

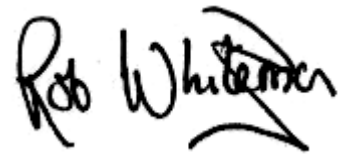
Notice of Meeting

ASSEMBLY

Wednesday, 24 February 2010 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor W F L Barns
Deputy-Chair: Councillor M McKenzie MBE



R. A. Whiteman
Chief Executive

Date of publication: 16 February 2010

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AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interests**

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. **Members are reminded that the provisions of paragraph 12.3 of Article 1, Part B in relation to Council Tax arrears apply to agenda items 10 and 11.**
3. **Minutes - To confirm as correct the minutes of the meetings held on 9 December 2009 (Pages 1 - 6)**
4. **Death of former Councillors Douglas Waters and John Lawrence (Pages 7 - 8)**
5. **Appointments**
6. **Petition - S106 funds for improvements to access to the Dagenham and Redbridge FC ground (Pages 9 - 12)**
7. **Council Constitution (Pages 13 - 14)**

8. Arrangements for Statutory Officers (Pages 15 - 16)
9. Members' Allowances 2010/2011 (Pages 17 - 22)
10. Council Plan Update 2010-11 Incorporating the Medium Term Financial Strategy (MTFS) 2010-2011 to 2012-2013 (to follow)
11. The Council's Budget 2010/11 to 2012/13 (to follow)
12. Treasury Management Annual Strategy and the Council's Prudential Indicators (to follow)
13. Motions (Pages 23 - 26)
14. Leader's Question Time
15. General Question Time
16. Any other public items which the Chair decides are urgent
17. 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.***

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

ASSEMBLY

Wednesday, 9 December 2009
(7:00 - 8:00 pm)

PRESENT

Councillor W F L Barns (Chair)

Councillor A Agrawal	Councillor J L Alexander
Councillor R W Bailey	Councillor R J Barnbrook
Councillor G J Bramley	Councillor R J A Buckley
Councillor E Carpenter	Councillor H J Collins
Councillor J Davis	Councillor J R Denyer
Councillor R W Doncaster	Councillor M A R Fani
Councillor Mrs K J Flint	Councillor N S S Gill
Councillor R Gill	Councillor D Hemmett
Councillor Mrs D Hunt	Councillor I S Jamu
Councillor T J Justice	Councillor Mrs C A Knight
Councillor Miss T A Lansdown	Councillor R C Little
Councillor J E McDermott	Councillor B Poulton
Councillor Mrs V Rush	Councillor L Rustem
Councillor L A Smith	Councillor Miss N E Smith
Councillor D A Tuffs	Councillor G M Vincent
Councillor L R Waker	Councillor P T Waker
Councillor Mrs M M West	Councillor J R White

APOLOGIES FOR ABSENCE

Councillor M McKenzie MBE	Councillor S Carroll
Councillor N S Connelly	Councillor C Doncaster
Councillor Mrs S A Doncaster	Councillor C J Fairbrass MBE
Councillor J K Jarvis	Councillor S Kallar MBE
Councillor M A McCarthy	Councillor Mrs P A Northover
Councillor W W Northover	Councillor E O Obasohan
Councillor Mrs J E Rawlinson	Councillor Mrs L A Reason
Councillor J Steed	Councillor Mrs P A Twomey

49. Declaration of Members' Interests

There were no declarations of interest.

50. Minute Silence

All stood for a minute's silence as a mark of respect for the death of a serviceman from the Royal Anglian Regiment who was on active duty in Afghanistan.

51. Minutes (28 October 2009)

Agreed.

52. Appointments

Agreed that Councillor NSS Gill be appointed as the Council representative to the vacancy on the Corporation of the Barking College.

53. Council Constitution

Noted a proposed change to the Council's Constitution in relation to the process of approval of the Council Tax Base so as to enable more effective financial planning.

Agreed to adopt the change to the Council's Constitution as set out in the report and noted that in line with delegated authority the Chief Executive has made a number of minor amendments, all of which come into immediate effect.

54. Pension Fund Annual Report and Pension Panel Arrangements

Received a report from the Corporate Director of Finance and Commercial Services setting out the Annual Report of the London Borough of Barking and Dagenham Local Government Pension Scheme for 2008/09 which provided an overview of the performance and detailed work of the Council's Pension Fund throughout the financial year. The detail was set out as an appendix to the main report.

In relation to the current performance of the Pension Fund questions were raised in relation to the potential effect on the fund of possible future redundancies brought about by the economic downturn, and the current performance of the Fund and the age profile of contributing staff.

The Assembly were informed as to how the Fund operates and that by law it has to ensure that its assets cover its total liabilities. The value of Fund is set every three years by the Council's Actuaries and this includes assessing the age profile of the Fund and in turn reviewing the level of the employee contributions.

The current age profile of the Fund indicates of those in the 40 to 50 and 50 to 60 age bracket are considerably less than the local government average.

In November 2009 the Assembly, in making a number of changes to the Council's Constitution, agreed that all policy decisions relating to pension investments for all employees should be an Assembly rather than an Executive function in line with the requirements of the Superannuation Act 1972, the Local Government Act 2000 and subsequent Local Authority Function and Responsibilities) Regulations 2000.

Under the regulations it is permissible to further delegate the pension functions to either an officer of the Council, a committee or a sub-committee. Under the Council's existing scheme of delegation day to day management of the pension fund is administered through Corporate Finance reporting through to an annually appointed Pension Fund Panel which in turn recommends decisions to the Assembly.

