

## Notice of Meeting



### CABINET

**Wednesday, 18 December 2013 - 12:00 pm**  
**Council Chamber, Civic Centre, Dagenham**

**Members:** Councillor L A Smith (Chair); Councillor R Gill (Deputy Chair); Councillor J L Alexander, Councillor H J Collins, Councillor C Geddes, Councillor M A McCarthy, Councillor L A Reason, Councillor P T Waker, Councillor J R White and Councillor M M Worby

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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 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 19 November 2013 (Pages 3 - 7)**
4. **Budget Monitoring 2013/14 - April to October 2013 (Month 7) (Pages 9 - 39)**
5. **Corporate Priority Performance Reporting 2013/14 - Quarter 2 Update (Pages 41 - 51)**
6. **Review of School Places Strategy (Pages 53 - 68)**
7. **Transfer of Land at Castle Green, Goresbrook Road, Dagenham, for Expansion of Jo Richardson Community School (Pages 69 - 75)**
8. **Transfer of Abbey Road Depot Site to Facilitate Expansion of Gascoigne Primary School (Pages 77 - 83)**
9. **Community Capacity Grant (Pages 85 - 90)**
10. **Housing Allocations Policy Amendment (Pages 91 - 96)**

11. **Procurement of Various Supplies and Service Contracts (Pages 97 - 104)**
12. **Lease of Mayesbrook Park Football Stadium (Pages 105 - 113)**
13. **Addition of the Sacred Heart Convent to the Local List of Buildings of Special Architectural or Historic Interest (Pages 115 - 119)**
14. **Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses' (Pages 121 - 158)**
15. **Betting Shops - Withdrawal of Permitted Development Rights and consultation draft Supplementary Planning Document (Pages 159 - 193)**
16. **Debt Management Performance and Write-Offs 2013/14 (Quarter 2) (Pages 195 - 209)**
17. **Any other public items which the Chair decides are urgent**
18. **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 Cabinet, 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 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.***

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

## **Barking and Dagenham's Vision**

**Encourage growth and unlock the potential of Barking and Dagenham and its residents.**

### **Priorities**

To achieve the vision for Barking and Dagenham there are five priorities that underpin its delivery:

#### **1. Ensure every child is valued so that they can succeed**

- Ensure children and young people are safe, healthy and well educated
- Improve support and fully integrate services for vulnerable children, young people and families
- Challenge child poverty and narrow the gap in attainment and aspiration

#### **2. Reduce crime and the fear of crime**

- Tackle crime priorities set via engagement and the annual strategic assessment
- Build community cohesion
- Increase confidence in the community safety services provided

#### **3. Improve health and wellbeing through all stages of life**

- Improving care and support for local people including acute services
- Protecting and safeguarding local people from ill health and disease
- Preventing future disease and ill health

#### **4. Create thriving communities by maintaining and investing in new and high quality homes**

- Invest in Council housing to meet need
- Widen the housing choice
- Invest in new and innovative ways to deliver affordable housing

#### **5. Maximise growth opportunities and increase the household income of borough residents**

- Attract Investment
- Build business
- Create a higher skilled workforce

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## MINUTES OF CABINET

Tuesday, 19 November 2013  
(5:00 - 5:06 pm)

**Present:** Councillor L A Smith (Chair), Councillor J L Alexander, Councillor H J Collins, Councillor C Geddes, Councillor M A McCarthy, Councillor L A Reason, Councillor P T Waker and Councillor M M Worby

**Also Present:** Councillor J Ogungbose

**Apologies:** Councillor R Gill and Councillor J R White

### **54. Declaration of Members' Interests**

There were no declarations of interest.

### **55. Minutes (22 October 2013)**

The minutes of the meeting held on 22 October 2013 were confirmed as correct.

### **56. Budget Monitoring 2013/14 - April to September 2013 (Month 6)**

The Cabinet received a report on the Council's capital and revenue position for the 2013/14 financial year as at 30 September 2013.

The General Fund showed an improved year end surplus projection of £8.4m while the Housing Revenue Account (HRA) continued to show a projected break-even position. The Capital Programme had a projected spend of £140.6m against the total revised budget of £142.7m.

**Cabinet resolved:**

- (i) To note the projected outturn position for 2013/14 of the Council's General Fund revenue budget at 30 September 2013, as detailed in paragraphs 2.3 to 2.9 and Appendix A of the report;
- (ii) To note the progress against the 2013/14 savings targets at 30 September 2013, as detailed in paragraph 2.10 and Appendix B of the report;
- (iii) To note the position for the HRA at 30 September 2013, as detailed in paragraph 2.11 and Appendix C of the report; and
- (iv) To note the projected outturn position for 2013/14 of the Council's Capital Programme at 30 September 2013, as detailed in paragraph 2.12 and Appendix D of the report.

### **57. Treasury Management Strategy Statement Mid-Year Review 2013/14**

The Leader introduced the report.

Cabinet **resolved to recommend the Assembly** to approve the following changes to the Treasury Management Strategy Statement 2013/14:

- (i) Removal of the variable counterparty limit for Lloyds Bank, currently the higher of £40m or 40% of total investable cash, to a fixed limit of £50m;
- (ii) To allow the in-house Treasury section to manage (hold and sell), but not purchase, UK government GILTS with maturities in excess of one year and up to a maximum maturity period of five years; and
- (iii) To allow the in-house Treasury section to invest in non-UK banks that meet the minimum credit rating colour band up to a maximum of £10m per counterparty and up to a total limit of £30m for all non-UK banks.

#### **58. Proposal for Elevate East London to Apply to Join the Modification Order**

The Cabinet Member for Customer Services presented a report on the proposal for Elevate East London to make an application to the Secretary of State for Communities and Local Government which, if successful, would extend continuity of employment rights to staff who join Elevate from elsewhere in local government.

Cabinet **resolved** to support the making of an application by Elevate East London for membership of the Modification Order under the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.

#### **59. Leasehold Property Major Works Payment Options**

The Cabinet Member for Housing introduced the report.

Cabinet **resolved**:

- (i) To approve the introduction of payment options in respect of leasehold charges as detailed in paragraphs 3.2 to 3.6 of the report; and
- (ii) That the payment options detailed in paragraphs 3.2 and 3.3 of the report be limited to owner occupiers.

#### **60. Procurement of Castle Green, Arden House and Halbutt Street Day Nursery Services**

The Cabinet received a report on proposals for the procurement of day care nursery services at three sites in the Borough as part of the Council's commitment to providing child care and early education services to young children.

Cabinet **resolved**:

- (i) To approve the procurement of seven-year contracts, with extension options of up to three years, for the provision of day care nursery services at Castle Green Nursery (Lot 1) and Arden House and Halbutt Street Nurseries (Lot 2), as detailed in the report; and
- (ii) To delegate authority to the Corporate Director of Children's Services, in consultation with the Chief Finance Officer, to award and enter into the

contracts and coterminous leases with the successful tenderers upon conclusion of the procurement process.

### **61. Proposed Amalgamation of Northbury Infant and Junior Schools**

The Divisional Director of Education presented a report on the proposed amalgamation of Northbury Infant and Junior Schools and confirmed that there had been no responses to the public consultation which ended on 29 October 2013.

Cabinet **resolved** to approve the amalgamation of Northbury Infant and Junior Schools to create an all-through Primary School from 1 January 2014 via the closure of the existing infant school and expansion of the premises and age range of the existing junior school.

### **62. School Funding Formula 2014/15**

The Divisional Director of Education presented a report on the proposed formula to be applied to school funding for the 2014/15 financial year, which reflected changes from the 2013/14 formula which were required by the Department for Education and brought the ratio between primary and secondary school funding closer together in view of the particular pressures being faced in the primary sector.

Cabinet **resolved**:

- (i) To note the outcome of the Schools Funding Formula briefing sessions, as referred to in paragraphs 2.5 to 2.7 of the report;
- (ii) To note the comments of the Schools' Forum following the presentation of the funding model options and the proposed funding model for 2014/15, as referred to in paragraphs 2.10 to 2.11 of the report; and
- (iii) To adopt Model 1 as the method for allocating school funding in 2014/15, as set out in paragraphs 2.8 to 2.9 of the report.

### **63. Localism Act 2011: Community Rights**

The Cabinet Member for Crime, Justice and Communities introduced the report.

Cabinet **resolved**:

- (i) To approve the policies, procedures and timescales for the implementation of the Community Rights to Challenge and Bid, as set out in the report and its appendices;
- (ii) To delegate authority to the Chief Executive, in consultation with the Cabinet Member for Crime, Justice and Communities and the Head of Legal and Democratic Services, to make any necessary amendments to the Council's policies, procedures and timescales in relation to the Community Rights to Challenge and Bid;
- (iii) To delegate authority to the Chief Executive to make arrangements for

decision making (including the appointment of relevant officers to undertake statutory functions) in relation to the Community Rights to Challenge and Bid; and

- (iv) To delegate authority to Corporate Directors, in consultation with the appropriate Portfolio Holders, to make and implement arrangements within their respective departments in relation to the Community Rights to Challenge and Bid.

#### **64. 2012/13 Annual Report on the Financial and Service Performance of the Elevate Joint Venture**

The Cabinet Member for Customer Services introduced the report and advised that a number of the key performance indicators used to monitor service delivery would be reviewed to ensure that they were still relevant.

Cabinet **resolved** to note the summary of the financial and service performance of Elevate East London LLP for its second full year (2012/13) as detailed in the report.

#### **65. Private Business**

Cabinet **agreed** to exclude the public and press for the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

#### **66. Abbey Sports Centre - Future Site Options and Disposal**

Further to Minute 82(viii) (22 January 2013), the Leader presented a report on the proposed disposal and marketing of the Abbey Sports Centre site, which would be available for redevelopment in late 2014 to coincide with the opening of the new Leisure Centre in Axe Street, Barking.

Cabinet **resolved**:

- (i) That the Abbey Sports Centre site, outlined in red on the plan attached as Appendix 1 to the report, be marketed for sale as a mixed use commercial leisure-led development; and
- (ii) That a further report be presented to Cabinet on the outcome of the marketing process and bids received for the site.

#### **67. Energy Company Obligation (ECO) and Green Deal Investment in Housing Stock**

The Cabinet Member for Housing introduced a report on the opportunity for the Council to benefit from approximately £35m of funding under the Government's Energy Company Obligation (ECO) scheme via a partnership with British Gas plc.

The project would involve energy efficiency works, such as cavity wall, loft and solid wall insulation and the installation of modern district heating systems, to approximately 7,900 flats throughout the Borough in the period up to 30 March



2015, as well as other initiatives aimed at vulnerable private sector residents and owner occupiers, all at no direct cost to the Council.

**Cabinet resolved:**

- (i) That the Council enter into a partnership arrangement with British Gas plc under which the company shall unlock ECO finance and undertake energy efficiency works to Council housing stock and other property, deliver improved heating and insulation in high-rise and medium-rise flatted accommodation, as well as accessing additional funding streams for vulnerable private sector homes;
- (ii) To delegate authority to the Divisional Director of Housing Strategy, in consultation with the Chief Finance Officer and the Head of Legal and Democratic Services, to negotiate and agree the terms and conditions of the agreement with British Gas plc;
- (iii) To delegate authority to the Divisional Director of Housing Strategy to approve the implementation and delivery of district heating networks, subject to local consultation and a feasible business case; and
- (iv) To delegate authority to the Divisional Director of Housing Strategy to approve the implementation and delivery of a supporting fuel poverty project for 2014 and 2015, whereby the Council shall work with British Gas plc to advise residents on alleviating fuel poverty, promoting income maximisation, encouraging behaviour cultural change and supporting the take up of the Green Deal among owner occupiers.

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## CABINET

18 December 2013

<b>Title:</b> Budget Monitoring 2013/14 - April to October 2013 (Month 7)	
<b>Report of the Cabinet Member for Finance</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Kathy Freeman Group Manager, Corporate Finance	<b>Contact Details:</b> Tel: 020 8227 3497 E-mail: <a href="mailto:kathy.freeman@lbbd.gov.uk">kathy.freeman@lbbd.gov.uk</a>
<b>Accountable Director:</b> Jonathan Bunt, Chief Finance Officer	
<p><b>Summary</b></p> <p>This report provides Cabinet with an update of the Council's revenue and capital position for the seven months to the end of October 2013, projected to the year end.</p> <p>The Council began the current year in a better financial position than the previous year with a General Fund (GF) balance of £17.5m.</p> <p>The Council's approved budget of £178.3m for 2013/14 includes a budgeted surplus of £5.2m, agreed by Assembly in February 2013, earmarked to address the funding issues of 2014/15.</p> <p>At the end of October 2013 (Month 7), the projected in-year surplus is £3.2m. This projection remains unchanged since September.</p> <p>The total service expenditure for the full year is projected to be £169.9m against the budget of £178.3m. The in-year surplus of £3.2m combined with the budgeted surplus of £5.2m results in a projected surplus of £8.4m. The projected year end surplus will increase General Fund balances to £25.8m at the year end. The position reported remains unchanged from September.</p> <p>The Housing Revenue Account (HRA) is projected to break even, maintaining the HRA reserve at £8.5m. The HRA is a ring-fenced account and cannot make/receive contributions to/from the General Fund.</p> <p>The current capital programme budget of £142.7m has been reviewed by project managers for deliverability and a reprofiled budget of £137.8m for the year is now proposed for members' approval. In addition, a further £0.3m allocation from reserves is proposed for approval for essential highways improvements. Capital budgets cannot contribute to the General Fund revenue position although officers ensure that all appropriate capitalisations occur.</p>	

## **Recommendation(s)**

The Cabinet is recommended to:

- (i) Note the projected outturn position for 2013/14 of the Council's General Fund revenue budget at 31st October 2013, as detailed in paragraphs 2.3 to 2.9 and Appendix A of the report;
- (ii) Note the progress against the 2013/14 savings targets at 31st October 2013, as detailed in paragraph 2.10 and Appendix B of the report;
- (iii) Note the position for the HRA at 31st October 2013, as detailed in paragraph 2.11 and Appendix C of the report;
- (iv) Note the projected outturn position for 2013/14 of the Council's capital budget at 31st October 2013, and approve the reprofiled budget as detailed in paragraph 2.12 and Appendix D of the report;
- (v) Approve an increase of £313k from Capital Reserves to the Highways Capital Programme to fund essential repair and reconstruction works to the Council's footways, as detailed in paragraph 2.12 of the report.

## **Reason(s)**

As a matter of good financial practice, the Cabinet should be regularly updated with the position on spend against the Council's budget. In particular, this paper alerts Members to particular efforts to reduce in-year expenditure in order to manage the financial position effectively.

## **1 Introduction and Background**

- 1.1 This report provides a summary of the Council's General Fund and HRA revenue and capital positions. It also provides an update on progress made to date in the delivery of the agreed savings targets built into the 2013/14 budget setting out risks to anticipated savings and action plans to mitigate these risks.
- 1.2 It is important that the Council regularly monitors its revenue and capital budgets to ensure good financial management. This is achieved within the Council by monitoring the financial results on a monthly basis through briefings to the Cabinet Member for Finance and reports to Cabinet. This ensures Members are regularly updated on the Council's overall financial position and enables the Cabinet to make relevant financial and operational decisions to meet its budgets.
- 1.3 The Budget report to Assembly in February 2013 provided for a target of £15m of General Fund balance, plus a planned surplus of £5.234m to be carried forward into 2014/15. The Outturn for 2012/13 led to a General Fund balance of £17.456m. The current projected position keeps the Council on track to deliver a balanced budget and maintain the minimum general fund balance of £15m.

## 2 Current Overall Position

2.1 The following tables summarise the spend position and the forecast position of the General Fund and Housing Revenue Account (HRA) balances.

<b>Council Summary</b>	<b>Net Budget</b>	<b>Full year forecast at end October 2013</b>	<b>Over/(under) spend Forecast</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>Directorate Expenditure</b>			
Adult and Community Services	57,235	57,235	-
Children's Services	66,387	66,387	-
Housing and Environment	25,419	25,419	-
Chief Executive	22,729	22,370	(359)
Central Expenses	1,329	(1,471)	(2,800)
	<b>173,099</b>	<b>169,940</b>	<b>(3,159)</b>
Budget Surplus (Agreed MTFS)	5,234	-	(5,234)
<b>Total Service Expenditure</b>	<b>178,333</b>	<b>169,940</b>	<b>(8,393)</b>

	<b>Balance at 1 April 2013</b>	<b>Forecast Balance at 31 March 2014</b>	<b>Budgeted Combined Balance at 31 March 2014*</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
General Fund	17,456	25,849	20,234
Housing Revenue Account (including Rent Reserve)	8,461	8,461	8,461

\*Budget Combined Balance for General Fund comprises a target balance of £15m plus budgeted surplus of £5.2m

2.2 The current Directorate revenue projections indicate a surplus of £8.4m for the end of the financial year, made up as follows:

- £0.359m underspend in the Chief Executive department as a result of shared arrangements with Thurrock Council and vacancies within Legal and Democratic services;
- £2.8m surplus in Central Expenses arising from interest budgets and a one off grant windfall from the Department of Education (DfE); and
- £5.234m surplus as planned and agreed in the Medium Term Financial Strategy 2013/14.

The initial forecast of a £8.4m underspend would result in the Council's General Fund balance remaining above the budgeted target of £15.0m. The Chief Finance Officer has a responsibility under statute to ensure that the Council maintains appropriate balances.

