

Notice of Meeting

THE EXECUTIVE

Tuesday, 16 February 2010 - 5:00 pm
Council Chamber, Civic Centre, Dagenham

Members: Councillor L A Smith (Chair); Councillor R C Little (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor S Carroll, Councillor H J Collins, Councillor R Gill, Councillor M A McCarthy, Councillor Mrs V Rush and Councillor P T Waker

Date of publication: 5 February 2010

R. A. Whiteman
Chief Executive

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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 paragraphs 12.3 and 12.4 of Article 1, Part B in relation to Council Tax arrears and Council house rent arrears respectively apply to the agenda items 9 to 12.**

3. **Minutes - To confirm as correct the minutes of the meeting held on 19 January 2010 (Pages 1 - 4)**

Business Items

Public Items 4 to 7 are business items and the Chair will move that these be agreed without discussion, unless any Member asks to raise a specific point.

4. **Urgent Action - Amendment to Calculation and Setting of the Council Tax Base 2010/11 (Pages 5 - 18)**
5. **Council Debt Write Offs (Pages 19 - 29)**
6. **Proposed Expansion of Cambell Infant School (Pages 31 - 35)**
7. **Commissioning of Domestic Violence Advocacy Services (Pages 37 - 45)**

Discussion Items

8. **Budget Monitoring 2009/10 (to follow)**
9. **Council Plan Update 2010-11 Incorporating the Medium Term Financial Strategy (MTFS) 2010-2011 to 2012-2013 (to follow)**
10. **Housing Revenue Account Estimates and Review of Rents and Other Charges 2010/11 (to follow)**
11. **The Capital Programme 2010/11- 2013/14 (to follow)**
12. **Council Tax 2010/11 (to follow)**
13. **Fees and Charges 2010/11 (to follow)**
14. **Treasury Management Annual Strategy and the Council's Prudential Indicators (to follow)**
15. **Corporate Grants and Commissioning Programme 2009/10 (to follow)**
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 Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

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

THE EXECUTIVE

Tuesday, 19 January 2010
(5:00 - 5:26 pm)

Present: Councillor R C Little (Deputy Chair in the Chair), Councillor G J Bramley, Councillor R Gill, Councillor Mrs V Rush and Councillor P T Waker

Also Present: Councillor J E McDermott

Apologies: Councillor L A Smith, Councillor J L Alexander, Councillor S Carroll, Councillor H J Collins and Councillor M A McCarthy

112. Declaration of Members' Interests

There were no declarations of interest.

113. Minutes (22 December 2009)

Agreed.

114. 2009/10 Budget Monitoring Report - April to November 2009

Received a report from the Corporate Director of Finance and Commercial Services providing an update on the Council's revenue and capital position for the 2009/10 financial year as projected at 30 November 2009.

The current forecast for revenue expenditure across the Council shows in-year pressures amounting to £3.1m, for which current recovery plans requested by the Chief Executive have identified expected savings of £2.5m. In addition to this potential shortfall, there are net potential corporate risks of a further £1.9m. Overall this represents an improved forecast position of approximately £1.1m to that contained within the budget report for the period up to the end of October 2009 and the Cabinet Member for Finance and Human Resources stressed the need to maintain this prudent approach during the remainder of this financial year.

The Corporate Director also advised on a review of the delivery of all capital projects which has resulted in proposals to make a number of adjustments to better reflect expected expenditure for this year and beyond.

Agreed, as a matter of good financial practice, to:

- (i) Note the current projected position for 31 March 2010 of the Council's revenue and capital budget as detailed in sections 3 and 5 and Appendices A and C to the report;
- (ii) Note the position for the Housing Revenue Account (HRA) as detailed in section 4 and Appendix B to the report;
- (iii) Note that in light of the current potential overspend, departments are continuing work to identify recovery plans to eliminate overspends;

- (iv) Note that the Corporate Director of Finance and Commercial Services has imposed mechanisms to reduce in-year expenditure;
- (v) Note that potential additional actions may be required which will be the subject of further reports as appropriate; and
- (vi) The reprofiles and virements to capital schemes as detailed in section 5 and Appendix D to the report.

115. Corporate Performance Report

The Corporate Director of Finance and Commercial Services presented the four-monthly report on performance against the range of national indicators (NIs) contained within the Local Area Agreement and the outcome of the Comprehensive Area Assessment for 2008/09, from which the Council received an Organisational Assessment of three out of four.

Noted the key areas of good performance and the areas for improvement and discussed issues in relation to:

- (i) Corporate Assessment 2009/10 – An inspection and assessment is to begin in February with the outcome published in June 2010.
- (ii) NI 15 (serious violent crimes) and NI 16 (serious acquisitive crimes) – A significant improvement in the end of year position is anticipated.

116. * Construction of New Council Housing Phase 1 and 2 Sites, King William Street Quarter and Thames View Garage Sites

Further to Minute 89 (17 November 2009), received a report from the Chief Executive and the Corporate Director of Resources on the proposals to progress the building of new Council housing in the light of the announcement on 11 January 2010 that the Council has been successful in securing significant investment from the Homes and Communities Agency (HCA) via the National Affordable Housing Programme (NAHP).

The Council has secured £3.217m under the latest round of NAHP bids which will support the entire Phase 1 programme, as identified at our earlier meeting, and three of the sites identified under Phase 2. A further £4.044m has been separately secured towards the development of 31 new homes at King William Street Quarter, in the area of the former Lintons estate. As a result, the Council's contribution to these projects will be £4.883m and this leaves the sum of £2.189m, from the £7.073m set aside in the Capital Programme, to be reallocated to support the remaining projects.

The officers also reported on the progression of contracting arrangements for the developments at King William Street Quarter and those under Phase 1.

Agreed, in order to assist the Council in achieving the Community Priority "Prosperous" through increasing the supply and range of family sized social rented housing by utilising existing Council land and development sites, to:

- (i) The use of £1.228m from the re-allocated resources of £7.073m to fund the

borrowing requirement for the delivery of Phase 1 Council Housing New build programme;

- (ii) The use of £2.435m from the re-allocated resources to meet the borrowing required after grant to deliver 31 homes at King William Street Quarter;
- (iii) The use of a further £1.219m from the remaining re-allocated resources to meet the borrowing required for the remaining sites allocated grant at Beamway and Charlton Crescent (sites 1 and 2);
- (iv) Note that a further report will be submitted in due course on options for the use of the remaining re-allocated resources up to the borrowing limit of £7.073m; and
- (v) The procurement of construction services, in accordance with national and EU procurement legislation and the Council's Contract Rules, for the construction of the Phase 1 Council Housing and King William Street Quarter Phase 1 developments as detailed in the report, and to authorise the Corporate Director of Resources, in consultation with Legal Partners, to appoint the preferred contractors.

117. * Barking and Dagenham Climate Change Strategy

Received a report from the Chief Executive on the draft Barking and Dagenham Climate Change Strategy which draws on national, regional and local best practice to set out specific actions for the Council and the Local Strategic Partnership.

The draft Strategy seeks to address both the causes and impacts of climate change and focuses on reducing the carbon footprint of the borough through a range of mitigation and adaptation measures contained within an Action Plan. Furthermore it will enable the Council to meet its legal requirements in terms of the Climate Change Act 2008 and the emerging Carbon Reduction Commitment as well as many of the objectives of the National Indicators (NIs) around Climate Change, including NI 185, 186, 187, 189, 194 and 198. Most importantly, the Council, its key partners and those that live and work in the borough will be prepared for the challenges of climate change.

A further aspect of the draft Strategy, which will replace the Council's Sustainable Energy Strategy adopted in 2005, is to reduce costs through greater energy efficiency and specific reference was made to the energy costs in relation to Council buildings, which are currently £8-9m per annum, improved heating and insulation in the Borough's schools and those on a low income who currently spend a large proportion of their income on heating and lighting.

Agreed, in order to assist the Council in meeting its Community Priority of "Clean", to:

- (i) The draft Strategy being the subject of formal public consultation, in the form of the executive summary (Appendix 1 to the report) and action plan (Appendix 2);
- (ii) The adoption, in principle, of a target to reduce the borough's carbon dioxide emissions by 80% by 2050, in line with the national target, and that

the Council collectively works towards this through all departments taking ownership of the strategy and their respective responsibilities in the action plan;

- (iii) Those responsible in the Local Strategic Partnership (including those responsible for: highways and drainage maintenance, health and community services, parks and leisure, schools and public building assets, housing services and emergency planning) being encouraged to work with the Council's officers in developing and implementing a comprehensive climate change risk assessment for the Borough;
- (iv) The Council investigating the signing up to the national "10:10" campaign, which would require a 10% reduction in carbon emissions through the Council's business practices in 2010;
- (v) Note that the final Strategy will be presented to the Assembly for adoption in summer 2010; and
- (vi) Note that progress on the key aspects of the Strategy will be incorporated into the regular Corporate Performance reports that are presented to the Executive.