In view of the current frequency of the Assembly such reporting arrangements are neither practical nor efficient, and therefore in line with best practice adopted by most other local authorities we have **agreed** to:-

- (i) delegate authority to the Pension Fund Panel to deal with all pension matters, on the basis of the terms of reference set out in an appendix to the report;
- (ii) the necessary amendments to the Council Constitution to facilitate the above; and
- (iii) authorise the Chief Executive to arrange for the appointment of an additional member of the current Panel to accord with political balance requirements.

55. Construction of New Council Housing

Received a presentation from the Divisional Director of Asset Management and Capital Delivery concerning proposals to fund a new council house building programme. This provided an overview of the project which has seen the Council making grant applications for HCA funding supported by £7 million of identified funding within the existing Council Capital Programme.

The presentation highlighted a number of potential sites identified within Council ownership from an agreed disposal list, focussing on four early win sites, for which planning approval has been sought, with potential start dates of February 2010. The first phase of development involves eighteen new 3/4 bed family homes with in the longer term construction of an additional forty three units at Thames View and thirty one units at King William Street.

Councillor Carpenter in commending the presentation referred to the pre-Assembly briefing on employment and skills services to residents and businesses and enquired as to whether targets have been set to use local employment, local suppliers and create apprenticeships.

The Divisional Director explained that the Council now has a standard framework in its tender documentation covering all three issues with at least seven apprenticeships being created over the life of this project.

In general Members are supportive of the proposed house building programme although some comments were made in relation to the timing of the announcement, the funding arrangements, the projected unit costs and the proposed allocation criteria.

The Leader of the Council stated that this Council has wanted to build Council houses for many years but that previous governments have favoured the social housing route through housing associations. Barking and Dagenham has consequently resisted pressure to hand over land to housing associations and at long last after a tireless campaign by this Authority, the Government has finally agreed to review its approach to housing policy.

The Council intends therefore to utilize funding that was already earmarked in its capital reserves to start to build decent homes for local people at affordable rents. In relation to construction costs it was explained that the first build of eighteen units represents the first phase of a much larger longer term project which will see unit costs in the region of £150,000 which represents good value for money.

All these points were echoed by the Portfolio Holder for Housing who added that it has been a frustrating period but with the support of the Government the Council can now move forward and start to do something positive for local residents. In relation to the allocations policy he confirmed that the Council now places strict conditions on all new tenancies in the first year in order to keep tenants on track.

In conclusion he thanked the officers for the work they have achieved in a short space of time that has enabled the Council to get to the position to be constructing the first Council houses in this Borough for over twenty five years.

56. Motions

None received.

57. Leader's Question Time

None received.

58. General Question Time

None received.

SPECIAL ASSEMBLY

Wednesday, 9 December 2009
(8:01 - 8:15 pm)

PRESENT

Councillor W F L Barns (Chair)

Councillor A Agrawal	Councillor J L Alexander
Councillor R W Bailey	Councillor R J Barnbrook
Councillor G J Bramley	Councillor R J A Buckley
Councillor E Carpenter	Councillor H J Collins
Councillor J Davis	Councillor J R Denyer
Councillor R W Doncaster	Councillor M A R Fani
Councillor Mrs K J Flint	Councillor N S S Gill
Councillor R Gill	Councillor D Hemmett
Councillor Mrs D Hunt	Councillor I S Jamu
Councillor T J Justice	Councillor Mrs C A Knight
Councillor Miss T A Lansdown	Councillor R C Little
Councillor J E McDermott	Councillor B Poulton
Councillor Mrs V Rush	Councillor L Rustem
Councillor L A Smith	Councillor Miss N E Smith
Councillor G M Vincent	Councillor L R Waker
Councillor P T Waker	Councillor Mrs M M West
Councillor J R White	

APOLOGIES FOR ABSENCE

Councillor M McKenzie MBE	Councillor S Carroll
Councillor N S Connelly	Councillor C Doncaster
Councillor Mrs S A Doncaster	Councillor C J Fairbrass MBE
Councillor J K Jarvis	Councillor S Kallar MBE
Councillor M A McCarthy	Councillor Mrs P A Northover
Councillor W W Northover	Councillor E O Obasohan
Councillor Mrs J E Rawlinson	Councillor Mrs L A Reason
Councillor J Steed	Councillor D A Tuffs
Councillor Mrs P A Twomey	

59. Declaration of Members' Interests

There were no declarations of interest.

60. Changing Governance Arrangements in 2010: New Executive Arrangements

The Corporate Director of Resources reported that in respect of local authority governance arrangements, the Local Government and Public Involvement in Health Act 2007 has amended the Local Government Act 2000 to the extent that only two models of executive are now permissible, either a strengthened Leader and Cabinet, or a directly elected Mayor.

The Executive at its meeting in September 2009 agreed in line with the requirements of the legislation to undertake a public consultation exercise on the Council's favoured model of a strengthened Leader and Cabinet, with a view to formal adoption by the Assembly by 31 December 2009, for implementation from midnight on 9 May 2010.

The outcome of the public consultation exercise whilst not generating any significant interest indicated that there was no justification to alter the Council's preferred option. We have had regard to the key features/differences of a strengthened Leader and Cabinet including that the Leader will be appointed for a four year term, and that he/she will have the power to appoint and dismiss Cabinet members as they so determine.

In order for the Council to comply with its statutory duties under the Local Government and Public Involvement in Health Act 2007 (LGPIH 2007) we have **agreed** that:

- (i) the Executive will be the new indirectly elected Leader and Cabinet model;
- (ii) the size of the Cabinet should remain at 10 although the final decision will, by law, be taken by the newly elected Leader following the Annual Assembly in May 2010;
- (iii) the power to remove the Leader at any time be by way of a vote of confidence to be taken at the Assembly; and
- (iv) any consequential changes brought about by (i), (ii) and (iii) above should be incorporated into the Council's Constitution for subsequent approval by the Assembly to take effect from 9 May 2010.