The Chief Finance Officer, after consideration of the factors outlined in the CIPFA guidance on Local Authority Reserves and Balances 2003 and the other financial provisions and contingency budgets held by the Council, set a target GF reserves level of £15.0m. The General Fund balance at 31 March 2013 was £17.5m and the current forecast combined balance for the end of the financial year is £25.8m. If maintained, this position will provide added flexibility for the Council in addressing the forthcoming significant further reductions in funding from the government. This compares with a budgeted combined General Fund balance of £15m plus a planned surplus of £5.2m within the two year 2013-15 strategy.

At the end of October 2013, the HRA is forecasting to break even, and maintain the HRA reserve at £8.5m.

### 2.3 Directorate Performance Summaries

The key areas of risk which might lead to a potential overspend are outlined in the paragraphs below. It should be noted that net directorate budgets have changed since last month due to a re-allocation of depreciation charges between directorates. This is a technical accounting adjustment that has no effect on service delivery budgets.

### 2.4 Adult and Community Services

<b>Directorate Summary</b>	2012/13 Outturn £000	2013/14 Budget £000	2013/14 Forecast £000
Net Expenditure	60,701	<b>57,235</b>	<b>57,235</b>
Projected over/(under)spend			-

The Adult and Community Services directorate is forecasting a balanced budget position for 2013/14. This reported position is masking a number of pressures within the service, particularly for Mental Health (£0.40m) and external care budgets for Older people (£0.47m). These pressures are being contained by management actions within the service and draw down from funding set aside to offset anticipated service pressures. The net budget includes the full allocation of £3.27m social care funding transfer from NHS England. This is allocated by local Section 256 agreement taken to the Health and Wellbeing Board (H&WB) and payment is expected soon.

Proposals for use of re-ablement monies totalling £0.65m were agreed by the Health and Wellbeing Board on the 17<sup>th</sup> September to improve re-ablement services and outcomes for residents. The outcome of a submission to NHS England for Winter Pressures funding is awaited, including £0.41m for Barking and Dagenham social care. Amongst other issues this funding covers pressures for 7 day social care working.

A challenging savings target of £4.32m is built into the 2013/14 budget. There are pressures against some of the savings, these are being reviewed and addressed in order to ensure their delivery.

## 2.5 Children's Services

<b>Directorate Summary</b>	2012/13 Outturn	2013/14 Budget	2013/14 Forecast
	£000	£000	£000
Net Expenditure	69,448	<b>66,387</b>	<b>66,387</b>
Projected over/(under)spend			-

Children's Services delivered a balanced budget for 2012/13 but it was reported that this financial position was masking significant demand pressures within the Complex Needs and Social Care division.

During 2013/14, referral activity has increased consistently, suggesting more of a trend rather than a 'spike' in demand. This has required additional resourcing to ensure that risks are manageable. The number of assessments carried out has increased by 21% in the year to date, compared to the same period in 2012/13.

For 2014/15, current levels of social care need would lead to a budget pressure of £4m. This is likely to increase to around £6m as numbers of children in the borough increase. Despite the increase in numbers of Looked After Children subject to plans we remain below our statistical neighbour rates per 10,000 for Looked After Children. Our caseloads, whilst moving to acceptable levels remain well above the Munro recommendation and lead to recruitment challenges.

The position is being managed in 2013/14 through flexible use of government grants. For example, the change from Local Authority Central Spend Equivalent Grant to Education Support Grant and the changes to the funding of statutory services to two year olds from General Fund to the Dedicated Schools Grant have released £2.70m of ongoing funding to invest in social care demand pressures. Grant flexibility of £0.60m is also available in 2013/14 to manage pressures.

The Targeted Support Division is forecasting an under spend in 2013/14 of £0.82m but this is largely as a result of the early achievement of approved savings for 2014/15 which means this forecast under spend is unlikely to continue into 2014/15.

Finally a drawdown of £2.71m is required from the CS Reserve to achieve a balanced budget position for 2013/14. This has increased from the £1.0m forecast in September's monitoring due to an increase in both the number and cost of agency social workers needed to deal with the increasing number of referrals made to the children's social care service. The agency staffing numbers are however expected to fall as staffing levels are brought in line with the agreed establishment. It should be noted that approximately £0.3m will remain in the reserve for use in 2014/15.

## 2.6 Dedicated School Grant (DSG)

The DSG is a ring fenced grant to support the education of school aged pupils within the borough. The grant is allocated between the Schools and Centrally Retained budget in agreement with the Schools Forum. The indicative 2013/14 DSG allocation is £218m which is inclusive of pupil premium and sixth form funding.

## 2.7 Housing and Environment

<b>Directorate Summary</b>	2012/13 Outturn	2013/14 Budget	2013/14 Forecast
	£000	£000	£000
Net Expenditure	24,040	<b>25,419</b>	<b>25,419</b>
Projected over/(under)spend			-

Environmental services is currently forecast to breakeven at year end but there are risks mainly within Direct Services arising as a result of pressures in achieving income targets and increased vehicle costs. These pressures are being mitigated through vacant posts and prudent use of budgets across the division.

Previous month's reports have highlighted Parking as a risk area as early indications showed fewer than normal PCNs being issued and pressures arising from car park closures and staff permit take up. The risk of financial pressure through reduced income has now been mitigated through upgrades in the Civica parking management system and structural improvements within the service, such as the introduction of cashless pay & display machines, investments in new cameras and the automation of permit issue.

Within the Housing General Fund, the current number of Bed and Breakfast placements is holding steady as at October, however, there is potential budget risk if this trend continues, as the budget anticipates that numbers should reduce as the year progresses. These placements are a significant cost to the Council due to the cap on benefits on this type of accommodation. To date homelessness pressures have been contained within the service budget but Members should be aware that the impact of the recent changes in welfare will be felt in the latter part of the year and officers anticipate an increase in the number of homeless cases where accommodation in borough is unaffordable

The level of placements and impact of welfare reform is being closely monitored and reflected in financial forecasts.

The department started the year with a savings target of £1.67m. A high proportion of the savings will be fully delivered but there is currently an overall pressure of £44k. This is mainly due to the pressures facing the Environmental Services budget but is being managed within the service.

## 2.8 Chief Executive Department

<b>Directorate Summary</b>	2012/13 Outturn	2013/14 Budget	2013/14 Forecast
	£000	£000	£000
Net Expenditure	19,059	<b>22,729</b>	<b>22,370</b>
Projected (under)spend			<b>(359)</b>

At the end of October, the Chief Executive department is forecast to underspend against its revised budget by £359k at year end. This is mainly due to in year vacancies across the divisions, tighter controls of expenditure, savings from treasury management contracts and additional training income from schools and Elevate.



## 2.9 Central Expenses

<b>Directorate Summary</b>	2012/13 Outturn	2013/14 Budget	2013/14 Forecast
	£000	£000	£000
Net Expenditure	1,021	<b>1,329</b>	<b>(1,471)</b>
Projected (under)spend			<b>(2,800)</b>
Budget Surplus (Assembly agreed MTFs)		<b>5,234</b>	-
Projected Surplus			<b>(5,234)</b>

There is a £1.4m surplus expected due to the management of our cash balances enabling a lower than budgeted interest cost to be charged to the General Fund in 2013/14.

The Council has also received a windfall from the Department for Education (DfE) of £1.4m. This relates to the Academy Top Slice applied to the Council's Revenue Support Grant in 2012/13. Due to changes in how Academies are funded, previously top sliced sums are being returned to Local Authorities nationally. This one off payment increases the overall surplus on Central Expenses to £2.8m.

As planned within the MTFs a budget surplus of £5.2m has been built into the base budget and the current position is projected to meet this target.

## 2.10 In Year Savings Targets – General Fund

The delivery of the 2013/14 budget is dependent on meeting a savings target of £16.6m. Directorate Management Teams are monitoring their targets and providing a monthly update of progress which is summarised in the table below. Where there are shortfalls, these will be managed within existing budgets and do not affect the monitoring positions shown above.

A detailed breakdown of savings and explanations for variances is provided in Appendix B.

<b>Directorate Summary of Savings Targets</b>	Target £000	Forecast £000	Shortfall £000
Adult and Community Services	4,324	4,262	<b>62</b>
Children's Services	2,708	2,708	-
Housing and Environment	1,665	1,621	<b>44</b>
Chief Executive	2,733	2,583	<b>150</b>
Central Expenses	5,199	5,199	-
<b>Total</b>	<b>16,629</b>	<b>16,373</b>	<b>256</b>

## 2.11 Housing Revenue Account (HRA)

The HRA is currently forecast to breakeven in 2013/14.

### Income

Income is expected to be on budget.

## Expenditure

Expenditure is forecast to be on budget, however, there is potential risk within locality spend and the delivery of planned savings. Current projections assume that expenditure pressures will be managed through underspends on other budgets. The in-house repairs and maintenance service is forecasting to underspend its revenue budget as it is providing increased support on capital schemes. System issues are close to being fully resolved to allow full reporting.

As with the General Fund, the introduction of welfare reform is expected to increase pressure on the HRA with the combination of the bedroom tax, benefit cap and Universal Credit impacting on the income levels of tenants. Some provision has been made within the budget through increased bad debt provision plus the availability of discretionary housing payments. The position is being monitored closely.

## HRA Balance

Overall, the HRA is forecasting to breakeven. The HRA maintains revenue reserves balance of £8.5m. Currently it is anticipated that this will be maintained at £8.5m by the end of 2013/14.

There is a budgeted contribution to capital resources of £35.5m; however, this may be reviewed to accommodate expenditure pressures.

## 2.12 Capital Programme 2013/14

The Capital Programme forecast when compared to the current budget is as follows:

Directorate	Budget £000	Actual YTD £000	Forecast £000	Variance £000
Adult & Community Services	9,948	2,388	7,703	(2,245)
Children Services	28,721	16,235	34,659	5,938
Housing & Environment	4,489	2,505	4,503	14
Chief Executive	11,708	3,160	10,316	(1,392)
<b>General Fund</b>	<b>54,866</b>	<b>24,288</b>	<b>57,181</b>	<b>2,315</b>
HRA	87,854	28,671	80,587	(7,267)
<b>Total</b>	<b>142,720</b>	<b>52,959</b>	<b>137,768</b>	<b>(4,952)</b>

The detail for schemes can be found in Appendix D. Please note totals here may differ slightly to those in Appendix D due to roundings.

## Re-profiles

Following the budget monitoring report that went to Cabinet on 19 November 2013, which contained forecasts as at the end of September, project managers have taken the opportunity to review the progress of schemes six months into the financial year. Budgets have been re-profiled to give a realistic estimate of what can be delivered within the 2013/14 financial year and Members are asked to agree to

the re-profiled budgets for the capital programme. In addition, following a thorough review of the condition and safety levels of the footways it has been identified that a further £313k is required to repair four roads in the Council. These footways have been assessed as being in need of reconstruction to bring them up to acceptable standards. If approved, this will be funded from capital reserves.

The table below shows the effect of the re-profiled budgets on the capital programme by directorate, together with the revised variances:

Directorate	Current Budget £000	Budget Movement £000	Reprofiled Budget £000	Forecast £000	Variance £000
Adult & Community Services	9,948	(2,245)	7,703	7,703	0
Children Services	28,721	6,019	34,740	34,659	(81)
Housing & Environment	4,489	14	4,503	4,503	0
Chief Executive	11,708	(1,392)	10,316	10,316	0
<b>General Fund</b>	<b>54,866</b>	<b>2,396</b>	<b>57,262</b>	<b>57,181</b>	<b>(81)</b>
HRA	87,854	(7,267)	80,587	80,587	0
<b>Total</b>	<b>142,720</b>	<b>(4,871)</b>	<b>137,849</b>	<b>137,768</b>	<b>(81)</b>

It should however be noted that actual capital expenditure seven months into the financial year is £52.9m against a full year forecast of £137.8m. This means that project managers and sponsors are anticipating expenditure of £84.9m in the remaining five months of the financial year. The Finance Service will continue to monitor this position closely in conjunction with service Project Managers and Sponsors, in order to identify any potential year-end underspends or slippage as early as possible.

### **Progress to Date on Approved Schemes**

#### Adult & Community Services (ACS)

The re-profiled budget has reduced by £2.245m, as there has been a delay on Barking Leisure Centre due to the archaeological findings.

#### Children's Services (CHS)

The budget has increased by £6.019m due to additional funds being allocated from government grant for new schemes such as £3.6m for All Saints expansion and £1.15m for Barking Riverside City Farm school. The variance is due to an increase in the budget for the Advanced Skills Centre to cover expenditure carried forward from the previous financial year.

#### Housing & Environment (H&E)

Forecast spend for the Environment service has increased by £14k. This relates to Abbey Green Churchyard wall, where the cost of restoration may exceed initial estimates. It will be funded by a revenue contribution from the service.

### Chief Executive (CEO)

The budget has decreased by £1.392m, with the main element being the re-profiling of expenditure on asset management plans for the corporate estate.

### HRA

There has been a decrease of £7.267m in the capital budget due to delays being experienced in various projects, either at delivery, design or tender stage. The main schemes affected are roof replacements, internal works, Becontree Heath Enveloping and Lawns & Wood Lane bungalows

## 2.13 Financial Control

At the end of October, all key reconciliations have been prepared and reviewed and there are no major reconciling items unexplained.

## 3 Options Appraisal

- 3.1 The report provides a summary of the financial position at the relevant year end and as such no other option is applicable for appraisal or review.

## 4 Consultation

- 4.1 The relevant elements of the report have been circulated to appropriate Divisional Directors for review and comment.
- 4.2 Individual Directorate elements have been subject to scrutiny and discussion at their respective Directorate Management Team meetings.

## 5 Financial Implications

- 5.1 This report details the financial position of the Council.

## 6 Legal Issues

- 6.1 Local authorities are required by law to set a balanced budget for each financial year. During the year there is an ongoing responsibility to monitor spending and ensure the finances continue to be sound. This does mean as a legal requirement there must be frequent reviews of spending and obligation trends so that timely intervention can be made ensuring the annual budgeting targets are met.

**Background Papers Used in the Preparation of the Report:** None

## List of Appendices

- **Appendix A** – General Fund expenditure by Directorate
- **Appendix B** – Savings Targets by Directorate
- **Appendix C** – Housing Revenue Account Expenditure
- **Appendix D** – Capital Programme

**GENERAL FUND REVENUE MONITORING STATEMENT**  
**October 2013/14**

Directorate	Outturn 2012/13	Original Budget	Revised Budget	Forecast Outturn	Forecast Variance
	£000	£000	£000	£000	£000
<b><u>Adult &amp; Community Services</u></b>					
Adult Care & Commissioning	43,122	39,149	39,366	39,366	-
Mental Health	3,583	3,197	3,222	3,222	-
Community Safety & Neighbourhood Services	3,665	2,772	2,825	2,825	-
Culture & Sport	9,112	5,966	5,026	5,026	-
Public Health	-	-	-	-	-
Management	1,219	6,145	6,796	6,796	-
	<b>60,701</b>	<b>57,229</b>	<b>57,235</b>	<b>57,235</b>	<b>-</b>
<b><u>Children's Services</u></b>					
Education	4,645	1,781	2,919	3,004	85
Targeted Support	11,958	7,987	8,125	7,301	(824)
Complex Needs and Social Care	35,312	29,151	29,427	30,075	648
Commissioning and Safeguarding	4,531	3,559	3,831	3,823	(8)
Other Management Costs	13,002	25,449	22,085	22,184	99
	<b>69,448</b>	<b>67,927</b>	<b>66,387</b>	<b>66,387</b>	<b>-</b>
<b><u>Children's Services - DSG</u></b>					
Schools	195,018	171,315	171,315	171,315	-
Early Years	4,621	16,285	16,285	16,285	-
High Needs	12,489	24,407	24,407	24,407	-
Non Delegated	2,508	2,850	2,850	2,850	-
Growth Fund	688	3,070	3,070	3,070	-
School Contingencies	1,544	-	-	-	-
DSG/Funding	(216,868)	(217,927)	(217,927)	(217,927)	-
	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b><u>Housing &amp; Environment</u></b>					
Environment & Enforcement	21,858	20,378	23,098	23,098	-
Housing General Fund	2,182	2,215	2,321	2,321	-
	<b>24,040</b>	<b>22,593</b>	<b>25,419</b>	<b>25,419</b>	<b>-</b>
<b><u>Chief Executive Services</u></b>					
Chief Executive Office	(225)	(597)	(96)	(160)	(64)
Strategy & Communication	(152)	-	(62)	(102)	(40)
Legal & Democratic Services	304	410	581	391	(190)
Human Resources	(8)	-	306	223	(83)
Finance	(861)	(124)	(58)	(58)	-
Corporate Management	2,956	4,352	4,352	4,255	(97)
Regeneration & Economic Development	3,853	3,145	3,479	3,479	-
Assets & Facilities Management	1,146	1,153	1,206	1,164	(42)
Customer Services, Contracts & Business Improvement	12,046	11,422	13,021	13,178	157
	<b>19,059</b>	<b>19,761</b>	<b>22,729</b>	<b>22,370</b>	<b>(359)</b>
<b><u>Other</u></b>					
Central Expenses	(7,921)	(4,299)	(8,090)	(10,890)	(2,800)
Levies	8,942	9,620	9,419	9,419	-
Budget Surplus (Agreed MTFs)	-	5,281	5,234	-	(5,234)
	<b>1,021</b>	<b>10,602</b>	<b>6,563</b>	<b>(1,471)</b>	<b>(8,034)</b>
<b>TOTAL</b>	<b>174,269</b>	<b>178,112</b>	<b>178,333</b>	<b>169,940</b>	<b>(8,393)</b>