The Executive commended the work undertaken by officers in the development of this Strategy.

(* The Chair agreed that these items could be considered at the meeting as a matter of urgency under the provisions of Section 100B (4) (b) of the Local Government Act 1972.)

THE EXECUTIVE

16 FEBRUARY 2010

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Urgent Action – Amendment to Calculation and Setting of Council Tax Base 2010/11	For Information	
<p>Summary</p> <p>At the Executive meeting on 22 December 2009, Members received a report on the calculation of the Council Tax Base for 2010/11 and approved the recommendations as set out in that report (Minute 105 refers). It was subsequently identified that the incorrect figure had been presented in recommendation 1 of the report - the figure quoted was 53,227.4 Band 'D' properties but this did not take into account the 3% loss adjustment provision figure and the correct figure should have been 51,630.5 Band 'D' properties. A report showing the revised, correct position is attached for information.</p> <p>In normal circumstances this report would have been presented to the Executive. However the statutory deadline for the setting of the Council Tax Base is 31 January each year and as the next meeting of the Executive was not before this time it was necessary for the Chief Executive to take urgent action, in line with the provisions of the Constitution, in agreeing an amended Council Tax Base for 2010/11 of 51,630.5 Band 'D' properties.</p> <p>Recommendation</p> <p>The Executive is asked to note the action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in respect of the following:</p> <p>That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by the London Borough of Barking and Dagenham as its Tax Base for the year 2010/11 shall be 51,630.5 Band 'D' properties.</p>		
Report Author: Alan Dawson	Team Manager, Democratic Services	Tel: 0208 227 2348 E-mail: alan.dawson@lbbd.gov.uk

Consultation

The following were consulted in the preparation of this report:

Councillor L Smith, Chair of the Executive
 Councillor G Vincent, Deputy Chair of the Public Accounts and Audit Select Committee
 Winston Brown, Legal Partner
 Bola Odunsi, Head of Barking and Dagenham Direct

Background Papers

- "Calculation and Setting of Council Tax Base 2010/11" report and minutes of the Executive, 22 December 2009
- Letter and enclosure from the Chief Executive of 27 January 2010 entitled "Council Tax Base 2010/11 - Urgent Action under Paragraph 17, Article 1, Part B of the Constitution Butler Court Accommodation".

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JOINT REPORT OF THE CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES AND THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: 2010/2011 Council Tax Base	For Decision
<p>Summary:</p> <p>This report has been produced to correct an error on the original Executive Report provided to the Executive on 22 December 2009 (Minute 105 refers).</p> <p>Since the approval of the original report it has been identified that the Council Tax Base figure reported at recommendation 1 of the report incorrectly stated that the Council Tax base figure was 53,227.4 Band D properties. However, this figure did not take into account the 3% loss adjustment provision figure.</p> <p>The correct figure was included in the supporting documentation namely the document 'Council Tax Base 2010-11 Appendix A' however this figure was not transferred correctly to recommendation 1 of the report.</p> <p>This amendment is required to be approved by the statutory deadline of the 31 January 2010.</p> <p>Details</p> <p>This report sets out the calculation of the Council Tax Base for 2010/11 and provides information on powers available to the Council to reduce discounts for second homes and long-term empty properties, and to award locally determined discounts. Information is also provided on powers available to the Council to offer discounts for prompt payment, where bills are paid immediately in full without the need for an instalment plan.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Executive is asked to agree:</p> <ol style="list-style-type: none"> 1. That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by the London Borough of Barking & Dagenham Council as its Tax Base for the year 2010/11 shall be 51,630.5 Band 'D' properties; 2. That the discount on for long-term empty properties and second homes continues to be set at 10% 3. That no locally determined discounts based on categories of property or occupier be awarded for 2010/11 but reconsidered for possible implementation in 2011/12. 4. That there should be no award of reductions for prompt payment during 2010/11 but reconsidered for possible implementation from 2011/12 onwards 	

Reason(s):

In order to assist the Council achieve all of its Community Priorities, to comply with statute and assist in the calculation of the Authority's Council Tax for 2010/11.

Implications:**Financial:**

The financial implications are set out in **Appendix A** to this report (Calculation of Tax Base)

Legal:

The legal context and implications are summarised within sections 1 - 3 of this report.

Contractual

No specific implications.

Risk Management

Conservative financial estimates have been made when taking into account the effects of each of the recommendations in this report. This approach will enable the Council to better manage any risks associated with each recommendation.

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.

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1. Statutory Background

- 1.1 The Council has a duty to set a Tax Base for Council Tax purposes by 31 January each year under Section 67 of the Local Government Finance Act 1992. The setting of the tax base is now a function of the Executive.

- 1.2 The Tax Base must be conveyed to the major precepting Authorities by 31 January prior to the start of the financial year.
- 1.3 The Tax Base must be calculated in accordance with regulations made by the Secretary of State under Section 33(5) of the Local Government Finance Act 1992. i.e. The Local Authorities (Calculation of Tax Base) Regulations 1992.
- 1.4 The regulations set a prescribed period for the calculation of the tax, which is between the 1 December and 31 January in the financial year preceding that for which the calculation of the council tax base is made. The data used in the calculation must be that held on the Council Tax records at that date.
- 1.5 Appendix A sets out the Calculation of Tax Base.

2. Locally determined and reduced discounts

- 2.1 The Local Government Act 2003 gives the Council discretion to vary certain discounts that were previously prescribed. The powers, which came into force for the 2004/05 financial year, are to:
 - Reduce the 50% discount on second homes to 10%
 - Reduce, or remove entirely, the 50% discount for properties that have been empty for more than six months
 - Award 'locally determined discounts' of up to 100%, determined by categories of properties or persons, or on a case by case basis.
- 2.2 In December 2008 the Assembly accepted a recommendation to continue a 10% discount on long term empty properties and second homes. This is consistent with the approach and application of reduced discounts that has been adopted by most other local authorities.
- 2.3 In addition, the Assembly also agreed that no locally determined discounts based on category of property or occupier would be awarded for 2009/10 onwards. The decision to agree local discounts is a decision that must be made prior to the start of the financial year. In the current economic climate, the Council are committed to supporting customers through these difficult times and a number of measures have been taken to do this. During 2010/11, consideration will be given to the establishing a policy for a locally determined discount on the basis of hardship from 2011/12.
- 2.4 Councillors or officers involved in making a decision under new or existing regulations, should give consideration as to whether they need to declare an interest or abstain from the decision making process if they would directly benefit from a decision.

3. Reductions for Prompt Payment and Non-Cash Payments

- 3.1 In December 2008 the Assembly accepted a recommendation not to award reductions for prompt and non-cash payments for 2009/10 but to reconsider the possibility of this from 2010/11.

- 3.2 Under reg.25 of the Council Tax Administration and Enforcement Regulations, a billing authority may set a resolution on or before the date that the Council Tax is set, that will allow a scheme to be run which would allow Council Tax payers to receive a discount for paying their Council Tax by a specified date / day, in one lump sum.
- 3.3 The Council has not previously operated such a scheme. There was some research undertaken previously to establish whether customer interest would be sufficient to justify the introduction of a scheme. The system functionality is available to be able to operate and administer these reductions.
- 3.4 The typical level of discount offered by Authorities who operate these schemes is 2%. Following a survey undertaken previously there did appear to be some level of interest in this type of reduction. However, since the survey was undertaken, the economic climate may have affected this interest and the likely take up is not clear.
- 3.5 Taking account of current economic factors and lack of clarity of interest in a scheme, careful consideration would have to be given to the level of discount allowable. It would be very difficult to calculate an appropriate discount level that could be guaranteed to not significantly disadvantage the Council or appropriately incentivise the Council Tax payer.
- 3.6 It is recommended that this matter be revisited at a time of more stable economic conditions and a clearer understanding of whether interest in the scheme would justify its implementation.

4. Consultees

- 4.1 The following were consulted in the preparation of this report:
- Councillor G Bramley, Cabinet Member for Finance & Human Resources
 - John Hooton – Financial Controller, Corporate Finance
 - Nina Clark – Divisional Director, Legal and Democratic Services
 - Yinka Owa - Legal Partner and Deputy Monitoring Officer

5. List of Appendices

Appendix A - Detailed calculation of the 2010/11 tax base as at 1 December 2009

6. Background Papers

- Council Tax CTB1 return for 2009/10.