We have also noted the proposed decision making arrangements to ensure the business of the Council can continue to be conducted between the time that the new executive model comes into force on 9 May 2010 and the Annual Assembly provisionally planned for 26 May 2010.

ASSEMBLY

24 FEBRUARY 2010

REPORT OF CORPORATE DIRECTOR OF RESOURCES

Title: Death of former Councillors Douglas Waters and John Lawrence	For Information
<p>Summary</p> <p>The Assembly is asked to note with deep regret that two former Councillors have passed away.</p> <p>Former Councillor Douglas J Waters</p> <p>Former Councillor Douglas J Waters passed away on 21 December 2009 at the age of 87 and was buried/cremated at Forest Park Cemetery on 8 January 2010. Mr Waters was married to Irene, had 2 children, 4 grandchildren and 5 great grandchildren.</p> <p>Mr Waters was elected Councillor between 1967 and 1982 and served on Village, Gascoigne and Thames Wards. In addition to various Council Committees and School Governing Bodies, Mr Waters also served on the London Boroughs Training Committee, South Essex Traffic Advisory Committee, Little Heath Lodge Remand Home, Barking & Dagenham Old People's Welfare Association and the Children's Care Committee.</p> <p>Mr Waters also served as Mayor for the year 1978-79.</p> <p>Former Councillor John Henry Lawrence</p> <p>Former Councillor, Mayor and Freeman of the Borough, John Henry Lawrence passed away on Sunday, 3 January 2010 and was cremated at South Essex Crematorium on Wednesday, 27 January 2010. Mr Lawrence had been suffering from poor health for some time and deteriorated after a fall.</p> <p>Mr Lawrence was born in Quebec, Canada in 1922 and moved to England when he was six months old. He was married to Doris Lily and had three children. Mr Lawrence worked in the foundry at Fords, Dagenham and was shop steward and President of the AUEW Foundry Workers Section.</p> <p>Mr Lawrence was first elected as Councillor in 1964 and served on Eastbrook, Heath and Gascoigne Wards, standing as a Councillor for 38 years until his retirement in 2002. In addition to various Council Committees and School Governing Bodies, Councillor Lawrence served on outside organisations, such as the National Housing & Town Council, NHS – Barking & Dagenham Joint Consultative Committee and the London Boroughs Association Housing and Works Committee.</p> <p>Mr Lawrence was elected Mayor in 1977 and was awarded Freedom of the Borough in 1985.</p> <p>Recommendation / Reason</p> <p>The Assembly is asked to stand for a minute's silence as a mark of respect.</p>	

Contact: John Dawe	Group Manager Democratic Services	Tel: 020 8227 2135 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: john.dawe@lbbd.gov.uk
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Background papers used in the preparation of this report: None

THE ASSEMBLY

24 February 2010

REPORT OF THE DIRECTOR OF ADULT AND COMMUNITY SERVICES

<p>Title: Pondfield Park – Petition regarding the use of Section 106 funding</p>	<p>For Decision</p>
<p>Summary:</p> <p>The Council is proposing to utilise funding secured via a Section 106 (S106) Town and Country Planning Act developer contribution to upgrade a pathway within Pondfield Park, which leads to the rear of the Dagenham and Redbridge football ground. The S106 funding can only be used for ‘environmental improvements to Pondfield Park’.</p> <p>The pathway is in poor condition and presents a slip/trip hazard. A technical assessment has been undertaken and it shows that the pathway in its current condition presents a heightened risk of accidents to users of the park.</p> <p>In its current state it is difficult for the pathway to be used by people with mobility problems and carers with young children. It is also inaccessible for people who are wheelchair users.</p> <p>It is considered that the proposed improvements will benefit both park users and people attending the adjacent football ground.</p> <p>However, a petition has been received from Mr Darren Rodwell on behalf of local residents objecting to the proposed use of the S106 funding for this purpose:</p> <p><i>‘We the undersigned are petitioning against the use of the 106 money being used to resurface and develop the unofficial pathway that leads to Dagenham football ground. It was agreed that the 106 money would be used on features to improve the park for the benefit of the whole community – teenage play equipment, improved entrances to the park, road safety features, existing pathways etc. We believe that the only people who will benefit from the proposed improvement are the Dagenham Away fans using the new stand. At present we are already inconvenienced by the away fans parking outside our home and park and do not see why we should be further inconvenienced. The money should be spent on something that our whole community will benefit from.’</i></p> <p>Mr Rodwell has been invited to the Assembly to present the petition.</p> <p>Given that this is primarily a statutory compliance priority, this report recommends that the improvements works to the pathway must be implemented and that the ‘ring fenced’ S106 developer contribution is used for this purpose.</p> <p>Wards Affected: Alibon</p>	

Recommendation (s):

The Assembly is asked to agree to the implementation of the improvement works to the pathway in Pondfield Park and that these should be paid for by using the S106 developer contribution secured for 'environmental improvements to Pondfield Park'.

Implications:

Financial: The S106 funding available to implement the improvement scheme is approximately £72,000. The tendering of the proposed works has been deferred until a decision is reached on how to implement the scheme but it is expected that all of this allocation will be required for this purpose. Officers in Regeneration and Economic Development have confirmed that this would be a legitimate use of the S106 funding.

There is no committed funding in the Council's capital programmes to implement these improvement works. If Members do not agree to use the S106 funding for this purpose, it will be necessary to reduce the funding from an existing green spaces capital project or for additional funds to be identified in the capital programme.

