

Notice of Meeting

ASSEMBLY

Wednesday, 10 October 2012 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor N S S Gill
Deputy Chair: Councillor J Davis

Date of publication: 2 October 2012

Graham Farrant
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.
3. **Minutes - To confirm as correct the minutes of the meeting held on 11 July 2012 (Pages 1 - 5)**
4. **Member Development Charter Presentation (Pages 7 - 9)**
5. **Response to Petition - Controlled Parking Zone - Ripple and Harrow Roads, Barking (Pages 11 - 15)**
6. **Response to Petition - Controlled Parking Zone - Sutton Road, Barking (Pages 17 - 21)**
7. **Response to Petition - Thamesview Community Safety (Pages 23 - 31)**
8. **Revised Schedule of Cabinet Portfolios (Pages 33 - 37)**
9. **Appointments**

10. **Joint Appointments Committee (Pages 39 - 43)**
11. **Appointment of Monitoring Officer (Pages 45 - 47)**
12. **Appointment of Section 151 Officer (Pages 49 - 51)**
13. **Appointment of Independent Persons to the Standards Committee (Pages 53 - 56)**
14. **Amendment to the Governance Arrangements for the Elevate East London LLP Board (Pages 57 - 59)**
15. **Motions (Pages 61 - 63)**
16. **Leader's Question Time**
17. **General Question Time**
18. **Any other public items which the Chair decides are urgent**
19. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Assembly, except where business is confidential or certain other sensitive information is to be discussed. 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.***

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

MINUTES OF ASSEMBLY

Wednesday, 11 July 2012
(7:00 - 7:35 pm)

PRESENT

Councillor N S S Gill (Chair)

Councillor J L Alexander
Councillor R Baldwin
Councillor S J Bremner
Councillor E Carpenter
Councillor J Clee
Councillor C Geddes
Councillor D Hunt
Councillor A S Jamu
Councillor E Kangethe
Councillor M A McCarthy
Councillor M McKenzie MBE
Councillor M Mullane
Councillor J Ogungbose
Councillor B Poulton
Councillor A K Ramsay
Councillor L Rice
Councillor T Saeed
Councillor L A Smith
Councillor G M Vincent
Councillor L R Waker
Councillor J R White

Councillor A Gafoor Aziz
Councillor G Barratt
Councillor P Burgon
Councillor J Channer
Councillor R Douglas
Councillor R Gill
Councillor M Hussain
Councillor I S Jamu
Councillor E Keller
Councillor J E McDermott
Councillor D S Miles
Councillor E O Obasohan
Councillor T Perry
Councillor H S Rai
Councillor C Rice
Councillor D Rodwell
Councillor A Salam
Councillor S Tarry
Councillor J Wade
Councillor P T Waker
Councillor M M Worby

APOLOGIES FOR ABSENCE

Councillor S Alasia
Councillor L Butt
Councillor J Davis (Deputy Chair)
Councillor L A Reason

Councillor S Ashraf
Councillor H J Collins
Councillor G Letchford
Councillor D Twomey

19. Declaration of Members' Interests

There were no declarations of interest.

20. Minutes (16 May 2012)

The minutes of the meeting on 16 May 2012 were confirmed as correct.

21. Death of Corporal Alex William Guy, 1st Battalion The Royal Anglian Regiment

Assembly received this report introduced by the Leader of the Council and noted with sadness and deep regret that Corporal Alex William Guy of 1st Battalion The Royal Anglian Regiment had been killed in Afghanistan on Friday, 15 June 2012.

The Assembly stood and observed two minutes' silence in Corporal Guy's memory as a mark of respect.

22. Death of Helen Collins, Head Teacher of Five Elms Primary School

The Leader of the Council reported the sudden, sad death of Helen Collins, Head Teacher of Five Elms Primary School. In tribute, the Leader said that Helen had been a wonderful Head Teacher who had always put the children at her school and their families at the forefront of her decision making.

The Assembly stood and observed two minutes' silence in her memory as a mark of respect.

23. The Queen's Birthday Honours list 2012 - award of MBE to both Alderman Frederick Charles Jones and Rita Margaret Giles

Assembly was pleased to note this report introduced by the Leader of the Council and applauded the award of MBE in the Queen's Birthday Honours list 2012 to both Alderman Frederick Charles Jones and Rita Margaret Giles for their service to the community.

24. Appointments

1. Assembly noted the verbal report from the Leader of the Council that following a JNC Appointments Panel meeting that had taken place earlier this evening, Mr Graham Farrant, the Chief Executive of Thurrock District Council, had been appointed to the position of Interim Chief Executive under a shared arrangement with Thurrock with immediate effect. However, due to annual leave, Mr Farrant will take up the post from Wednesday, 25 July 2012. The Leader further advised that the arrangement would be reviewed in a year's time.

The Leader confirmed that details of the contractual arrangements between both Councils relating to Mr Farrant's appointment were being drawn up and would be made available to all Members.

2. Assembly noted the following appointments:
 - (a) **Councillors Geddes and White appointed by Councillor Alexander** as her deputies on the London Councils' Grants Committee
 - (b) **Councillor Rai appointed by Councillor McCarthy** to the Public Transport Liaison Group
 - (c) **Councillors Carpenter and McDermott appointed by Councillor P Waker** to the Registered Provider Forum

and **agreed** the appointment of **Councillor Rai** as **Councillor White's** deputy on the Elevate Limited Liability Partnership Board.

25. **Members' Code of Conduct**

Assembly received this report introduced by the Monitoring Officer.

The Monitoring Officer referred Assembly to the Code of Conduct set out at Appendix A to the report and proposed the following amendment:

- Deletion of the word "pecuniary" in the second line of paragraph 10.1 on page 44 of the agenda.

Members extolled the principles of good conduct set out in the Code of Conduct as well as the provision for informal resolution of complaints from one member against another, or from an officer of the Council against a member.

Following questions, the Monitoring Officer advised that:

- the Standards Committee would now be a committee established to deal with relevant matters under Section 101 the Local Government Act 1972
- no further changes to the Code of Conduct were anticipated unless Members wished to amend it.

She recommended that the Constitution Working Group consider the effectiveness of the Code in a year's time.

At the invitation of the Chair, Councillor Carpenter announced the following appointments:

- (a) **Councillor Poulton** as Chair of the Standards Committee; and
- (b) **Councillors Hunt and Kangethe** to the Standards Committee

Assembly noted the report and **agreed** to adopt with immediate effect:

- (i) the final Code of Conduct as set out in Appendix A subject to the amendment in the second line of paragraph 10.1 as referred to Assembly by the Monitoring Officer;
- (ii) the Terms of Reference of the Standards Committee and Standards Sub-Committee as set out in Appendix C;
- (iii) the procedure for making complaints against a councillor for breach of the Code of Conduct as set out in Appendix D;
- (iv) the redrafted Codes of Conduct for Planning Matters and for Licensing and Regulatory Matters as set out in Appendices E and F respectively.

Assembly **further agreed**:

1. the Member appointments to the Standards Committee as announced by Councillor Carpenter; and
2. to delegate to the Monitoring Officer the responsibility for granting

dispensations, on the basis that appeals against refusal would be determined by the Standards Committee.

26. Treasury Management Annual Report

Assembly received this report introduced by the Corporate Director of Finance and Resources (CDFR), who advised that regulations had placed a greater onus on Members to review and scrutinise treasury management policy and activities.

The CDFR referred Members to the key points in the report, namely:

- Investment income for the year was £1.2m;
- There had been no General Fund borrowing in 2011/12 to finance the capital programme as, in line with part of the 2011/12 treasury management strategy, the Council had relied on internal borrowing;
- £265.9m of external borrowing had been required as part of the Housing Revenue Account (“HRA”) self-financing settlement;
- The Council breached the maturity structure for borrowing maturity of fixed rate borrowing as a result of taking advantage of low interest rates available for the HRA self-financing settlement;
- The Council had not breached its revised 2011/12 authorised borrowing limit of £465m and had complied with all other set treasury and prudential limits.

In response to Members' questions, the CDFR advised that:

1. She had delegated authority in relation to the authorised borrowing limit of £465m and had not breached that limit.
2. With regard to the accuracy of LIBOR reporting by Barclays, the Council did not deal with Barclays; however, the Treasury Management Consultants were working to ascertain whether or not the Council had any liabilities in this connection and if there were issues, these would be reported back to Assembly.
3. Regarding Treasury Management Costs, Scottish Widows' costs were higher than those internally.
4. Additional investment would be made through Investec as they were outperforming the internal rate of return.
5. The diversification of part internal and part external investment was considered to be a worthwhile strategy.
6. The Council does not lend to commercial and external organisations, though the use of Building Societies was under consideration and the Council does invest in Nationwide Building Society. The interest rates received were dependent on the length of the investment, i.e. from as short as overnight or for as long as a year, and were agreed at the outset of the investment.
7. The interest rates on the borrowing, which had been made in five tranches,

were 4.3% to 4.9%.

The CDFR further confirmed that she would provide Members with a written note explaining *Fixed and Variable Interest Exposure*.

Assembly **agreed** to:

- a) Approve the actual 2011/12 prudential and treasury indicators in the report;
- b) Approve the increase in maturity structure of fixed rate borrowing from 60% to 100%;
- c) Note the Treasury Management Annual Report for 2011/12;
- d) Note that the Council complied with all 2011/12 treasury management indicators with the exception of the maturity structure for borrowing maturity of fixed rate borrowing;
- e) Note the £265.9m borrowed by the Council in 2011/12 as part of the Housing Self Financing reforms;
- f) Note that the Council did not borrow in 2011/12 to finance its capital programme but utilised internal cash in line with its strategy.

27. Motions

None.

28. Leader's Question Time

None.

29. General Question Time

None.

30. Tasnim Shawkat, Divisional Director of Legal and Democratic Services and Monitoring Officer

The Chair announced that Tasnim Shawkat, the Divisional Director of Legal and Democratic Services and Monitoring Officer would be leaving the Council at the end of September.

The Assembly wished her well for the future.