Calculation of Tax Base

1. Calculation of Tax Base

- 1.1 The valuation of properties for Council Tax purposes is carried out by the Valuation Office Agency.
- 1.2 For Council Tax purposes each property is placed in a band based on its open market value as at 1st April 1991. The bands are as follows: -

Range of Values Band	Valuation
Values not exceeding £40,000	A
Values exceeding £40,000 but not exceeding £52,000	B
Values exceeding £52,000 but not exceeding £68,000	C
Values exceeding £68,000 but not exceeding £88,000	D
Values exceeding £88,000 but not exceeding £120,000	E
Values exceeding £120,000 but not exceeding £160,000	F
Values exceeding £160,000 but not exceeding £320,000	G
Values exceeding £320,000	H

- 1.3 The Tax Base is calculated in terms of the equivalent number of Band 'D' properties after discounts and exemptions have been taken into account. There are statutory ratios which determine the proportion of the band D charge that will be charged for a property in each band. The ratios are as follows:

A = 6/9ths	E = 11/9ths
B = 7/9ths	F = 13/9ths
C = 8/9ths	G = 15/9ths
D = 1	H = 18/9ths

- 1.4 The standard Council Tax is set in relation to Band 'D' properties, this will mean that somebody living in a Band 'A' property pays 2/3rds of the standard amount whilst somebody in a Band 'H' property pays twice the standard amount.
- 1.5 The full Council Tax charge is based on the assumption that the property is occupied by two or more adults. However, some properties are exempt from any charge, and others qualify for a discount. In determining the Tax Base the following discounts and exemptions are taken into account: -

a) Single Person Discount

Where only one adult lives in the property the Council Tax bill for that property is reduced by 25%. A full and comprehensive review of all of these discounts is undertaken during the year.

b) Status Discounts

For the purpose of determining the number of adults living in the property certain categories of people are not taken into account. Examples include:

- Full time students and student nurses
- Recent school leavers
- People with severe mentally impairment
- People living in a nursing or care home
- Certain care workers
- People in prison

Where the number of adults to be counted after allowing these discounts is one, a 25% discount is allowed. Where the number of adults is nil a 50% discount is allowed. Status discounts are reviewed during the year.

c) Empty Properties

Properties that are unoccupied, but not exempt, are currently entitled to a reduced 10% discount which was previously approved by the Assembly.

d) Exemptions

There are 23 categories of property which are exempt. The main exemptions that apply in Barking and Dagenham are:

- Unoccupied properties (for the first six months they are unoccupied)
- Properties undergoing major repairs
- Properties left unoccupied because the occupier has died
- Properties occupied only by full time students
- Properties occupied only by people with severe mental impairment.

Exemptions are reviewed regularly during the year.

e) Reductions for People with Disabilities

Under certain circumstances, a property that is the home of a person with a disability is charged at the rate for the band below that which would normally be charged. For properties in band A the charge is reduced by 1/9th of the band D charge.

- 1.6 The calculation of the Council Tax Base for Formula Grant Purposes is required to be submitted to the department for Communities and Local Government each year. The calculation was submitted on 16th October 2009 and the tax base for Grant purposes was 53,601.6 band D equivalent properties.
- 1.7 For the purposes of setting the tax base for calculating the Council Tax, the information to be used is that recorded in the valuation list and the Council Tax records as at 1st December 2009. The number of band D equivalents for each property band at that date is shown below with a comparison to the figures at the time the tax base was set for 2009-10.

2009-10		Band	2010-11	
Last Year Totals	Band 'D' Equivalents		Total	Band 'D' Equivalent
4.50	2.5	A*	4.50	2.5
5,562.45	3,708.3	A	5,625.80	3,750.5
8,725.95	6,786.9	B	8,755.55	6,809.9
37,172.50	33,042.1	C	37,415	33,257.8
7,375.95	7,376.0	D	7,363.8	7,363.8
1,522.40	1,860.7	E	1,505.35	1,839.9
306.45	442.7	F	311.8	450.4
38.90	64.8	G	39.8	66.3
6.70	13.4	H	6.7	13.4
60,715.80	53,297.4		61,028.30	53,554.5

*Disabled person's reductions

2. Adjustments

2.1 When determining the tax base for the purpose of setting the Council Tax an allowance must be made for a number of factors such as:

- New properties expected to be completed
- Properties expected to be demolished
- Anticipated change to the number of discounts and exemptions
- An allowance for non-collection

2.2 For 2010-11, adjustments are required in respect of new properties, changes to exemptions and discounts, and the allowance for losses on collection. The adjustments, expressed as band D equivalents, are shown below.

Basic tax base at 1 st December 2009	53,554.5
Anticipated effect of new properties	+284.8
Anticipated effect of changes to discounts and exemptions	-535.5
Adjustment for anticipated demolitions	-76.4
	<hr/>
	53,227.4
Losses on collection allowance at 3.0%	-1,596.9
Final Tax Base for 2010-11	<hr/> 51,630.5

2.3 The losses on collection allowance for 2010-11 has been assessed as 3.0% which is the same as the previous year.

2.4 When compared to the Tax Base for 2009-10 of 51,527.5, there has been an increase equivalent to 103 band D properties (0.2% of the Tax Base).

2.5 Predictions of the change to the tax base over the course of 2010-11 have taken account of the current economic climate which indicates a continued slow rate of development and building of new properties in 2010-11 and therefore, the estimates

are based on properties which have either started or due to start and be completed during the rest of 2009-10 and 2010-11.

3. Single Person Discount

- 3.1 During 2009-10 a full and comprehensive review of single person discounts has been completed which has resulted in the removal of over 400 discounts. The removal of the discounts has been reflected in the detailed calculation of the tax base in Appendix A/1.
- 3.2 All single person discounts are reviewed annually to ensure that the tax base is accurate and up to date.
- 3.3 A fully detailed calculation of the tax base is contained in **Appendix A/1**

	Band A Disabled	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Totals
Line 1	0	7118	10562	42771	8172	1659	329	44	20	70675
Line 2	0	386	526	1216	192	38	4	3	0	2365
Line 3	0	0	0	0	0	0	0	0	0	0
Line 4	0	6732	10036	41555	7980	1621	325	41	20	68310
Line 5	0	5	14	179	60	20	3	5	12	298
Line 6	5	14	179	60	20	3	5	12	0	298
Line 7	5	6741	10201	41436	7940	1604	327	48	8	68310
Line 8	2	4294	5452	15188	2119	362	45	2	0	27464
Line 9	0	52	135	474	95	9	3	0	0	768
Line 10	0	2	2	13	9	1	5	14	2	48
Line 11	0	29	71	145	28	8	1	1	0	283
Line 12	0	0	0	0	0	0	0	0	0	0

Line 13	Number of dwellings adjusted in line 7 entitled to a 50% discount for RSG purposes [lines 10+11+12]	0	31	73	158	37	9	6	15	2	331
Line 14	Number of dwellings adjusted in line 7 classed as long term empty receiving a 0% discount	0	0	0	0	0	0	0	0	0	0
Line 15	Number of dwellings adjusted in line 7 classed as long term empty receiving a > 0% and < 50% discount	0	132	122	265	42	14	2	2	3	582
Line 16	Number of dwellings in line 7 where there is liability to pay 100% Council Tax [lines 7 - 8 - 9 - 13 - 15]	3	2232	4419	25351	5647	1210	271	29	3	39165
Line 17	Total equivalent dwellings after discounts, exemptions and disabled. [Lines 8 x 0.75 + line 9 x 0.75 + line 13 x 0.5 + line 15 x [100 - %discount/100 + line 16 [2 decimal places]	4.5	5625.8	8755.55	37415	7363.8	1505.35	311.8	39.8	6.7	61028.3
Line 18	Ratio to Band D	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9	
Line 19	No. of Band D equivalents [to 1 decimal place] = Line 17 x Line 18	2.5	3750.5	6809.9	33257.8	7363.8	1839.9	450.4	66.3	13.4	53554.5
	No. of Band D equivalents of contributions in lieu [Class O] to 1 decimal place										
	Tax base for Revenue Support Grant purposes [to 1 decimal place]										53554.5
	Estimates of new properties etc due to affect the tax base										