Legal: The Council as landowner has a number of responsibilities under the law including under the Occupiers Liability Act 1957 and the law of negligence. The Council also has a duty to manage risk in its parks and open spaces under the Health and Safety at Work etc Act 1974. In addition, the Disability Discrimination Act 2005 requires the Council to make 'reasonable adjustments' to its facilities so that they are accessible to people with disabilities.

As the technical assessment is that the pathway requires work to be done to it to ensure compliance with its statutory obligations, the Council could find itself open to the risk of successful claims by persons affected by the current condition of the pathway either due to accident or access issues.

Section 106 Town and Country Planning Act 1990 Agreements are a form of planning obligation between local planning authorities (the Council) and developers. They are intended to make development acceptable in planning terms. Section 106 agreements must be: relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects. The use of planning obligations must be governed by the fundamental principle that planning permissions may not be bought or sold.

Risk Management: There is no specific risk associated with the implementation of the improvement works to the pathway. There is, however, a risk of claims against the Council due to personal injury if the scheme is not implemented.

Social Inclusion and Diversity: The replacement of the pathway steps with a ramp and handrails will improve access for people with mobility problems, wheelchair users and carers with young children.

Crime and Disorder: None associated with this scheme.

Options Appraisal: Given that the improvement works are essentially a statutory compliance priority, it is considered that the works proposed would be the best use of resources.

In the event it were decided that S106 funding should not be used for the identified purpose, it will be necessary for additional funding to be identified in the Council's capital programme for 2010/11, or for funding earmarked for an existing green spaces related improvement project to be re-aligned, to enable the required works to be implemented.

Contact Officer: Paul Hogan	Title: Head of Leisure and Arts	Contact Details: Tel: 0208 227 3576 E-mail: paul.hogan@lbbd.gov.uk
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1. Background

- 1.1 The Council is proposing to utilise funding secured via a S106 developer contribution to upgrade a pathway within Pondfield Park, which leads to the rear of the Dagenham and Redbridge football ground. The S106 funding can only be used for 'environmental improvements to Pondfield Park'.
- 1.2 However, the Council received a petition in November 2009 containing the signatures of 416 residents of the Borough objecting to the proposed improvement works
- 1.3 The Head of Leisure and Arts discussed the content of the petition and the Council's position with a representative from the Reed Road TRA, who forwarded the petition to the Council. There remains a strongly held view by the petitioners that the S106 funding should not be used for the purpose outlined in this report.
- 1.4 Implementation of the scheme was deferred following the receipt of the petition to allow the matter to be considered by the Council Assembly.

2. Current Position

- 2.1 The pathway in question is in poor condition. The nose of many of the steps is eroding through wear, creating an uneven walking surface and increased risk of slips, trips and falls. Also the variable dimensions of treads and risers create an uneven walking surface, increasing the risk of tripping hazards.
- 2.2 The foundations to the pathway are unstable and will continue to deteriorate, representing an escalating health and safety hazard.
- 2.3 Also there is no handrail or ramp to the pathway. Along with the variable dimensions to the treads and risers, this makes it difficult for the pathway to be used by people with mobility problems and carers with young children. It is inaccessible for people who are wheelchair users.
- 2.4 Repair is not considered a viable solution due to the general state of the steps and the other works required. Demolition and creation of a ramped pathway is considered the preferable solution
- 2.5 It is the technical assessment of health and safety professionals that the pathway in its current condition presents a real risk of accident that could lead to claims against the Council as the owners of the park and pathway.

- 2.6 It is considered that the proposed improvements will benefit both park users and people attending the adjacent football ground. The Council views the Dagenham and Redbridge football club as a significant sporting asset for the local community which also supports many diverse charitable and 'grass roots' based initiatives. The fact that the improvement works will also benefit the operation of the football club is seen as a positive factor by the Council.
- 2.7 The pathway provides access to the park for residents living in Victoria Road and Bury Road and the surrounding area. The Council will be spending £50,000, secured from the Playbuilder programme, in 2010/11 to create second play area in the park. As a result, the provision of good quality and safe access to the park for those residents, especially those with small children, is considered to be particularly important.
- 2.8 The Council is mindful of the concerns of residents about the facilities in the park and has specifically targeted investment to make improvements. Alongside the improvements to children's play, referred to above, the Council also has plans to make further improvements over the next year to the cycle paths and tree planting in the park.
- 2.9 It should also be noted that the proposed investment in improvements to Pondfield Park is not isolated. It is estimated that since 2006, the Council has invested £229,000 in improvements to the park, funded either from its own capital programme or via external funding. This has been spent on improvements such as a new play facility (£143,000), lighting installation (£23,000) and tree planting (£12,000).

3. Consultees

- 3.1 The following were consulted in the preparation of this report:
- Councillor Bob Little - Cabinet Member for Culture and Sports
 - Jeremy Grint – Head of Regeneration and Economic Development
 - Yinka Owa – Legal Partner
 - David Theakston, Group Manager Parks and Commissioning

Background Papers Used in the Preparation of the Report:

Petition

THE ASSEMBLY

24 FEBRUARY 2010

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Council Constitution	For Decision
<p>Summary:</p> <p>Under paragraph 9 of Article 2, Part B of the Council's Constitution, the Assembly is responsible for agreeing material changes to the Constitution and associated rules, codes, protocols and schemes relating to the way in which the Council operates.</p> <p>In relation to Part C of the Constitution (Responsibility for Functions - Scheme of Delegation) it is proposed to transfer the responsibility for approving the Annual Statement of the Council's Accounts from the Assembly to the Public Accounts and Audit Select Committee (PAASC). It is also proposed to make the corresponding amendment to the terms of reference of the PAASC to include 'Consideration and approval of the Annual Statement of the Council's Accounts'.</p> <p>The reason for proposing the change is that under the provisions of The Accounts and Audit Regulations 2003 and in line with best practice adopted by most other local authorities, the Annual Statement of Accounts should be approved by a committee rather than by full Council. This is because of the practicalities of meeting as close as possible to the approval deadline of the 30 June each year, having regard to the PAASC's audit function responsibilities, and enabling a more detailed scrutiny of the Statements by a more focused group of Members.</p> <p>Subject to the Assembly's approval, the Council's Forward Plan will be amended accordingly and the relevant page in the Constitution will be updated on the Council's website.</p> <p>Wards Affected: None</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree the proposed change to the Council Constitution to transfer the responsibility for approving the Annual Statement of the Council's Accounts from the Assembly to the Public Accounts and Audit Select Committee (PAASC), to take immediate effect.</p>	
<p>Reason(s)</p> <p>To ensure that the Council's decision making accords with the principles of decision making as set out in Article 11 of the Council's Constitution.</p>	
<p>Implications</p> <p>Financial - No specific implications</p>	

Legal –The Local Government Act 2000 requires Council’s to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.

The Accounts and Audit Regulations 2003 require that the annual statement of accounts be considered by a committee or the members of the body meeting as a whole. The Council thus has a choice where to allocate this function. The Audit Commission’s advice to local authorities is to discharge this function through an audit committee to provide more focused and independent review of the accounts before approval. In this Council the PAASC fulfils this function.

Contractual - No specific implications

Risk Management - Any delays in updating the Constitution puts at risk the normal functions and business of the Council being conducted in an effective, efficient and lawful manner.

Staffing - No specific implications

Customer Impact - No specific implications

Safeguarding Children - No specific implications

Crime and Disorder - No specific implications

Property/Assets - No specific implications

Options appraisal - Not applicable

Head of Service: Nina Clark	Title: Divisional Director of Legal and Democratic Services	Contact Details: Tel: 020 8227 2114 E-mail: nina.clark@lbbd.gov.uk
Report Author: John Dawe	Title: Group Manager, Democratic Services	Contact Details: Tel: 020 8227 2135 Fax: 020 8227 2171 E-mail: john.dawe@lbbd.gov.uk

Consultees:

The following were consulted in the preparation of this report:

Councillor L Smith, Lead Cabinet Member
Nina Clark, Divisional Director of Legal and Democratic Services
Winston Brown, Legal Partner
Jonathon Bunt, Corporate Financial Controller

Background Papers Used in the Preparation of the Report:

None

ASSEMBLY**24 FEBRUARY 2010****REPORT OF THE CHIEF EXECUTIVE**

Title: Arrangements for the Council's Statutory Officers	For Decision
<p>Summary:</p> <p>There are a number of statutory and regulatory requirements to appoint certain officer roles within the Council. These include three specific posts, known collectively as the statutory officers, which the law stipulates must be approved by full council (in our case the Assembly). These posts are charged with the corporate management and governance of the Council and are the Head of Paid Service, the Chief Financial Officer (known as the Section 151 Officer), and the Monitoring Officer. The post holders may designate deputising arrangements for their respective roles. This report sets out the arrangements for covering the post of Chief Executive (Head of Paid Service) when Rob Whiteman leaves the Council's employment in May and deals with recent changes in relation to the Section 151 officers.</p> <p>The Chief Executive will take up his new post of Managing Director of the Improvement & Development Agency (IDeA) on 17 May 2009. The post will be advertised immediately after the local elections on 6 May with an expectation that a new post holder will be in place by October 2010. Members of Assembly are asked to delegate to the Member Appointments Panel the appointment of an Acting Chief Executive for the period 17 May to a new permanent Chief Executive being in position. Interviews will take place in March and Assembly of 24 March 2010 be asked to confirm the appointment with effect from 17 May 2010.</p> <p>Since Roger Luxton's retirement Rob Whiteman has not designated a chief officer to deputise for him formally as Deputy Chief Executive, but in order to ensure a smooth transition will ask the chief officer chosen as Acting Chief Executive designate to fulfil that role. After 17 May the Acting Chief Executive will advise Members of any deputising arrangements.</p> <p>On 16 September 2009 the Assembly agreed to the appointment of Tracie Evans as the Section 151 Officer in her capacity as then Interim Divisional Director of Corporate Finance. John Hooton, Controller of Strategic Finance was noted as being the Deputy Section 151 Officer.</p> <p>Since then, Tracie Evans has been permanently appointed to the position of Corporate Director of Finance and Commercial Services. She has continued therefore in her appointed role as the Section 151 Officer and following external recruitment has designated Jonathan Bunt, Corporate Finance Controller, as her nominated deputy.</p> <p>For information, there are no other changes in terms of the Head of Paid Service and Monitoring Officer roles.</p>	

Wards Affected: None		
Recommendations:		
The Assembly is asked to:		
<ul style="list-style-type: none"> (i) delegate to the Assembly "Appointments" Panel, the selection of an Acting Chief Executive (Head of Paid Service) for ratification by Assembly on 24 March for the period commencing 17 May 2010 until a new permanent Chief Executive is in position; (ii) note the continuation on a permanent basis of Tracie Evans, Corporate Director of Finance and Commercial Services, as the Council's Section 151 Officer; and (iii) note that Jonathan Bunt, Corporate Finance Controller, is the nominated Deputy Section 151 Officer. 		
Reason(s)		
To ensure appropriate cover arrangements are in place in relation to the post of Chief Executive (Head of Paid Service) pending a permanent appointment, and to regularise the statutory position of Section 151 Officer following recent appointments. In doing so to recognise these important roles at Chief Officer and Head of Service Level.		
Implications		
Financial: The arrangements do not incur any additional remuneration.		
Legal:		
Section 4 of the Local Government and Housing Act 1989 requires local authorities to designate one of their officers as the head of their paid service. Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs.		
Contractual: There are no contractual implications		
Risk Management: There are no risks associated with this report.		
Staffing: The positions are personal to the named individuals.		
Report Author: Rob Whiteman	Title: Chief Executive	Contact Details: Tel: 020 8227 2789 Fax: 020 8227 2279 rob.whiteman@lbbd.gov.uk

