arises where the Member resides near a development which is the subject of a planning application. While it is for the Member to judge, a useful rule of thumb is "will my enjoyment of my property be affected either positively or negatively by this application?" If the answer is in the affirmative, the Member should declare an interest and exclude themselves from discussion and voting on that item.
- 2.6** If any doubt exists in a Member's mind, they are advised to seek advice from the Monitoring Officer in advance of the meeting. In the final analysis, the duty to declare and the decision as to whether an interest should be disclosed rests with the Member, not with officers.

### **3. What to do when a prejudicial interest is declared?**

- 3.1** A Member with a prejudicial interest must withdraw from the meeting as soon as it becomes apparent that the matter in which they have a prejudicial interest is being considered unless he/she has obtained a dispensation from the Council's Standards Committee. The Member must not participate in any discussion on the matter in the meeting or vote on or be present at the vote on that matter.
- 3.2** The rules relating to declarations of interest apply equally to Ward Councillors who may from time to time wish to attend a meeting of the Development Control Board and speak on a particular matter. Each Member who attends a meeting must make an assessment of whether they have an interest or not. If a Member has a prejudicial interest they must withdraw from the meeting room for the duration of the discussion on that item. This applies even if the Member was not intending to speak.

#### **4. Decision-Making: Material Planning Considerations**

- 4.1** Members should only consider the planning merits of an application as set out before the Development Control Board in determining whether or not to grant planning permission. Members are not to give weight to non-planning related matters that may be raised by members of the public.
- 4.2** Further, an applicant or objector may not raise any substantial new information at a meeting (including by way of correspondence, other documents, photographs or models) at the Development Control Board meeting without due notice or the consent of the Board.
- 4.3** Any attempts by applicants or objectors (or their agents) to introduce such information in breach of this Code must not be taken into consideration by Members in arriving at their final decision.
- 4.4** Planning applications are considered with regard to the policies set out in the Unitary Development Plan, adopted in 1995 and subsequent Supplementary Planning Guidance. Applications must be determined in accordance with policy unless material considerations indicate otherwise. Material considerations include the site history, appeal decisions, Central and London Government Guidance. All these policies and factors must be weighed together before a decision at Development Control Board level is made.
- 4.5** If a decision of a Development Control Board appears to be made on other than planning grounds it could be open to legal challenge. If it is appealed, and a Planning Inspector or the Court decides the decision to be flawed, it may be overturned. This could have serious cost implications for the Council.
- 4.6** If the majority of Members on a Development Control Board make a decision which is contrary to the Planning Officer's recommendations, reasons for the decision need to be given. Officers will at this point outline to Members the implications of the decision they are making.

#### **5. Site Visits Protocol**

- 5.1** Members will not make any decisions or discuss the merits or otherwise of a case during the site visit but may seek clarification, particularly about the layout of the site, from the accompanying Planning Officers.
- 5.2** The Democratic Support Officer will record the time/date of the site visit, Members in attendance and any other relevant information.

#### **6. Conduct at Meetings**

- 6.1** Members who are not present throughout an entire item for whatever reason must refrain from participating in the discussion on that item and must not vote on it.
- 6.2** As this is a legal process it is vital that Members must be seen to act fairly – Members must not discuss, or appear to discuss, any matter with members of

the public during the course of the meeting or in the lead up to it.

- 6.3** Members who are not members of the Development Control Boards may speak at a meeting with the agreement of the Chair. Councillors should sit separately from the members of the Development Control Board and they should declare whether they have had any contact with the applicant/objector/property owner or their agents, and whether they are speaking on behalf of a third party, and if so, who.
- 6.4** Members who are not members of the Development Control Boards must not communicate with the Members in respect of any undetermined planning matter in any other manner than that described above in the lead up to or during the course of the meeting.
- 6.5** Use of political whips - Proceedings are quasi-judicial and can never be party political. Members can neither be whipped nor lobbied by other Members. Members are advised that any political group meeting prior to a Development Control Board meeting must not be used to decide how Members should vote on any one or more items. This is considered to be maladministration.

**7. Speaking at Meetings as an interested party or applicant.**

If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case if you too are eligible you can also attend the meeting for that purpose only. You should not sit with Members of the Board and your right to address the Board is the same as other Members of the public.