A	New properties expected to be completed before 31st March 2010. 28 Band C properties and ALL properties estimated to benefit from a single person discount.	0	0	0	28	0	0	0	0	0	
B	New properties expected to be completed before 31st March 2010 252.75 Band B and 71.25 Band C. Allow 100% exemption for 6 months and all properties estimated to benefit from a single person discount	0	0	252.75	71.25	0	0	0	0	0	
	Total estimate of new properties	0	0	252.75	99.25	0	0	0	0	0	
	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
		0.00	0.00	196.58	88.22	0.00	0.00	0.00	0.00	0.00	284.8
C	Estimated demolished properties in 2010-11.	0	0	0	86	0	0	0	0	0	
	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
		0.00	0.00	0.00	76.44	0.00	0.00	0.00	0.00	0.00	76.4
D	Changes to discounts and exemptions deemed to be zero change in 2010-11	0	0	0	0	0	0	0	0	0	
	Estimated Provision for the adjustments in retrospectively applied discounts and exemptions					535.5					535.5
	Revised figures for 2010-11 taking into account line 19 figures and estimated new and demolished properties										53227.4
	Losses on collection allowance at 3.0%										-1596.9
	Tax base for Revenue Support Grant purposes [to 1 decimal place]										51630.5

2009-10 Adjustments	BANDS							
	A	B	C	D	E	F	G	H
New Properties - 2009		4	32					
New Properties - 2010								
		160						160
		136	190					326
		82						82
6 MONTHS + ALL SPD		252.75	71.25	324				

568

EXECUTIVE

16 FEBRUARY 2010

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: Council Debt Write Offs 2009/10 - October to December 2009 (3rd Quarter)	For Information
<p>Summary:</p> <p>Barking and Dagenham Direct is made up of a number of service areas. Two of these (Income & Collection and Rents & Benefits sections) are linked to the billing, collection and recovery of the vast majority of debts that fall due to be paid to the Council for chargeable services and statutory levies such as Council Tax and Business Rates (National Non Domestic Rates (NDR)).</p> <p>The value and type of debts written off as uncollectable within these two sections must be reported to the Executive on a quarterly basis in line with the Council's financial regulations. This report provides a summary of debts written off for quarter 3 (October to December 2009) as shown in table 6 of Appendix A. In total £745,878 of debts have been written off for the 2009/10 year for quarter 3.</p> <p>Wards Affected: None.</p>	
<p>Recommendation(s)</p> <p>The Executive is asked to note the debt write-offs for the 3rd quarter of 2009/10 as detailed in the report and that a number of these debts will be publicised in accordance with the policy agreed by Minute 69 (6 November 2007).</p>	
<p>Reason(s)</p> <p>As a matter of good financial practice and to accord with the Council's Financial Rules.</p>	
<p>Implications:</p> <p>Financial: All debts written off will have been provided for within the Council's Bad Debt Provision and as such there should be no specific financial implications. However, there is the possibility that unforeseen and unplanned additional write offs occur, which lead to the value of debts written off in any year, exceeding the agreed bad debt provision.</p> <p>Where this is likely to happen, this quarterly report will act as an early warning system and will enable additional control measure to be agreed and taken, to either bring the situation back under control, or to make appropriate adjustments to the bad debt provision.</p> <p>Legal: During the preparation of this report legal advice from the Legal Partners has been sought and this is as follows:</p> <p>The write of debts of the sums proposed in the report requires a decision of the Executive.</p>	

It was decided at the Executive's meeting of 6 November 2007 to publish the names of debtors whose debts have been written off subject to certain exceptions set out in the report. The publicising of the names of debtors constitutes processing of their personal data under Data Protection Act 1998 (DPA). In order to process i.e. publish this information lawfully the legislation sets out a number of requirements the most pertinent being that processing must be fair, lawful that any one of the permissible grounds listed in schedule 2 DPA be found.

The relevant ground in schedule 2 DPA to the publication of debtor names is that 'the processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject'. This means that the Council may lawfully publish the data on the basis that it is thereby pursuing some legitimate interest. One possible interest through publication may be the identification of named debtors who the Council could then pursue to recover the debt. The Council must also be satisfied that no prejudice to the rights and freedoms of the data subjects (named debtors) would be occasioned by the publication. The Legal Partner has not seen any basis for suggesting such prejudice would be occasioned. If any individual had concern as to publication of their details they could raise objection with the Council who could then revisit the issue in the light of the legal considerations here outlined.

It is not suggested that the debtors named have committed any offence in which case the data would be 'sensitive' personal data requiring a further additional ground from schedule 3 to be also identified. This aspect can thus be discounted.

The sums being written-off in the report are quite substantial and Members will be concerned as to what efforts are being made to recover debts before they are written-off. Discussions have been held with relevant service managers who have confirmed the extensive efforts made by them to recover debt before write off. Members will note that going forward officers have confirmed at paragraph 2.1 that they will provide an overview of efforts made before recommending debt write off.

Contractual: No specific implications

Risk Management:

No specific implications, save that of this report acting as an early warning system to any problems in the area of write offs.

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: Bola Odunsi	Title: Head of Barking & Dagenham Direct	Contact Details: Tel: 020 8227 2505 E-mail: abimbola.odunsi@lbbd.gov.uk
Report Author: Mark Wilson	Title: Acting Group Manager (Income and Collection)	Contact Details: Tel: 020 8227 2739 Fax: 020 8227 2574 E-mail: Mark.Wilson@lbbd.gov.uk

1. Introduction and Background

- 1.1 The Income and Collection section and the Rents and Benefits Sections are responsible for the collection of the vast majority of debts falling due to the Council by way of statutory levies and chargeable services. Whilst measures are taken to collect all debts and levies due, it is invariably the case that some debts will remain unpaid, even after concerted efforts have been made to collect them.
- 1.2 In order that the Council can take proper account of debts that will actually be paid and also take account of debts that are unlikely to be paid, the writing off of uncollectible debts are carried out on a regular basis. This way the Council is able to take account of just those debts that it knows will be paid, whilst making some provision within its accounts for debts that are unlikely to be paid.

2. Policy for write off of irrecoverable debts and unclaimed credits

- 2.1 The processes and procedures in place for managing and recording debts written off are governed by the Council's write off policy. The purpose of the policy is to establish a framework to regulate the write off of irrecoverable debts and long standing unallocated and unclaimed credits. Extensive efforts are made in all cases to recover the debt before it is written off. Future reports will provide Members with more detail in broad terms on efforts made to recover debt before write off.
- 2.2 Adherence to this policy will ensure that there is always consistency and probity adopted in the procedures of debt and credit write offs and that best practice is followed in:
- Debt collection and recovery
 - Accountancy code of practice
 - Audit controls

3. Authorisation to write off debts

- 3.1 Authority to write off debts and credits is delegated to the Chief Financial Officer by the Council's Constitution. Further delegation is made via the constitution and is specified below:
- Up to £2,000 Group Managers
 - £2,000.001 to £10,000 Head of Barking and Dagenham Direct
 - Over £10,000 Corporate Director of Customer Services or the
Corporate Director of Finance and Commercial
Services

3.2 These authorisation levels are strictly adhered to for all write offs.

4. Current Position

4.1 The net value of debts written off for the first quarter (Q1) of 2009/10 (April - June 2009) was £ 279,212 as shown in table 4 of Appendix A.

4.2 The net value of debts written off for the second quarter (Q2) of 2009/10 (July - September 2009) was £ 1,089,602 as shown in table 5 of Appendix A.

4.3 The net value debts written off for the third quarter (Q3) of 2009/10 (October - December 2009) was £ 745,879 as shown in table 6 of Appendix A.

4.4 The total debt write off for 2009/10 now stands at £2,114,692.

5. Points to note from debt write off tables (Appendix A)

5.1 Council Tax and Business Rates are both statutory debts and for the most part, regular monthly write offs take place.

5.2 General Income debts relate to debts raised for chargeable services that the Council either provides as a statutory duty or as a service where no other providers are available to provide a similar service.

5.3 Home Care and Residential Care debts are also dealt with within the General Income section and are shown separately.

5.4 Housing Benefit overpayment debts written off relate to relevant adjustments in this area.

5.5 Former tenant arrears relate to previous occupation of rented Council housing.

6. Publication of individual details of debts written off

6.1 A number of councils publicise the details (names, addresses etc.) of residents who have had debts written off. In the vast majority of cases, these debts have been written off where the debtor has absconded.

6.2 By Minute 69, 6 November 2007 the Executive agreed that a list showing the details of debtors, who have had debts written off, should be attached to the quarterly report along with the overall write off summary. A list of the top ten debtors has been attached at **Appendix B** and will be publicised locally (e.g. within The News etc.).

6.3 The Executive also agreed to publicise individual debtor details where its right to demand the debt has been legally ratified via Court action or contractual agreement, with the exception of those types of debt write offs as listed at (a) to (e) below

- a) Debts that have been written off following a corporate complaint being upheld
- b) Debts that have been written off due to the debtor falling within one of the many vulnerable groups (e.g. elderly, disabled, infirm etc.)