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**GENERAL FUND SAVINGS MONITORING STATEMENT****October 2013/14****Adult and Community Services**

<b>Ref:</b>	<b>Detail</b>	<b>Current Position</b>	<b>Target £000</b>	<b>Forecast £000</b>	<b>Variance £000</b>
<b>ACS/SAV/01</b>	Community Cohesion and Equalities Team - reduced voluntary sector function	All staff have now moved or left, variance to be met within the division, no further action remaining	229	216	13
<b>ACS/SAV/02</b>	Statutory Social Care & Complaints - reorganisation of the team	Achieved	85	85	0
<b>ACS/SAV/03</b>	Occupational Therapy and Sensory Services Team - reorganisation of the team	Achieved	186	186	0
<b>ACS/SAV/04</b>	Drug & Alcohol Services - a reduction in support service to drug and alcohol users	Budget earmarked for Tier 4 Rehab, funding for which can be sought from NHS, analysis underway to confirm status	165	165	0
<b>ACS/SAV/05</b>	Youth Offending - Reduction in work to prevent young people becoming involved in crime and disorder and reoffending	Achieved	50	50	0
<b>ACS/SAV/06</b>	Withdraw or reduce Domestic Violence service	Achieved	211	211	0
<b>ACS/SAV/07</b>	Reduction in voluntary sector grants and commissions	Achieved	110	110	0
<b>ACS/SAV/10 (a)</b>	Free Leisure Offer - fund service from the Public Health Grant	Achieved	130	130	0
<b>ACS/SAV/10 (b)</b>	Active Age Centres - fund service from the Public Health Grant	Achieved	150	150	0
<b>ACS/SAV/10 (c)</b>	Advice, Information and Support for people with HIV/Aids provided by Positive East - fund service from the Public Health Grant	Achieved	49	49	0

Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
ACS/SAV/10 (d)	Alcohol Co-ordinator - fund service from the Public Health Grant	Achieved	42	42	0
ACS/SAV/10 (e)	Floating Support for Homeless People - reduce capacity on the contract by £50k	Achieved	50	50	0
ACS/SAV/10 (f)	Specialist employment support for people with mental health needs	Saving to be delivered by external funding from CCG, variance to be met within the division, no further action remaining	100	91	9
ACS/SAV/10 (g)	Decommission 6 beds of accommodation based support for 16 - 18 year olds at the Vineries (and possible transfer of accommodation to Children's Services)	Achieved	40	40	0
ACS/SAV/10 (h)	Supporting Employment Opportunities for People with Drug and Alcohol problems	Achieved	33	33	0
ACS/SAV/10 (i)	Domestic Violence - cessation of Refuge Floating Support contract	Achieved	105	105	0
ACS/SAV/10 (j)	Delete Administrator post in the Adult Safeguarding Team	Achieved	39	39	0
ACS/SAV/10 (k)	DV and Hate Crime Strategy Manager - reduce post to 0.6 FTE	Achieved	21	21	0
ACS/SAV/10 (l)	Delete post supporting administration of the Learning Disability Partnership Board	Achieved	28	28	0
ACS/SAV/10 (m)	Cessation of Service Development Budget for Older People	Achieved	30	30	0
ACS/SAV/10 (n)	Maximising Grant Flexibilities	Achieved	64	64	0
ACS/SAV/12	Management Reductions (reduce social care GM)	Achieved	40	40	0
ACS/SAV/17	Reduce hospital social work team	Achieved	84	84	0
ACS/SAV/18	Kallar Lodge staff reduction	Achieved	23	23	0
ACS/SAV/19	Reduce business support in Adult	Achieved	15	15	0



Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
	Social Care				
ACS/SAV/20	Delete Arts Team	Achieved	25	25	0
ACS/SAV/24	End support to the Create Festival	Achieved	25	25	0
ACS/SAV/27	Review CCTV monitoring	Achieved	153	153	0
ACS/SAV/28	Reduce strategic commissioning posts	Achieved	28	28	0
ACS/SAV/29	Reduce dedicated support to service users and carers	Achieved	19	19	0
ACS/SAV/32	Summers Sorted Holiday Activity Programme	Achieved	30	30	0
Feb 2012 Assembly	Non Staffing Supplies & Services Budgets	Achieved	90	90	0
Feb 2012 Assembly	Remodelling homecare services in line with the principles of personalisation	Achieved	100	100	0
Feb 2012 Assembly	Revisions to pricing framework for Care Home Placements	Achieved	20	20	0
Feb 2012 Assembly	Changes to in-house residential care service for adults with a learning disability (80 Gascoigne)	Achieved	75	75	0
Feb 2012 Assembly	Reconfiguration of mental health services	Achieved	100	100	0
Feb 2012 Assembly	Commissioning Contracts & Purchase Savings	Achieved	250	250	0
Feb 2012 Assembly	Changes to grants to voluntary organisations	Achieved	215	215	0
Feb 2012 Assembly	Remodel of learning disability day, volunteering and employment services	Achieved	100	100	0
Feb 2012 Assembly	Broadway theatre	Achieved	100	100	0
Feb 2012 Assembly	Closure of Goresbrook Leisure Centre	Achieved	371	371	0

## Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
Feb 2012 Assembly	Olympic unit	Achieved	218	218	0
Feb 2012 Assembly	Changes to the public events programme	£30k variance due to commitments made to still deliver St. Georges day and classical concert events. Shortfall to be funded by early delivery of Events staff saving, no further action remaining	90	60	30
Feb 2012 Assembly	Expanding commercial opportunities at heritage venues	Plans put in place to bring in more income from weddings and other events have not been successful. Steps being put in place to reduce expenditure to offset the income target	10	0	10
Feb 2012 Assembly	Libraries Review	Achieved	226	226	0
<b>Total Adult &amp; Community Services</b>			<b>4,324</b>	<b>4,262</b>	<b>62</b>

Children's Services

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
CHS/SAV/01	Early Years - Changes to the delivery format of Phase 3 Children's Centres	On Target	500	500	0
CHS/SAV/02	Integrated Youth Service - Reduction in staff and commissioning	On Target	100	100	0
CHS/SAV/03	Borough Apprentice Scheme - Removal of apprenticeship wage subsidy to departments and reduction in 14-19 staffing	On Target	100	100	0
CHS/SAV/04	Education - school improvement - retirement and efficiency savings	On Target	25	25	0
CHS/SAV/05	Education - School Estates Team (capitalisation)	On Target	75	75	0
CHS/SAV/06	Education - Reduction of £100k in Education Inclusion	On Target	50	50	0
CHS/SAV/08	Commissioning & Safeguarding - Transfer of costs to catering traded services account as an overhead	On Target	50	50	0
CHS/SAV/10 (a)	Targeted Support - Reduction in repairs, maintenance and equipment budgets	On Target	300	300	0
CHS/SAV/10 (b)	Troubled Families Co-ordinator funding - For 2012/13, 13/14 and 14/15 (non-recurrent)	On Target	100	100	0
CHS/SAV/10 (c)	Commissioning - Youth Access card to be transferred to Public Health Grant	On Target	150	150	0
CHS/SAV/10 (d)	Commissioning - Misc budget savings	On Target	45	45	0
CHS/SAV/10 (e)	Education - Deletion of 1 Attendance Officer (vacant following resignation) and 1 Admin Support	On Target	50	50	0
CHS/SAV/10 (f)	Social Care and Complex Needs -	On Target	80	80	0

Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
	Additional EP income				
CHS/SAV/10 (g)	Efficiencies within Prevention - Long Term Care	On Target	120	120	0
CHS/SAV/10 (h)	Maximising of grant flexibilities	On Target	5	5	0
CHS/SAV/11	Adoption - Reduction in use of independent social workers	On Target	70	70	0
CHS/SAV/12	Complex Needs and Social Care, Assessment and Care Management.	On Target	60	60	0
CHS/SAV/15	School Estate Management - reduce to statutory only posts, and charge for lead manager from capital funding	On Target	45	45	0
CHS/SAV/17	Inclusion Services - Further reduce central support team, would only be funded from DSG but schools may feel not equipped to manage complex special needs - potential impact is increased SEN costs	On Target	35	35	0
CHS/SAV/20	Youth Service - Reduce to statutory provision only	On Target	140	140	0
Feb 2012 Assembly	Prevention/Crisis Intervention/ Family Group Conferencing Merger of the three preventative services to create efficiencies	On Target	50	50	0
Feb 2012 Assembly	CAMHS Schools Counselling contract ending that will not be renewed and reduction in primary and emotional team	On Target	100	100	0
Feb 2012 Assembly	Disabled Children's Team - Contribution from short breaks funding on mainstreamed into base budget	On Target	100	100	0
Feb 2012 Assembly	Adult College - contribution from the College towards management costs / overheads	On Target	100	100	0
Feb 2012 Assembly	Education Inclusion/School Improvement - Staffing Review and	On Target	100	100	0

Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
	Reductions				
Feb 2012 Assembly	School Improvement Income - Raising the SLA income - charging Schools for services/Other Local authorities	On Target	50	50	0
Feb 2012 Assembly	Training Reductions	On Target	23	23	0
Feb 2012 Assembly	Reduction of Management costs in the Multi-agency Locality Teams	On Target	55	55	0
Feb 2012 Assembly	Portage Amalgamation	On Target	30	30	0
<b>Total</b>			<b>2,708</b>	<b>2,708</b>	<b>0</b>

Housing and Environment

Ref	Detail	Current Position	Target £000	Forecast £000	Variance £000
H&E/SAV/01(a)	Catering income from Parks	Service manager currently working to implement, not yet up and running.	20	20	0
H&E/SAV/01(b)	Park Ranger Services	Restructure Complete	260	260	0
H&E/SAV/02	Street Lighting - Energy efficiency savings	Complete	52	52	0
H&E/SAV/03	Rationalisation of recharges to the HRA - Street Lighting	Complete	200	180	20
H&E/SAV/04	Review of road safety service / schools crossings patrols	Complete	80	80	0
H&E/SAV/07	Cessation of night time cleansing	Night cleaning service still ongoing, however, alternative posts have been reduced to accommodate	210	210	0
H&E/SAV/09	Consolidation of Transport & Plant - 5% efficiency savings on kit, fuel & vehicle use	Reconciliation work in process to identify all kit in the department	120	120	0
H&E/SAV/11	Land Drainage - Efficiency saving on maintenance budget	Complete	60	60	0
H&E/SAV/12	Decommission of Depots	Likely to be achieved by closing of Parsloes depot.	40	40	0
H&E/SAV/15	Recharge GF works to the Parking Account	Linked to capital strategy; report being prepared for July Cabinet to agree funding.	150	150	0
H&E/SAV/18	Reduction in Environmental Enforcement	Complete	140	140	0
H&E/SAV/21	Introduce charging for a bulky waste collection service	Complete	55	55	0
Feb 2012 Assembly	Transport savings from adjustments for affordability and reductions in use of buses	Dependent on ACS reducing the number of journeys required, but currently still requesting same number of routes.	100	100	0
Feb 2012	Reduced mowing to create	Original figures from 'confirm' are	32	32	0

## Appendix B

Ref	Detail	Current Position	Target	Forecast	Variance
Assembly	naturalised environment	now inaccurate, so the actual savings will need to be delivered in a different way.			
Feb 2012 Assembly	Making Parks more commercially sustainable	Parking charges in Parks not being implemented (£9K) as per members decision, Grazing and Education at Millennium Centre not achievable (£4.5k), only half of Bowling Greens savings and 'Golfwise' achievable (i.e.£25k) as original costings from 'Confirm' now inaccurate, Income from Lakes, Tennis and Education and Concessions achievable. Non-essential spend put on hold to cover the deficit.	96	72	24
Feb 2012 Assembly	Efficiencies within Parking services	Complete	50	50	0
<b>Total</b>			<b>1,665</b>	<b>1,621</b>	<b>44</b>

Chief Executive

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
FIN&RES/SAV/01	Regeneration - Transport Planning. Increase the LIP top slice in 2013/14	Achieved	25	25	0
FIN&RES/SAV/06	Efficiencies through implementation of Oracle R12	Achieved	200	200	0
FIN&RES/SAV/10	Reduction in ex Asset & Commercial Services central budgets i.e. supplies & services budgets, training budget reduction and other uncommitted budgets after Elevate transfer	Achieved	120	120	0
FIN&RES/SAV/12	Internal Audit - Removal of special projects provision	Achieved	26	26	0
FIN&RES/SAV/13	Risk Management - Staffing reductions	Achieved	31	31	0
FIN&RES/SAV/14	Reduction in CM Unit budget	Achieved	100	100	0
FIN&RES/SAV/15	Deletion of a Project & Technical officer post - PO4	Achieved	47	47	0
FIN&RES/SAV/16	Transfer of Assets and Facilities Management Group into Elevate, with savings as a result of management and service restructure	Facilities Mgt transferred to H&E to deliver this saving. At present only £150k of the savings has been identified and the division is currently confirming details of achieving the rest. Shortfall is currently being absorbed within the CEX department and H&E.	300	150	150
FIN&RES/SAV/17	Increased charging of Economic Development & Sustainable Communities staff time to the HRA	Achieved	153	153	0
FIN&RES/SAV/18	Merger of the Corporate Client and Capital Delivery Teams	Achieved	125	125	0



Appendix B

Ref:	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
FIN&RES/SAV/22	Regeneration - Deletion of one Development Management post		38	38	0
CEX/SAV/01	CE Office - Reduction in supplies and services and third party payments	Achieved	30	30	0
CEX/SAV/02	Policy & Performance -Reduction in supplies and services, and one PO2 post from the team	Policy restructure completed	102	102	0
CEX/SAV/05	Marketing & Communications - Further reductions in supplies & services; and increased income generation from external suppliers	Achieved	100	100	0
CEX/SAV/06	Legal & Demo - Reduction in employee budgets, and increase in income	Achieved	100	100	0
CEX/SAV/08	Chief Executive Review	Achieved –a report submitted to PASSC on the delivery of this savings. The Marketing & Communication element of the savings could not be fully delivered, but this has been mitigated by the savings from the joint CEX arrangement with Thurrock.	622	622	0
CEX/SAV/10	Policy - Further reduction and sharing of Service	Achieved through centralising Policy officers across the Council Departments	80	80	0
CEX/SAV/11	Cease publication of the News	Achieved – Publication has ceased.	60	60	0
CEX/SAV/12	Legal - Reduction in employee budgets / further sharing with Thurrock Council	Achieved through further sharing of GM posts in Legal	54	54	0
Feb 2012 Assembly	Savings in Sustainable Communities/Economic Development area	Achieved	40	40	0
Feb 2012 Assembly	Reduction in accommodation costs through the Modern Ways of Working project	Some buildings closed and some yet to be closed	226	226	0

**Appendix B**

<b>Feb 2012 Assembly</b>	Restructure of Senior Managers	Achieved	68	68	0
<b>Feb 2012 Assembly</b>	Merge Payroll and HR Support (within Elevate)	Achieved	86	86	0
<b>Total</b>			<b>2,733</b>	<b>2,583</b>	<b>150</b>

## HOUSING REVENUE ACCOUNT MONITORING STATEMENT

### October 2013/14

HOUSING REVENUE ACCOUNT	Outturn 2012/13	Original Budget	Revised Budget	Forecast Outturn	Forecast Variance
	£000	£000	£000	£000	£000
Rents	(83,901)	(86,627)	(86,627)	(86,544)	83
Non Dwelling Rent	(2,489)	(2,503)	(2,503)	(2,364)	139
Other Income	(19,785)	(17,530)	(17,645)	(17,445)	200
Capitalisation of Repairs	(2,700)	(1,000)	(1,000)	(1,000)	-
Repairs and Maintenance	22,960	20,000	20,000	19,487	(513)
Supervision and Management	37,363	37,025	39,229	39,444	215
Rent Rates and Other	443	700	700	700	-
Bad Debt Provision	632	3,159	3,159	3,159	-
Interest Charges	9,294	9,759	9,759	9,759	-
Corporate & Democratic Core	811	811	811	811	-
Interest	(642)	(336)	(336)	(336)	-
Revenue Contribution to Capital & Depreciation	11,345	35,542	34,453	34,329	(124)
Service Transformation		1,000			-
Repayment of Debt					
Transfer to Major Repairs Reserve	26,342				
Subsidy Limitation	135				
<b>Contribution to HRA Reserve</b>	<b>(192)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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# 2013/2014 CAPITAL PROGRAMME - as at end of October 2013