However, you must immediately leave the room once you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to improperly influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.

**8. Breaching the Code**

~~Where a Member believes that another Member is in breach of the Code of Conduct, then they themselves have a duty to report this to the Divisional Director of Legal Services (who is the Council's Monitoring Officer).~~

Failure to comply with this Code of Conduct for Planning Matters could lead to a Member being in breach of the Members' Code of Conduct. Breaches of the Code will be referred to the Standards Board for England.

## **9. Training**

**9.1** Members of the Development Control Boards should attend planning training organised by the Council and are strongly advised to do so.

**9.2** Members are encouraged to attend any other specialised training sessions provided, since these will be designed to extend Members' knowledge of planning law, regulations procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist Members in carrying out their role properly and effectively.

## **CODE OF CONDUCT FOR MEMBERS FOR LICENSING AND REGULATORY MATTERS**

### **1. Introduction**

The Licensing Act 2003 (the "Act") transferred responsibility for the licensing of the supply and sale of alcohol, and rationalised this with the control of regulated entertainment and late night refreshment. The Council is required to determine applications for licensed premises and personal licences under the Act. There is a set period for consultation. During that period persons who are interested parties i.e. – a person, or a body who represents people who live in the vicinity, or a business or body representing a business in that vicinity and the responsible authorities (e.g. Police, Fire, Planning, Local Authority) can make relevant representations. These representations must relate to statutory Licensing Objectives as set out in the Act.

### **2. The Licensing Objectives**

- 2.1 The Act requires that the Licensing Functions are carried out with a view to promote the statutory Licensing Objectives of:
- (a) the prevention of Crime and disorder
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm

If relevant representations are made and not resolved or withdrawn then the Act requires the application must be determined by a statutory Licensing Committee established under the Act. For Barking & Dagenham the Licensing Committee functions are performed by the Licensing and Regulatory Board (the "Board").

### **3. The Hearing**

- 3.1 The determination of licensing applications must be held in a quasi judicial manner. This means the Board must ensure that the application is determined in a fair and impartial manner and in accordance with natural justice. The Hearing is subject to statutory regulation.
- 3.2 If an applicant or person who made relevant representations is dissatisfied with the decision of the Board then they can appeal to the Magistrates' Court within 21 days of receiving written notice of the decision. The appeal will take the form of a re-hearing.
- 3.3 Members must be mindful of the requirements of the Members Code of Conduct as alleged breaches could lead to judicial review applications to the High Court or complaints to the Standards Board for England. The Board's hearing of applications need to be compliant with the Code of Conduct as any breach is likely to lead to a challenge of the decision(s), either on substantive and/or on procedural grounds. Members can ensure that challenges are avoided by following a fair and impartial procedure. This means all parties entitled to address the hearing must be given a

full and fair opportunity to present their case before a Committee of Members who have an open mind about the application.

4. To avoid risk of challenge Members should have regard to the following:-

**(i) Ward Councillors**

The Council has decided that Members of the Board are not able to take part in decisions that determine applications in their own Ward. They must leave the room.

**(ii) Personal and Prejudicial Interests**

If a Member of the Board has a personal interest then he/she must declare the interest; if the personal interest is a prejudicial interest, the Member should not participate in the determination of the application and leave the room. To be quorate, the Board has to consist of at least three Members, it is strongly recommended that as soon as Members receive their papers they check each application to make sure that they do not have a prejudicial interest. If they consider themselves to have a prejudicial interest they should notify the Democratic Services Officer responsible for the Licensing & Regulatory Board as soon as possible in advance of the meeting. If it later becomes apparent to the Member that he/she has a prejudicial interest (which may not be until the meeting) this should be declared as soon as it becomes apparent.

**“Personal Interest”** - a Member will be regarded as having a personal interest if it is an interest which the Member has given notice of in the Statutory Register of Members Interests or if it affects the well-being or financial position of the Member, ~~their employer or business, a relative or a friend.~~ a member of his/her family, or people with whom he/she has a close association.

The Code of Conduct specifies that if a Member has a personal interest they can still take part in a meeting and vote unless the personal interest is also a prejudicial interest. This means if a Member has a personal interest they must always disclose that interest to the Board at the beginning of the meeting but they may still be able to take part in the determination of the case. In practice, more often than not, a personal interest will be perceived by the public as a prejudicial interest.