The meeting closed at 7.35 pm.

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ASSEMBLY

10 October 2012

Title: Presentation of London Charter for Elected Member Development	
Report of: The Cabinet Member for Adult Services and Human Resources	
Open	For Information
Wards Affected: All	Key Decision: No
Report Author: Fiona Jamieson	Contact Details: Tel: 020 8277 2877 E-mail: Fiona.jamieson@lbbd.gov.uk
Accountable Divisional Director:	Fiona Taylor, Head of Legal and Democratic Services
Accountable Director:	Graham Farrant, the Chief Executive
Summary:	
<p>The Council was successfully re-assessed on 25 July 2012 for the London Boroughs Charter for Elected Member Development. The award is being formally presented to Assembly this evening by Councillor Catherine West, Leader of Islington Council, a member of the Assessment Panel, on behalf of London Councils.</p> <p>Members and Chief Officers have previously been sent a full copy of the Assessment report.</p>	
Recommendation(s)	
To note the report and accept the Charter	
Reason(s)	
The presentation of the Charter at the Assembly profiles the Council's commitment to a high standard of Member development.	

1. Introduction and Background

- 1.1 Barking & Dagenham was initially awarded the London Councils Charter for Elected Member Development in February 2009. Following a re-assessment in the summer the Council has been re-awarded Charter status for three years from 25 July 2012, the first London Borough to do so.
- 1.2 The Charter is a nationally recognised structured quality framework. It assesses the processes, impact and effectiveness of member development. A majority of councils in England and 50% of London authorities have Charter status.

1.3 A Self Assessment together with relevant strategies, plans, programmes, reports, handbooks, performance data and notes from key meetings were provided to the Assessors prior to the day of the assessment interviews.

2. Proposal and Issues

2.1 All key standards for the Charter have successfully been met by Barking & Dagenham. These are:

- Commitment to Councillor development
- Strategic approach to Councillor development
- Learning and development is effective in building capacity
- Supporting Councillors

2.2 The Council will be required to present evidence of continuing progress in eighteen months' time and will need to be re-assessed in full against the Charter standard in three years in order to maintain the Award.

2.3 Councillor Catherine West, Leader of Islington Council is in attendance this evening to formally present the council with the award

3. Options Appraisal

3.1 There is no statutory requirement to gain Charter status. However, the Charter provides Members with an assurance that the Council is attaining a high development standard; a structured approach to assessing current performance and how to improve; London-wide and national benchmarking of standards; external assurance that the Council is committed to Member Development, and access to six monthly Charter learning events for Members

4. Consultation

4.1 The following Members and Officers were interviewed during the Charter Assessment process:

- **Members:** Councillor Rocky Gill (Deputy Leader of the Council), Councillor Linda Reason (Chair of the Member Development Group), Councillor Inder Singh Jamu, Councillor Nirmal Gill, Councillor Eileen Keller, Councillor Graham Letchford, Councillor Hardial Singh Rai, Councillor Pam Burgon, Councillor Barry Poulton, Councillor Gerry Vincent, Councillor Milton McKenzie and Councillor Abdul Salam
- **Officers:** Anne Bristow (Corporate Director of Adult & Community Services) – on behalf of the Chief Executive, John Dawe (Group Manager Democratic Services), Fiona Jamieson (Organisation and Member Development Officer), Kat Cooper (Graduate Trainee), Masuma Ahmed (Democratic Services Officer).

5. Financial Implications

Implications completed by: Olufunke Johnson

Telephone and email: (020 8227 2485) olufunke.johnson@lddb.gov.uk

- 5.1 The Charter standard assumes there is a budget for Members Development and support, which will continue to be met within existing Democratic Service's revenue budgets.

6. Legal Implications

Implications completed by: Eldred Taylor-Camara, Legal Group Manager

- 6.1 There are no legal implications associated with this report

Background Papers Used in the Preparation of the Report:

London Charter for Elected Member Development Assessors' Report 9 August 2012

List of appendices: None

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ASSEMBLY

10 OCTOBER 2012

Title: Response to Petition - Implementation of a Controlled Parking Zone Ripple Road & Harrow Road	
Report of: Divisional Director of Environment	
Open	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Ruth Du-Lieu Group Manager – Street Scene	Contact Details: Tel: 020 8227 2641 E-mail: ruth.dulieu@lbbd.gov.uk
Accountable Divisional Director:	Robin Payne Divisional Director of Environmental Services
Accountable Director:	Darren Henaghan Corporate Director of Housing and Environment
<p>Summary:</p> <p>The Council has received a petition containing over 100 signatures from separate addresses in the borough, requesting that the Council stop proposals to implement controlled parking zones within Ripple Road and Harrow Road.</p> <p>In summary the petition is claiming that the Council misrepresented the true consultation results so that it could implement the controlled parking zone. The petition makes particular reference to concerns about access to shops and doctors surgeries being adversely affected by the parking zone.</p> <p>In accordance with the Council's procedures for petitions the lead petitioner, Mr John Far, has been invited to the meeting of the Assembly to present the petition.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree, for the reasons set out in this report:</p> <ol style="list-style-type: none"> 1 that it is unable to support the petition to abandon plans for a Controlled Parking Zone in Ripple Road and Harrow Road; and 2. that it supports proposals for a re-consultation of Controlled Parking in the Ripple and Harrow Road area. 	
<p>Reason(s)</p> <p>Under the Council's Petition Scheme as set out on the Council's website, petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As this petition exceeds that threshold it has triggered the requirement for a debate at Assembly.</p>	

1. Introduction and Background

- 1.1. The Council is responsible for the highway and traffic network within the boundaries of the London Borough of Barking and Dagenham (LBBB). This includes the provision of both on and off street parking facilities and the enforcement of parking legislation as set out in the Traffic Management Act 2004.
- 1.2. The Council uses a variety of mechanisms to control the parking of vehicles and the flow of traffic. The promotion of road safety through effective traffic management is a priority to try and make improvements for both pedestrians and motorists. Traffic management includes parking bays, double yellow lines, controlled parking zones, pay and display and signage.
- 1.3. Controlled Parking Zones (CPZs) are widely used in most London Boroughs and have been in existence in LBBB for a number of years. CPZs are operated under powers given in the Road Traffic Regulation Act 1984 and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 1.4. The principles behind CPZs are to ensure that residents' parking needs are accommodated by putting in place marked bays that only residents are able to use. There is a charge levied in the form of an annual permit. The revenue derived from the sale of permits is used to implement the parking schemes and carry out enforcement.
- 1.5. Inconsiderate parking causes issues for residents in terms of access and convenience as well as compromising road safety. The geography of most zones will incorporate shops, places of worship, community centres etc and so included in the final design are loading bays, disabled bays, shared use bays and pay and display as appropriate. To combat dangerous parking, double yellow lines are also implemented near to and at junctions, bends and narrowings.
- 1.6. The Council consulted residents of Ripple Road and Harrow Road by letter on the 7 October 2011 regarding the implementation of a CPZ. The results showed that in Harrow Road 60% of residents said they were in favour and in Ripple Road 68.29% said they were in favour. On this basis, the decision was taken to implement a CPZ in both roads.
- 1.7. Below is a table of the consultation figures for the area included in the consultation exercise for Ripple Road, Harrow Road and surrounding areas.

Number of Road Consulted	Number of Properties Consulted	Number of Responses received	Response Percentage	Do you think a CPZ will help in your area			
				Yes		No	
				No.	%	No.	%
Blake Avenue	211	61	28.90%	6	10.71%	50	89.89%
Denham Way	41	14	34.10%	0	0	14	100%
Devon Road	93	37	39.80%	6	16.22%	31	83.78%
Eastbury Avenue	33	9	27.30%	3	33.33%	6	66.67%
Eastbury Square	24	10	41.70%	1	10%	9	90%
Harrow Road	82	27	32.90%	15	60%	10	40%
Mayesbrook Road	21	8	38.10%	0	0	8	100%
Mellish Close	10	2	20%	0	0	2	100%
Pelham Avenue	17	6	35.30%	0	0	5	100%
Sisley Road	78	36	46.20%	3	8.33%	33	91.67%
Sterry Road	26	8	30.80%	1	12.50%	7	87.50%
Tudor Road	22	7	31.80%	4	57.14%	3	42.86%
GRAND TOTAL	658	225	34.50%	39	17.97%	178	82.03%

Number of Road Consulted	Number of Properties Consulted	Number of Responses received	Do you think a CPZ will help in your area			
			Yes		No	
			No.	%	No.	%
Ripple Road	197	43	28	68.29%	13	31.71%
GRAND TOTAL	197	43	28	68.29%	13	31.71%

1.8. In May 2012, the implementation of the CPZ began and residents affected were notified in writing that a decision had been taken to put in place parking restrictions. A number of residents complained that the length of time between the consultation taking place and the decision to implement was too long and therefore the findings from the consultation should not be used to put in place a CPZ in Ripple and Harrow Road. After considering these representations the implementation of the new scheme was suspended pending a further consultation in Ripple Road and Harrow Road. Residents were notified of this decision on the 1 August 2012 by letter.