Consultees:

Leader and Deputy Leader of the Council and the Cabinet Member for Resources
Nina Clark, Divisional Director of Legal and Democratic Services

Winston Brown, Legal Partner

Background Papers: None.

ASSEMBLY**24 February 2010****REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Title: Members' Allowances 2010/11	For Decision
<p>Summary</p> <p>The Independent Remuneration Panel has carried out its annual review of Members' Allowances and in doing so has had significant regard to the economic situation. It is recommending for a second year that there should continue to be a freeze imposed on Members' allowances.</p> <p>Unlike previous years the Panel decided not to require Members to complete a questionnaire about their workloads nor to interview any Members.</p> <p>The Panel did, however, review the position relating to the independent members of the Standards Committee, following a decision to do so last year. Interviews were held with the Chair of the Committee and the Council's Monitoring Officer. It was noted that the workload of the Committee has grown significantly over the course of the past two years since the introduction in May 2008 of the local assessment and determination of formal complaints against Members. The Panel considers therefore that in view of the current workload of the Committee an annual allowance should be payable to both the Chair and other independent members, as opposed to a meeting by meeting payment.</p>	
<p>Wards Affected: None</p>	
<p>Recommendations:</p> <p>The Assembly is asked to consider the recommendations of the Independent Remuneration Panel as follows:</p> <ul style="list-style-type: none"> ➤ To agree that no increase be applied to Members' allowances in the coming year, representing a freeze in allowance levels for the second year in succession, to take account of the continuing difficult economic situation, ➤ To agree that an allowance of £1000 and £500 be payable respectively to the Chair/other independent members of the Standards Committee. <p>In view of the fact that the Council is subject to elections in May 2010 and in order to be as fair as possible in applying new allowances, it is proposed that the new Members' Allowance Scheme for 2010/11 as set out in Appendix A should:</p> <ul style="list-style-type: none"> (i) in relation to the basic allowance, take effect from 9 May 2010, with all other allowances (principally the special responsibility allowances) from the day after the Annual Assembly, scheduled for 19 May 2010 and (ii) be incorporated into the Council Constitution (Part F) which will be updated and agreed at that meeting. 	

<p>Reason:</p> <p>To meet the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.</p>		
<p>Implications:</p> <p>Financial: The total budget provision for Members Allowances and the Mayor and Deputy Mayoral Purse amounts to £896,470. This has been budgeted for in the Council's estimates for 2010/11. Any decision to make payable an allowance to independent Standards Committee members will be contained within this figure.</p> <p>Legal: In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council has a duty to have regard to the recommendations which have been made by the Independent Remuneration Panel.</p> <p>Risk Management: None</p> <p>Social Inclusion and Diversity: None</p> <p>Crime and Disorder: None</p> <p>Options appraisal The Panel considered the option of increasing allowances in line with its previously adopted principle of applying the Bank of England Consumer Price Index as at December 2009, but decided against this and instead recommended applying a further freeze this year against the backdrop of the continuing difficult economic climate.</p>		
<p>Contacts Derek Johnson</p> <p>John Dawe</p>	<p>Title: Chair</p> <p>Group Manager, Democratic Services</p>	<p>Contact Details:</p> <p>Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk Fax: 020 8227 3698 Minicom: 020 8227 2685</p>

1. Introduction and background

- 1.1 In 2000, an Independent Remuneration Panel was established to review and make recommendations to the Council on Members' Allowances. The Panel was established under the Local Authorities (Members' Allowances) (England) Regulations 2001 which have since been replaced by the 2003 Regulations.
- 1.2 Under the legislation the Council must have regard to the recommendations of the Panel before making or amending the Members' Allowances Scheme. The Panel must consist of at least three members, all of who should be independent (e.g. not a Member of the Council). In this Authority the panel consists of five independent members (Derek Johnson (Chair), David Russell, Ian Bristow, Nicholas Hurst and Aftab Ahamed Khan)
- 1.3 In previous years the Panel has undertaken a comprehensive review of the Members' Allowances Scheme, taking into account many factors including the legal

framework, the Council's existing scheme of payments, other London Boroughs' schemes, time inputs and details of special responsibilities. The Panel has also previously interviewed a selected number of Members to seek their views on how they perceive their "job" and the workloads. All Members have been encouraged to complete an annual questionnaire to assist in the evaluation process.

1.4 The Panel has introduced a number of basic principles associated with the annual review process:-

- The Bank of England Consumer Price Index (CPI) as at December the previous year (e.g. December 2009 for the 2010/11 Scheme) should be used for calculating any increase to the basic allowance; and
- Special Responsibility Allowances (SRAs) will be calculated either as a multiple of the basic allowance or as a specified sum, depending on the position.