APPENDIX D

Project No.	Project Name	Revised Budget 13/14 (£)	Actual Expenditure as at 31st October 2013 (£)	Forecast Outturn (£)	Forecast Variance (£)	Reprofiled Budget -for approval (£)
<b>Adult &amp; Community Services</b>						
Adult Social Care						
2872	Fews Lodge Extra Care Scheme		(17,772)			
2913	80 Gascoigne Road Care Home	197,809	133,023	197,809		197,809
2888	Direct Pymt Adaptations	400,000	210,812	400,000		400,000
100	Disabled Adaptations (HRA)	582,902	484,817	582,902		582,902
106	Private Sector Households	574,717	335,456	574,717		574,717
105	Private Sector Households (105)	(26,810)			26,810	
	Community Capacity Grant	490,995		490,995		490,995
Culture & Sport						
1654	Ripple Hall (St Georges/Vol Group Relocation)	1,500	1,215	1,215	(285)	1,215
191	Eastbury House	3,198		3,198		3,198
2233	Valence Site Redevelopment	18,880	12,239	18,880		18,880
2266	Barking Park Restoration & Improvement	100,247	37,944	100,247		100,247
2768	Abbey Sports Centre (Wet Side Changing Areas)					
2603	Becontree Heath Leisure Centre	159,170	3,300	159,170		159,170
2815	Goresbrook Leisure Centre - Olympic Training Venue		7,625			
2855	Maysbrook Park Athletics Arena	251,465	22,814	251,465		251,465
2870	Barking Leisure Centre 12-14	7,193,859	1,157,339	4,922,902	(2,270,957)	4,922,902
<b>Total For Adult &amp; Community Services</b>		<b>9,947,932</b>	<b>2,388,811</b>	<b>7,703,500</b>	<b>(2,244,432)</b>	<b>7,703,500</b>

# 2013/2014 CAPITAL PROGRAMME - as at end of October 2013

APPENDIX D

Project No.	Project Name	Revised Budget 13/14 (£)	Actual Expenditure as at 31st October 2013 (£)	Forecast Outturn (£)	Forecast Variance (£)	Reprofiled Budget -for approval (£)
<b>Children's Services</b>						
Primary Schools						
2555	Eastbury	32,477	(75,954)	32,477	(0)	32,477
2736	Roding Primary School - Cannington Road Annex	146,939	154	137,093	(9,846)	137,093
2745	George Carey CE Primary School (formerly Barking Riverside P	932,700	273,086	273,085	(659,615)	273,085
2759	Beam Primary Expansion	81,668		81,668		81,668
2799	St Joseph's Primary - expansion	82,503	61,902	82,503		82,503
2800	St Peter's Primary - expansion	33,869		33,869		33,869
2776	Thames View Infants - London TG Agreement	39,937		39,937		39,937
2787	Cambell Junior - Expansion & Refurb	17,626		17,626		17,626
2786	Thames View Juniors - Expansion & Refurb	333,772	15,193	49,185	(284,587)	49,185
2784	Manor Longbridge (Former UEL Site)	(29,201)	(328,826)		29,201	
2789	Westbury - New Primary School	(419)			419	
2790	St Georges - New Primary School	25,385		25,385		25,385
2860	Monteagle Primary (Quadrangle Infill)	95,696	3,196	95,696		95,696
2861	Eastbury Primary (Expansion)	873,012	144	144	(872,868)	144
2862	Gascoigne Primary (Expansion)	988,963	835,669	988,963		988,963
2863	Parsloes Primary (Expansion)	49,090	11,151	49,090		49,090
2864	Godwin Primary (Expansion)	1,674,018	1,511,299	1,674,018		1,674,018
2865	William Bellamy Infants/Juniors (Expansion)	2,020,190	108,792	750,000	(1,270,190)	750,000
2867	Southwood Primary (Expansion)	13,163	4,902	13,163		13,163
2900	Becontree Primary Expansion	41,890	11,193	41,890		41,890
2924	St Josephs Primary Extn	352,092	175,683	352,092		352,092
Other Schemes						
2972	Implementation of early education for 2 year olds	889,302	43,378	750,000	(139,302)	750,000
2793	SMF - School Modernisation Fund	212,416	377,355	412,067	199,651	412,067
2751	School's Kitchen Extension/Refurbishment 10/11	11,556	100	11,556		11,556
2724	Basic Needs Projects (formerly Additional School Places)2011/	231,226	53,496	231,226		231,226
2581	Schools Legionella Works					
2808	Schools L8 Water Quality Remedial Works 2010/11	(1,811)			1,811	
2809	Schools Reboiler & Repipe Fund	(9,730)			9,730	
2826	512a Heathway - Conversion to a Family Resource	38,171	77,771	185,081	146,910	185,081
2878	512a Heathway (phase 2)- Conversion to a Family Resource wit	7,222		7,222		7,222
9999	Devolved Capital Formula	1,638,865	677,714	1,638,865		1,638,865
2601	Renewal School Kitchens 2009/10					
2753	Cross-Government Co-Location Fund					
2906	School Expansion SEN Projects	862,722	264,081	862,722		862,722
2909	School Expansion Minor Projects	472,973	152,904	473,144	171	473,144
2968	Capital Works (Devolved Funds)	(1,409,432)			1,409,432	
Children Centres						
2310	William Bellamy Childrens Centre	6,458	(14,474)	6,458		6,458
2311	Becontree Childrens Centre		(232,319)			
2217	John Perry Childrens	9,619	(5,079)	9,619		9,619
2651	Alibon Childrens Centre	(8,812)			8,812	
2739	Gascoigne Community Centre					
Secondary Schools						
2818	Sydney Russell - Schools For The Future	(1,243,876)	54,075	224,295	1,468,171	224,295
2825	Dagenham Park School	(36,277)	(11,793)		36,277	
2859	Robert Clack Expansion					
2932	Trinity 6th Form Provison		(153,238)			
2966	Eastbrook Comprehensive School					
Skills, Learning & Enterprise						
2723	Advanced Skills Centre	(80,451)	161,970	500,000	580,451	580,451

# 2013/2014 CAPITAL PROGRAMME - as at end of October 2013

APPENDIX D

Project No.	Project Name	Revised Budget 13/14 (£)	Actual Expenditure as at 31st October 2013 (£)	Forecast Outturn (£)	Forecast Variance (£)	Reproffed Budget -for approval (£)
Approved by Cabinet - awaiting Appraisal approval						
2974	Robert Clack Artificial Football Pitch	668,435	435	668,435		668,435
2975	Barking Abbey Artificial Football Pitch	629,797		629,797		629,797
	Barking Riverside Secondary Free School			300,000	300,000	300,000
	Feasibility & Design & Site Set-up	2,500,000			(2,500,000)	
	Lymington Primary expansion 13-15					
	Gascoigne Primary -Abbey Road Depot					
2918	Roding Cannington 2013-15	1,511,151	1,638,420	1,826,151	315,000	1,826,151
2919	Richard Alibon Expansion	1,466,133	174,274	985,000	(481,133)	985,000
2920	Warren/Furze Expansion	72,825	237,790	1,500,000	1,427,175	1,500,000
2921	Manor Infant Jnr Expansion	65,630	89,963	999,739	934,109	999,739
2922	Valence Halbutt Expansion	1,649,122	1,138,607	1,609,122	(40,000)	1,609,122
2923	Rush Green Expansion	15,000	89,258	150,000	135,000	150,000
2956	Marsh Green Primary 13-15			30,000	30,000	30,000
2957	John Perry School Expansion 13-15		37,045	785,945	785,945	785,945
2958	Fanshawe Adult College Refurb 13-15	2,500,000	1,887,405	2,250,000	(250,000)	2,250,000
2960	Parsloes Fanshawe Primary Expansion 13-15	500,000	73,239	300,000	(200,000)	300,000
2929	SMF 2012/13	3,400,303	1,625,654	2,380,275	(1,020,028)	2,380,275
New	SMF - School Modernisation Fund 13/14			1,000,000	1,000,000	1,000,000
2952	Barking Abbey Expansion 13-15	50,000		50,000		50,000
2953	All Saints Expansion 13-15	306,000	1,233,334	3,603,308	3,297,308	3,603,308
2954	Jo Richardson Expansion 13-15		1,446	350,000	350,000	350,000
2955	Barking Riverside City Farm	3,991,383	3,948,462	5,141,383	1,150,000	5,141,383
2959	Robert Clack Expansion 13-15		6,400	50,000	50,000	50,000
<b>Total For Children's Services</b>		<b>28,721,290</b>	<b>16,235,255</b>	<b>34,659,293</b>	<b>5,938,003</b>	<b>34,739,744</b>

## Housing and Environment

Environmental Services						
2764	Street Light Replacing	210,869	12,259	210,869		210,869
2873	Environmental Improvements and Enhancements	151,879	(10,227)	119,456	(32,423)	119,456
2894	Road Safety Impv Sch Year 2 (TFL)		0			
2964	Road Safety Improvement 2013-14 (TfL)	98,400	(24,180)	98,400		98,400
2887	Frizlands Wkshp Major Wks		36,402			
2886	Parking Strategy Imp	157,386	(42,000)	157,386		157,386
2908	Brown Wheeled Bins Recycling	(32,423)			32,423	
2930	Highways Improvement Programme	3,241,681	2,491,411	3,242,094	413	3,242,094
	Parkmap scheme (Traffic Mangement Orders)	170,000		170,000		170,000
	Controlled Parking Zones (CPZ's)	170,000		170,000		170,000
PGSS						
2421	Staff Costs 12/14	38,216		38,216		38,216
2423	Pondfield Park					
2567	Abbey Green Park Development	8,913	(4,379)	8,913		8,913
2817	Mayesbrook Park Improvements (Phase 1)	67,459	8,167	67,459		67,459
2911	Quaker Burial Ground	60,000	1,090	60,000		60,000
2912	Barking Park Tennis Project	40,531	13,134	40,531		40,531
2948	Abbey Green- Churchyard Wall	64,959	18,055	78,234	13,275	78,234
2925	Adizone Project 12-13	40,949		40,949		40,949
<b>Total For Housing &amp; Environment</b>		<b>4,488,819</b>	<b>2,505,732</b>	<b>4,502,507</b>	<b>13,688</b>	<b>4,502,507</b>

# 2013/2014 CAPITAL PROGRAMME - as at end of October 2013

APPENDIX D

Project No.	Project Name	Revised Budget 13/14 (£)	Actual Expenditure as at 31st October 2013 (£)	Forecast Outturn (£)	Forecast Variance (£)	Reprofiled Budget -for approval (£)
<b>Chief Executive (CEO)</b>						
<b>Asset Strategy</b>						
UAC8	Asset Management Plans (All Directorates)	1,000,000			(1,000,000)	
2741	L8 Control of Legionella Remedial Works	60,000	30,592	60,000		60,000
2578	Asbestos (Public Buildings)	10,000	1,275	10,000		10,000
2771	Automatic Meter Reading Equipment	31,494	36,542	41,494	10,000	41,494
2587	Energy Efficiency Programme	86,173	59,872	86,173		86,173
2542	Backlog Capital Improvements	744,850	244,312	600,000	(144,850)	600,000
2565	Implement Corporate Accommodation Strategy	663,542	218,065	538,542	(125,000)	538,542
<b>ICT</b>						
2623	Microsoft Enterprise Agreement	88,794		88,794		88,794
2738	Modernisation & Improvement Capital Fund	1,698,698	187,092	1,529,055	(169,643)	1,529,055
2877	Oracle R12 Joint Services	2,632,284	662,409	2,778,484	146,200	2,778,484
<b>Regeneration</b>						
2458	New Dagenham Library & One Stop Shop	73,666		73,666		73,666
2596	Legi Business Centres	159,978	28,180	79,978	(80,000)	79,978
2969	Economic Development Growth Fund	325,000		225,000	(100,000)	225,000
2775	BTC Public Realm - Tsq & Abbey	24,771	11,152	24,771		24,771
2625	Thames View Regen Initiative	21,499	7,870	21,499		21,499
2819	London Road/North Street Site Acquisitions	257,359	22,062	77,359	(180,000)	77,359
2831	Barking Station Forecourt - Phase 2 Implementation (TFL & S10)		860			
2821	Shopping Parade Enhancements	365,341	(97,085)	365,341		365,341
2854	Improvements to the rear of The Mall, Dagenham Heathway	170,009	88,931	170,009		170,009
2901	Creekmouth Arts & Heritage Trail	50,000	38,050	165,000	115,000	165,000
2902	Short Blue Place (New Market Square Barkin - Phase II)	158,469	228,882	304,469	146,000	304,469
2926	Outer London Fund Round 2	119,834	58,027	119,834		119,834
2927	Chequers/Abbey Road Public Realm improvements	391,677	424,957	391,677		391,677
2928	Captain Cook Site Acquisition and Public Realm Works (Abbey L)	50,000	15,188	50,000		50,000
2841	Biking Borough Initiative (TFL)	91,200	78,937	141,200	50,000	141,200
2891	Merry Fiddlers Jnct Imp Year 2 (TFL)	384,000	227,121	384,000		384,000
2892	Cycling Greenways Year 2 (TFL)	96,000	16,117	96,000		96,000
2893	Thames Rd Corr Imp	315,000	274,968	315,000		315,000
2895	Chadwell Heath Station Impv (TFL)	288,000	81,842	288,000		288,000
2898	Local Transport Plans (TFL)	96,000	65,727	96,000		96,000
2899	River Roding Cycle Link / Goresbrook Park Cycle Links	192,000	(5,583)	192,000		192,000
2962	Principal Road Resurfacing 2013-14 TFL	530,137	6,207	530,137		530,137
2963	Mayesbrook Neighbourhood Improvements (DIY Streets) 2013-14	288,000	44,594	288,000		288,000
2965	Safer & Smarter Travel Plans 2013-14 (TFL)	111,360	107,936	111,360		111,360
2910	Barking Stn Parade Assessment	60,000			(60,000)	
2914	Barking Job Shop Relocation	73,003	(5,516)	73,003		73,003
<b>Total For CEO</b>		<b>11,708,138</b>	<b>3,159,583</b>	<b>10,315,845</b>	<b>(1,392,293)</b>	<b>10,315,845</b>
<b>Grand Total General Fund</b>		<b>54,866,179</b>	<b>24,289,382</b>	<b>57,181,145</b>	<b>2,314,966</b>	<b>57,261,596</b>





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**CABINET****18 December 2013**

<b>Title:</b> Corporate Priority Performance Reporting 2013/14 - Quarter 2 Update	
<b>Report of the Leader of the Council</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Karen Wheeler, Head of Strategy	<b>Contact Details:</b> Tel: 020 8227 2317 E-mail: <a href="mailto:karen.wheeler@lbbd.gov.uk">karen.wheeler@lbbd.gov.uk</a>
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<p><b>Summary:</b></p> <p>A wide range of performance is monitored and managed across the Council and is reported in a number of ways including in portfolio holder meetings and partner boards, for example Children's Trust. The Corporate Priority Indicators provide a collective overview of performance across the Council/borough in order to inform decision making and use of resources, and to provide Members with a clear snap-shot of how priorities are being managed and implemented.</p> <p>This report aims to focus on current performance in areas of real interest to Members by providing detail of where performance has improved or deteriorated since last quarter as well as updating on progress against targets.</p> <p>Detailed performance data for all quarterly performance indicators is provided in Appendix A - Corporate Priority Quarterly Indicators</p>	
<p><b>Recommendation(s)</b></p> <p>That Cabinet note performance in Quarter 2 and make comments on any actions to be taken where performance has dipped.</p>	
<p><b>Reason(s)</b></p> <p>Performance data is reported to enable Members to more easily monitor and challenge performance and delivery of the policy priorities as set out in the Corporate Plan 2013/14.</p>	

**1. Introduction and Background**

- 1.1 The Community Strategy 2013-2016 and Corporate Plan 2013/14 were agreed at Assembly in May 2013, and new priority performance indicators developed for 2013/14. These indicators were agreed by Cabinet in June 2013 and reflect the priorities, high volume front line services and being a 'well run organisation'.

1.2 The new framework provides an overview of performance across the Council/borough in order to inform decision making and use of resources, and to provide Members with a clear snap-shot of how priorities are being managed and implemented.

**2. Performance Summary**

2.1 In order to report the latest performance in a concise manner, a number of symbols have been incorporated in the report. Please refer to the table below for a summary of each symbol and an explanation of their meaning.