2. Financial Implications

Implications completed by: Jahangir Mannan - Group Accountant
0208 227 2158 jahangir.mannan@lbbd.gov.uk

- 2.1 There is currently an income budget of £6.074m within parking services to be recovered from issuing of enforcement notices, car park charges and the issue of permits. The actual income from permits in 2011/12 amounted to £397,033, and the estimated income for 2012/13 is £587,803. Approximately 57% of this (£346k) relates to residential permits, 22% relating to visitor's permits, with the remainder a mixture of business and other permits
- 2.2 The above budget includes a savings target of £70k for 2012/13 to be generated through the implementation of the new emission based charges. In 2011/12 a savings target of £1.040m was approved for additional parking income with approximately £686k attributable to CPZs of which £486k was not achieved.
- 2.3 The new permit charging regime and corresponding fees for 2012/13 were approved by Cabinet in February 2012 as part of the Fees & Charges report.
- 2.4 Benchmarking has taken place against similar neighbouring authorities; LBBB charges are fourth in a sample of eight boroughs.
- 2.5 The average cost of issuing a permit is £9.67, although the cost of Residential Permits is higher at £14.33 due to the greater printing cost involved with the paper quality. The annual cost currently amounts to £201,121 for all permits, which includes £97,439 for residential permits only.
- 2.6 However, there are significant costs associated with implementing a CPZ (e.g. resident consultation, signs and white lines) which are not included in the costs above. It is estimated that the cost of implementation for Ripple Road and Harrow Road is approximately £100k and will impact in the region of 1,000 households.
- 2.7 The exact take up of residential permits within a CPZ area is difficult to forecast, however, based on some recent samples, an indicative estimate of 40% is assumed. At this level of take up, and also assuming the profile of car emissions is consistent with the whole borough (i.e. average charge of £50.47), an annual net income of £14,456 may be achieved from this area. This gives a payback period of 7 years to recover the capital implementation costs through permit income.
- 2.8 There may be additional income from the issue of penalty notices. However, this is difficult to quantify against specific CPZ areas and will need to be retained to cover the cost of the enforcement.

3. Legal Implications

Implications completed by: Paul Feild Senior Lawyer
020 8227 3133 paul.feild@lbbd.gov.uk

- 3.1 Controlled Parking Zones are operated under powers given in the Road Traffic Regulation Act 1984 (the Act). There are minimum requirements for consultation and publication before making an order which is set out in the Act and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.2 The making of charges for the zones is regulated by the Act so as to ensure the operational cost of the scheme is self-financing and where there is a deficit to the general fund as a result of operation the income should be so applied to prescribed

expenditure such as parking provision, public passenger services, road improvement and maintenance, London transport strategy and environmental improvements

- 3.3 The use of a carbon output calculator is in keeping with the general thrust of the Governmental policy to seek to charge a greater fee for a greater environmental impact - the “polluter pays” principle.
- 3.4 The CPZ process is managed under delegated authority by Corporate Director for Housing and Environment with a full consultation and implementation regime in accordance with the statutory procedure. Following responses the representations are weighed up to examine whether the CPZ shall be introduced or not. Those persons who make representations are replied to.
- 3.5 The Court of Appeal (in a case involving Westminster Council's decision to bring in charges for motorcycle parking) recently gave guidance on the weight to be placed on representations in that a Local Authority was not to carry out a head-count in terms of those in favour or against a measure. It is perfectly legal for an apparent majority of those who respond to consultation for example by a petition to be against a measure and for the Council to introduce a new parking regime as long as there is a reasonable basis for doing so in accordance with S.122 of the Act (that is to have regard to S.122 (2) (a) access for the residents (b) the affect the measure would have on local amenities (c) the ease of passage of public service vehicles including health & safety issues and (d) any other matters that appear to be relevant).

4. Other Implications

- **Risk Management:** The main risk is that if a CPZ is not implemented parking problems will escalate as vehicles will be forced from the restricted zones into Harrow and Ripple Roads. Without adequate parking restrictions the Council will not be able to maintain road safety as it will not be able to enforce vehicles parked dangerously.
- **Contractual Issues:** None
- **Customer Impact:** When implementing a CPZ we have to be mindful of the impact on surrounding roads and make a decision on whether to extend to roads that may have been against it based on this. In the case of Harrow Road and Ripple Road the residents who voted were in favour of the scheme being implemented.

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

Consultation figures

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ASSEMBLY

10 OCTOBER 2012

Title: Response to Petition - Controlled Parking Zone Charges Sutton Road	
Report of: Divisional Director of Environmental Services	
Open	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Sharon Harrington Parking Manager	Contact Details: Tel: 020 8227 2952 E-mail: Sharon.harrington@lbbd.gov.uk
Accountable Divisional Director:	Robin Payne Divisional Director of Environmental Services
Accountable Director:	Darren Henaghan Corporate Director of Housing and Environment
Summary:	
<p>The Council has received a petition containing over 100 signatures from separate addresses in the borough, requesting that the Council stop proposals to implement controlled parking zones within Sutton Road.</p> <p>The petition includes some issues about the implementation of the Controlled Parking Zone (CPZ) which are being dealt with under the corporate complaints procedure and will not form part of this report.</p> <p>The report deals with the issue regarding the charges applied to resident and visitor permits and the decision to implement a scheme in Sutton Road. The petition states:</p> <p style="text-align: center;">“Say no to high price parking and visitor permits – Sutton Road”</p> <p>In accordance with the Council’s procedures for petitions the lead petitioner, Mrs L Bowden, has been invited to the meeting of the Assembly to present the petition.</p>	
Recommendation(s)	
The Assembly is recommended to agree, for the reasons set out in this report, that it is unable to support the petition.	
Reason(s)	
<p>Under the Council’s Petition Scheme as set out on the Council’s website, petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from separate addresses in the borough.</p> <p>As this petition exceeds that threshold it has triggered the requirement for a debate at Assembly.</p>	

1. Introduction and Background

- 1.1. In February 2012 a report from the Cabinet Member for Finance and Education was submitted recommending that the setting of Controlled Parking Permit Charges for the financial year of 2012/13 be based on a carbon emissions fee structure which classifies vehicles according to their vehicle tax bands and therefore their predicted carbon dioxide emissions per kilometre.
- 1.2. The introduction of Carbon-Metered parking means that motorists parking within Barking and Dagenham are now offered variable parking tariffs, based on their vehicle's CO₂ emissions.
- 1.3. The principle behind this structure is that:
- Charges should encourage ownership of vehicles that are more carbon efficient. This will support the Council's commitment to tackling climate change.
 - Charges should discourage cars that are not carbon efficient and which pollute more. This will reduce levels of harmful pollution caused by cars and support our Air Quality Strategy.
 - Charges should discourage multiple car ownership. Our roads have limited parking spaces and discouraging car ownership will help regulate car ownership and support greener travel options.
- 1.4. The Council consulted residents of Sutton Road, Tom Mann Close, Sutton Green, Felton Green, Sutton Gardens and Movers Lane in December 2011 regarding the implementation of a CPZ. This was as a result of representation made by residents concerned by displaced parking from an adjacent CPZ area.
- 1.5. On completion of the consultation the results were taken to a members' meeting on 4 May 2012 where all results were considered using mapped information that showed the density of received responses and preferences given.
- 1.6. Below is a table of the consultation figures for Sutton and surrounding roads.

Roads Consulted	Total number of Properties Consulted	Total number of Responses Received	Response Percentage %	Do you want permit parking to be introduced into your road? Monday to Saturday, 8:30am to 9:00pm			
				Yes		No	
				No.	%	No.	%
Alfreds Gdns	61	27	44.3%	7	25.93	20	74.07
Felton Gdns	9	5	55.6%	1	20.00	4	80.00
Felton Road	71	29	40.8%	7	24.14	22	75.86
Movers Lane	38	14	36.8%	9	64.29	5	35.71
Saxham Road	9	3	33.3%	1	33.33	2	66.67
St Johns Road	57	37	64.9%	31	83.78	6	16.22
Sutton Gdns	16	5	31.3%	1	20.00	4	80.00
Sutton Green	9	4	44.4%	2	50.00	2	50.00
Sutton Road	98	44	44.9%	19	43.18	25	56.82
Tom Mann Close	18	8	44.4%	7	87.50	1	12.50
GRAND TOTAL	386	176	45.6%	85	48.30%	91	51.70%

- 1.7. The survey undertaken in Sutton Road was of numbers 1 to 127 and of the 98 properties consulted on this road 44 responded. This reflects a 49.9% response, which is very high for such surveys and gives significant confidence to the results.
- 1.8. The results of this survey were that in Sutton Road 19 residents supported a CPZ and 25 were against a CPZ. Between numbers 99 and 127 all responses were against a CPZ. It was therefore agreed with ward councillors that the CPZ would not extend beyond the junction with Felton Road. This means that of the properties affected, there were 49% in favour and 51% against.
- 1.9. At the time of the consultation a first car permit was £25.30, whereas now most residents will pay £40 for a first car. Evidence shows that since the new structure was implemented the average cost for a permit is £50.47.

2. Financial Implications

Implications completed by: Jahangir Mannan Group Accountant
0208 227 2158 jahangir.mannan@lbbd.gov.uk

- 2.1 There is currently an income budget of £6.074m within parking services to be recovered from issuing of enforcement notices, car park charges and the issue of permits. The actual income from permits in 2011/12 amounted to £397,033, and the estimated income for 2012/13 is £587,803. Approximately 57% of this (£346k) relates to residential permits, 22% relating to visitor's permits, with the remainder a mixture of business and other permits
- 2.2 The above budget includes a savings target of £70k for 2012/13 to be generated through the implementation of the new emission based charges. In 2011/12 a savings target of £1.040m was approved for additional parking income with approximately £686k attributable to CPZs of which £486k was not achieved.
- 2.3 The new permit charging regime and corresponding fees for 2012/13 were approved by Cabinet in February 2012 as part of the Fees & Charges report.
- 2.4 Benchmarking has taken place against similar neighbouring authorities, LBBDD charges are fourth in a sample of eight boroughs.
- 2.5 The average cost of issuing a permit is £9.67, although the cost of Residential Permits is higher at £14.33 due to the greater printing cost involved with the paper quality. The annual cost currently amounts to £201,121 for all permits, which includes £97,439 for residential permits only.
- 2.6 However, there are significant costs associated with implementing a CPZ (e.g. resident consultation, signs and white lines) which are not included in the costs above. It is estimated that the cost of implementation for Sutton Road is approximately £10k.
- 2.7 The exact take up of residential permits within a CPZ area is difficult to forecast, however, based on some recent samples, an indicative estimate of 40% is assumed. At this level of take up, and also assuming the profile of car emissions is consistent with the whole borough (i.e. average charge of £50.47), an annual net income of

£1,547 may be achieved from this area. This gives a payback period of 6.5 years to recover the capital implementation costs.