- c) Where the original debt was raised in error
- d) Where debts have been written off, but no legal action has been taken to prove that the debt was legally and properly due
- e) Where the debt has been written off following bankruptcy or insolvency action (the majority of these cases will be individually publicised)

- 6.4 The exclusion of the category of debts listed above will eliminate the possibility of any unnecessary and potentially costly legal challenges from debtors, who take issue with their details being publicised. It is intended that where the details or whereabouts of debtors become known following publication, those debtors will be pursued as far as is possible, to secure full payment of the debt.
- 6.5 The list provided at Appendix B does not include any debts or debtors that fall within categories (a) to (e) above, so the list as it stands can be publicised. Members would note that there are a number of former PSL (Private Sector Licence) tenants on the list of top 10 debtors.
- 6.6 The Council has a duty to provide temporary accommodation to homeless persons in accordance with Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). The vast majority of temporary accommodation is PSL; this is privately owned property, leased to a lettings agent which in turn is licensed to the Council to accommodate homeless households.
- 6.7 Arrears on temporary accommodation are an issue for all London Boroughs. A number of factors contribute to the risk of high level arrears in temporary accommodation. Working families who do not receive maximum benefit find affordability a significant problem. The Council has endeavoured to address this by introducing a 'Working Families Shortfall Policy', however the law precludes the Council from applying different charging arrangements for working families. Many homeless households often have multiple debts and complex social and welfare problems, all of which contribute to risk of arrears in their temporary accommodation.
- 6.8 Every effort is being made to support customers and minimise debt. A multi-disciplinary rent panel has been established to look at each individual case and take appropriate action. A business process re-engineering exercise has been carried out on temporary accommodation and income recovery procedures, to ensure the appropriate use of resources and efficient streamlined procedures are in place now that the new Housing system has been implemented. This system will provide robust data for better charging, quicker response time and improvement in customer experience.

7. Ongoing debt recovery and tracing work

- 7.1 It should be noted that debt recovery and tracing work is an ongoing activity within the Income & Collection and Rents & Benefits section. Some form of tracing work continues on debts even after the debt has been written off. A number of management tools are being used to find debtors, including national systems such as Experian. In many cases, tracing and follow-up work can continue for up to a year after the debt has been written off (e.g. in the case of higher debts) and debtors have been known to resurface up to five years after a debt has been written off.

7.2 Where debtors are located either by ourselves or other departments, for example often Tenancy audit find debtors, the section who owns the debt is advised and the recovery process can be resumed. The debt is often written back on so that legal action can commence or be restarted from where it was left.

8. Consultees

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

- Councillor Carroll – Cabinet Member (Revenues and Benefits Portfolio)
- Tracie Evans - Corporate Director of Finance and Commercial Services
- Bola Odunsi - Head of Barking and Dagenham Direct
- Winston Brown – Legal Partner and Deputy Monitoring Officer
- Annette Cardy - Group Manager (Benefits and Service Development)
- Steve Whitelock – Finance Group Manager (Adult and Community Service)
- Lee Russell – Finance Group Manager (Resources)
- Shenis Hassan – Finance Group Manager (Children Services)
- Tony McNamara – Group Manager (Customer Services, Finance)
- Mary Olawale –Asst Group manager (Customer Services, Finance)

Background Papers Used in the Preparation of the Report:

- Executive report and Minute 69, 6 November 2007: “Council Debt Write Offs”.
- Policy for write off of irrecoverable debts and unclaimed credits
- Income and Collection tracing procedure
- Executive report 25 August 2009: “DEBT WRITE OFFS April 2009- June 2009 (First Quarter) & July 2009 to September 2009 (Second Quarter)

Debts written off during 2006/7
Table 1

Write Offs	Housing Benefit	General Income Debts	Former Tenant Arrears	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2006/07	£74,086	£209,571	£698,423	£32,234	£98,608	£1,965,030	£82,256	£3,160,208

Debts written off during 2007/8
Table 2

Write Offs	Housing Benefit	General Income Debts	Former Tenant Arrears	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2007-8 Totals	£335,194	£165,413	£373,275	£ -	£10,543	£ 668,163	£169,657	£1,722,245

Debts written off during 2008/09
Table 3

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2008-9 Totals	£413,313	£1,170,066	£641,637	£2,530	£693	£1,661	£435,088	£106,629	£2,771,617

Please note the Housing Benefit & Rents was not included in the 2008/2009 total.

Debts written off 2009/10

**Table 4
Debts Written Off during 2009/10 Quarter 1**

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Home Care	Residential Care	Council Tax	NDR	TOTAL
	Under £2k	£10,025.81	£8,179.31	£265.12		£82.00		£26,622.67	
Over £2k	£4,080.00		£28,731.14						32,811.14
Over £10k									£0.00
Total	£14,105.81	£8,179.31	£28,996.26	£0.00	£82.00		£26,622.67	£0.00	£77,986.05
Under £2k	£2,293.89	£21,291.31	£2,586.21	£994.10		£159.00			£27,324.51
Over £2k		£7,674.22	£28,456.28						£36,130.50
Over £10k									£0.00
Total	£2,293.89	£28,965.53	£31,042.49	£994.10	£0.00	£159.00	£0.00	£0.00	£63,455.01
Under £2k	£13,125.79	£24,632.82	£47,509.46			£228.52			£85,496.59
Over £2k	£7,482.34	£35,233.48	£9,558.43						£52,274.25
Over £10k									£0.00
Total	£20,608.13	£59,866.30	£57,067.89	£0.00	£0.00	£228.52	£0.00	£0.00	£137,770.84
Quarter 1 Totals	£37,007.83	£97,011.14	£117,106.64	£994.10	£82.00	£387.52	£26622.67	£0.00	£279,211.90

**Table 5
Debts Written Off during 2009/10 Quarter 2**

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Home Care	Residential Care	Council Tax	NDR	TOTAL
Jul-09	Under £2k	£3,810.63	£8,181.49				£121,645.98	£1505.29	£152,972.70
	Over £2k	£2,226.15	£17,078.25				£73,240.81		£99,800.70
	Over £10k		£41,275.69					£367,954.52	£409,230.21
	Total	£20,055.46	£52,341.81	£25,259.74	£0.00	£0.00	£0.00	£194,886.79	£369,459.81
Aug-09	Under £2k								£11,875.34
	Over £2k	£11,437.49	£7,840.34						£19,277.83
	Over £10k	£13,045.30							£13,045.30
	Total	£36,358.13	£7,840.34	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Sep-09	Under £2k	£11,623.30	£8,612.29	£18,465.68			£149,864.99	£13,317.98	£188,566.26
	Over £2k			£52,300.17			£69,561.46	£48,519.70	£121,861.63
	Over £10k	£11,134.48							£11,134.48
	Total	£22,757.78	£8,612.29	£70,765.85	£0.00	£0.00	£0.00	£219,426.45	£61,837.68
Quarter 2 Totals		£79,171.37	£96,025.59	£0.00	£0.00	£0.00	£414,313.24	£431,297.49	£1,089,602.13

Table 6
Debts Written Off during 2009/10 Quarter 3

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Home Care	Residential Care	Council Tax	NDR	TOTAL
Oct-09	Under £2k	£10,629.30	£1,531.30			£282.92	£91,295.00	£906.81	£104,796.19
	Over £2k	£26,234.68	£2,323.71				£20,193.81		£48,752.20
	Over £10k	£115,378.18						£10,846.15	£126,224.33
	Total	£152,242.16	£3,855.01	£0		£0	£282.92	£111,488.81	£11,752.96
Nov-09	Under £2k	£3,216.00	£53,893.27			£73.75	£44,007.77		£117,793.86
	Over £2k		£51,057.00	£10,339.11					£83,826.42
	Over £10k			£36,355.18					£26,355.18
	Total	£3,216.00	£104,950.27	£46,694.29		£0	£73.75	£44,007.77	£0
Dec-09	Under £2k	£1,088.00						£52,329.10	£69,748.89
	Over £2k	£13,751.16						£105,345.92	£128,193.57
	Over £10k							£30,190.98	£30,190.98
	Total	£14,839.16	£0	£0		£0	£0	£187,866.00	£228,133.44
Quarter 3 Totals	£64,609.52	£170,297.32	£108,805.28	£46,694.29	£0	£356.67	£155,496.58	£199,618.96	£745,878.62

Appendix B

Top 10 debts written off in Quarter 3

NAME	A/C NUMBER	AMOUNT	DEPARTMENT	REASON
Irfan Yousuf	62501878	£31,126.04	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Imageway Ltd	20021894	£28,383.48	NNDR	Company dissolved
Laura Jarvis	71554698	£24,4627.87	Rents- PSL	This customer was made bankrupt and therefore the review panel agreed to approve the write off due to it being non-enforceable.
Adewale Ogunsola	61930697	£22,931.86	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Dawn Clarke	61930831	£21,503.67	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Mandy Butler	62000805	£15,589.66	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Tanya Lacey	61931977	£12,397.91	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Nicole Webb	61931417	£11,929.04	HH - Finance	PSL tenant. This case was identified for write off as part of the ongoing review of aged debts. Following the review was identified that due to the age of the originating debt we would not be able to enforce collection. Therefore, this case has been recommended and approved for write off.
Weswick Inns Ltd	20015297	£11,752.96	NNDR	Company dissolved
Jet Star Retail Limited	200223276	£10,331.08	NNDR	Company now in administration and debt is unable to be pursued due to legislation.