Symbol	Detail
↑	Performance has improved when compared to the same period last year
↔	Performance has remained static when compared to the same period last year
↓	Performance has deteriorated when compared to the same period last year
G	Performance is expected to achieve or has exceeded the target
A	Performance is within 10% of the target
R	Performance is 10% greater than the target

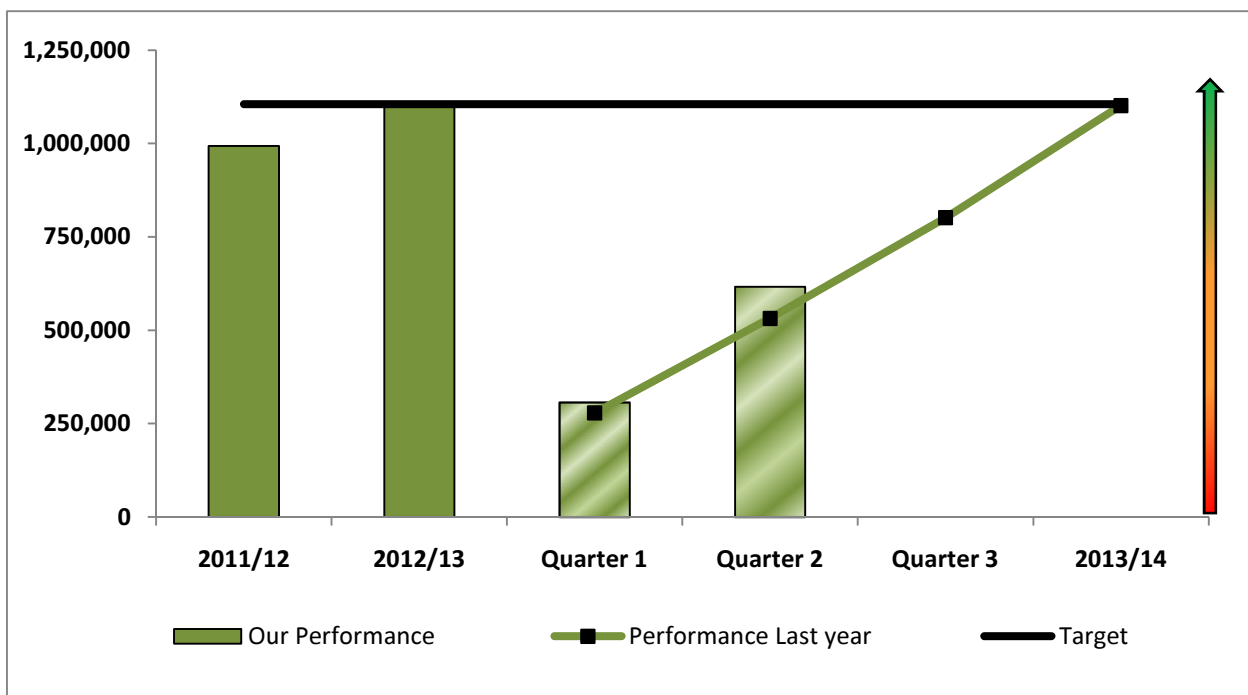
2.2 Of all the Corporate Priority Indicators which are reported on a quarterly basis, the following table provides a summary of performance at Quarter 2. This should be considered in the context of significant budget reductions and ongoing work to improve services.

↑	↔	↓	G	A	R
71%	0%	29%	51%	23%	26%

**3. Corporate Priority Performance – Focus on Performance**

3.1 For Quarter 2 performance reporting, focus has been given to a small selection of indicators where performance has either greatly improved or has shown a deterioration. It is hoped that by focusing on specific indicators, Members will be able to challenge performance and identify where action is required.

3.2 These selected indicators have been presented in a graphical format in order to provide a clearer picture of our current position, trend and performance against target. Commentary is also provided to explain the improvement or action being taken to address a dip in performance.



The performance of the leisure centre visits have increased significantly during this financial year where we are now seeing approximately 9,000 more visitors a month compared to last year.

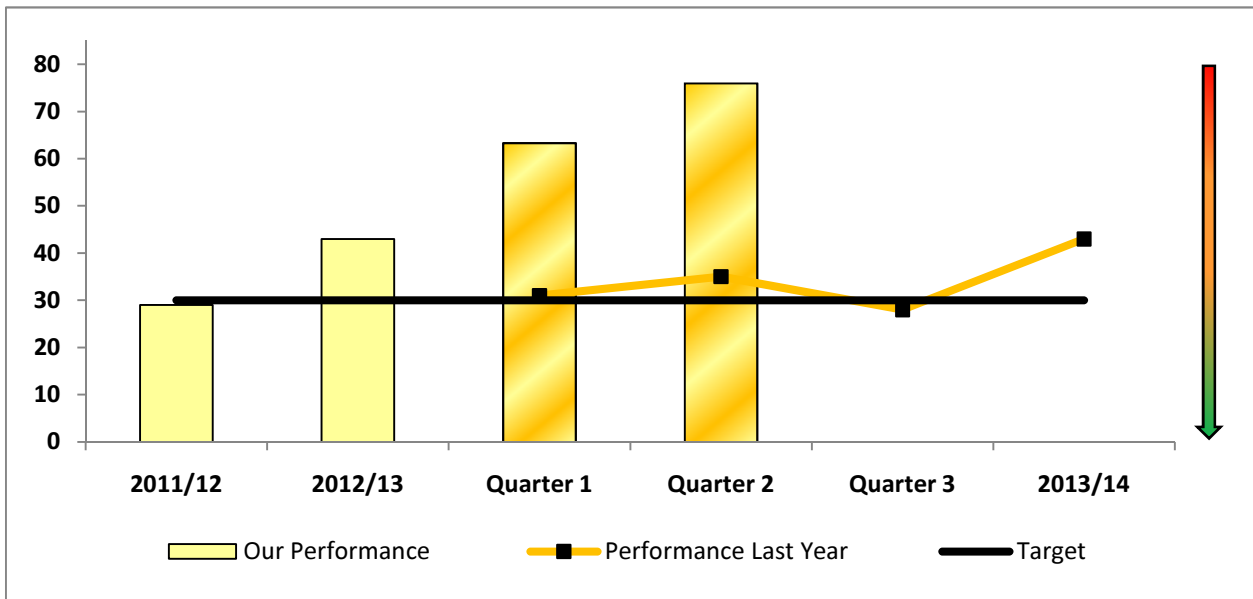
We have seen an increase in the majority of areas but the most significant growth is in swimming and in particular the 'learn to swim' programme where we now have one of the largest individual programmes within the UK.

People using the gym and attending weekly workout classes have seen a modest increase, a result of which has led to the introduction of more classes being added to the timetable.

In addition to the general offer at the leisure centres the health intervention programmes have seen increases as well in particular the GP exercise referral programme and free leisure activities for the over 60's.

Both of these programmes have been improved and expanded over the last six months and are now more accessible for borough residents.

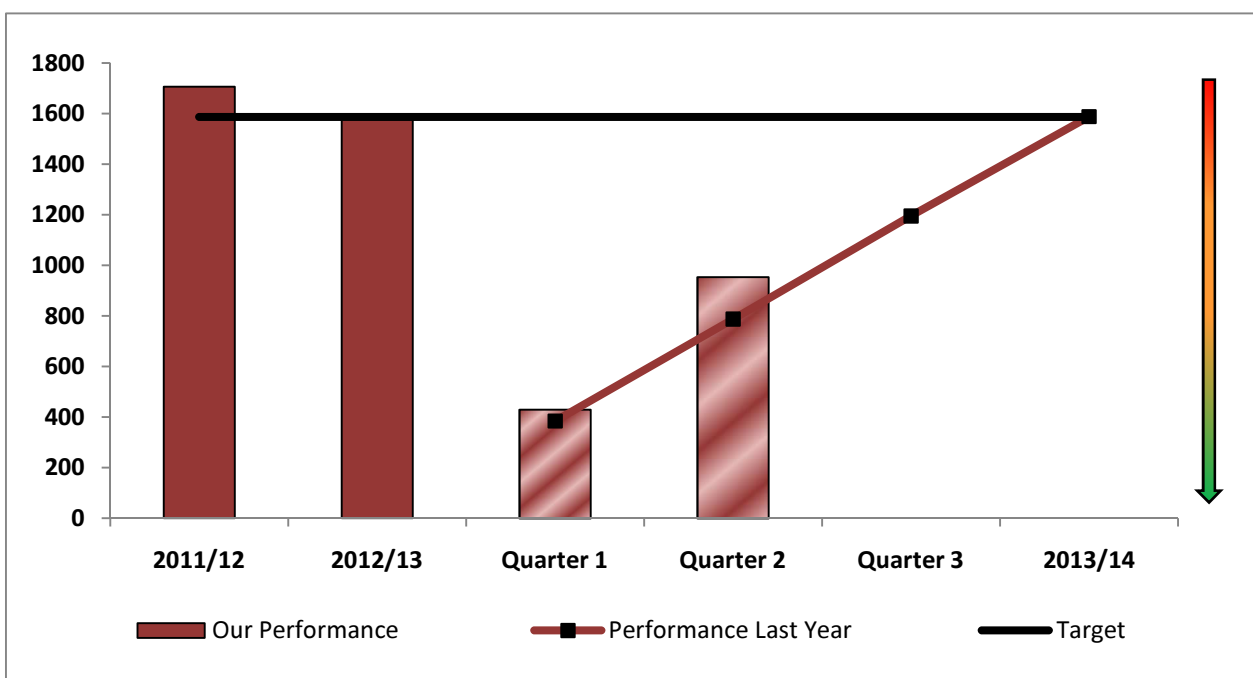
Ref. 20	<b>Average time taken to re-let local authority housing (calendar days)</b>	↓	R
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Turnaround time has increased, however since Repairs and Maintenance has been brought back in house we have greatly improved our void standard (which takes longer to turnaround). This has caused issues with capacity of contractors which is now being addressed.

In addition to this we have recently brought a number of our 'long term voids' back into use which has contributed towards the increase in overall turnaround time.

Ref. 8	<b>The number of domestic violence offences</b>	↓	R
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Barking and Dagenham continue to have the highest rate of Domestic Violence offences in all of London and amongst our Most Similar Group of comparator boroughs, which shows that further work is needed.

However, research shows Domestic Violence offences are under reported and an increase in reporting should be seen as a good thing as it shows that more people recognise domestic abuse as a crime and report it.

The partnership continues to deliver the Domestic Violence and Sexual Violence Strategy 2012-2015. We have now appointed a dedicated young person's Independent Domestic Violence Advocate (IDVA) within the Community Domestic Violence and Sexual Violence Advocacy service and also within Children's Services. We are currently reviewing the IDVA and Refuge provision as part of the retender and this review has confirmed the extra capacity that will be added by the Young Person IDVA post.

#### **4. Additional Performance Highlights – London Borough Workforce Profile Survey**

4.1 London Councils have published the analysis of their London Borough workforce profile survey (based on data at March 2013). Headline results for Barking and Dagenham shows:

- The percentage of Black and Minority Ethnic (BAME) employees is below the London average
- The percentage of females in the top 5% of earners is 15% lower than the percentage of women in the entire workforce.
- Our number of days lost to sickness absence per employee is the joint highest in London
- The percentage of sickness absence due to stress/depression/fatigue is amongst the highest 25% of London authorities.
- Use of temporary staff is much lower than the London average and is comparatively low cost

4.2 The actions within the People Strategy that we have taken to address these issues include:

- Reviewing our recruitment practices to ensure that we are attracting people from all communities
- Specific action to tackle sickness and our rate at September is 8.47 days, which compares favourably with others
- We strongly promote our “resilience” courses and encourage use of the Remploy mental health support services
- We have focused on replacing agency staff with permanent staff where appropriate

4.3 The full analysis is available from HR and has been considered by the Corporate Management Team and the Portfolio Holder.

## **5. Additional Performance Highlights – Adult Social Care Outcomes Framework (ASCOF) Performance 2012/13**

- 5.1 Over the summer months, a number of Adult Social Care statutory returns were completed for the 2012/13 financial year and returned to the NHS Information Centre. These returns covered levels of social care activity, quality of services, and safeguarding processes. These look at the services provided in the community, residential and nursing care, and how well we work with the NHS. The NHS Information Centre have subsequently released reports which compare the Council to a group of ‘similar’ authorities, known as our ‘comparator group’.
- 5.2 Over recent years, there has been concern about the considerable variation across councils highlighted in these returns, and for this reason a new set of indicators are being collected from this year onwards.
- 5.3 A total of 4,889 people were reported to be receiving services from Adult Social Care throughout the 2012/13 financial year. When looking at the published comparator information it was noted that the 4,889 clients we reported for the year was relatively high in relation to the other boroughs in the comparator group. When the figures were converted to a ‘per 100,000 population’ figure we had the second highest number of clients in the group. Our current understanding is that we have a significant number of very long-standing equipment-only care packages still open on our system. Work is currently underway to close down such ‘old’ equipment packages (only where genuinely appropriate) to make the figures more reflective of current practice.
- 5.4 This is an issue because it has an impact on a number of the Adult Social Care Outcomes Framework (ASCOF) indicators, whenever an indicator deals with the proportion of people using a social care service. For example, the high number of clients overall means that our excellent performance on people accessing services by direct payment looks relatively low when expressed as a proportion of all clients (although we are still in the middle of the comparator group).

### **Proportion of service users whose care is reviewed during the year**

- 5.5 The regular reviewing of service users’ needs and the services they receive is important to ensure that individuals’ needs are still being met and that they remain safe. This has become even more of a priority since the emphasis has moved to personalisation, which not only gives the individual more choice and control over their own care package, but reduces the direct supervision by professional staff as care is most commonly delivered in their home. In Barking & Dagenham, 70.6% of service users had their care reviewed in the year, which is on a par with the London average (69.9%), and above the figure for England (65.4%). Work is underway to increase year-on-year, not only the number of reviews by the quality of these reviews.

### **Carers assessed or reviewed**

- 5.6 Family members and friends provide substantial amounts of care to disabled and elderly people. It is important, therefore, that we look at their needs and not just those of the service user, and provide the appropriate level of support. Over recent



years, we have worked with Carers of Barking & Dagenham to provide appropriate services and support, in addition to the work done by directly-employed staff.

- 5.7 Throughout 2012/13 a total of 554 informal carers were assessed or reviewed, which equates to 295 per 100,000 residents. This placed us in the lower quartile in the comparator group and below the London average of 560 and the England average of 770. Initial investigations suggest that this poor performance is partly the result of the way in which assessments and reviews have been recorded. However, this is only likely to be part of the answer, and work is now underway to remind staff of the need to prioritise carers' needs, which should result in improved performance going forward.

### **Numbers of clients receiving a direct payment**

- 5.8 In order to give individuals more control over their own lives and the way in which support is provided, the Council has, over a number of years, actively promoted direct payments. Members will recall that the Council has moved to a position where all new service users are offered a direct cash payment as the default care option, enabling them to directly employ a personal assistant, use a range of community services or, if they prefer, buy traditional homecare.
- 5.9 Throughout the 2012/13 financial year 923 of our adult social care clients were accessing their services via a direct payment, which equates to 695 direct payment clients per 100,000 residents.
- 5.10 This rate per 100,000 residents is the second highest in our comparator group and very much better than the England average of 360 and the London average of 365.

### **65+ admissions into Residential & Nursing Care**

- 5.11 Giving up your home in the community to move into a care home is a major decision in a person's life. Therefore, we always promote support in the community, although in some instances a person's needs can only be met in a residential care or nursing home. Meticulous attention is paid to each individual admission, with close senior management scrutiny of each decision to place someone in residential care to ensure it is necessary and in their best interests.
- 5.12 Throughout the financial year we placed 146 older people into residential care and 24 into nursing care. When converted into a per 100,000 population figure this becomes 879, which places us top of the comparator group for this measure. This is, however, despite a drop on the figures reported in the previous year. We were surprised to find the authority at significant variance from the comparator group, and have sought information from other authorities about the number of placements they have made. In some instances, very low numbers of placements have been reported which leads us to consider that the indicator is being interpreted in different ways. In particular, it seems likely that there is significant variation in whether or not information about self-funders is captured in the returns.

### **Older people who were still at home 91 days after hospital discharge into reablement services**

- 5.13 One of the statutory returns looks at the experiences of older people (65+) who were discharged from hospital into reablement services, and the number of those who were still at home after 91 days. This is an important measure of how well social care works together with the NHS. A good performance on this indicator shows that people came out of hospital at the right time, and that the support in the community reduced the likelihood of a further hospital admission.
- 5.14 This indicator is based on a sample three-month period, during which time a total of 118 local people were discharged from hospital into reablement services. Of these people, 108 were still at home after the 91 days, which equates to a success rate of 91.5%. This performance placed us second highest in the comparator group, significantly above the England average of 81.4%.

### **People with learning disabilities**

- 5.15 Although we know there are over 650 people with a learning disability in the borough, the statutory returns looked at those who met our eligibility criteria. The two key issues that were looked at were whether the person had a settled home, and whether they had employment. For the 2012/13 financial year we reported that there were a total of 478 working age (18-64) learning disability clients known to adult social care, of which 372 were living in settled accommodation; this equates to 77.8%. This places us in the top quartile of our CIPFA comparator group and above both the England and London averages.
- 5.16 The reason for this good performance is largely due to the remodelling of some residential services to move them towards more up-to-date supported living schemes, which provide more independence for the service user and are therefore classed as settled accommodation.
- 5.17 In terms of employment, however, we have struggled in the current economic climate to assist people with a learning disability to gain employment, and only 5.4% were employed. This places us third from bottom of the comparator group, and below the England average of 7.2% and the London Average of 9.4%. This is an area which will receive sustained attention through the Fulfilling Lives programme, which has been previously agreed by Members.

### **Safeguarding**

- 5.18 The Council has placed considerable importance on ensuring that its vulnerable adults are protected from abuse. One aspect of this has been sustained advertising to local residents and organisations about how to raise a concern about any individual living in Barking & Dagenham. This is reflected in the fact that 1,369 alerts were received during the year, which is a very high number of alerts, but a significant number of these did not require investigation or were, in effect, a request for services. It is considered that it is important to continue to encourage reporting whenever there is a concern, as it reduces the likelihood of a genuine safeguarding issue going unnoticed.

- 5.19 During 2012/13, 331 of those alerts went on to be investigated in more detail and discussed at a multi-agency case conference. A high proportion (86.7%) of the case conferences found that the allegations of abuse were either substantiated or partly substantiated. This is by far the highest proportion in our comparator group and over double the London average of 41.34% and the comparator group average of 43.9%. The high proportion of substantiated conferences in the borough suggests that we are progressing the correct alerts through the safeguarding procedure.

## **6. Options Appraisal**

- 6.1 There is no legal requirement to prepare a performance report, however, it is good governance to do so and provides a collective overview of performance across the Council / borough in order to inform decision-making, use of resources and delivery of the priorities.