**“Prejudicial Interest”** - A prejudicial interest bars Members of the Board from taking any part in the hearing. This includes appearing as a witness or party. A Member will have a prejudicial interest in a matter if the matter affects his/her financial interest or relates to a licensing/regulatory matter and the interest is ~~prejudicial interest is defined as one that a member of the public with the knowledge of the relevant facts would reasonably regard to be so significant that it is likely to prejudice the Member’s judgement of the of the public interest. In such circumstances a Member must leave the room, so that there can be no doubt that the Member did not influence the Board who made the decision. In case of doubt, the best advice is to withdraw from dealing with the application. In addition to the general provisions in the~~



Council's Constitution, a Member of the Board will be regarded as having a prejudicial interest in a licensing application if:

- (i) They live near the premises in question
- (ii) They are a regular visitor to the premises, or
- (iii) They belong to a lobby group which may be affected by the outcome of the application.

**(iii) Pre-determined Views**

The Council has to ensure that justice is done and seen to be done which means any Member or prospective Member of the Board must be very careful about what they say in public about the Council's licensing policies or the way in which applications will be determined. If a Member makes any comment in public which would indicate that they would have a preference to a particular application then this will disbar the Member from determining the licensing application.

**(iv) Other Members right to address the Board**

The Act allows "interested parties" to make relevant representations. There are four categories of interested party:

- (a) a person living in the vicinity
- (b) a body representing persons living in the vicinity,
- (c) a person involved in a business in the vicinity or
- (d) a body representing those persons.

A Member of the Council or a local MP may act as a representative and make relevant representations on behalf of any of these individuals or groups if they are specifically asked to do so. However in the case of a Member of the Board although they can make written relevant representations within the time limits prescribed by the Act, they are required to leave the room for the hearing of the application. It therefore follows for that application they will not be able to address the Board, either as an interested party or as a representative of an interested party.

Constituents' concerns may be orally presented to the Board by a Ward Member who is not a Member of the Board and they:

- have been specifically asked to represent, an interested party as set out above; or
- have either made a relevant representation within the requisite time or represents an interested party who has made a relevant representation within the requisite time.

And in the case of a Ward Member

- are not prevented from so doing by reason of a prejudicial interest.

(v) **Speaking at Meetings as an interested party or applicant.**

If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case if you too are eligible you can also attend the meeting for that purpose only. You should not sit with Members of the Board and your right to address the Board is the same as other Members of the public.

However, you must immediately leave the room once you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to improperly influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.

~~It should be noted that any Member of the Council wishing to make relevant representations in a personal capacity would have a prejudicial interest and should therefore not take part in the proceedings and leave the room.~~

These are the only criteria that can be taken into account, and override any provisions in the Constitution enabling a Member to address a Council as of right.

If you have any queries on the operation of this Code of Conduct please contact the Monitoring Officer 020 8227 3105.

**THE ASSEMBLY**

**5 SEPTEMBER 2007**

**REPORT OF THE EXECUTIVE**

<b>Title: The Executive - Recent Business</b>		<b>For Decision</b>
<p><b>Summary</b></p> <p>This report sets out recommendations made by the Executive at its meeting on 31 July 2007.</p> <p><b>Introduction of Enforcement of Moving Traffic Violations using CCTV.</b></p> <p>The Executive received a report concerning the decriminalisation of a number of moving traffic violations, which had previously been enforced by the Metropolitan Police. The responsibility for carrying out enforcement activity against drivers committing these moving traffic violations now falls to local Councils.</p> <p>The report sought a Council resolution to fix an ‘appointed day’ from which the Council would bring into operation the relevant powers, under Section 4 of the London Local Authorities and Transport for London Act 2003, to enforce moving traffic violations.</p> <p><b>Recommendation / Reason</b></p> <p>The Assembly is recommended, in order to assist the Council to achieve its Community Priority of “Making Barking and Dagenham Cleaner, Greener and Safer”, to:</p> <ol style="list-style-type: none"> <li>1. Adopt the powers of enforcing moving traffic violations, as provided in the London Local Authorities and Transport for London Act 2003; and,</li> <li>2. Agree the date of 19 November 2007 as the ‘appointed day’ for bringing those powers into operation within the London Borough of Barking and Dagenham.</li> </ol>		
<p><b>Contact:</b> Amanda Thompson</p>	<p>Democratic Services Officer</p>	<p>Tel: 020 8227 3103 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: <a href="mailto:Amanda.Thompson@lbbd.gov.uk">Amanda.Thompson@lbbd.gov.uk</a></p>

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

Minutes, agenda and public reports for the Executive meeting held on 31 July 2007.