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THE EXECUTIVE

16 FEBRUARY 2010

REPORT OF THE CORPORATE DIRECTOR OF CHILDREN'S SERVICES

Title: Proposed Expansion of Cambell Infant School	For Decision
<p>Summary: This report presents a proposal for the expansion of Cambell Infant School with effect from 1 September 2010, thereby increasing the standard admission number to 120 pupils in each of the three year groups (Reception, Year 1 and Year 2). Interim arrangements were made with effect from September 2008 to increase the intake for Reception and Year 1 to four forms of entry. Therefore this proposal, in effect, formalises that arrangement as well as introducing an additional form for Year 2 pupils.</p> <p>The benefits of this proposal will be to increase school places in the infant age range in order to meet the increasing demand for school places. This increase in demand for school places is being caused by the changes experienced in the age profile of the Borough, most notably the rise in birth rates.</p> <p>At the Executive meeting on 11 August 2009 (Minute 45 refers), Members approved procurement and funding proposals relating to the building of new classrooms, a nursery area, toilet facilities and storage space in the form of a single storey building as an extension to the Infant School. These works are integral to the proposed expansion of the Infant School and the rationalisation of space with the Junior School, which will also see the development of an Additional Resource Provision for pupils aged 8 to 11.</p> <p>Wards Affected: Goresbrook Ward</p>	
<p>Recommendation(s)</p> <p>The Executive is recommended to agree the formal expansion of Cambell Infant School from a three form to a four form entry Infant School with effect from the start of the Autumn Term 2010 as detailed in the report.</p>	
<p>Reason(s)</p> <p>To assist the Council in achieving its Community Priority of "Inspired and Successful" and in fulfilling its duty to provide every child in the borough with a school place.</p>	
<p>Implications</p> <p>Financial There are additional revenue costs associated with the increased intake of pupils and these will be met from the Dedicated Schools Grant (DSG) budget allocated for this purpose from Central Government. Schools receive funding based primarily on pupil numbers and the increase in pupil numbers will generate sufficient funding to meet revenue costs.</p> <p>There are no specific capital costs associated with this proposal. The capital costs relating to the necessary building works were detailed in the previous report on 11</p>	

August 2009 as follows:

£720,000 - from the Basic Need Safety Valve Fund - a Grant from the Department for Children, Schools and Families (DCSF)
£500,000 - from the Primary Capital Programme
£780,000 - Section 106 Agreement Funding

It has been confirmed that the cost to build the Infant school extension and also rationalise the site, could be delivered for the £2,000,000 budget available.

Legal

The expansion proposals have been published in accordance with the Education and Inspections Act 2006 and the required procedural and implementation arrangements are being followed, in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

The formal consultation process commenced on the 28 November 2009 and concluded on 26 December 2009.

Contractual

No specific implications (the procurement issues were covered in the report to Executive on 11 August 2009).

Risk Management

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

Staffing

The school will need to increase the numbers of teaching and non-teaching staff to support the increase in pupil numbers. This will be funded through the school's DSG budget and the increased share which the school will receive.

Customer Impact

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

Safeguarding Children

No specific implications.

Crime and Disorder

No specific implications.

Property / Assets

No specific implications.

Options appraisal

- Do Nothing - This is not practical due to the legal and statutory obligation placed on the Council to provide sufficient school places and the pressures currently faced across the Borough.

<ul style="list-style-type: none"> Expansion of School to Four Form Entry – This preferred option has the support of the School Governing Body and the local community and forms part of the wider development of the School for which funding has been made available within the Capital Programme. 		
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Report Authors: Mike Freeman Janet Caliste	Title: Group Manager, School Estate and Organisation Group Project Leader	Contact Details: Tel: 020 8227 3492 Fax 020 8227 3148 E-mail: mike.freeman@lbbd.gov.uk Tel: 020 8227 3152 Fax: 020 8227 3148 E-mail: janet.caliste@lbbd.gov.uk

1. Background

- 1.1 With the regeneration of Barking Town Centre and other parts of the borough, new homes are being created, being replaced or being refurbished. This investment is attracting more families to the area and with this comes demand for more school places, particularly in the primary school sector. There is also an element of demographic change which is having an impact as properties built for families are once again being occupied by families.
- 1.2 In response to this need for additional places, the School admitted an additional 30 pupils in the school year 2008/09 and a further 30 pupils in 2009/10. This has meant Reception Year and Year 1 moving up from three forms of entry to four forms of entry whilst Year 2 has remained at three forms of entry.
- 1.3 As referred to earlier, the Executive on 11 August 2009 agreed a range of proposals that have enabled the Infant School to be in a position to permanently expand its intake to four forms of entry and therefore formalise these interim arrangements, and at the same time help in responding to current and future demand.

2 Proposal and Consultation Process

- 2.1 Meetings with the Chair and Board of Governors of the school were held in 2008 to discuss the wider proposals and support was received to expand the school permanently from three to four forms of entry from 1 September 2010 subject to accommodation provision being made available which met with the School's requirements.
- 2.2 Council officers and representatives of the School worked together to move forward the necessary building improvements, including the securing of the necessary funding, in order to enhance provision and support the objectives of the school.

- 2.3 The building works were planned to commence in January 2010 for completion in July 2010.
- 2.4 A series of meetings have been held including meetings with teaching staff, personnel committee meetings, other various school committee meetings and Governing Body Meetings where plans for the new build were presented. These plans were also been presented at the school's parents evening held in March 2009 in order to allow parents to bring forward any questions they may have.
- 2.5 Letters were sent to Parents, Carers and Guardians of Pupils, Staff and Governors of Cambell Infant School informing them of the proposal to expand the school and the reasons for this on 28 September 2009.
- 2.6 The Council has published a formal notice to expand the school by one form of entry with effect from the start of the Autumn Term, 1 September 2010 with a new standard admission number of 120 pupils in each year group. The notice was published in the local press on 28 November 2009 and copies of the notice were displayed in Cambell Infant and Junior Schools and Barking Library. The notice period expired on 26 December 2009.
- 2.7 No responses have been received regarding the published notice or from the letter sent to parents, carers and guardians of pupils, staff and governors of the school.

3. Links to Corporate and other Plans and Strategies

3.1 The proposals in this report are in line with:

- Children and Young Peoples Plan
- The Council Plan

4. Consultees

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

- Cllr L Smith, Leader of the Council
- Cllr R Gill, Lead Member for Education and Children's Well-Being
- Cllr RJ Barnbrook, Ward Member
- Cllr TA Lansdown, Ward Member
- Cllr W W Northover, Ward Member
- Corporate Management Team
- Jane Hargreaves, Head of Quality and School Improvement
- Bal Gill, Strategic Manager, Admissions
- John Hooton, Strategic Finance Controller
- Fiona Taylor, Acting Legal Partner, Safeguarding & Partnerships
- Debra Nicholls, Senior Lawyer, Procurement and Contracts
- Sue Lees, Divisional Director of Asset Management and Capital Delivery
- Shenis Hassan, Group Manager, Children's Services Finance
- Leann Kenny, Communications Manager
- Simone Mills, Internal Communications

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

- Legislation which allows this – Education and Inspections Act 2006
- Consultation letter dated 28 September 2009
- Notice Published 28 November 2009
- Executive report and Minute 45, 11 August 2009
- Executive report and Minute 118, 20 January 2009
- DCSF Guidance: Making changes to a maintained mainstream school