## **7. Consultation**

- 7.1 Corporate Management Team (CMT) and departments (through Departmental Management Teams) have informed the approach, data and commentary in this report.

## **8. Financial Implications**

Implications verified by: Steve Pearson, Group Accountant (Chief Executive's)

- 8.1 There are no specific financial implications, however, some key performance indicators do have quantifiable cost benefits, such as additional income from higher leisure centre usage or improved Council Tax collection rates (note - there is also a gain share for Elevate if they achieve over the agreed Council Tax collection percentage stated in their contract).
- 8.2 Due to the financial constraints of the Council these key performance indicators must be delivered within the existing budgets of the relevant services.
- 8.3 Where external funding is involved there can be financial implications if outcome based targets are not met, as funding may have to be returned to the provider.

## **9. Legal Implications**

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

- 9.1 The Legal Practice has been consulted in the preparation of this report and confirms there are no legal implications to highlight.

## **10. Other Implications**

- 10.1 **Risk Management** - The identification of clear performance measures to deliver against the priorities is part of a robust approach to risk management.
- 10.2 **Contractual Issues** - Any contractual issues relating to improving performance measures will be addressed as part of the delivery plan for each project or action.

- 10.3 **Staffing Issues** - Any staffing issues relating to improving performance measures will be addressed as part of the delivery plan for each project or action.
- 10.4 **Customer Impact** - Improvements in performance indicators will have a positive impact on customers e.g. increase in visits to leisure centres may impact on obesity and mortality and life expectancy in the long term. Where performance deteriorates, service or choice for customers may be reduced e.g. the proportion of spend on care and support in the home via direct payments.
- 10.5 **Safeguarding Children** - A number of indicators related to safeguarding children are contained within the Corporate Priority Performance Framework. Monitoring and management of these indicators will ensure safeguarding is maintained or improved.
- 10.6 **Health Issues** - A number of health and well being indicators are contained with the Corporate Priority Performance Framework. Monitoring and management of these indicators will ensure areas related to health can be maintained or improved in line with the Health and Wellbeing Strategy.
- 10.7 **Crime and Disorder Issues** - A number of crime indicators are contained with the Corporate Priority Performance Framework. Monitoring and management of these indicators will ensure areas related to crime and disorder can be maintained or improved. Consideration of the Council's Section 17 duties and issues arising is part of the mainstream work for this area.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

**Appendix A:** Corporate Priority Quarterly Indicators (in detail)



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## CABINET

18 December 2013

<b>Title:</b> Review of School Places Strategy	
<b>Report of the Cabinet Member for Children's Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All wards	<b>Key Decision:</b> Yes
<b>Report Author:</b> Mike Freeman, Group Manager School Estate and Admissions	<b>Contact Details:</b> Tel: 020 8227 3492 E-mail: mike.freeman@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director Children's Services	
<p><b>Summary:</b></p> <p>This report sets out the latest information regarding forecast demand for education places across the borough, together with a detailed Strategy for Ensuring Sufficient Education places through to 2020/21. There are details about some additional funding secured to support extra school place provision at Robert Clack, with some new projects to be funded from the current available budget of £17,254,818. The report further details proposed procurement options for six projects.</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is recommended:</p> <p>(i) To agree the Strategy for Ensuring Education Places 2012/13 to 2020/21 attached to this report;</p> <p>(ii) To agree to the inclusion in the Capital Programme of the following sums approved and allocated by the DfE:</p> <p>(a) Robert Clack Comprehensive School Expansion - an additional £11.2m, increasing the overall budget to £27.35m;</p> <p>(b) In respect of the new Special Free School at Barking Riverside to approve the inclusion of the funding of £7.8m in the Council's Capital Programme which will be offset against income from the DfE.</p> <p>(iii) To approve in principle the projects set out in Section 6 of the report, subject to a full capital appraisal process of individual schemes to assess financial implications, procurement, and legal and risk implications and further reports to Cabinet of the full details of the capital programmes and associated implications;</p> <p>(iv) To approve in principle the procurement routes for the necessary works, goods and services for the individual projects set out in paragraph 12.2.5 of the report</p>	

using the Council's Construction Framework Contractors, Thames Partnership for Learning Limited (the Council's Local Education Partnership (LEP)) or the Government Procurement Service framework in respect of the Special Needs Free School at Barking Riverside;

- (v) To authorise the Corporate Director of Children's Services, in consultation with the Chief Finance Officer, to approve the procurement strategies and action the procurement process following consideration by the Procurement Board of the detailed requirements for procurement of the various schemes;
- (vi) To delegate authority to the Corporate Director of Children's Services, in consultation with the Cabinet Member for Children's Services, the Chief Finance Officer and the Head of Legal and Democratic Services, to award the respective project contracts set out in this report based on the checked and independently validated prices; and
- (vii) To agree to the appropriation of 202A Halbutt Street and Markyate Library from Adult Services to Children's Services, with effect from 1 February 2014 and 1 April 2014 respectively, for the purposes set out in this report.

#### **Reason(s)**

The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Community Strategy 2013-16 to "Ensure every child is valued so that they can succeed" ensure children and young people are safe, healthy and well educated. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.

## **1. Introduction and Background**

- 1.1 Cabinet received a report on 16 April 2013 advising that the Council had been allocated an additional amount of funding from the Government to support the provision of education places. This report will provide and update on other projects and procurement routes intended having regard to the funding available.
- 1.2 The report will set out the most up to date information on the projected demand for education places for the next 5 years and to report on further support now agreed by the Department for Education through the Education Finding Agency. (DfE/EFA).

## **2. School Place Demand**

- 2.1 Cabinet have received regular reports about the continuing demand for school places and the need to develop additional provision. It is worth noting that providing sufficient school places is a national issue and in particular regional to London due to rising population. For Barking and Dagenham it has been a major priority for investment since 2007.
- 2.2 Since the academic year 2007/08 to the present, 4,500 additional primary aged pupils have had to be accommodated. This is equivalent to 150 new classes across all year groups in the primary phase. The forecast in the next 5 years is an



additional 6,130 primary pupils to 2017/18. This forecast is based on birth data supported by the GLA, migration trends and projected new house building occupation. Overall this forecast would be equivalent to 204 new primary classes over the primary phase.

- 2.3 Turning now to places for secondary aged pupils, there has been an increase in secondary school demand over the last 5 years 2007 to 2013 of 640 pupils, this has been equivalent to 21 classes, and has largely been accommodated through existing provision.
- 2.4 However, the forecast for the next 5 years is an additional 4,180 pupils in the secondary phase up to 2018, this is equivalent to 140 classes, largely generated from pupils passing through the primary phase.
- 2.5 In respect of places for pupils identified with special educational needs the forecast is demand for 66 places in additional resource provisions across the Borough, and a 160 place special needs school. This latter provision to be provided through the development of the Barking Riverside Free School SEN element.
- 2.6 The aim for early years is to provide 1,200 places for 2 year olds in the Borough by September 2013, with an objective of 2,300 places by September 2014 with this number being provided in subsequent years.
- 2.7 A schedule showing the investment projects which are being recommended is attached at **Appendix 1**.

### **3. Investment Required to meet Projected Demand**

- 3.1 Cabinet received a report on 13 November 2012 which explained that the likely scope of cost to meet demand over the period to 2016/17 would be in the region of £228m, or £45.6m per year. Based on the numbers now forecast and having taken into account the rise in the cost of design, procurement and construction this estimate remains constant and would mean that from 2015 when we have to provide additional places as set out in the Strategy for Ensuring Sufficient School Places attached to this report there will be no funding unless the Government allocate additional resources.

### **4. Targeted Basic Need Programme (TBNP) 2013-2015**

- 4.1 Over the summer term we learnt that following the Council's three bids in April 2013 for support under TBNP that the three projects were going to receive support. However, it was not clear at that time what the level of award was. To clarify the DfE/EFA sent documents to the Director of Children's Services at the start of August and the effects are summarised below.

#### **4.2 Robert Clack**

- 4.2.1 A bid was made for the creation of a further site at Robert Clack to include the new land at the GLA-owned site known as Eldonwall – currently warehousing. The purchase of this site was approved by Cabinet at its meeting on 16 April 2013 (Minute 129 refers).

- 4.2.2 This land is to transfer at cost to be agreed in the region of £2m, subject to GLA internal approvals. The plan is to develop primary school provision at Lymington and through the Section 106 agreement with the GLA and their appointed developer – Lovells – to create a new 630 place primary school, and a 6FE secondary school on the site identified as Eldonwall. These will connect to the north of the Green Lane site with Robert Clack.
- 4.2.3 The bid for TBNP asked for £15m to support the scheme and would have given £31m overall when added to our Council approved budget of £6m for Robert Clack and £10m for Lymington Fields. However, the DfE have allocated £11.35m so that the overall budget is reduced to £27.35m. At this stage things are still under review and will change, there are discussions to be had with the school agree on an appropriate solution and a revised school masterplan is being developed to ensure things fit and can be afforded.

### **4.3 Eastbury Comprehensive**

- 4.3.1 The TBNP bid to replace the demountable accommodation and provide a 2fe Primary School on the site was for £16m. Whilst the project received support under TBNP, the DfE/EFA have identified it will continue to be supported under the recently announced grant system for Priority Schools Building Programme (PSBP) and they have set aside £15m to achieve this scheme. Engagement meetings being organised by the Education Funding Agency with the School are underway.

## **5 New Special Free School Barking Riverside**

- 5.1 The Free School Trustees for the Riverview Secondary School: the Partnership Learning Trust (which has the support of all Secondary School and Special School Head Teachers, as well as UEL, Barking and Dagenham FE College and local groups) have produced proposals for investment in schools in the Barking Riverside area. These proposals are in line with the Authority's former plans under the Building Schools for the Future (BSF) programme: for a secondary and combined special needs school together with a primary school. The Trustees and the Education Funding Agency (EFA) have reached agreement on capital funding for the secondary school and Ministers have now given approval to capital funding. This totals c£24.9m made of c£22m construction; furniture, fixtures and equipment of c£1.78m; c£0.97m in ICT and fees c£0.15m.
- 5.2 Agreement in principle to fund the special school has been reached, but ministerial approval has not yet been given. The indicative total budget for the special school is: £7.8m. It is possible that the EFA may agree to more funding for furniture, fixtures and equipment, in view of the potential needs of the clientele.
- 5.3 The Free School Trustees are bidding to open a primary school to serve the local community adjacent to the secondary school and to complement adjacent primary school provision. This will help meet the Authority's need for more primary school places in the local area. It seems likely that this proposal will be agreed by the DfE. The EFA has given an indicative budget total of c£6.3 m - which includes c£0.3m ICT hardware and c£0.3m for furniture, fixtures and equipment.
- 5.4. Cabinet are asked to approve the inclusion of the funding of £7.8m in the Council's Capital Programme which will be offset against income from the DfE, and for the

Council to secure procurement of the scheme through a two stage tender process using appropriate frameworks.

## 6. Funding Available

6.1 At the meeting of Cabinet on 25 June 2013 a report confirmed that a sum of £28,104,818 had been made available as a grant by the DfE to support the provision of new education places. Cabinet approved expenditure from this sum of £10,850,000 – minute 15 refers. This leaves a balance of £17,254,818 to be allocated.

6.2 In the light of section 4 above the budget for the project at Robert Clack needs to be increased as follows;

Robert Clack	previous budget £6m Lymington Fields £10m
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New budget covering both schemes to be revised at £27.35m.

Eastbury Secondary	this project is being dealt with directly by the EFA through the Priority Schools Building Programme.
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6.3 In addition to these schemes Cabinet are asked to approve the following specific projects to be included in the Capital Programme.

6.3.1 Marks Gate Junior School – the school has had an under provision of accommodation for a number of years based on historical activities – pupils have tended to leave the school before they have reached the upper years – YRS 5 and 6. Over the summer recess it was necessary to provide additional second hand temporary classrooms. Some more permanent arrangements need to be put in places now there is evidence that pupil numbers in the area are increasing. A sum of £525,000 should be set aside to support the provision of 2 new classrooms and group room spaces.

6.3.2 Former Social Services Day Centre – 202A Halbutt Street – development of a provision for 70, 2 year olds to support the objective to make additional provision available. To set a sum aside of £500,000 from existing identified projects. Of this sum £250,000 to be met from Targeted Support’s Services budget of £889,000 allocation, and the balance £250,000 from basic need provision as identified by Minute 15, Cabinet 25 June 2013.

6.3.3 The former Markyate Library – development of a provision for 2 year olds to support the objective to make additional provision available. To set a sum aside of £200,000 from existing identified projects to be met from Targeted Support Service’s budget of £889,000 allocation.

6.3.4 Gascoigne Primary Abbey Road Expansion – there has been discussion about the release of the current depot site on the Gascoigne Estate which through a regeneration scheme would allow the creation of some additional facilities attached to Gascoigne Primary School. The estimated cost including some costs to support the move of the depot, removal of existing provision on the site, and the

development of new facilities together with some site rationalisation on the current site, is in the order estimated to be in the order of £12,500,000.

6.3.5 Fanshawe Site – the current allocation for this project was not recorded correctly, the Capital Programme included a figure of £4.5m approved by Cabinet 13 November 2012, min 51, and the previously approved sum of £2.5m approved by Cabinet 14 February 2012 Minute 109 refers. Accordingly if these figures were corrected the balance available for allocation would need to reduce by £2.5m.

6.3.6 Taking these projects into consideration this would mean the balance of £17,254,818 would reduce as follows:

Marks Gate Junior	£525,000
Gascoigne Primary	£12,500,000
Abbey Depot Expansion	
Fanshawe Site	£2,500,000
Total To Reduce by	£15,525,000

This leaves a balance of £1,729,818 to be held as a contingency for unforeseen numbers for September 2014 and occurrences in the current year.

## **7. Increasing Provision for 2 year olds**

7.1 A project has been identified at the former Halbutt Street Day Centre – 202A Halbutt Street to be included in the capital programme utilising funding as described in 6.3.2. above. This site is currently administered by Adult services and they have indicated they no longer need this site.

7.2 In addition a project at the Markyate Library has recently been identified to be included in the capital programme utilising funding as described in 6.3.3. above. This site is currently administered by Adult services and they have indicated they no longer need this site

7.3 Cabinet are asked to agree that 202A Halbutt Street and Markyate Library be transferred to Children's Services for the purpose of developing places for 2 year olds in the Borough. This will be with effect from 1 February 2014 for Halbutt Street and 1 April for Markyate Library.

## **8. Options Appraisal and Options Appraisal**

8.1 Current strategy is formulated against a backdrop on the demand side of continuing increases in demand for school places for the foreseeable future; short run surges of demand for school places e.g. over the summer period and on the supply side: limited funding on short time horizons; shortage of sites in areas of high demand; and timescales for new providers e.g. timescales for Free Schools to be established may be two years.

8.2 Investment strategy ( see report Strategy for Ensuring School Places appended) is first, to expand provision on existing school sites as far as practicable to meet local demand on a forward looking basis (i.e. to seek value for money solutions which have longevity); then subsequently to seek and build on sites in areas of demand in

Council or other public ownership that are suitable for development as a school and which also offer value for money and longevity; to support those external providers that have access to further capital funding and are capable and willing to provide high quality inclusive education places that comply with the Council's Admissions Policies.

- 8.3 The variables that influence the delivery of this strategy are: demand fluctuations; the willingness of governing bodies to accede to expansion plans; funding limitations; cost variances – specific to sites; timescales to achieve cost efficient/ competitive prices in short timescales.
- 8.4 The proposed delivery of the strategy is set out in the report appended (Strategy for Ensuring School Places). This report sets out proposed projects. Specific projects may be subject to change for the reasons set above, and other projects substituted. The overall strategy is robust and remains the same: individual project specifics may change but will remain in the overall strategic framework.
- 8.5 Options exist for any specific scheme and are explored to ensure that the overall strategic outcomes sought are achieved. Other overall strategies e.g. to rely on outside providers to meet the prospective short fall of school places would not be effective on their own: timescales and speed of reaction are too short.

## **9. Consultation**

- 9.1 These proposals are not Ward specific. There has been consultation with a range of officers throughout the Council in order that appropriate matters are considered including financial, legal, risk management and others mentioned in section 8 of this report.

## **10. Financial Implications**

Implications completed by: Kathy Freeman, Group Manager, Corporate Finance, and Patricia Harvey, Interim Group Manager, Children's Finance

- 10.1 This report informs Members of the Council's Strategy of ensuring sufficient school places. The report also seeks approval for the projects listed in sections 4 and 5. The indicative budget allocations are from the total basic need funding for 2013-15 of £28.1m previously reported to Members on the 25 June 2013 remaining unallocated funding of £17.2m.
- 10.2 The projects identified above have yet to go through an in depth capital appraisal process. The appraisal process will be undertaken on the individual projects above, reviewing the full financial implications including any revenue implications that may arise. The projects will only commence once the full appraisal process has been carried out.
- 10.3 Any major risks/financial impact identified through the appraisal process will be notified to Cabinet through subsequent reports.

## **11. Legal Implications**

Implications completed by: Eldred Taylor-Camara, Legal Group Manager and Lucinda Bell, Education Lawyer

### **Education**

- 11.1 Section 14 of the Education Act 1996 imposes a general duty on local authorities to secure sufficient schools in their area. This is sometimes referred to as the “place planning duty”. This includes a duty to have regard for the need for securing that special educational provision is made for pupils who have special educational needs.
- 11.2 Section 7 of the Childcare Act 2006 imposes a duty to secure prescribed early years provision free of charge.