3. Legal Implications

Implications completed by: Paul Feild Senior Lawyer
020 8227 3133 paul.feild@lbbd.gov.uk

- 3.1 Controlled Parking Zones are operated under powers given in the Road Traffic Regulation Act 1984 (the Act). There are minimum requirements for consultation and publication before making an order which is set out in the Act and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.2 The making of charges for the zones is regulated by the Act so as to ensure the operational cost of the scheme is self-financing and where there is a deficit to the general fund as a result of operation the income should be so applied to prescribed expenditure such as parking provision, public passenger services, road improvement and maintenance, London transport strategy and environmental improvements
- 3.3 The use of a carbon output calculator is in keeping with the general thrust of the Governmental policy to seek to charge a greater fee for a greater environmental impact - the "polluter pays" principle.
- 3.4 The CPZ process is managed under delegated authority by Corporate Director for Housing and Environment with a full consultation and implementation regime in accordance with the statutory procedure. Following responses the representations are weighed up to examine whether the CPZ shall be introduced or not. Those persons who make representations are replied to.
- 3.5 The Court of Appeal (in a case involving Westminster Council's decision to bring in charges for motorcycle parking) recently gave guidance on the weight to be placed on representations in that a Local Authority was not to carry out a head-count in terms of those in favour or against a measure. It is perfectly legal for an apparent majority of those who respond to consultation, for example by a petition, to be against a measure and for the Council to introduce a new parking regime as long as there is a reasonable basis for doing so in accordance with S.122 of the Act (that is to have regard to S.122 (2) (a) access for the residents (b) the affect the measure would have on local amenities (c) the ease of passage of public service vehicles including health & safety issues and (d) any other matters that appear to be relevant).

4. Other Implications

- **Risk Management:** The risk to Parking service is that the current projected pressures will be increased if the parking permit prices are decreased.
- **Contractual Issues:** The fees & charges policy will be reviewed on an annual basis and agreed at Cabinet for implementation on the 1 April each year.
- **Customer Impact:** When implementing a CPZ we have to be mindful of the impact on surrounding roads and make a decision based on this as to whether to extend to roads that may have been against it.

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

- Consultation responses

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Assembly

10 October 2012

Title: Response to Petition- Thamesview Community Safety Issue	
Report of: Divisional Director Community Safety and Public Protection	
Open	For Decision
Wards Affected: Thames	Key Decision:
Report Author: Katherine Gilcreest	Contact Details: Tel: 020 8227 2457 E-mail: Katherine.gilcreest@lbbd.gov.uk
Accountable Divisional Director:	Glynis Rogers, Divisional Director Community Safety and Public Protection
Accountable Director:	Anne Bristow, Corporate Director Adult & Community Services
<p>Summary:</p> <p>On the 13 August 2012 the Council received a petition of 125 valid signatures, that is signatures of people of different households.</p> <p>The petition prayer states:</p> <p style="padding-left: 40px;">"We, the undersigned, want to improve the safety of our community. We wish to request the Council of Barking and Dagenham to arrange further warden patrols and security cameras on our streets."</p> <p>In accordance with the Council's procedures for petitions, the lead petitioner, Nadira Begum, has been invited to the meeting of the Assembly to present the petition.</p>	
<p>Recommendation</p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> (i) note the action taken to respond to the concerns raised in the petition and the substantial decrease in burglary offences resulting from this work; and (ii) agree that all reasonable steps to respond to this petition are being taken. 	
<p>Reason(s)</p> <p>Under the Council's Petition Scheme set out on the Council's website, petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As this petition reaches that threshold it has triggered the requirement for a debate at Assembly.</p>	

Introduction and Background

- 1.1 Early in July 2012 the issue of an increase in levels of domestic burglary on Thamesview Estate was identified by the Police.
- 1.2 Research into burglary patterns show that when a property is burgled any properties within a 200 metre radius are at an increased risk of burglary. Therefore to limit the impact on the whole estate and to prevent burglary in the area escalating further, a partnership meeting with the Council and the Police was arranged to formulate a plan to reduce burglary on the estate.
- 1.3 It was identified in July that over the previous 20 weeks (from the middle of March 2012) there had been 40 residential burglary offences within Thamesview Estate. This was an average of 2 residential burglaries per week. These offences had occurred predominantly in side roads off Bastable Avenue and had occurred between the hours of 9.00 and 17.00. Items stolen were a variety of items including jewellery, cash and smaller electrical items.
- 1.4 As a result a partnership action plan was put in place to deal with the burglary issue in Thamesview. This action plan included:
 - Community Safety Coordinators from the Council's Community Safety Team holding a crime prevention road show on the estate to raise awareness and help residents to secure their homes
 - The tenant funded Estates Police Team undertaking high visibility patrols on the estate during the hours when the offences were occurring.
 - The Estates Police Team being tasked to revisit all the victims of burglary to ensure that there were no gaps in intelligence or evidence
 - Other actions around identifying possible suspects and disrupting any other potential criminal activity on the estate.
- 1.5 During July 2012 the Community Safety Team held a crime prevention road show in Abbey Ward. At this road show the Community Safety Coordinator for the area was approached by a resident of Thames Ward, who is a member of the Police Safer Neighbourhood Ward Panel for Thames and an active member of the community. This resident suggested that Thamesview Estate would benefit from a similar event. This resident also advised that another resident (the lead petitioner) was organising a petition to request that the Council and the Police tackle the issue of burglary on the estate. It was agreed that officers from the Community Safety Team would contact the lead petitioner to discuss whether we could hold a crime prevention road show on Thamesview Estate and discuss actions the partnership were taking to reduce burglary in Thames ward. The lead Petitioner was contacted and an appointment was made to visit her to discuss the matter further on the 13 August 2012.
- 1.6 On the 13 August 2012 following telephone contact with the lead petitioner, a visit was made to her home by officers from the Community Safety Team to discuss the proposal of holding a crime prevention road show on the estate. At this meeting the petition was handed to officers. The actions that had been outlined in the partnership action plan were explained to the lead petitioner and discussions took place with her about how we could involve her and the wider community in work to combat burglary on the estate. During this meeting the proposals around the crime

prevention road show were clarified and it was agreed that the lead petitioner would support and assist with this event in order to help engage as many residents as possible in the crime prevention agenda and help tackle burglary on the estate.

- 1.7 The crime prevention road show took place on Thamesview estate on the 30 August 2012. This event was supported by the lead petitioner and also by the resident referred to at 1.5. The event included:
- Community Safety Coordinators provided crime prevention tools like property marking kits, window alarms, purse cables, purse bells and explained to members of the public how to use these tools
 - Crime prevention literature was given out
 - Residents were offered services of the Safer Homes Project. The Safer Homes Project is a service jointly funded by the Council, the Police and Victim Support and provides free additional home security and support. This service is targeted at victims of crime to prevent re-victimisation and also to prevent specific types of crime, particularly burglary.
 - Thames Safer Neighbourhood Team signed residents up to Neighbourhood Link which gives people information about crime and disorder in their area to raise awareness of the issues and disseminate accurate information (for more information please see <http://www.neighbourhoodlink.met.police.uk/registration>)
 - Neighbourhood Watch was promoted
 - Residents were given advice and assistance to use the Immobilise scheme, which protects electrical equipment like mobile phones (for more information please see <http://www.immobilise.com>)
 - The Safer Transport Team marked bikes and gave crime prevention advice related to safer travel.
- 1.8 Approximately 100 residents were engaged with at this event. The possibility of holding a similar further event when the schools had returned from holidays was discussed with the lead petitioner at this event and it was agreed that this would be considered.
- 1.9 A partnership review meeting was held on the 3 September 2012. Burglary figures on the estate were reviewed and there had been a reduction in burglary since the implementation of the action plan. As mentioned in 1.2 when the partnership plan was initiated in July 2012 there had been 40 reported burglaries between 12/3/2012 and 29/7/12 (a 20 week period). This was an average of 2 burglary offences being reported per week on Thamesview Estate. In the period after the initiation of the action plan (between 30/7/12 and 2/9/12, which was a 5 week period) there was 1 offence. This was an average of 0.2 offences per week. This fall in offences is also shown in the graph attached as **appendix 1**.
- 1.10 It was agreed at the review meeting on the 3 September that:
- the high visibility and other work of the Estates Police Team should continue
 - residents and businesses which have been identified as vulnerable will be given further support by the Safer Neighbourhood Team to increase their confidence
 - a further crime prevention road show specifically targeting parents collecting children from school will be arranged and again members from the community will be asked to support this

- further work around disruption of general criminal activity should continue as detailed in the plan
- there was a need to increase intelligence around possible suspects. A leaflet/poster campaign was planned to commence during September.
- The action plan would be reviewed again on the 1 October 2012

2. Proposal and Issues

- 2.1 The petition requests consideration be given to the installation of additional public space CCTV and additional Police patrols as a way of combating burglary.

3. Options Appraisal

- 3.1 The partnership considered the following options when putting together the plan to reduce burglary in Thamesview:
- 3.2 The Estates Police Team has been tasked to provide an additional presence in relation to this issue, both in terms of high visibility patrols and plain clothed operations on the estate. These tactics are working, and there has been a reduction in burglary since the plan was initiated. Thames ward has been a default patrolling location for the Estates Police Team since the team's inception May 2010. Therefore when the aim of the action plan (to reduce burglary) has been achieved, the Estates Police Team will still provide a presence on the estate along with the Safer Neighbourhood Team as part of their core duties, when tasked to do so.
- 3.3 When the Council considers whether additional public space CCTV should be provided, various factors are considered. These factors are:
- Whether there is already public space CCTV in the location- There are already 5 public space CCTV cameras located on the Thamesview estate in the vicinity of Bastable Avenue.
 - If it is physically possible or practical to locate further cameras- The offences which prompted the petition were widely spread, mainly on side roads and more remote locations which means that a large number of public space CCTV camera would be required. Many of the locations were also adjacent to alleyways or fields and so suspects would have numerous ways to approach and leave the area. Therefore additional public space CCTV would be unlikely to be an effective deterrent in this case.
 - Whether public space CCTV is the most effective tool for deterring the crime type being reported- In the case of burglary increasing the home security of residents is a more effective tactic as this will stop the offence occurring rather than public space CCTV which is generally used to gather evidence following the crime having been committed. In many of the offences in Thamesview access was gained at the rear of the property and therefore public space CCTV would be unlikely to have captured the offence being committed. Home CCTV systems can be a useful deterrent in terms of burglary as cameras can be placed around the property. The Council through the Safer Homes project has access to a small number of home CCTV systems. These are prioritised for high risk victims and homes which have experienced multiple burglaries. This project also provides advice and assistance regarding value for money home CCTV systems which are available from DIY stores and via the internet.