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## THE ASSEMBLY

5 SEPTEMBER 2007

## REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

<b>Title: Barking and Dagenham Partnership - Annual Review 2006/07</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>This report sets out details of the Annual Review of the Barking and Dagenham Partnership for 2006/07, including structural changes to the Partnership, programme and financial performance against the Local Area Agreement, and communication of partnership activity.</p> <p>The Barking and Dagenham Partnership (Local Strategic Partnership) has been in existence for six years. The local authority continues to provide strategic and operational drive and support to the Partnership through the engagement and participation of the Leader of the Council and Executive portfolio holders, Chief Officers and Senior Managers and support staff.</p> <p>The role of the Partnership is gaining increasing priority through legislation aimed at delivering the Government's localism agenda, the requirement for improved performance through the delivery of Local Area Agreements, and a greater focus on partnership working in future inspection regimes. The Partnership has made changes to its Sub-Group structure in the past year to reflect these new challenges:</p> <ul style="list-style-type: none"> <li>• Development of the Adult Trust</li> <li>• Creation of the Inclusion, Equalities and Diversity Sub-Group</li> </ul> <p>The Partnership has a mandatory responsibility to report its performance to the Government against the indicators and targets contained within the Local Area Agreement. Government Office for London have reviewed the End of Year performance for 2006/07 and concluded that the Partnership is progressing satisfactorily. A summary of performance and headline successes is contained in the report and full copies of the self assessment have been placed in the Members' Rooms.</p> <p>The report also outlines the success of the Partnerships twice yearly conference, details of the upcoming conference in September, and planned actions to improve Members knowledge of the future work of the Partnership.</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Recommendations</b></p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> <li>• Endorse the contents of the report;</li> <li>• Note Government changes to the Local Area Agreement format for 2008/09; and</li> </ul>	

- Agree to receive a further report on the implications of the changes and emerging priorities in the autumn as part of the planned consultation process for the new style Local Area Agreement.

**Implications:**

**Financial:**

The Local Authority provides the Accountable Body function for the Barking and Dagenham Partnership and all external funding grants included within the Local Area Agreement. Financial processing and auditing carried out in line with corporate standards.

**Legal:**

The Barking and Dagenham Partnership exists as an Unincorporated Association and all contractual issues are undertaken in accordance with corporate standards

**Risk Management:**

No specific risk management implications. The activity of the Partnership is monitored and managed by the Public Service Board, chaired by the Chief Executive, and of which the Leader of the Council is a lead member. At an operational level the five Partnership Sub-Groups receive regular programme management reports and have Executive Member portfolio and Chief Officer representation

**Social Inclusion and Diversity:**

The Partnership has established a new Inclusion, Equalities and Diversity Sub-Group chaired by the Corporate Director of Adult and Community Services.

**Crime and Disorder:**

The Safer and Stronger Communities Sub-Group of the Partnership acts as the Crime and Disorder Reduction Partnership for the Borough.

<p><b>Contact Officer</b> Tim Pearce</p>	<p>Group Manager, Policy and Partnerships</p>	<p><b>Tel:</b> 020 8227 2928 <b>Fax:</b> 020 8227 2806 <b>Email</b> tim.pearce@lbbd.gov.uk <b>Minicom:</b> 020 8227 2685</p>
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**1. Barking and Dagenham Partnership - Background**

- 1.1 The Barking and Dagenham Partnership was established as the Local Strategic Partnership for the Borough in April 2001 in response to the introduction of Government legislation on the creation of Sustainable Communities and Neighbourhood Renewal. It has operated over the past six years evolving its structure in line with government guidance and in response to local priority.
- 1.2 The Partnership provides a strategic and operational forum for the key stakeholders in the Borough to facilitate and monitor the delivery of the Community Strategy “ Building Communities, Transforming Lives”, and to influence and make decisions that assist in its implementation, mainly via the successful delivery of the Local Area Agreement