6. List of appendices:

None

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THE EXECUTIVE

16 FEBRUARY 2010

REPORT OF THE CORPORATE DIRECTOR OF ADULT AND COMMUNITY SERVICES

Title: Commissioning of Domestic Violence Advocacy Services	For Decision
<p>Summary:</p> <p>The Domestic Violence (DV) Advocacy Service has been managed within the Council since 2005. An independent review of the Service, undertaken by <i>Standing Together Against Domestic Violence</i> in 2009, identified key problems with the delivery of the service associated with its placement within a strategic service and its lack of independence. The report recommended, in line with national best practice, that the service was commissioned out to the voluntary or third sector and that an interim arrangement was made whilst this process was being followed through.</p> <p>This recommendation has been followed through and sufficient funding had been identified to commission the service. Recently, additional funds have also been made available by health partners to procure three maternity based advocates within the Barking, Havering and Redbridge Hospital Trust, making the total funding available of £240,000 per annum, £720,000 over 3 years.</p> <p>This is a contract being let by the Council on behalf of the Local Strategic Partnership, for which the Council acts as the accountable body. In view of this the decision to commission the service must now be considered and taken by the Executive. This report therefore seeks the Executive's agreement to commission the service from the third sector and describes the process that will be followed.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Executive is recommended to:</p> <ul style="list-style-type: none"> (i) Agree to the procurement of a three year contact for the provision of a Domestic Violence Advocacy Service on behalf of the Barking and Dagenham Partnership, as detailed in the report; (ii) Authorise the Corporate Director of Adult and Community Services, in consultation with the Chief Financial Officer and Legal Partners to award the contract. (iii) Decide, in accordance with the Council's Contract Rules (paragraph 3.6.4, Part D of the Constitution) if it wishes to be further informed or consulted on the progress of the procurement and the award of the contract. 	
<p>Reason(s)</p> <p>To assist the Council and the Partnership to achieve the Community Priorities of ensuring that residents are "Safe" and "Healthy", by following good practice, working in partnership</p>	

and putting customers first.

Implications

Financial

The funding identified for this service would be £240,000 per annum for three years. This includes funding from the Housing Revenue Account (HRA), Area based grant and from the Metropolitan Police and NHS Barking and Dagenham, the Council's external partners. Paragraph 2.7 gives a detailed breakdown of the funding.

Legal

The services to be provided under the contract to which this report relates are classified as "Part B" services under the Public Contracts Regulations 2006 (the "Regulations"), therefore the full rigour of the Regulations do not apply.

As the value of the contracts exceed the European Union (EU) threshold for services (currently £156,442), the Council nevertheless has a legal obligation to comply with the Treaty of Rome principles of equal treatment of bidders, non-discrimination, and transparency in procuring the contract. A contract award notice is also required, under the Regulations, to be published in the Official Journal of the EU upon selection of a service provider.

Furthermore, the Council's Contract Rules (Contract Rule 3.6) require the strategy for the procurement of contracts of above £400,000 in value to be submitted to the Executive for approval prior to procurement of such contracts.

The estimated value of the contract to which this report relates is above £400,000, therefore the Corporate Director for Adult and Community Services, in compliance with the Contract Rules, has set out the proposed strategy for the procurement of the contract in Paragraphs 2.8 to 2.15 of this report for approval by the Executive.

The Executive has the power under Section 15 (6) of the Local Government Act 2000 and under Part C of the Council's Constitution to delegate its powers to officers.

The report is also requesting that the Executive delegate its authority to award the proposed contract to the Corporate Director for Adult and Community Services.

It may be that the effect of a contract award will be to engage the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) which operates to transfer contracts of employment of staff assigned to the relevant service before the transfer. Officers should consult with the Legal Practice as to the application of TUPE.

The Legal Partner (Procurement, Property and Planning) confirms that there are no legal reasons preventing Executive from approving the recommendations of this report.

Contractual

The value of all services is over the EU threshold of £156,442 for Part B services and should be tendered. Under EU procurement rules these services are classed as a part B services and have minimal legislative requirements. The main requirements are in relation to transparency, technical specifications and award notices. The tenders will be carried out in full compliance with the EU rules and Council policy in procurement. The details on this and an outline of the timetable are in paragraphs 2.10 to 2.15

Risk Management

The risks associated with this decision are in relation to regulations in relation to procurement, TUPE and the multi-agency nature of the funding.

The Council's procurement rules will be followed to ensure that the contract is awarded in line with national and European Contract law. HR advice has been sought in relation to TUPE issues and the staff have been consulted and advised of these plans since summer 2009. Partners have been advised of the three year funding commitment and will be involved in the decision on awarding the contract in order to ensure their continued commitment. There will be a written agreement between the Council and its partners reflecting this.

In addition, it should be noted that the risk of not providing this enhanced service relates to a very vulnerable high risk client group. At present the advocacy service is only able to impact on the most serious cases, while the new proposed enhanced service will allow for greater intervention with this group and will allow for intervention with low to medium risk clients so preventing costly escalation. The service is detailed in the departmental risk register and at present steps are in place to mitigate the risk through the universal offer and training of staff. The proposals allow for wider points of intervention, in particular those detailed in the health setting.

Staffing

There are two Council employees working for the current service. Their employment would transfer to the new provider at the date the new provider takes over responsibility for the service. Employees would transfer with continuity of service and on the same terms and conditions, pay and other benefits (other than Pensions).

Customer Impact

The DV Advocacy Service review proposal to commission the service externally from the voluntary sector, rather than delivering the service in house, is identified as best practice by Coordinated Action Against Domestic Abuse (CAADA, the national organisation that designs and prescribes the structure for Advocacy Services and provides accredited training), and will result in better outcomes for women's safety, improved service user satisfaction and improved working arrangements. We anticipate by ensuring the independence of the service increased service user access will be achieved through:

- Re-assuring victims that they will be supported by staff who have only their best interests at heart;
- Greater ability and freedom to "institutionally advocate" on behalf of victims;
- Increased capacity to supervise and support the advocates;
- Access to sources of funding not available to the statutory sector

Domestic violence affects all groups in society irrespective of age, gender, race, faith, disability or sexual orientation. The single most over-represented group amongst victims of DV are women with 90% of all LBBB DV victims being female. The highest risk victims make up about 10% of the total victims of DV in LBBB and all the highest risk victims are female.

CAADA trained advocates will be a specification in the tender. Currently CAADA services are designed and based on the needs of women and there is no nationally accredited Advocacy Service that works with both men and women. Therefore the DV Advocacy service is for female victims of DV only and, as such, the service positively seeks to

address the disproportionate and negative impact on women of violence within personal relationships.

Male victims are catered for by other local and national services. In order to mitigate any negative impacts of the lack of access to the Independent Domestic Violence Advisers (IDVA) service, any male referrals to the IDVA service will be signposted to these alternative services. This will be a requirement of the chosen service provider. In LBBD male victims are referred to Victim Support and the Domestic Violence Intervention Programme.

Safeguarding Children

Children witness about 75% of domestic violence incidents and one in four children are affected by DV in their lifetime. In Barking and Dagenham, there were 266 children involved in the 156 highest risk referrals made to the Multi-Agency Risk Assessment Conference (MARAC) in 2009. The recommendations represent a strengthening of provision for victims of DV. Therefore they will also have a beneficial effect on children and young people in line with all five Every Child Matters outcomes.

Crime and Disorder

Barking and Dagenham has the highest rate of DV across London with 4,336 incidents reported to Police in 2008/09. Tackling and reducing DV is one of the key priorities for the Safer Borough Board and for the Council. The DV Advocacy Service is focussed on reducing victimisation and harm to women and preventing homicide. A particular focus of the service is reducing repeat victimisation of victims (NI32) and the number instances of DV related homicide (NI134).

The recommendations within this report are intended to deliver a service that is based upon national best practice and to promote the greater partnership working to reduce crime and disorder. Section 17 of the Crime and Disorder Act places a statutory duty on Councils and partners to consider crime reduction and prevention in all service planning and provision. The provision of this contracted out service would see health and council partners working together with the Police and community sector partners to ensure that DV is addressed more effectively and that victims of crime are appropriately supported .

Property/Assets

No specific implications

Options appraisal

Two alternative options to the recommended proposal were considered:

1. **Not to commission a DV Advocacy Service** – This option was rejected because Barking and Dagenham has the highest level of reporting of DV per 1,000 population across London. In 2008/9 a total of 4,336 incidents were reported to Police with Domestic Violence being identified as a priority by the Safer Borough Board and the Healthy Borough Board. The impact of DV on children has also been identified as an issue by the Children's Trust and the Local Safeguarding Children's Board. The cost of DV in the Borough (when taking into account criminal justice, health, social care, human and employment costs) has been estimated as £82.3 million.
2. **To retain and manage the service in-house** – This option was rejected because

an independently managed DV advocacy service, based in the voluntary sector, is regarded as national best practice. This issue was highlighted in the report of an independent review of the Advocacy service in May 2009. Advocacy services are a specialist provision with advocates and their managers subject to specialised training. These skills and capacity are not available within the Council. A voluntary sector based service will also be able to access sources of funding not available to the Council. Whilst the advocates had been managed in-house prior to the review, since September 2009, they have been seconded to an independent specialist voluntary sector agency on an interim basis whilst the full commissioning and tendering process goes ahead.