- Cost- A single public space CCTV camera costs in the region of 25K, with further on-going costs in terms of maintenance and staff to monitor cameras. The Council currently has to make large reductions across all budgets and there is currently no budget for additional CCTV.

3.4 Additional CCTV has therefore been considered and is not deemed to be an appropriate response. However, additional police patrols have been delivered as well as an action plan which focuses on prevention, community engagement, intelligence and enforcement. These measures are currently delivering a reduction in burglary in this area.

3.5 It is therefore proposed that the partnership action plan to tackle burglary continues with the continued engagement and involvement of the community.

4. Consultation

4.1 The lead petitioner has been consulted since receiving the petition and her views in terms of effective ways to engage the community in crime prevention have been welcomed and her suggestions taken forward.

4.2 The crime prevention road show on the 31 August 2012 enabled staff from across the partnership to engage with the community of Thamesview Estate and almost all the residents spoken to at this event were supportive of the steps that were being taken to tackle burglary on the estate.

4.3 Burglary is a ward priority for Thames Safer Neighbourhood Team and the work done in respect of this was fed back to the ward panel on the 24 September 2012. The lead petitioner was not a ward panel member prior to the petition but will be coming to these meetings in future when she is able to and this will enable the work to be sustained.

4.4 A meeting with the lead petitioner and relevant Members and Officers was held on the 27 September 2012 to review the actions that had been taken in response to the petition.

5. Financial Implications

Implications completed by: Martin Sharp
Telephone and email: 020 8227 5711; martin.sharp@lbbd.gov.uk

5.1 Community Safety holds a small fund for crime reduction activities which is derived from grant funding from the Mayor of London's Office and this has contributed towards the crime prevention activities outlined in this report. Other activities have been delivered from existing police and Council resources.

6. Legal Implications

Implications completed by: Alison Stuart
Telephone and email: 01375 652 040; astuart@thurrock.gov.uk

6.1 Under the Crime and Disorder Act 1998, as a responsible authority, the Council has statutory responsibilities to prevent crime and disorder, anti-social behaviour and other behaviour adversely affecting the environment.

6.2 Under the Local Democracy, Economic Development and Construction Act 2009, the Council has an obligation to make a scheme for the handling of petitions made to the authority. The Council has made such a scheme and the petition in this matter is brought and dealt with under the said scheme.

7. Other Implications

All other implications are detailed below.

7.1 Risk Management

The Council has a published process for responding to petitions from over 100 signatures from different addresses in the borough. We also have a legal duty under the Crime and Disorder Act 1998 to work in partnership to prevent and reduce crime and disorder. The burglary action plan that has been detailed in this report has been delivered in line with these duties and to address any reputational risk.

7.2 Contractual Issues

There are no contractual issues

7.3 Staffing Issues

The work outlined above undertaken in response to this petition are to be delivered within existing partnership resources.

7.4 Customer Impact

Crime and disorder is continually raised as one of residents' key concerns. The Community Safety Partnership has made great strides in addressing the concerns of residents over the past few years and there has been a significant improvement in performance. We are aware of the high customer impact issues like burglary have on communities and this is reflected in the response. People on lower incomes are often more likely to be targeted in terms of offences like burglary as they are less able to afford expensive crime prevention tools like burglar alarms or CCTV. Crime prevention road shows are a way to engage and support more disadvantaged communities and the crime prevention road show held in Thamesview engaged with both a high number of residents from across the estate, but also a large number of residents from the Muslim community. This was relevant as this community had concerns about Asian gold being a target and therefore this community being more at risk of burglary.

7.5 Safeguarding Children

Effectively responding to crime and disorder has links to safeguarding children and these have been considered in the formulation of the action plan to deal with the issue highlighted by the petition.

7.6 Health Issues

Being a victim of crime has an adverse effect on health and wellbeing. The crime prevention work undertaken seeks to deliver reassurance and therefore has a positive impact on the health and wellbeing of the community in this area.

7.7 Crime and Disorder Issues

S17 of the Crime and Disorder Act 1998 requires local authorities to integrate consideration of the impact on crime and disorder of any decision, policy, activity or strategy that it performs. The authority is required to ensure that there is no negative impact on crime and disorder of any such decisions. The work outlined in this report in response to the petition is intended to improve community safety and increase confidence in the Partnership: there are no negative impacts arising from this work.

7.8 Property / Asset Issues

None

Background Papers Used in the Preparation of the Report:

Partnership action plan to reduce burglary on Thames View Estate

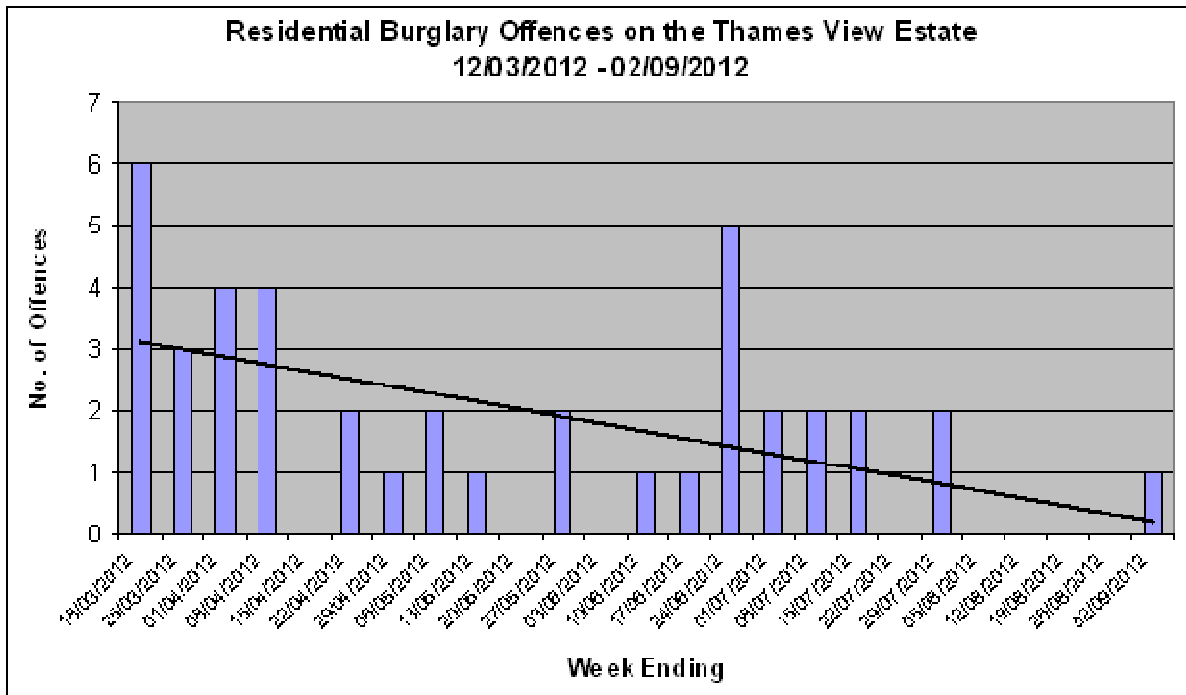
Space-Time Patterns of Risk: A Cross National Assessment of Residential Burglary Victimization (UCL, Jill Dando Institute of Crime Science)

List of appendices:

Appendix 1 - Chart showing residential burglaries in Thames View

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Residential Burglary Reports- Thamesview



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ASSEMBLY

10 October 2012

Title: Revised Schedule of Cabinet Portfolios	
Report of: The Leader of the Council	
Open	For Information
Wards Affected: All	Key Decision: No
Report Author: Margaret Freeman Democratic Services Officer	Contact Details: Tel: 020 8227 2638 E-mail: margaret.freeman@lbbd.gov.uk
Accountable Head of Service:	Fiona Taylor, Head of Legal and Democratic Services
Accountable Director:	The Chief Executive
<p>Summary:</p> <p>In accordance with the Local Government Act 2000 as amended, the Leader of the Council can appoint Cabinet Members, subject to the requirement that the Cabinet has no more than ten and no less than three members at any one time.</p> <p>The Council Constitution provides for the Leader of the Council to inform the Assembly of changes to the schedule of Cabinet Members and their allocated portfolios and these are set out in Appendix 1 to this report.</p> <p>The changes take into account the need for a dedicated Cabinet Member to focus solely on finance as the Council sets the budget for the coming year.</p> <p>Accordingly, as a consequence of the portfolio changes, Council representation on various internal and external bodies will require to be amended.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended:</p> <ol style="list-style-type: none"> 1. to note the revised schedule of Cabinet Members and Portfolios at set out in Appendix 1, and 2. agree consequential changes to the appointment of Council representation on various internal and external bodies as reported to Annual Assembly on 16 May 2012. 	
<p>Reason(s)</p> <p>To comply with the Council's Constitution.</p>	

1. Introduction and Background

- 1.1. In accordance with the Local Government Act 2000 (as amended), the Leader of the Council has the power to appoint Councillors to the Cabinet, ranging from a minimum of three to a maximum of ten Councillors. The current number of portfolio roles sets a requirement for a Cabinet of ten Members at this time. Any less would require a review of the makeup and reallocation of portfolio responsibilities.
- 1.2. The Council Constitution provides for the Assembly to appoint representatives to outside bodies and partnerships.