- 1.3 In addition to the role played by the local authority, key stakeholders include major public sector organisations such as the police, Primary Care Trust, and Fire Brigade, regional government agencies like the London Development Agency, Job Centre Plus and the London Probation Service, and further and higher education providers like Barking College and the University of East London and Learning and Skills Council.
- 1.4 Elected voluntary and community sector representatives include Barking and Dagenham CVS, Victim Support, Age Concern, the Disablement Association of Barking and Dagenham, and the Racial Equality Council, and the business sector are represented through the Barking and Dagenham Chamber of Commerce and Barking and Dagenham Enterprises.

## **2. Structural Changes to the Partnership**

- 2.1 The Partnership has undergone some structural changes during 2006/07, mainly in response to challenges arising from the Local Government White Paper and in preparation for improved delivery of the new style Local Area Agreement and inspection regime:
- Development of the Healthier Communities and Older People's Sub-Group into an Adult Trust for the Borough mirroring the Children's Trust; and
  - Creation of a fifth Sub-Group called the Inclusion, Equalities and Diversity Sub-Group to provide specific and increased focus on social cohesion, community engagement and participation.
- 2.2 The full Partnership structure chart is attached as Appendix 1 to this report.

## **3. Local Area Agreement 2006/07 – Self-assessment**

- 3.1 The major role for the Partnership is in co-ordinating and driving delivery of the Borough's Local Area Agreement (LAA) signed with the Government in March 2006. As members will no doubt recall the LAA is currently split into four thematic blocks:
- Children and Young People
  - Healthier Communities and Older People
  - Safer and Stronger Communities
  - Economic Development and Enterprise
- 3.2 As a mandatory requirement of the LAA, the Partnership have to submit half-yearly reports to Government Office for London (GOL) detailing progress against the outcomes, indicators and targets contained within the LAA. Copies of the full 2006/07 End of Year Self Assessment report showing performance against the four block Action Plans have been placed in the Members' rooms. Following submission of the self assessment at the end of May, a review meeting was held between the Public Service Board and GOL on 19 July, at which GOL expressed their satisfaction at the progress made over the first year of operation of the agreement.
- 3.3 A summary breakdown of performance across the blocks is set out in the table below:

Block	CYP	HCOP	SSC	EDE	Total
Indicators/Targets	147	40	72	7	266
Green Rating	65	21	42	4	132
Red Rating	43	11	23	3	80
Positive Direction of Travel	71 48%	23 57%	49 68%	4 58%	147 55%
Negative Direction of Travel	34 23%	11 27%	8 11%	3 42%	56 21%

### 3.4 Headline successes in 2006/07 include:

- The percentage of pupils achieving five or more A\*-C GCSEs has risen to an all time high of 56%
- Fifteen looked after young people have gone to university for at least one year
- The number of young people gaining a place at university has increased to 453 in 2006/07 (end of 2005/06 academic year) exceeding target
- The numbers of children looked after population dramatically dropped over the past year
- The number of teenage pregnancies has reduced to a rate of 64 conceptions per 1,000 15 to 17 year olds, representing a -11.67% decrease in the rate of conceptions from the previous year
- The number of 0-15 year olds admitted to A&E with respiratory complaints has fallen to an average of 15.2 per 1,000 exceeding the Partnerships 2008/09 target
- The percentage of young offenders who re-offend at community penalty stage has reduced to 54.2% from 71% in 2005/06
- The stock of childcare places in the borough has been increased to 4,118, an increase from 2,702 in 2005/06
- Mortality rates from all cancers has reduced by 18% since the 1995-97 baseline
- Breast screening national standard of 70% uptake now being achieved
- Job Brokerage provision improved by opening of the Barking Job Shop in Vicarage Field, and funding secured for a Dagenham Job Shop to become operational in 2007/08
- Reduction of 7% in British Crime Survey (BCS) Comparator crimes
- Reduction of 12% in wounding
- Reduction of 13% in thefts from the person
- Reduction of 6% in criminal damage
- Reduction of 18% of theft or unauthorised taking of a vehicle

3.5 The Government is bringing in changes to the LAA with effect from 1 April 2008. The main facets include a streamlining of the number targets contained in the Agreement to coincide with the launch of a National Indicator set of targets in the autumn, and the creation of a single funding pot through which all LAA payments will be channeled.