### **Procurement**

- 11.3 Officers are proposing to procure the contracts relating to the projects set out in paragraph 12.2.5 of this report by means of various corporate and national framework agreements. The Council’s frameworks and the GPS framework have each been procured in accordance with EU and national procurement law and as such it is not necessary for officers to embark upon separate procurement tender exercises other than in accordance with the provisions of the respective frameworks.
- 11.4 Officers have indicated that they will obtain professional advice from the Council’s in-house Legal and Procurement advisers. It will also be necessary that all internal requirements are observed. This means that adherence must be had to the Council’s Contract Rules and that the appropriate internal governance structures and procedures also be followed. In pursuance of the above, Officers are proposing to prepare and submit detailed Procurement Strategy Reports to the Procurement Board and to submit to scrutiny by the Options Appraisal Group (formerly CPMO) before proceeding to procure the contracts. Officers will also need to ensure that they take appropriate advice from Legal Services in regard to the appropriate form and drafting of terms and conditions for the respective contracts.

### **Property appropriation**

- 11.5 Under section 122 of the Local Government Act 1972 a council has the power to appropriate council owned land. The section states that a council may appropriate for any purpose any land that belongs to them where the land is no longer required for the purpose for which it is held immediately before the appropriation.
- 11.6 202A Halbutt Street is a former Day Centre and Markyate Library is a former library. In making the decision whether to appropriate both properties, the Council would need to consider the public need within the locality for the respective existing uses. Both properties are no longer used for their current purposes and there are currently statutory requirements for the Council to provide a school place for every child in the borough. Therefore the Council could reasonably decide that as both properties are no longer needed for the current purposes they can be transferred to Children’s Services.

## **12. Other Implications**

### **12.1 Risk Management**

- 12.1.1 Risk that funding levels will not be sufficient to meet demand to create new education places needed. This risk is high impact (4) and medium (3) probability = 12 red. This risk is being managed by purchasing the most affordable accommodation which is system build where possible. Post control the risk is high impact (4) and low (2) probability = 8 amber.
- 12.1.2 Risk that funding levels will not be sufficient to create suitable new school places. This risk is high impact (4) and high (4) probability = 16 red. This risk is being managed by purchasing the most affordable accommodation which is system build, and blending it with site specific proposals. Post control the risk is high impact (4) and low (2) probability = 8 amber.
- 12.1.3 Primary schools: risk that site availability would prevent delivery of school places in the areas where demand is highest. This risk is high impact (4) and medium (3) probability = 12 red. This risk is being mitigated, as far as practicable, by expanding all available sites in high demand areas, and reviewing other buildings for potential school use. Post control the risk is still high impact (4) and medium (3) probability = 12 red.
- 12.1.4 Risk that the cost of the rate of deterioration of the school estate will outrun the funding available to maintain it. This risk is high impact (4) and high (4) probability = 16 red. This risk is being mitigated as far as practicable by lobbying DfE for improvements in funding. Post control the risk is high impact (4) and medium (3) probability = 12 red.
- 12.1.5 The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places.
- 12.1.6 Risk that final costs will be higher than estimate costs. This risk is high impact (4) and high (4) probability = 16 red. This risk is managed through monthly CPMO meetings and initial planning figures that architects and schools are asked to work within being set below the highest estimate to allow for unforeseen challenges.

### **12.2 Contractual Issues**

- 12.2.1 It is anticipated that projects will be procured through options related either to the Local Education Partnership or through the Council's Framework of Contractors. It will also be necessary to explore other specialist providers where there is value for money and a clear support from the Government or its agents to secure projects in this way for schemes which they are funding directly and we are acting as agents for, e.g. New SEN Provision at Barking Riverside.
- 12.2.2 Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements to procure and secure

the individual projects which fall within the second phase, consisting of the secondary and primary school schemes.

12.2.3 It is anticipated that projects will be secured through options related either to the Local Education Partnership or through the Council's Framework of Contractors. It will also be necessary to explore other specialist providers where there is value for money and a clear support from the Government or its agents to secure projects in this way.

12.2.4 Cabinet are asked to approve procurement proposals for the following projects:

Robert Clack – including Lymington Primary  
Construction and design procurement through the LBBB framework with a competitive tender – proposed 2 stage design and build contract.

Gascoigne Primary – Abbey Site  
Construction and design procurement through the LBBB framework with a competitive tender – proposed 2 stage design and build contract.

Marks Gate Junior School  
Project subject to discussion with the LEP procurement through standard BSF form of contract.

Markyate Library Conversion  
Architect appointed from LBBB Consultancy framework for feasibility and design layout, and then full design. Construction procurement through the LBBB framework with a competitive tender – proposed single stage construction contract

202A Halbutt Street Conversion  
Architect appointed from LBBB Consultancy framework for feasibility and design layout, and then full design. Construction procurement through the LBBB framework with a competitive tender – proposed single stage construction contract

New Special Free School at Barking Riverside  
The Council to secure procurement of the scheme through a two stage tender process using the Government Procurement Service framework which has been competitively tendered through the relevant EU procurement rules.

12.3 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.

12.4 **Customer Impact** - The short term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion.

The longer term outlook is unlikely to be positive on the proposed funding levels as it will be difficult to address need on current budget levels.

12.5 **Safeguarding Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an



integrated manner, having regard to guidance issued under the Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people.

- 12.6 **Health Issues** - The health and well being board and JSNA highlight the importance of investing in early intervention and education to support children's and young people's long term well being. The evidence and analysis set out in Fair Society, Healthy Lives (Marmot Review) has been developed and strengthened by the report of the Independent Review on Poverty and Life Chances. The reports draw attention to the impact of family background, parental education, good parenting and school based education, as what matters most in preventing poor children becoming poor adults.
- 12.7 **Crime and Disorder Issues** - Appropriate consideration of the development of individual projects will take into account the need to design out potential crime problems and to protect users of the building facilities.
- 12.8 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix 1** - Strategy for Ensuring Sufficient Education Places 2012/13 to 2020/21

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## Strategy for Ensuring Sufficient Education Places 2012/13 – 2020/21

Programme for Developing Education Places with Draft SEN and 2 year old Provision					
	Early Years Provision for 2 year olds	Primary	Secondary	Sixth Form	Special Needs Provision
September 2012	<p>Need 250 places</p> <p>Provided through</p> <p>Existing private, voluntary and independent (PVI) childcare provision that was rated 'good' or 'outstanding' by Ofsted.</p>	<p>Need 204 Year R places</p> <p>Provided through</p> <p>St Joseph's RC Primary Barking 1fe Monteagle Primary 1fe Eastbury Primary 1fe Parsloes Primary 1fe Godwin Primary 1fe Southwood Primary 1fe William Bellamy Infant 1fe Five Elms – Blip Class John Perry Primary 1fe</p> <p>Provided 270 YR places.</p>	<p>Need 120 Year 7 places</p> <p>Provided through</p> <p>Barking Riverside Secondary 4fe at George Carey</p>	<p>Need 185 sixth form places</p> <p>Provided through</p> <p>Robert Clack addition 185 places at April 2012</p>	<p>Need 12 primary and 12 special school places</p> <p>Provided through</p> <p>12 additional SEBD ARP primary places (Ripple) 12 additional primary ASD places at Trinity School</p>
September 2013	<p>Need 1200 places</p> <p>Provided through</p> <p>Existing PVI childcare provision including childminders that are rated 'good' or 'outstanding' by Ofsted and expansion of places at:</p> <p>Castle Green nursery Sydney Russell children's centre nursery William Bellamy children's centre nursery Sue Bramley children's centre nursery Kinder Kapers Too pre-school.</p>	<p>Need 210 Year R places</p> <p>Plus 60 YR1 places</p> <p>Provided through</p> <p>Roding/Cannington 1fe Richard Alibon 1fe Warren/Furze 1fe Manor 1fe Marsh Green Blip Class Thomas Arnold (? YR Blip)</p> <p>Ripple 1fe Yr1 (Blip Class) Richard Alibon Yr1</p> <p>Provided 150 YR and 60 Yr1 places</p>	<p>Need 60 Year 7 places</p> <p>Provided through</p> <p>Sydney Russell 2fe funded jointly LA/school</p>	<p>No demand except Trinity SEN</p> <p>Provided 185 sixth form places</p>	<p>Need 30 primary, 24 secondary and 12 special school places</p> <p>Provided through</p> <p>6 additional ASD places (JRCS/SR) 24 assessment and re-engagement places (Seabrook House) 32 additional primary ASD ARP places (Manor, George Carey, Monteagle and St. Peter's) 12 places at Trinity sixth form</p> <p>Places provided as above.</p>

## Strategy for Ensuring Sufficient Education Places 2012/13 – 2020/21

Programme for Developing Education Places with Draft SEN and 2 year old Provision					
	Early Years Provision for 2 year olds	Primary	Secondary	Sixth Form	Special Needs Provision
September 2014	Need 2300 places  Provided through new childcare places at Arden House nursery Halbutt Street nursery Markyate nursery	Need 130 Year R places  <b>Proposal:</b> Marsh Green Expansion 1fe  ULT Free School (Goresbrook) 3fe  Parsloes Fanshawe 3fe  Eastbury Secondary Primary (Faircross) Blip Class  <b>Provided 210 new YR places</b>	Need 190 Year 7 and 120 Year 9 places  <b>Proposal:</b> Barking Riverside Year 9 4fe  All Saints 2fe  <b>Provided 60 YR7 and 120 YR9 places</b>	No demand identified	6 primary ARP and 6 secondary ARP  Behaviour ARP's William Bellamy 12 places Eastbrook 6 places Sydney Russell 6 places Eastbury 6 places John Perry 3 places  <b>Places provided as above.</b>
September 2015	Need 2300 places  Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.	Need 30 Year R places and start to rationalise provision  Gascoigne Extension – Abbey Road Site 3fe  Eastbury Faircross Primary 2fe  <b>Provides 150 YR places</b>	Need 160 YR 7 places  Jo Richardson 2fe Robert Clack 2fe Barking Riverside 2fe  <b>Provides 180 YR 7 places</b>	No demand identified	6 additional SEBD secondary ARP places  Barking Riverside Special (30 places per year group for 5 years)  <b>Places provided as above.</b>

Strategy for Ensuring Sufficient Education Places 2012/13 – 2020/21

	Early Years Provision for 2 year olds	Primary	Secondary	Sixth Form	Special Needs Provision
September 2016	<p>Need 2300 places</p> <p>Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.</p>	<p>Need 100 Year R places</p> <p>Second Barking Riverside Primary City Farm 3fe (reserve site only)</p> <p>Eastbrook Primary 2fe</p> <p>Lymington Fields 3fe</p> <p>New Free School Dagenham</p> <p>Provides 210 YR places plus 90 reserve</p>	<p>Need 360 Year 7 places plus contingency</p> <p>Barking Riverside 4fe</p> <p>Warren YR 2fe</p> <p>Robert Clack 4fe</p> <p>ULT Free School 4fe</p> <p>City Farm Safety Valve 3fe</p> <p>Provides 300 YR 7 plus 90 reserve</p>	<p>No demand identified</p> <p>No additional</p>	<p>6 additional SEBD secondary ARP places</p> <p>Through provision of new Special Free School</p>
September 2017	<p>Need 2300 places</p> <p>Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.</p>	<p>Need 100YR places</p> <p>Possible Barking Retail 3fe</p> <p>Provides 90 YR places</p>	<p>Need 300 YR7 places</p> <p>Eastbrook 2fe</p> <p>Gascoigne 8fe (Possible free school)</p> <p>Provides 300 YR7 places</p>	<p>No demand identified</p> <p>No additional</p>	<p>6 additional SEBD secondary ARP places</p>

Strategy for Ensuring Sufficient Education Places 2012/13 – 2020/21

	Early Years Provision for 2 year olds	Primary	Secondary	Sixth Form	Special Needs Provision
<b>September 2018</b>	<p><b>Need 2300 places</b></p> <p>Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.</p>	<p><b>Need 60 Year R places</b></p> <p>Third Barking Riverside Primary on Secondary campus 3fe</p> <p><b>Provides 90 YR places</b></p>	<p><b>Need 120 Year 7 places</b></p> <p>Gascoigne 2fe (free school)</p> <p>New Free School East Dagenham 4fe 120 YR7</p> <p><b>Provides 180 YR7 places</b></p>	<p><b>No demand identified</b></p>	
<b>September 2019</b>	<p><b>Need 2300 places</b></p> <p>Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.</p>	<p><b>Need 20 year R places</b></p> <p>Gascoigne 3<sup>rd</sup> School 3fe 90 YR places</p> <p><b>Provides 90 YR places</b></p>	<p><b>Need 180 year 7 places</b></p> <p>New free school East Dagenham 6fe</p> <p><b>Provides 180 places</b></p>	<p><b>No demand identified</b></p>	
<b>September 2020</b>	<p><b>Need 2300 places</b></p> <p>Provided by maintaining Ofsted inspection ratings of existing 'good' or 'outstanding' provision.</p>	<p><b>No additional continue to rationalise provision</b></p> <p><b>No additional</b></p>	<p><b>Need 30 year 7 places</b></p> <p>New free school East Dagenham further 2fe</p> <p><b>Provides 60 places</b></p>	<p><b>No additional</b></p>	

**CABINET****18 December 2013**

<b>Title:</b> Transfer of Land at Castle Green, Goresbrook Road, Dagenham, for Expansion of Jo Richardson Community School	
<b>Report of the Cabinet Member for Children's Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Thames	<b>Key Decision:</b> Yes
<b>Report Author:</b> Mike Freeman, Group Manager School Estate and Admissions	<b>Contact Details:</b> Tel: 020 8227 3492 E-mail: mike.freeman@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director Children's Services	
<p><b>Summary:</b></p> <p>Cabinet will be familiar with the need to develop and provide additional school places to respond to demand. One of the projects to meet the increased demand in the secondary school sector relates to the expansion of Jo Richardson Community School.</p> <p>This proposal would involve the transfer of open space land at Castle Green, shown hatched on the plan at Appendix A, to facilitate the development of a 10 classroom block.</p>	
<p><b>Recommendation(s)</b></p> <p>Cabinet is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Approve the appropriation of the area of land shown hatched on the plan number Gores 18.12.13 from Parks and Open Spaces to Children's Services to support the construction of a 10 classroom block at Jo Richardson Community School, subject to the land transfer agreement with the School Governing Body being on a 125 year lease at an initial peppercorn rent and subject to five year rent reviews;</li> <li>(ii) Approve the procurement of the new building via a two stage design and build contract secured through the Council's approved Construction Framework arrangements;</li> <li>(iii) Authorise the Corporate Director of Children's Services, in consultation with the Cabinet Member for Children's Services, the Chief Financial Officer and the Head of Legal and Democratic Services, to approve the procurement strategies and award the respective project contracts; and</li> <li>(iv) Agree that all future land transfer agreements associated with the Council's school expansion programme be via 125 year lease arrangements.</li> </ul>	

## **Reason(s)**

The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Community Strategy 2013-16 to “Ensure every child is valued so that they can succeed” ensure children and young people are safe, healthy and well educated. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.

### **1. Introduction and Background**

- 1.1 Cabinet have received regular reports about the continuing demand for school places and the need to develop additional provision. Since the academic year 2007/08 to the present, so over the last 5 years, 4,500 additional primary aged pupils have had to be accommodated. Clearly as pupils progress through their primary school then eventually the Borough will have a demand appearing in the secondary school provision.
- 1.2 Over the last 5 years 2007 to 2013 secondary pupil numbers have increased by 640 pupils, this has been equivalent to 21 classes, and has largely been accommodated through existing provision. We are now at a stage when we need to put some positive action in place with a view to increasing year 7 places for 2015.

### **2. Proposals and Issues**

- 2.1 Following the support from Cabinet at its meeting on 13 November 2012 to expand provision at Jo Richardson Community School – Minute 51, there have been a number of engaged meetings with the school and the Castle Green Manager. An agreement in principle has been set down which would allow for the school to take possession of two teaching rooms in the existing building, and the Castle Green Centre would, in freeing up these spaces it would be possible to develop through the use of capital investment an improved training suite to be used by the school and the community. It would also be necessary for the scheme to provide a revamped school library. This work is subject to the agreement of the cost of the works with BY EDUCATION (BARKING) LIMITED [Bougyues UK]
- 2.2 The second phase of work would be the development of a dedicated 10 classroom block for use by the school to house one of the principle subject areas. This would be procured through the Council’s Construction Framework.

### **3. Budget Provision**

- 3.1 At the Cabinet meeting on 13 November 2012 a provisional budget of £3m was approved. The First phase of work carrying out alterations to the existing PFI building is expected to cost around £150k.

### **4. Options Appraisal**

- 4.1 The development of additional school places in the Borough has been a feature of the priorities for the Council in its primary schools. There is now a need to explore the expansion of secondary schools.



- 4.2 Various schools have been looked at and a programme of expansion has been set out in the Council's Strategy for Ensuring Sufficient School Places 2012/13 – 2020/21. Most schools will require some additional capacity and there will be a need to develop new school sites to cope with the forecast demand of an additional 4,180 pupils over the next 5 years.