2. Proposal and Issues

- 2.1 The changes to the portfolio responsibilities are set out in **Appendix 1** to this report and take into account the need for a dedicated Cabinet Member to focus solely on finance as the Council sets the budget for the coming year. Councillor Rocky Gill, Deputy Leader of the Council, who was responsible for Education and Finance, has been appointed to that role.
- 2.2 Education responsibilities have been reunited with other services for children and Councillor White has been appointed to that portfolio.
- 2.3 Councillor Reason has been appointed as Cabinet Member for Adult Services and Human Resources
- 2.4 Councillor Collins has been appointed as Cabinet Member for Customer Services.
- 2.5 As a consequence of the portfolio changes, it is necessary to update Council representation on various internal and external bodies.

3. Options Appraisal

- 3.1 In accordance with the Council Constitution (Article 2, Part B paragraph 8.2.1.10), the Leader of the Council may at any time assign portfolios in defined areas of Council activity to individual Members of the Cabinet and report those changes (for information) to the next available Assembly meeting.

4. Consultation – n/a

5. Financial Implications

- 5.1 Implications completed by: David Abbott, Principal Accountant
Telephone and email: david.abbott@lbbd.gov.uk (ext 2261)
- 5.2 There are no financial implications as a result of this report. The overall number of Cabinet Members will remain the same (ten), and are funded by existing budgets.

6. Legal Implications

- 6.1 Implications completed by: Paul Feild Senior Lawyer
Telephone and email 020 8227 3133 paul.feild@lbbd.gov.uk

6.2 The Local Government Act 2000 as amended by the Localism Act 2011 establishes the role of the Leader of the Council and enables him to make the revisions set out in Appendix 1 of this report and in accordance with Part B, Article 2 of the Council's Constitution.

7. Other Implications - None

Background Papers Used in the Preparation of the Report: None

List of appendices: Appendix 1 – Schedule of Cabinet Members and Portfolios

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Schedule of Cabinet Members and Portfolios

August 2012

Cabinet Member	Portfolio
Cllr Liam Smith	<ul style="list-style-type: none"> • Leader of the Council
Cllr Rocky Gill	<ul style="list-style-type: none"> • Cabinet Member for Finance
Cllr Linda Reason	<ul style="list-style-type: none"> • Cabinet Member for Adult Services and HR
Cllr Maureen Worby	<ul style="list-style-type: none"> • Cabinet Member for Health
Cllr Phillip Waker	<ul style="list-style-type: none"> • Cabinet Member for Housing
Cllr Mick McCarthy	<ul style="list-style-type: none"> • Cabinet Member for Environment
Cllr Cameron Geddes	<ul style="list-style-type: none"> • Cabinet Member for Regeneration
Cllr Jeanne Alexander	<ul style="list-style-type: none"> • Cabinet Member for Crime, Justice and Communities
Cllr John White	<ul style="list-style-type: none"> • Cabinet Member for Children's Services
Cllr Bert Collins	<ul style="list-style-type: none"> • Cabinet Member for Customer Services

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ASSEMBLY

10 October 2012

Title: ESTABLISHMENT OF A JOINT APPOINTMENTS COMMITTEE WITH THURROCK COUNCIL	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: None	Key Decision: No
Report Author: John Dawe	Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk
Accountable Divisional Director:	Fiona Taylor , Head of Legal and Democratic Services
Accountable Director:	The Chief Executive
Summary:	
<p>This report seeks the approval of the Assembly to the establishment of a Joint Appointments Committee to facilitate any appointments at Chief Officer and Deputy Chief Officer level which the Council will seek to make jointly with Thurrock Council under shared services or other arrangement.</p>	
Recommendation(s)	
<p>That, subject to the concurrent approval of Thurrock Council, the Assembly to agree that:</p> <ul style="list-style-type: none"> (i) a Joint Appointments Committee be established for the purpose of interviewing and making appointments of all relevant staff at Chief Officer and Deputy Chief Officer level in respect of those posts serving both authorities jointly under any shared service or other arrangement, (ii) the terms of reference and membership of the Joint Committee be approved as set out in Appendix A to the report, (iii) a further report will be presented to a future meeting addressing the differing arrangements currently in place in both authorities for appointing the Chief Executive (Head of Service), as well as the structures for dealing with issues of JNC disciplinary, appeals, gradings and conditions; (iii) the venue and Chair of the Joint Committee alternate between the two authorities, with the Leader of the Council being appointed to this position by Barking and Dagenham, 	

- (iv) meetings of the Joint Appointments Committee be conducted in accordance with the constitutional provisions of both authorities, and
- (v) the Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution as are necessary.

Reason(s)

The appointment of a Joint Committee is a function reserved to the Assembly

1. Introduction and background

- 1.1 Following the resignation of the former Chief Executive discussions took place between the Leader and the Leader of Thurrock Council about the potential of sharing the role of Chief Executive. The outcome of the discussions was that a meeting of the JNC Appointments Panel on 11 July 2012 agreed to appoint Graham Farrant to the post of joint Chief Executive on the basis going forward of exploring the potential for further shared management arrangements between the two authorities.
- 1.2 With that in mind more recently following the resignation of Tasnim Shawkat it was agreed to continue with the shared arrangements for the post of Head of Legal and Democratic Services and Monitoring Officer. The agreed option available to facilitate the process to its conclusion was to appoint to a JNC Appointments Panel to sit alongside an Appointments Committee of Thurrock Council for the purposes of making the appointment. This took place on 14 August 2012 in respect of which Fiona Taylor was successful.
- 1.3 On 27 September 2012 the Chief Executive presented a report to PAASC setting out the terms of reference for exploring shared services with Thurrock Council. That report also recommended that joint appointment processes be set up.
- 1.4 This report recommends that a Joint Appointments Committee be established with Thurrock Council under Section 102 of the Local Government Act 1972, and that its membership be drawn from the respective authorities.

2. Proposal and issues

- 2.1 Terms of Reference for a Joint Appointments Committee have been prepared and are attached at **Appendix A** to this report. They seek to strike a balance between the established appointment practices in both authorities. In that respect under current constitutional arrangements different processes are in place for appointing the Chief Executive (Head of Service), as well as the structures for dealing with issues of JNC disciplinary, appeals, gradings and conditions. These will need to be reviewed for consistency and appropriateness between both authorities, and any recommendations for change will be presented to a future meeting of the Assembly.

- 2.2 It is proposed that the membership of the joint committee be eight elected members, with four members being nominated by each authority. In line with the previous membership of the JNC Appointments Panel it is proposed that Barking and Dagenham's membership should comprise the Leader and Deputy Leader of the Council, the relevant Portfolio Holder plus another councillor to be identified and appointed as required. A similar report to a meeting of Thurrock Council will, on their Leader's recommendation, propose that two Labour Members and two Conservative Members should be appointed, thereby departing from their normal political balance rules.
- 2.3 It is further proposed that the venue and chairmanship of the Joint Committee alternates between the Leaders' of the two authorities.
- 2.4 Subject to the concurrence of Thurrock Council the meetings of the Joint Committee are to be conducted in accordance with the constitutional provisions of both authorities
- 2.5 The Joint Committee could be serviced by staff from either authority.
- 2.6 Approval is sought for the terms of reference to be included in the Council's Constitution.

3. Options Appraisal

- 3.1 The alternative to establishing a joint committee to appoint to Chief and Deputy Chief Officer (JNC) posts serving both authorities jointly under any shared service or other arrangement would be to continue setting up separate committees from both authorities. However given the need for good governance and administrative convenience, this is not considered as an appropriate option.

4. Consultation

- 4.1 PAASC considered a report from the Chief Executive on the terms of reference for exploring shared services with Thurrock Council. That report also recommended that joint appointments processes be set up.

5. Financial Implications

Implications completed by Ranjit Solomon
Telephone and email: 020 8227 2519 ranjit.solomon@lbbd.gov.uk

There are no financial implications arising from this report

6. Legal Implications

Implications completed by David Lawson
Telephone and email: 0208 227 3133 david.lawson@BDTLegal.org.uk

Local authorities may make arrangements for the discharge of their functions through joint committees established under Section 102 Local Government Act 1972. The number of members of the joint committee, their term of office, and the area within which the joint committee shall exercise authority must be fixed by the appointing authorities.

7. Other Implications

None

Background Papers Used in the Preparation of the Report:

None

List of appendices:

Appendix A: Proposed terms of reference

JOINT APPOINTMENTS COMMITTEE

Legal Status

Established under section 102 of the Local Government Act 1972 and appointed to by the Assembly

Role

In respect of staff employed in posts serving the London Borough of Barking and Dagenham Council and Thurrock Council jointly under a shared service or other arrangement:

1. To be responsible for the selection and appointment of all relevant staff at Chief Officer and Deputy Chief Officer (JNC) level.
2. To agree a short list of candidates drawn from a long-list of candidates submitted by the Chief Executive or any appointed consultants.
3. To interview the agreed short-list of candidates and agree the appointment of the preferred candidate.
4. To make recommendations to the respective Councils for confirmation of the appointments of the Corporate Directors, the Section 151 Officer and the Monitoring Officer.
5. If the Joint Committee cannot reach agreement on any matter it is to be referred back to the two authorities.
6. The meetings of the Joint Appointments Committee shall be conducted in accordance with the constitutional provisions of each authority.