2. Current Position and Review for 2010/11

2.1 In 2008/9 the Assembly was presented with a number of recommendations, forming the basis of the Members Allowance Scheme for that year including the introduction of a voluntary claw back provision. Whilst the Assembly was supportive of the principles of a voluntary scheme they did recognise it had no legal basis and, as such, agreed that representations be made to government with a view to lobbying for statutory provision. In response the Department of Communities and Local Government informed the Council that they had no plans to change the legislation as they felt the current allowance regime was sufficiently robust and transparent, as well as the fact that they did not regard Councillor allowances as being based purely on a number of meetings they attend, linking the role more to the fact that they should be acting as strong advocates for the communities, without the need to attend a set number of meetings per year.

2.2 In the light of the above the Panel noted that the Council decided to take no further action on adopting a voluntary deduction scheme to form part of the overall Members' Allowances Scheme

2.3 As part of this year's review, the Panel was informed of the Council's financial position and financial forecast.

2.4 In recognising the unique financial circumstances facing the public sector in general at this time the Panel decided to dispense this year with the standard questionnaire and not to undertake interviews with selected Members.

2.5 The Panel did, however, review the situation with regards the (five) independent members of the Standards Committee. Currently the independent members receive no allowance but are entitled to claim travel and subsistence expenses. In 2009/10 it was agreed not to recommend a payment but to instead review the position this year.

2.6 The Panel met with both the Chair of the Committee and the Council's Monitoring Officer. It was noted that due to changes in legislation introduced in May 2008 whereby all formal complaints against Members are dealt with locally through the Standards Committee, the workload has increased significantly with twenty individual complaints received since that time. Each of the complaints has a number

of different stages through which it could proceed i.e. an assessment, a review, an investigation and a consideration, which may then be followed by a full hearing. These aspects of a complaint are spread out across members under a Sub-Committee structure as agreed by the Assembly. Each Sub-Committee comprises one councillor and two independent members, with an independent member statutorily being required to chair the meetings. Where possible, Sub-Committee meetings are arranged to coincide with a scheduled date for a main Standards Committee to cut down on the need for members to attend on a higher number of dates.

- 2.7 The work is rotated as far as possible amongst the independent members to try to achieve a fair workload. The length and intensity of each Sub-Committee meeting varies depending on the nature of the case but, more importantly, the actual workload varies according to which part of the process is being considered. For example, a first stage Assessment Sub-Committee will involve a small amount of reading before the meeting and maybe up to an hour for the meeting itself. On the other hand, a full Hearing Sub-Committee following an investigation could take several hours of reading and preparation, possible pre-meetings plus a half to full day meeting for the hearing, as well as perhaps follow up meetings where any appeal is heard. Also, and very importantly, all Standards Committee members must be fully knowledgeable about the various standards procedures and Standards for England guidance. Crucially, the Panel noted the importance of the role that the independent members have to play when, as could happen, their role involves them having to make quite serious judgements about Councillors with power to impose sanctions against them when considered necessary. At the time of this report there had only been one case which had gone through to a hearing stage. In addition to this there are the general Standards Committee duties including attendance at six meetings each year and training.
- 2.8 Having regard to examples of what other boroughs pay their independent members the Panel are further recommending that an annual attendance allowance of £1000 and £500 be payable to the Chair/other independent members of the Standards Committee to reflect the extent of the current workloads which will be reviewed on a year by year basis.

Consultees:

The following have been consulted in preparation of this report:

Bill Murphy, Corporate Director of Resources
Nina Clark, Monitoring Officer
Winston Brown, Legal Partner
Lee Russell, Group Manager, Corporate Finance

Background Papers Used in the Preparation of the Report:

The Local Authority (Members' Allowances) (England) Regulations 2003
Minutes of the meetings of the Independent Remuneration Panel

APPENDIX A

Members Allowances Scheme 2010/11

1. Basic Allowance

The Basic Allowance for the year is £10,006

2. Special Responsibility Allowances

The following Special Responsibility Allowances are payable, as appropriate, in addition to the Basic Allowance:-

Leader of the Council	£35,022
Deputy Leader of the Council	£22,513
Members of the Executive	£17,510
Chairs of the: <ul style="list-style-type: none"> ▪ Assembly ▪ Development Control Board ▪ Personnel Board ▪ Licensing & Regulatory Board Lead Members of the following Select Committees: <ul style="list-style-type: none"> ▪ Health and Adult Services ▪ Children's Services ▪ Safer and Stronger Community ▪ Living and Working ▪ Public Accounts and Audit 	£3,142
Deputy Chairs of the: <ul style="list-style-type: none"> ▪ Assembly ▪ Development Control Board ▪ Personnel Board ▪ Licensing & Regulatory Board Deputy Lead Members of the following Select Committees: <ul style="list-style-type: none"> ▪ Health and Adult Services ▪ Children's Services ▪ Safer and Stronger Community ▪ Living and Working ▪ Public Accounts and Audit 	£1,571
Leaders of the Minority Groups	£342 per seat (with a minimum of £1,110 per Leader)

Mayor's Purse	£14,351
Deputy Mayor's Purse	£2,989
Co-opted Members (Independent Members of the Standards Committee)	
<ul style="list-style-type: none"> • Chair • Other Independent Members x 4 	<p style="text-align: right;">£1,000 £500 each</p>

Note - Only one Special Responsibility Allowance will be payable to any Councillor (the highest allowance applies).

3. **Childcare and Dependant Carers Allowance**

3.1 An allowance set at £6.83 per hour is payable to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking Approved Duties.

4. **Travel and Subsistence Expenses**

4.1 Reimbursement of travel expenses via public transport will be the actual fair paid. Reimbursement of costs incurred by Councillors using their own motor vehicle, subsistence costs in respect of meals and costs involving an overnight stay will be reimbursed at the appropriate rate as shown on the Councillors' claim forms for travelling expenses and subsistence costs.