3.6 The former measure will result in a new style LAA containing 18 mandatory targets for education and children's services and up to 35 other indicators from the National set. The latter change will greatly improve the ability of the Partnership to utilise



funding against the priorities negotiated through the LAA. Negotiation of the new style LAA is expected to take place between October 2007 and sign off in June 2008. An extensive consultation will take place on the priorities for inclusion within the new Agreement and events will be held with Members, and updates on negotiations included in Member Matters.

#### **4. Local Area Agreement 2006/07 - Financial Performance**

- 4.1 The Partnership achieved an overall spend of £13,464,042 (97.6%) against a profiled spend of £13,779,720 leaving a net underspend of £315,678 (2.4%). This falls comfortably within the allowed 5% roll forward figure within the LAA grant determination.
- 4.2 The major area of underspend involved the Local Enterprise Growth Initiative. The programme achieved £1,940,682 (89%) of LEGI expenditure in 2006/07 against an allocation of £2,180,894. This is a much improved position from the £800,000 underspend predicted at the half yearly review in December.

#### **5. Barking and Dagenham Partnership – Conferences**

- 5.1 The Partnership meets twice yearly through conference events aimed to bring together public, private and voluntary and community sectors in the borough. During 2006/07 the conferences were held on 20<sup>th</sup> September 2006 and 20<sup>th</sup> March 2007 with 200 and 125 attendees respectively. Details of the conference programmes' are set out below:

##### 20 September 2006

- Progress update on Partnership activity
- Key Note address by Sue Goss of the Office of Public Management (OPM) on Local Area Agreements – Learning from Rounds One and Two
- Question Time Panel
- Presentation on the Barking and Dagenham Compact
- Presentation on Building an Enterprise Culture in Barking and Dagenham
- Workshop Sessions on the Local Enterprise Growth Initiative

##### 20 March 2007

- Progress update on Partnership activity
- Key Note address by Ben Page of Ipsos MORI on Delivering excellent public services that meet the needs of a changing local population
- Presentation on Pathways into Employment – Establishment of a Barking and Dagenham Job Brokerage
- Workshop Session – Developing a Sustainable Community Strategy
- Presentation on Barking and Dagenham goes local – Introducing Neighbourhood Management
- Workshop Session – Neighbourhood Management needs you! – Help us shape it

5.2 Feedback on the conferences has proved positive with 92% of respondees for the September conference rating the overall day as excellent or good and 77% rating the overall day as excellent or good for the corresponding event in March

5.3 The fifth Barking and Dagenham Partnership Conference will take place on Thursday 27<sup>th</sup> September at the Castle Green Complex. The programme is as follows:

10.00 Registration and Refreshments

10.30 Welcome and Reflection on Progress

10.45 Key Note Address – Sense of Place and Place Shaping - Ros Dunn, Director for Local Development and Renewal, Department of Communities and Local Government

11.10 The Campaign Company – Consultation on the new Community Strategy

11.30 Group Session on identifying what gives Barking and Dagenham its Sense of Place and what we want it look like in the future

12 20 Inspirational Leadership – Olivier Mythodrama

1.20 Closing Comments

1.30 Lunch and Networking Opportunities

5.4 Invitations have been sent out to all Members via the Policy and Partnerships Office.

## **6. Future Communication of Partnership Activity**

6.1 It is recognised that in responding to the challenges laid down by the increasing importance placed on partnership working and the role of LSPs in delivery and future inspection regimes, the Partnership needs to raise its profile both internally within the local authority and in the wider community. Communication and understanding of partnership activity and performance will be at a premium and a number of measures will be implemented over the coming months:

- Revision of the Partnership website
- Establishment of a Partnership Newsletter
- Regular articles in the Citizen, Member Matters and People Matters

6.2 In addition to the above, events will take place with Members in relation to the consultation processes for development of the revised Community Strategy and the new style Local Area Agreement.