Membership

Eight (4 from each authority)

Chair

Leader of the Council

Quorum

4 members, 2 from each Council

Venue

To alternate between both authorities

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ASSEMBLY

10 October 2012

Title: APPOINTMENT OF THE MONITORING OFFICER	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: All	Key Decision: No
Report Author: John Dawe, Group Manager Democratic Services	Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk
Accountable Divisional Director: Fiona Taylor, Legal and Democratic Services	
Accountable Director: The Chief Executive	
<p>Summary:</p> <p>This report requests the Assembly to agree the appointment of the Monitoring Officer.</p> <p>The Constitution identifies the Head of Legal & Democratic Services as the officer designated to be the Monitoring Officer, in accordance with Section 5 of Local Government and Housing Act 1989.</p> <p>The Assembly is requested to agree to the recommendation of the JNC Appointments Panel who made the appointment of the Head of Legal & Democratic Services, alongside an Interview Panel of Thurrock Council</p> <p>A similar report containing the same recommendation was considered and approved by a meeting of Thurrock Council on 26 September 2012.</p>	
<p>Recommendation(s)</p> <p>Assembly is recommended to agree that Fiona Taylor, the Head of Legal & Democratic Services, be appointed as the officer designated to be the Monitoring Officer, in accordance with section 5 of the Local Government and Housing Act 1989 with effect from 10 October 2012.</p>	
<p>Reason(s)</p> <p>The decision to designate a post holder to the role of the Monitoring Officer is reserved to the Assembly.</p>	

1. Introduction and Background

- 1.1 A meeting of the JNC Appointments Panel sitting alongside an Interview Panel of Thurrock Council took place on 14 August 2012 to make the appointment of the Head of Legal & Democratic Services for both authorities, in accordance with their respective policies and procedures for making such an appointment.
- 1.2 In the Council's Constitution, the Head of Legal & Democratic Services is identified as the officer designated to be the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989.
- 1.3 The appointment of the Monitoring Officer is reserved to the Assembly. Accordingly, the JNC Appointments Panel together with the Interview Panel of the Thurrock Council, were requested to make a recommendation in terms of the appointment of the Monitoring Officer to their respective authorities.

2. Proposal and Issues

- 2.1 The JNC Appointments Panel appointed Fiona Taylor to the post of Head of Legal & Democratic Services, which was also the decision of the Interview Panel of Thurrock Council.
- 2.2 Both Panels have recommended to their respective authorities that Fiona Taylor be appointed as the Monitoring Officer, in accordance with Section 5 of the Local Government and Housing Act 1989.

3. Options Appraisal

- 3.1 The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989.

4. Consultation

- 4.1 The appointment of the Head of Legal & Democratic Services was made by a JNC Appointments panel made up of councillor R Gill, Deputy Leader of the Council, Councillors Alexander, Hunt and Mullane.
- 4.2 In accordance with the statutory provisions for appointing JNC Officers, the Cabinet were consulted in respect of the decision and raised no objections to the appointment.

5. Financial Implications

Implications completed by: Olufunke Johnson
Telephone and email: olufunke.johnson@lbbd.gov.uk 020 7227 2485

- 5.1 The shared Head of Legal & Democratic Services/Monitoring Officer statutory role will be funded from existing budgets.

6. Legal Implications

Implications completed by: Fiona Taylor

Telephone and email: Fiona.taylor@lbbd.gov.uk 020 8227 3295

- 6.1 In accordance with Section 5 of the Local Government and Housing Act 1989, the Council must appoint an officer to be its designated Monitoring Officer to ensure the lawfulness of Council decision making. The steps taken to enable a formal appointment by the Assembly have been made in accordance with the provisions of the Employment Rules set out in Part D of the Constitution.
- 6.2 The appointment of the Monitoring Officer must be approved or confirmed by the Assembly and the officer to be appointed to this position must not be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

7. Other Implications - None

Background Papers Used in the Preparation of the Report: None

List of appendices: None

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ASSEMBLY

10 October 2012

Title: Chief Financial Officer - Appointment of the Section 151 Officer	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: None	Key Decision: No
Report Author: John Dawe	Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk
Accountable Divisional Director:	Fiona Taylor , Head of Legal and Democratic Services
Accountable Director:	The Chief Executive
Summary:	
<p>There are statutory and regulatory requirements to appoint certain officer roles within the Council. These include the posts of 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.</p> <p>This report deals with recent changes in relation to the designation of the post of the Section 151 Officer following the departure of the former Corporate Director of Finance and Resources, and recommends the Assembly to agree the appointment of Jonathan Bunt, Divisional Director of Finance, to that post until such time as proposals come forward for implementing shared management arrangements between Barking and Dagenham and Thurrock Council.</p>	
Recommendation(s)	
The Assembly is asked to:	
<ul style="list-style-type: none"> (i) agree to the appointment of Jonathan Bunt, Divisional Director of Finance, as the Council's Statutory Section 151 Officer until further notice; (ii) note that a further report will be presented to Assembly to confirm the position of the Section 151 Officer in the light of proposals under any future shared management arrangements with Thurrock, and (iii) that pending the outcome of (ii) above the Chief Executive be authorised to review and amend the Council Constitution, in particular the Scheme of Delegation. 	

Reason(s)

To regularise the position of the statutory Section 151 Officer in the Authority, the appointment of which is an Assembly function.

1. Introduction and Background

- 1.1 There are statutory and regulatory requirements to appoint certain officer roles within the Council. These include the posts of statutory officers, which the law stipulates must be approved by full Council (in our case the Assembly). One of these posts is that of the Chief Financial Officer (known as the Section 151 Officer).
- 1.2 The Council's former Section 151 Officer, Tracie Evans who was the Corporate Director of Finance and Resources, left the Council on 30 September. Her designated deputy, Jonathan Bunt, Divisional Director of Finance, has since that date assumed the role of the Section 151 Officer.

2. Proposal and Issues

- 2.1 Following the appointment of the Chief Executive in July 2012 as a shared arrangement between this Council and Thurrock, and with the support of both Leaders, work commenced over the summer on exploring the potential for further sharing of services between the two Councils, with a view to achieving savings for each Council as well as putting in place mechanisms for strengthening the resilience of individual services.
- 2.1 In view of this it is advisable for the Section 151 Officer role to be assigned to Jonathan Bunt, Divisional Director of Finance until such time as any proposals for the sharing of senior management are decided upon.
- 2.2 Furthermore in view of the recent departure of the Corporate Director of Finance and Resources, and similarly pending the outcome of the shared services review, it will be necessary in the interim for the Chief Executive to reassign responsibilities and duties of the post (other than those of the Chief Financial Officer) to other officers, and make appropriate amendments to the Council's Constitution, in particular the Scheme of Delegation.

3. Options Appraisal

- 3.1 The appointment of the Chief Financial Officer (Section 151 Officer) is a statutory position under section 151 of the Local Government Act 1972.

4. Consultation

Councillor R Gill, Deputy Leader and Cabinet Member for Finance.

5. Financial Implications

Implications completed by: Ranjit Solomon, Principal Accountant
Telephone and email: 020 8227 2516 ranjit.solomon@lbbd.gov.uk

- 5.1 There are no financial implications associated with this proposal

6. Legal Implications

Implications completed by David Lawson

Telephone and email: 01375 652087 David.lawson@bdtlegal.org.uk

- 6.1 The Local Government Act 2000 stipulates the requirement to appointment a Section 151 Officer, the responsibility for which falls to the Assembly

7. Other Implications

None

Background Papers Used in the Preparation of the Report

Council Constitution

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ASSEMBLY

10 OCTOBER 2012

Title: THE STANDARDS COMMITTEE – APPOINTMENT OF TWO INDEPENDENT PERSONS	
Report of: The Monitoring Officer	
Open	For Decision
Wards Affected: All	Key Decision: No
Report Author: Margaret Freeman Democratic Services Officer	Contact Details: Tel: 020 8227 2638 E-mail: margaret.freeman@lbbd.gov.uk
Accountable Head of Service:	Fiona Taylor, Head of Legal and Democratic Services
Accountable Director:	The Chief Executive
Summary:	
<p>This report relates to the appointment of two Independent Persons in accordance with the statutory requirements of the Localism Act 2011(the Act).</p> <p>Section 28(6) (a) and (b) of the Act requires local authorities to have mechanisms in place to investigate allegations that a Member has not complied with the Members' Code of Conduct and also arrangements under which decisions on allegations may be made.</p> <p>Section 28(7) of the Act further requires local authorities to appoint at least one Independent Person, who will have an advisory role in the determination of such allegations.</p>	
Recommendation(s)	
<p>The Assembly is asked to agree:</p> <ol style="list-style-type: none"> 1. the appointment of Mr Michael Carpenter and Mr Brian Little as Independent Persons in accordance with Section 28(7) of the Localism Act 2011with immediate effect until the Assembly meeting following the next municipal elections in 2014; 2. the payment of an allowance of £500 per annum to each of the Independent Persons, together with reasonable expenses for travel and subsistence; and 3. that the Members' Allowance Scheme set out in Part F of the Council Constitution be amended accordingly. 	
Reason(s)	
<p>Section 28(8) (c) (iii) of the Act states that this decision must be agreed by a majority of the whole number of Councillors.</p>	

1. Introduction and Background

- 1.1 The Act repeals the framework for the Members' Code of Conduct and process for dealing with complaints with full effect from 1 July 2012. At the Assembly meeting on 11 July last, Members adopted a Code of Conduct in accordance with the Act, together also with procedures for investigating and deciding on allegations of breaches of that Code.
- 1.2 The Act further requires that the Council appoints at least one Independent Person:
- (a) whose views are to be sought and taken into account by the Monitoring Officer on an allegation being considered for investigation, but before a decision to investigate is made; and
 - (b) whose views may be sought:
 - (i) by the Monitoring Officer on other matters relating to an allegation; and
 - (ii) by a member or co-opted member of the Council who has been complained about.
- 1.3 An external recruitment exercise for the position has been undertaken and this report sets out the outcome of that process.

2. Proposal and issues

- 2.1 The post of Independent Person was advertised by the Council jointly with Thurrock Borough Council. A total of seven applications were received and assessed by an officer recruitment panel.
- 2.2 Interviews took place on 19 July 2012, following which Mr Michael Carpenter and Mr Brian Little were shortlisted as possible candidates to be appointed under the Act as Independent Persons for the Council. Both candidates meet the criteria for the post and it is recommended that they each be appointed as Independent Persons with immediate effect until the Assembly meeting following the next municipal elections in 2014.
- 2.3 As background to the candidates:

Mr Michael Carpenter - accumulated many years of experience in local government as a senior educationalist and on his retirement continued to work to promote local government, including serving as a chair of a local authority Standards Committee.