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1. Background

- 1.1 Domestic Violence Advocates provide a crisis intervention service to high risk victims of DV. 'High risk' is defined as those victims who are in danger of further serious assault and/or murder. Advocates conduct risk assessments and put in place bespoke safety plans with assistance from the monthly Multi Agency Risk Assessment Conference (MARAC). Their role is specialised and accepted good practice is that advocates should be Coordinated Action Against Domestic Abuse (CAADA) trained and managed by someone with the appropriate level of training and clinical background.
- 1.2 It is also accepted good practice that a DV Advocacy service should be independent and preferably based within the voluntary sector. The independence of an advocacy service provides:
 - Reassurance for the victim that they will be supported by staff who have only their best interests at heart;
 - An ability to "institutionally advocate" on behalf of that victim;
 - The likelihood of suitably experienced managers who will have the skills and capacity to supervise and support the advocates;
 - Sources of funding not available to the statutory sector
- 1.3 An independent review of the Council run DV Advocacy Service and associated DV partnership was commissioned in February. Reporting in May 2009 the review was conducted by Anthony Wills, a well respected DV practitioner with a police background. Two of the report recommendations concerned the future management and positioning of the DV Advocacy Service.

2. Report detail

- 2.1 The LBBD DV Advocacy Service was established in 2004 with the employment of a single advocate who was placed within the voluntary sector in Waltham Forest. However, the service was brought back in house in 2005 and an additional advocate employed. The advocates have been Council employees ever since and were managed by the DV and Hate Crime Manager in the Community Safety Team.
- 2.2 The review and final report of the current service provision identified two problems, the placement of the service within a strategic setting and a lack of independence. The report proposed that *“a new, clearly defined Independent Domestic Violence Advisers (IDVA) service with three advocates be commissioned from within the voluntary sector.”*
- 2.3 The report recognised that a commissioning and tendering process could take up to 6 months, possibly more, if the additional funding could be found. It also recognised that there was an urgent need to address the current deficiencies in relation to supervision and management. It therefore proposed *“that a short term and simplified contract be agreed with a suitable voluntary sector organisation to provide advocacy services for high risk victims”*, in the interim.
- 2.4 Both recommendations were accepted by officers and the Safer Borough Board. The opportunity to bid to manage the advocacy service on a short term basis was advertised to 4 local voluntary sector agencies with experience of operating advocacy services. Bids were assessed and interviews were held in August. SOLACE Women’s Aid were awarded the contract and took over the management of the service on 15 September and the existing advocates were seconded to SOLACE.
- 2.5 Since September Council officers have worked to identify funding to allow a 3 year contract to be developed and offered for commissioning using Council and Metropolitan Police Service (MPS) contributions. An additional sum has been identified to increase the number of advocates in line with the recommendations of the review and the tender had been advertised on that basis. However, we have now received an indication from NHS Barking and Dagenham that they have identified funding for 3 maternity based advocates to work within the Barking, Havering and Redbridge Hospital trust area from 2010-2011. They have indicated that they would like this sum to be added into the contract and specification. This will take the total value of the 3 year contract to more than £400,000, requiring referral to the Council’s Executive for decision.
- 2.6 The specification for the revised service will be to provide:-
- Advocacy and multi- agency liaison, one-to-one crisis intervention (including support), risk assessment, case management and safety planning sessions;
 - Referral and advocacy to enable service users to understand their rights, access and use other relevant services (according to their individual needs and entitlements) such as housing (including refuge), legal advice and representation, immigration, financial and benefits services, child protection, vulnerable adults team counselling and mental health services;

- Act as the coordinating referral source for borough 'Sanctuary Project', carrying out risk assessments for all clients ensuring the 'Sanctuary Project' is an appropriate safety measure for the victim and their children;
- Providing an on-call out of hours service for professionals/agencies to refer to, on behalf of their service users, ensuring access to the Service 24 hours, 7 days per week;
- Provision of information when attending civil courts and criminal courts, including referrals to the Witness Service and liaison with relevant officers from the Police, Crown Prosecution Service and solicitors both pre-and post trial hearing; support service users to access legal aid and DIY injunctions;
- NHS Barking and Dagenham will be a partner with LBBD for this contract. NHS B&D will agree a service specification for this element of the contract which will consist of 3 full time Domestic Violence Independent Advocates located within Barking, Havering, Redbridge University Hospital Trust Maternity Services. This additional service will increase capacity within the DV Advocacy Service to respond to pregnant DV victims who live in the borough and will improve partnership working arrangements between maternity services and the Borough (namely the MARAC and DV Forum).

2.7 The provisional funding sources for the service have been identified, including external partners, and the combined budget of £240,000 per annum is shown below. As stakeholders partners from the MPS and the NHS will be involved in the commissioning process and decisions.

Source	12 Months	3 years
MPS BCU Funding	31,500	94,500
LBBD – ACS, Area Based Grant (SSCF)	28,500	85,500
LBBD HRA	40,000	120,000
LBBD Customer Services – Private Housing (Sanctuary Project)	20,000	60,000
NHS Barking and Dagenham	120,000	360,000
TOTAL	240,000	720,000

2.8 It is our intention to advertise on the council's website and other appropriate websites inviting expressions of interest from parties that can demonstrate relevant experience in delivering domestic violence advocacy services.

2.9 Interested parties will be invited to tender on the basis of a two-stage, 'restricted tender' process. The first stage will be to invite expressions of interest requiring the completion of a pre-qualification questionnaire which will be assessed against the responses given. This will result in a shortlist of up to six providers being invited to tender.

2.10 The evaluation of tender submissions will be based on a weighted quality/cost matrix, with a quality and price weighting of 80/20 respectively. The quality assessment will be based on the following criteria: Staffing and Personnel related issues (15%), Quality and Performance Management (20%), Partnerships (10%),

Service Delivery (35%). Details of these will be published in the invitation to tender which will enable a fair and transparent approach.

- 2.11 An evaluation of contract prices will be carried out to ensure potential suppliers offer fair and competitive prices that are consistent with the service outline. A contract will be awarded to the successful provider for a period of three years, with an option to extend for a further two year dependent upon future availability of funding and satisfactory performance.
- 2.12 This process will involve TUPE arrangements and negotiations as both advocates are Council employees. The advocates and HR have been kept informed of these plans throughout the process and time has been allowed in the project plan to facilitate any required meetings in respect of this and to ensure continuity of service to service users. TUPE arrangements will be included in the service specification and evaluation and will be assessed as part of the selection process.
- 2.13 In accordance with Council rules the contracts will be let with approval of the Chief Officer and the 151 Officer (Chief Financial Officer) if the Executive decide that they do not wish to be further involved in the procurement of these services.

2.14 **Outline Timetable**

Action	Date
Executive Approval	16 February 2010
Advertise	19 February 2010
Expressions of interest to be returned	12 March 2010
Tenders to be returned	30 April 2010
Interviews to be conducted	May 2010
Approval from Chief Officers and 10 day standstill period	May/June 2010
Contract Award	Early June 2010
Facilitate possible TUPE meetings between providers	June 2010
Contract Delivery starts	July/August 2010

3. Links to Corporate and other Plans and Strategies

3.1 This proposal is in line with the following Corporate Plans and strategies –

- Safer Borough Board – Partnership Plan for Crime and Disorder Reduction
- LBD Domestic Violence Strategy 2008-2011
- Health and Well-Being Strategy

4. Consultees

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

Councillor Jeanne Alexander - Cabinet Member for Community Safety
 All members of Adult and Community Services Departmental Management Team (DMT)
 Ian Taylor - ACS Corporate Procurement
 Eleanor Margaritelli - ACS Human Resources manager

Fiona Taylor – Acting Legal Partner (Safeguarding and Partnerships)
Stephen Whitelock - ACS Finance Manager
Helen Jenner - Corporate Director of Children's Services

Metropolitan Police:

Chief Superintendent Matt Bell - Borough Commander

NHS Barking and Dagenham

Victoria Hill - DV Strategic Lead,

Victor Ferreira - Head of Public Health and Childrens Commissioning

5. Background Papers Used in the Preparation of the Report: None

6. List of appendices: None

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