(Contact Officer: Divisional Director of Legal and Democratic Services, Tel. 020 8227 2114)

THE ASSEMBLY**24 February 2010**

Title: Motions	For Decision
<p>The following motions have been received in accordance with paragraph 14 of Article 2, Part B of the Council's Constitution:</p> <p>1. British History Month</p> <p>To be moved by Councillor Lawrence Rustem</p> <p>"It is naturally important that all cultures should be recognised and not merged into a liberal-left-Marxist utopian melting pot that extinguishes all identities. It is also important that all cultures are able to maintain a link with their relative histories as has been recently highlighted by Black History Month which was held throughout Barking and Dagenham in October.</p> <p>It is understandable that people from different cultural and ethnic backgrounds are able to learn about who they are and where they have come from. Therefore, in the interests of fairness and equality which this Council boasts of trying to maintain, it is the view of the British National Party that Barking and Dagenham Council should take the lead and be the first to stage a British History Month which would be similar to Black History month which provided "music, food, exhibitions, workshops, speeches, dance, debates and cultural performances". British History Month should also be held throughout the borough and would be geared towards holding themed events which demonstrate an awareness of the "Inspirations from the past, Aspirations for the future". It would also only be fair that Barking and Dagenham should look to spend the same amount of money as was spent on Black History Month £5,197. This Council should also encourage the Primary Care Trust and the North East London Foundation Trust to contribute £1,000 each, just as these two organisations have done for the Black History Month."</p> <p>2. Sukhwinder Singh</p> <p>To be moved by Councillor Inder Singh Jamu:</p> <p>"This Council offers our sincerest condolences to the family of Sukhwinder Singh. Mr Singh was a hero who lost his life trying to prevent a crime, and the death of this brave builder from Barking is a tragic loss to our community."</p> <p>3. Fanshawe, Galleon and East Barking Day Care Centres</p> <p>To be moved by Councillor Richard Barnbrook</p> <p>"We note with concern the proposed closure of the Fanshawe, Galleon and East Barking Day Care Centres on 31st March, 2010. We further note that Day Centres provide essential back-up for families and carers of the elderly and assist in maintaining independent living within the community. We call on the Council to take over the running of these centres (wherever possible re-employing existing staff) or to guarantee equivalent services will be provided to the elderly within the local area."</p>	

4. Protest against building a prison in Beam Park

To be moved by Councillor Liam Smith

“This Council thanks the thousands of residents across Dagenham who have taken the time to sign the petition, join the Facebook group or join protests against building a prison in Beam Park. Because of the strength of this support, this Council is confident the Government will reverse their earlier decision.”

5. St George’s Day celebrations

To be moved by Councillor Mick McCarthy

“Following the success of last year’s St George’s Day celebrations – which were among the biggest in England – the Council agrees to put on even more events this year, and give our national saint’s day the recognition it deserves.”

The deadline for amendments to these motions is noon on Friday 19 February 2010.

For information, attached at Appendix A is the relevant extract from the Council’s Constitution relating to the procedure for dealing with Motions.

Recommendation

The Assembly is asked to debate and vote on the above motions and any amendments.

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Margaret Freeman

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

14. Procedure for Motions on issues directly affecting the Borough

- 14.1 Motions must be received by the Chief Executive not later than 4.00 pm on the Wednesday two weeks before the meeting.
- 14.2 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any motions that he/she considers are of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council; or that do not relate to the business of the Council or are otherwise considered improper or inappropriate.
- 14.3 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any motions the content of which he/she feels forms the basis of a motion already considered at the Assembly within the previous twelve months.
- 14.4 In the event that the Member who submitted the motion is not present at the Assembly meeting, the motion will be withdrawn.
- 14.5 Any motions withdrawn as indicated above, or withdrawn at the request of the Member who submitted the motion, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months. This condition will be waived where the Member, or a colleague on their behalf, has notified the Chief Executive by 5 pm on the day of the meeting of their inability to attend due to ill health or family bereavement.
- 14.6 Motions will be listed on the agenda in the order in which they are received.
- 14.7 Motions must be about matters for which the Council has a responsibility or which directly affect the borough.
- 14.8 Amendments to motions should be presented in writing to the Chief Executive not later than 12 noon on the Friday before the meeting. The same criteria and actions as described in paragraphs 14.2, 14.3, 14.4 and 14.5 will apply in relation to any amendments received.
- 14.9 Any amendments proposed after the time specified in paragraph 14.8 will only be considered in exceptional circumstances and with the consent of the Chair.
- 14.10 Votes will be taken by way of a roll call and recorded in the minutes. This includes votes on any amendments to motions.
- 14.11 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 individual speech shall exceed two minutes.

2. The mover will move the motion and explain its purpose.
3. The Chair will invite another Member to second the motion
4. If any amendment(s) has been accepted in accordance with paragraphs 14.8 or 14.9, the Chair will invite the relevant Member to move the amendment(s) and explain its (their) purpose.
5. The Chair will invite another Member(s) to second the amendment(s).
6. The Chair will then invite Members to speak on the motion and any amendments.
7. Once all Members who wish to speak have done so, or the time limit has elapsed, the Chair will allow the mover(s) of the amendment(s) a right of reply followed by the mover of the original motion.
8. At the end of the debate, any amendments will be voted on in the order in which they were proposed.
9. If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments are moved and voted upon.
10. 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.
11. If all amendments are lost, a vote will be taken on the original motion.

15. Closure Motions

- 15.1 A member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question/motion be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- 15.2 If a motion to proceed to next business is seconded the Chair will put this to a vote without further discussion on the original motion or item
- 15.3 If a motion that the question/motion be now put is seconded the Chair will call the vote on the original motion or question.
- 15.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.