Mr Brian Little - a graduate of The University of East London with a degree in Manufacturing Systems Engineering, and a retired manager from the Ford Motor Company. He accumulated experience in the governance of further education and serves as a chair of a College Trust. Since his retirement, he has served as a member of a local authority's Standards Committee.

- 2.4 An induction process will be arranged which will allow Mr Carpenter and Mr Little to meet Members and officers of the Council. Unlike the previous regime, the Independent Person is not a formal co-opted Member of a Council committee and will have a purely advisory role.
- 2.5 It is proposed to pay the Independent Persons an allowance of £500 pa each, in addition to which they may claim reasonable expenses for travel and subsistence. The Members' Allowance Scheme set out in Part F of the Council Constitution will be amended accordingly.

3. Options Appraisal

- 3.1 The appointment of at least one Independent Person is a statutory requirement of the Act.
- 3.2 It is recommended that the Council appoints two Independent Persons to cover risk of absence or unavailability and to avoid a conflict of interest should the views of that person be sought by both the Monitoring Officer and a Member or co-opted Member, who may be the subject of an allegation.

4. Consultation

It is a statutory requirement that Assembly is consulted and approves the appointments.

5. Financial Implications

Implications completed by: Olufunke Johnson
Telephone and email: olufunke.johnson@lbbd.gov.uk 020 7227 2485

- 5.1 The allowance and expenses required to fund these posts will be funded from existing budgets within Democratic Services.

6. Legal Implications

Implications completed by: Fiona Taylor, Head of Legal and Democratic Services
Telephone and email: 020 8227 3295 - fiona.taylor@lbbd.gov.uk

- 6.1 The Localism Act 2011 has introduced major changes in how standards in terms of Members' conduct are administered. The Coalition Government considered that the Standards Board for England created an over-complicated system which at times led to petty complaints.
- 6.2 The solution was to abolish the Board and transfer the responsibility for administering standards' investigations and adjudication to local level with locally adopted codes and greater discretion to the Monitoring Officer.
- 6.3 The implications are that the local standards regime needs to have established a sound process to ensure fairness in terms of managing standards and dealing with

complaints, and that a proper sifting is carried out at an early stage to ensure that unmerited or trivial complaints do not require time and money to be spent.

- 6.4 The Independent Persons will contribute to this process by being consulted for their views before a decision is made on a complaint or in matters of conduct that are not subject to complaint, as well as offering their views to a Member who may be the subject of a complaint. As occasions may arise where more than one person may seek to consult the independent person, a potential conflict of interest may arise. It is therefore considered necessary to appoint two independent persons as a minimum.

7. Other Implications

7.1 Risk Management

The Council has a duty to promote and maintain high standards of conduct. Failure to appoint Independent Persons puts the Council at risk of not being able to fulfil these duties in accordance with the Act

7.2 Contractual Issues - none

7.3 Staffing Issues – none

7.4 Customer Impact

Residents of the borough must be confident that the Council will continue to promote and maintain high standards of conduct through the implementation of the statutory requirements of the Act

7.5 Safeguarding Children - none

7.6 Health Issues – none

7.7 Crime and Disorder Issues – none

7.8 Property / Assets Issues – none

Background Papers Used in the Preparation of the Report:

The Localism Act 2011

ASSEMBLY**10 October 2012**

Title: Amendment to the Governance Arrangements for the Elevate East London LLP Board	
Report of: Chief Executive	
Open	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Graham Farrant	Contact Details: Tel: 020 227 2137 E-mail: graham.farrant@lbbd.gov.uk
Accountable Divisional Director: N/A	
Accountable Director: Chief Executive	
Summary: The governance arrangements for the Elevate Joint Venture with Agilisys were approved by the Assembly on 8 December 2010, and included the appointment of the Portfolio Holder for Customer Services and the Corporate Director of Finance and Resources as the two Council representatives on the Elevate Board. In order to improve resilience on the Elevate Board, and as a result of changes within the Corporate Management Team, this report proposes an amendment to these arrangements.	
Recommendations The Assembly is recommended to agree: (i) The appointment of the Chief Executive and the Corporate Director of Adult and Community Services, in addition to the Portfolio Holder for Customer Services as the three Council Board Representatives on the Elevate East London LLP Board, and (ii) That the Council Board Representatives be authorised to appoint alternate representatives as and when required, to ensure full Council representation at Board meetings, in accordance with the Elevate Partnership deed	
Reason(s) Under the Council's Constitution, appointments to outside bodies is a function reserved to the Assembly. The Assembly is requested to agree the recommendations to ensure the continued effective governance of the Elevate Joint Venture.	

1. Introduction and Background

- 1.1 The Assembly at its meeting on 8 December 2010 considered a report on the governance arrangements for Elevate East London LLP (“Elevate”), the new joint venture between the Council and the Council’s strategic partner, Agilisys Limited. The Assembly agreed to a number of appointments to the Elevate Board structures as well as necessary amendments to the Council Constitution, both of which are matters for the Assembly.
- 1.2 The appointments to the Elevate Board were the Portfolio Member for Customer Services and the Corporate Director of Finance and Resources.
- 1.3 The Assembly also agreed to appoint a Member as the nominated alternate for the Portfolio Holder for Customer Services and endorsed the appointment of the Divisional Director of Assets and Commercial Services and the Divisional Director of Corporate Finance as the nominated alternates for the Corporate Director of Finance and Resources.
- 1.4 Recent changes to the management structure of the Council have necessitated a review of these governance arrangements to ensure that the Council is adequately represented at meetings of the Elevate Board.
- 1.5 The Elevate Partnership Deed allows for Board members to nominate alternates as and when appropriate to sit in their place to ensure that meetings are quorate and that decisions can still be made. However, by specifying who these should be in advance increases the risk of Board meetings becoming inquorate.
- 1.6 At the Elevate Board meeting on 5 September 2012 it was agreed that increasing the appointed membership of the Board to three members from the Council and three members from Agilisys would be appropriate in order to provide more resiliency around attendance.

2. Proposal and Issues

- 2.1 This proposal increases the Council Board Representation on the Elevate Board to three; namely the Portfolio Member for Customer Services, the Chief Executive, and the Corporate Director of Adult and Community Services.
- 2.2 To ensure that there is full attendance at all Elevate Board meetings, in the event that a Council representative is unable to attend, it is proposed they be permitted to nominate an alternate member, in accordance with the Elevate Partnership deed. This would increase the likelihood that all Elevate Board meetings are quorate and that decisions can still be made.

3. Options Appraisal

- 3.1 The proposals in this document are designed to ensure continued best governance of the Joint Venture with Agilisys.

4. Consultation

- 4.1 Consultation has taken place with the Elevate CEO, the Agilisys Board and the Portfolio Holder for Customer Services.

5. Financial Implications

Implications completed by: Jo Moore, Group Finance Manager, Housing & Environment, Resources & Chief Executive

- 5.1 There are no specific financial implications arising from this report. However, any appointments made need to give assurance that adequate scrutiny of Elevate's financial position will take place

6. Legal Implications

Implications completed by: Eldred Taylor-Camara, Legal Group Manager

- 6.1 The Council entered into a strategic partnership with Agilisys Limited and established Elevate East London LLP as a joint venture vehicle to deliver the strategic services contracted to Agilisys.
- 6.2 The Partnership Deed setting out the terms of the partnership provides for each member of the partnership to nominate up to three Board members each. To date each party has nominated only two members each to the Board.
- 6.3 The Elevate Board has resolved that each Member should make appointments to all three of their respective Board member entitlements. This report recommends that the Council appoint the named postholders to the Elevate Board as Council Board Representatives.
- 6.4 As stated in the report each Board member has power to appoint an Alternate Board member to attend and vote on their behalf. An alternate member can also act as alternate and therefore attend and vote on behalf of more than one Board member.

7. **Other Implications:** None

Background Papers Used in the Preparation of the Report:

Report of the Cabinet to Assembly, 8 December 2010;
Report of the Cabinet Member for Customer Services and Human Resources to
Cabinet 23 November 2010

- List of appendices:** None

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THE ASSEMBLY

10 OCTOBER 2012

REPORT OF THE CHIEF EXECUTIVE

Title: Motions		For Decision
<p>The following motion has been received in accordance with paragraph 14 of Article 2, Part B of the Council's Constitution:</p> <p>1. Facilities for Elderly and Disabled People at Barking Station</p> <p>To be moved by Cllr Hardial Singh Rai:</p> <p>"There are insufficient facilities for elderly and disabled people at Barking Station. Although there is one lift leading to one platform, to access the other platforms is a very long and uphill struggle for passengers with luggage. Barking & Dagenham Council is asked to start a dialogue with Transport for London and British Rail to install escalators at all platforms at the Barking Station as soon as possible."</p> <p>The deadline for amendments to this motion is noon on Friday 5 October 2012.</p> <p>For information, attached at Appendix A is the relevant extract from the Council's Constitution relating to the procedure for dealing with motions.</p>		
Recommendation		
The Assembly is asked to debate and vote on the above motion and any amendments.		
Head of Service:	Title:	Contact Details:
Fiona Taylor	Head of Legal and Democratic Services	Tel: 020 8227 3295 Email: Fiona.taylor@lbbd.gov.uk
Contact Officer:	Title:	Contact Details:
Margaret Freeman	Senior Democratic Services Officer	Tel: 020 8227 2638 Fax: 020 8227 3698 Email: Margaret.freeman@lbbd.gov.uk

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

14. Motions on issues directly affecting the Borough

- 14.1 Written notice of any motions must be received by the Chief Executive by no later than 4.00 pm on the Wednesday two weeks before the meeting. *The following provisions exclude a motion moving a vote of no confidence in the Leader of the Council (see paragraph 10 for details)*
- 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 their 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 Written notice of any amendments to motions must be received by the Chief Executive by no later than 12 noon on the Friday before the meeting. The same criteria and actions as described in paragraphs 14.3, 14.4, 14.5 and 14.6 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 for exceptional reasons such as a change in circumstances appertaining to the original motion, in which case the consent of the Chair will be required.
- 14.10 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.

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