**7. Consultees**

Public Service Board (Barking and Dagenham Partnership)

**8. Background Papers used in the preparation of this report**

Report to the Public Service Board – 19.07.07

## BARKING AND DAGENHAM PARTNERSHIP STRUCTURE CHART

**Barking and Dagenham Partnership  
Conference  
2 each Year  
Chair:  
Councillor Charles Fairbrass  
Leader of the Council**

**Public Service Board  
8 Meetings Per Year  
Chair:  
Rob Whiteman  
Chief Executive**

<b>Sub Groups</b>	
<b>(Children and Young People) – The Children’s Trust</b>	<b>Chair: Roger Luxton Corporate Director of Children’s Services</b>
<b>The Adult Trust</b>	<b>Chair: Hilary Ayerst Chief Executive, Primary Care Trust</b>
<b>Safer and Stronger Communities</b>	<b>Chair: Rob Whiteman Chief Executive</b>
<b>Economic Development and Enterprise</b>	<b>Chair: Ted Parker Principal, Barking College</b>
<b>Inclusion, Equalities and Diversity</b>	<b>Chair: Anne Bristow Corporate Director of Adult and Community Services</b>

**THE ASSEMBLY**

**5 SEPTEMBER 2007**

<b>Title: Motions</b>	<b>For Decision</b>	
<p>The following motions have been received in accordance with paragraph 15 of Article 2, Part B of the Council's Constitution:</p> <p><b>1. Council Housing Allocations System - Call for Referendum</b></p> <p>To be moved by Councillor Robert Bailey</p> <p>“The bidding system for council housing was introduced without wide consultation and agreement from the people of this Borough. The system is a shambles and discredited. People are bidding and waiting whilst others far less deserving are given council housing. This is causing anger and resentment. I move that the council should immediately hold a referendum to allow the people of this borough to decide whether they want to return to the points system.”</p> <p><b>2. Dagenham Town Show</b></p> <p>To be moved by Councillor Lawrence Rustem</p> <p>“The Dagenham town show is billed as a family event. Yet it has a history of drunkenness, drugs and trouble. This puts people off attending especially families. I move to make the Dagenham town show from now on alcohol and drug free. “</p> <p>The deadline for proposed amendments to these motions is midday on Friday 31 August. For information, attached at Appendix A is the relevant extract from the Council's Constitution relating to the procedure for dealing with Motions.</p>		
<p><b>Recommendation</b></p> <p>The Assembly is asked to debate and vote on the above motions or any amendments put forward.</p>		
<p><b>Contact Officer:</b></p> <p>Alan Dawson</p>	<p><b>Title:</b></p> <p>Democratic Services Team Manager</p>	<p><b>Contact Details:</b></p> <p>Tel: 020 8227 2348            Fax: 020 8227 2171            Text phone: 020 8227 2685            Email: alan.dawson@lbbd.gov.uk</p>

**Extract from the Council Constitution  
Part B, Article 2 - The Assembly**

**15. Procedure for Motions on issues directly affecting the Borough**

- 15.1 Motions must be delivered to the Chief Executive not later than 4.00pm on the Wednesday two weeks before the meeting.
- 15.2 They will be listed on the agenda in the order in which they are received
- 15.3 Motions must be about matters for which the Council has a responsibility or which directly affect the borough.
- 15.4 Amendments to motions should be presented in writing to the Chief Executive not later than 12 noon on the Friday before the meeting. Amendments proposed after this time may only be considered with the consent of the Chair.
- 15.5 A Member may alter or withdraw their motion or amendment at any time.
- 15.6 Order/rules of debate:
  - 1 Except with the Chair's consent, the debate on each motion shall last no longer than 10 minutes and no speech shall exceed two minutes.
  - 2 The mover will move the motion and explain its purpose.
  - 3 The seconder will then second the motion.
  - 4 The Chair will then invite other Members to speak on the motion and put forward any amendments.
  - 5 Once all Members who wish to speak have done so, or the time limit has elapsed, the Chair will allow the mover a right of reply.
  - 6 At the end of the debate, any amendments will be voted on in the order in which they were proposed.
  - 7 If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments are moved.
  - 8 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
  - 9. If all amendments are lost, a vote will be taken on the original motion.