## **5. Consultation**

- 5.1 These proposals are Ward specific. There has been consultation with a range of officers throughout the Council in order that appropriate matters are considered including financial, legal, risk management and others mentioned in section 8 of this report. However, it was felt appropriate because of the location of Jo Richardson Community School that a consultation event should be held with Councillors from Thames, Eastbury and Goresbrook Ward.
- 5.2 The Headteacher explained how it was intended to provide new facilities outside of the contracted PFI area to reduce costs and that the new building would house the Maths department of the school. A simple sketch was shown to depict the location and it was felt that a visit outside of the school to view the area would be beneficial.
- 5.3 Councillors present felt that the proposal was sensible and would not be an issue for local residents as the land was adjoining the school next to the side entrance, but consideration needed to be given to any likely impact, and consultation needed to take place as part of the planning process.

## **6. Financial Implications**

Implications completed by: Patricia Harvey Interim Group Manager – Children's Finance

- 6.1 Cabinet approved the total Capital spends of £75.567m at the meeting of the 13 November 2012 in support of future school place demand and Jo Richardson Community School provisional budget allocation of £3m was earmarked for this project.
- 6.2 The PFI scheme will require consideration with regards to revenue implications as part of the Community facilities and usage of the Library and the risks are highlighted in 8.1 of the report.
- 6.3 This funding has been received by the Council from the Department for Education (DfE) as Capital grant in support of the proposed spending programme already approved.

## **7. Legal Implications**

Implications completed by: Jason Ofosu, Acting Senior Property Lawyer

- 7.1 Under section 122 of the Local Government Act 1972 a council has a general power to appropriate land. This section states that a council may appropriate for any purpose any land that belongs to them and the land is no longer required for the purpose for which it is held immediately before the appropriation. The current purpose of the land is parks and open space. In making the decision the Council

would need to consider the public need within the locality for the existing use. If the land is no longer needed for housing then the land may be appropriated.

- 7.2 Special rules apply to appropriation of open space land. Section 232 of the Town and Country Planning Act 1990 requires a local authority before it appropriates to do the following (1) publish a notice of its intention to do for at least two consecutive weeks in a local newspaper and (2) consider any objections to the proposed appropriation which may be made to it.
- 7.3 Section 237 of the Town and Country Planning Act 1990 provides power to override easements and other rights affecting land. Paragraph 4(1) of Schedule 9 of the Planning Act 2008 extends the power to override third party rights and restrictive covenants. As long as the land is validly appropriated for planning purposes, the erection, construction or carrying out the development (by the Council or a person deriving title from the Council) will be authorised if it is done in accordance with planning permission, notwithstanding that it interferes with restrictive covenants and easements. Private rights affected will be overridden and converted into a claim for compensation.

## 8. Other Implications

- 8.1 **Risk Management** - Risk that funding levels will not be sufficient to meet demand to create new school places needed. This risk is high impact (4) and medium (3) probability = 12 red. This risk is being managed by purchasing the most affordable accommodation which is system build where possible. Post control the risk is high impact (4) and low (2) probability = 8 amber. For this proposal it is felt that the risk can be managed within the designated budget of £3m.

Risk that funding levels will not be sufficient to create suitable new school places. This risk is high impact (4) and high (4) probability = 16 red. This risk is being managed by purchasing the most affordable accommodation which is system build, and blending it with site specific proposals. Post control the risk is high impact (4) and low (2) probability = 8 amber. For this scheme discussions are underway to ensure that part of the provision is achieved through internal alterations and that the additional building is secured in the most economical way.

The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places.

Risk that final costs will be higher than estimate costs. This risk is high impact (4) and high (4) probability = 16 red. This risk is managed through monthly CPMO meetings and initial planning figures that architects and schools are asked to work within being set below the highest estimate to allow for unforeseen challenges.

There are in the short term some revenue risks for the building related costs of the former library located in the building. As the school will eventually have additional pupils and assume a responsibility for some of the additional areas in the existing building these costs will reduce over time.

- 8.2 **Contractual Issues** - Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements

to procure and secure the project. Cabinet are asked to approve procurement proposals for the project which would allow for the Council's technical team to undertake a competitive procurement through a two stage design and build contract, secured through Council approved framework arrangements.

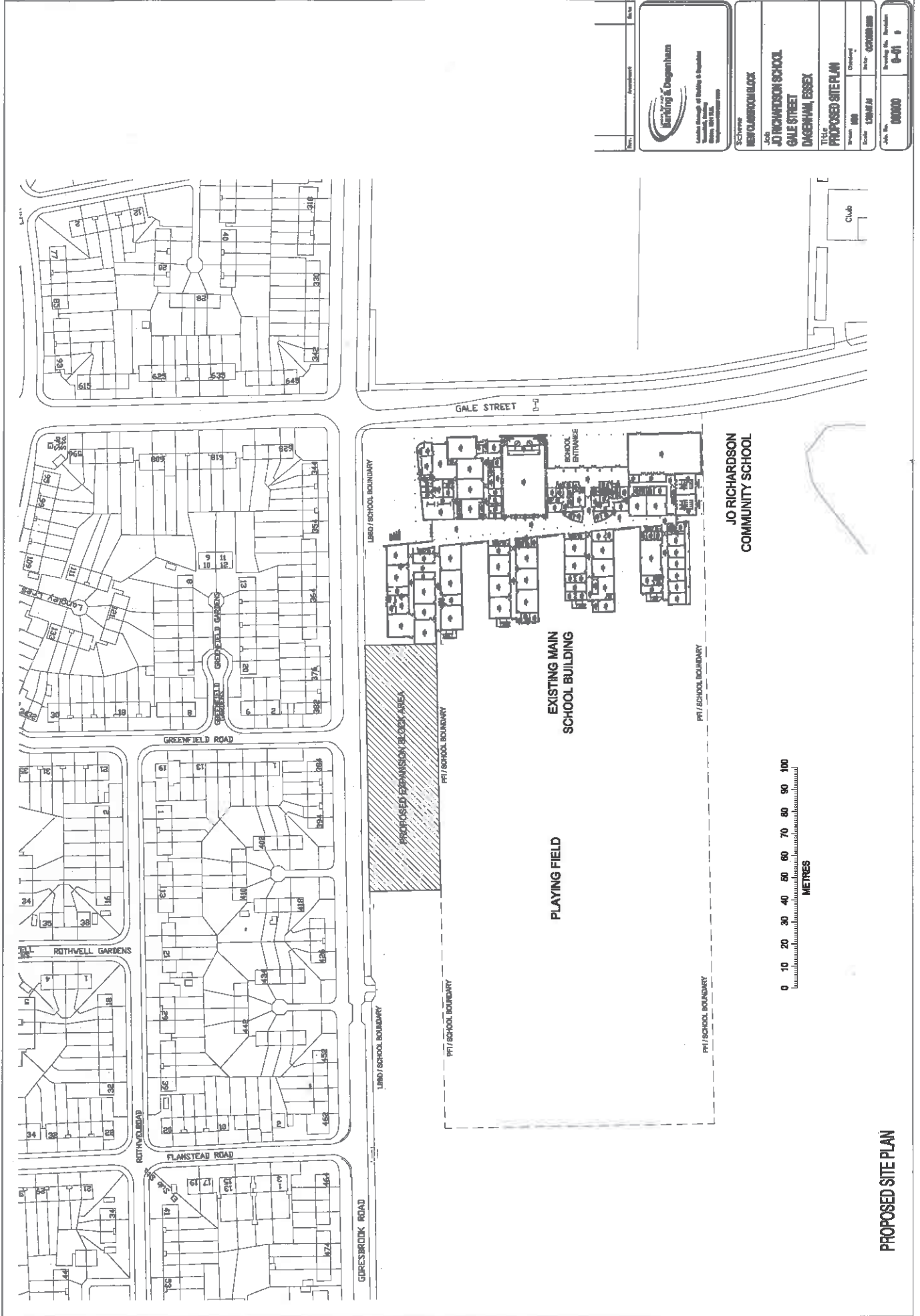
- 8.3 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.
- 8.4 **Customer Impact** - The short term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion.
- 8.5 **Safeguarding Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an integrated manner, having regard to guidance issued under the Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people.
- 8.6 **Health Issues** - In the short term there are no specific implications, but in the longer term the outlook is unlikely to be positive on the proposed funding levels.
- 8.7 **Crime and Disorder Issues** - In the short term there are no specific implications. However, appropriate consideration of the development of this project will take into account the need to design out potential crime problems and to protect users of the building facilities.
- 8.8 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets, and the development of a new asset. It would require the transfer of a small area of the Castle Green open space immediately adjoining the existing Castle Green/Jo Richardson buildings from Parks and Open Spaces to Children's Services as depicted on the Plan Gores 18.12.13.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix A** - Plan number Gores 18.12.13.

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Author	Drawn	Checked	Date
Working & Design team London College of Building & Design 100 Abchurch Lane London EC4A 3DF Telephone: 020 7463 1000			
<b>SCHEME</b> NEW CLASSROOM BLOCK			
JO RICHARDSON SCHOOL GALE STREET DAGENHAM, ESSEX			
<b>TITLE</b> PROPOSED SITE PLAN			
Scale	1:500	Checked	
Date	12/01/13	Date	02/02/2013
Job No.	00000	Drawing No.	0-01

PROPOSED SITE PLAN

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## CABINET

18 December 2013

<b>Title:</b> Transfer of Abbey Road Depot Site to Facilitate Expansion of Gascoigne Primary School	
<b>Report of the Cabinet Member for Children's Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Gascoigne	<b>Key Decision:</b> Yes
<b>Report Author:</b> Mike Freeman, Group Manager School Estate and Admissions	<b>Contact Details:</b> Tel: 020 8227 3492 E-mail: <a href="mailto:mike.freeman@lbbd.gov.uk">mike.freeman@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director Children's Services	
<b>Summary:</b>  This report seeks a decision from Cabinet about the potential use of land located in Gascoigne Ward on The Shaftesburys and currently largely being used as a repairs depot and car park and depicted on the attached Appendix A, Plan No. Abb181213. The Abbey Road (The Shaftesburys) site would then be redeveloped to form a school site to be linked to the current Gascoigne Primary School with the intention of reducing the current overdevelopment and overcrowding of the existing school but also providing much needed additional classroom accommodation to create school places in the locality.	
<b>Recommendation(s)</b>  The Cabinet is recommended to:  (i) Agree the appropriation of the site shown hatched red on Plan No. Abb181213 attached at Appendix A to the report from the Housing Revenue Account (HRA) to Children's Services in order to provide additional primary school pupil places and improve the existing provision at Gascoigne Primary School, subject to the land transfer agreement with the School Governing Body being on a 125 year lease at an initial peppercorn rent and subject to five year rent reviews; and  (ii) Agree the appropriate funding adjustment between budgets of £520,000 in relation to the site transfer of Abbey Depot, as referred to in section 4 of the report.	
<b>Reason(s)</b>  The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Community Strategy 2013-16 to "Ensure every child is valued so that they can succeed" ensure children and young people are safe, healthy and well educated. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.	

## **1. Introduction and Background**

- 1.1 Cabinet have received regular reports about the continuing demand for school places and the need to develop additional provision. Since the academic year 2007/08 to the present, some 4,500 additional primary aged pupils have had to be accommodated.
- 1.2 One of the areas of biggest demand has been the Barking Town Centre area and particularly in the Gascoigne Ward, where the Gascoigne Primary School has expanded from being a 3/4 forms of entry (fe) primary school to now being a primary school for 5fe, and is currently the largest primary school in the country – this will change as other schools across the country are being expanded.
- 1.3 For Gascoigne Primary there have been a number of issues which have been well documented over the years and one of the prime issues is the amount of outdoor space which has been used to accommodate building for class spaces.

## **2. Proposed Solution and School Development**

- 2.1 The development of the current Abbey Road Depot site to rebuild a new school provision would allow the development of 630 primary school places, plus 39 full time equivalent nursery places and an additional resources provision for up to 6 pupils. This development would be linked through management to the current Gascoigne Primary School in a similar way to other arrangements that have recently been developed in the borough.
- 2.2 In providing this new facility the opportunity will be taken to explore the removal from the current Gascoigne Primary School of some of the temporary buildings which were added there in recent years to create the current 5fe capacity which, including nursery provision caters for a pupil population of circa 1200. This will improve the lost opportunities on the current site for external play.
- 2.3 Overall the two schools would in future cater for the following;

Gascoigne Primary -	Gascoigne Road	-	840 pupils
	(existing)	-	104 nursery

Gascoigne Primary -	The Shaftesburys	-	630 pupils
	(new provision)	-	78 nursery (39fte)
		-	6 ARP

Overall spread over the two sites this would increase the capacity by 420 main school provision plus 26 full-time education (fte) nursery places and make provision for 6 places in an additional resource provision.

## **3. Budget Provision**

- 3.1 A provisional budget has been set aside of £12.5m to carry out the works including demolitions and new construction, external works plus establishing new boundaries. This budget will also need to meet all fixtures, fitting, furniture and large items of equipments including IT.



- 3.2 It is proposed to develop a plan for the existing Gascoigne Primary School site that would see the removal of temporary accommodation and improvement of the external areas, particularly for pupil use. Once the new building on The Shaftesburys has been completed it will be possible to begin to execute this plan.
- 3.3 It is recognised that there will also be costs in moving from the current depot site to an alternative site as well as some capital costs for land transfers between the Housing Revenue Account and the General Fund Account under the supervision of the Divisional Director of Finance and as set out in 4 below.

#### **4. The Abbey Road Depot**

- 4.1 The HRA's Abbey Road site extends to some 0.93 acre. It includes the depot building at its western end, a surfaced area with temporary buildings, a car park and a grassed area with mature trees.
- 4.2 In its existing use, which is comparable to a general warehouse use, the developed part of the freehold site has recently been valued for the Council by a firm of Chartered Surveyors in the sum of £520,000.
- 4.3 This is a residential neighbourhood and regard has therefore been had to development of the site with homes in the medium term.
- 4.4 Assuming a favourable planning permission for a medium-density, three-storey development of apartments, the Council's valuers have indicated a value of the order of £1.2 million for the site. This also assumes 40% affordable housing.
- 4.5 The valuers concede that planning permission for such a development is not a foregone conclusion, particularly as regards the green space at the eastern end, and accept that the Council (and hence the Local Planning Authority) has it in mind to locate a new school on the site.
- 4.6 The valuation of such a site for educational purposes, assuming it needed to be cleared for the development of a school of the kind proposed, would not exceed the £520,000 existing use value.
- 4.7 Under the circumstances, the value of the site is likely to fall between £520,000 and £1.2 million, depending upon if and when it was capable of development and its ultimate use.

#### **5. Options Appraisal**

- 5.1 The development of additional school places in the Borough has been a feature of the priorities for the Council in its primary school provision. This proposal has been carefully considered in relation to future demand and the need to satisfy that demand over the next five years to provide an additional 6,130 primary pupil places by 2017/18. Further expansion and new school proposals will need to come to Cabinet for approval but the do nothing option is not one which can be entertained.

## 6. Consultation

- 6.1 This report in draft format has been shared with Gascoigne Ward Councillors, the Headteacher and some School Governors. The matter of designating the land for the provision of school places has been discussed at informal meetings by Councillors and officers over the past few months. The current occupiers, Housing Repairs, are making arrangements to relocate their operations.

## 7. Financial Implications

Implications completed by: Patricia Harvey, Interim Group Manager, Children's Finance

- 7.1 Cabinet approved the total capital spends of £75.567m at the meeting of the 13 November 2012 in support of future school place demand.
- 7.2 This funding has been received by the Council from the Department for Education (DfE) as capital grant in support of the proposed spending programme already approved.

## 8. Legal Implications

Implications completed by: Jason Ofosu, Acting Senior Property Lawyer

- 8.1 This report seeks approval to commence land appropriation. Under section 122 of the Local Government Act 1972 a council has a general power to appropriate land. This section states that a council may appropriate for any purpose any land that belongs to them and the land is no longer required for the purpose for which it is held immediately before the appropriation. At the moment the current purpose of the land is housing. In making the decision the Council would need to consider the public need within the locality for the existing use. If the land is no longer needed for housing then the land may be appropriated.
- 8.2 Special rules apply to appropriation of land held under the Housing Act 1985. Section 19 (2) of the Housing Act 1985 requires that when a local housing authority has acquired or appropriated land for the purposes of Part II of the Housing Act it will require the consent of the Secretary of State to appropriate any part of the land consisting of a house, or any part of a house, to any other purpose.

## 9. Other Implications

- 9.1 **Risk Management** - Risk that funding levels will not be sufficient to meet demand to create new school places needed. This risk is high impact (4) and medium (3) probability = 12 red. This risk is being managed by purchasing the most affordable accommodation which is system build where possible. Post control the risk is high impact (4) and low (2) probability = 8 amber. For this proposal it is felt that the risk can be managed within the designated budget of £12.5m.

Risk that funding levels will not be sufficient to create suitable new school places. This risk is high impact (4) and high (4) probability = 16 red. This risk is being managed by purchasing the most affordable accommodation which is system build,

and blending it with site specific proposals. Post control the risk is high impact (4) and low (2) probability = 8 amber.

The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places.

Risk that final costs will be higher than estimate costs. This risk is high impact (4) and high (4) probability = 16 red. This risk is managed through monthly CPMO meetings and initial planning figures that architects and schools are asked to work within being set below the highest estimate to allow for unforeseen challenges.

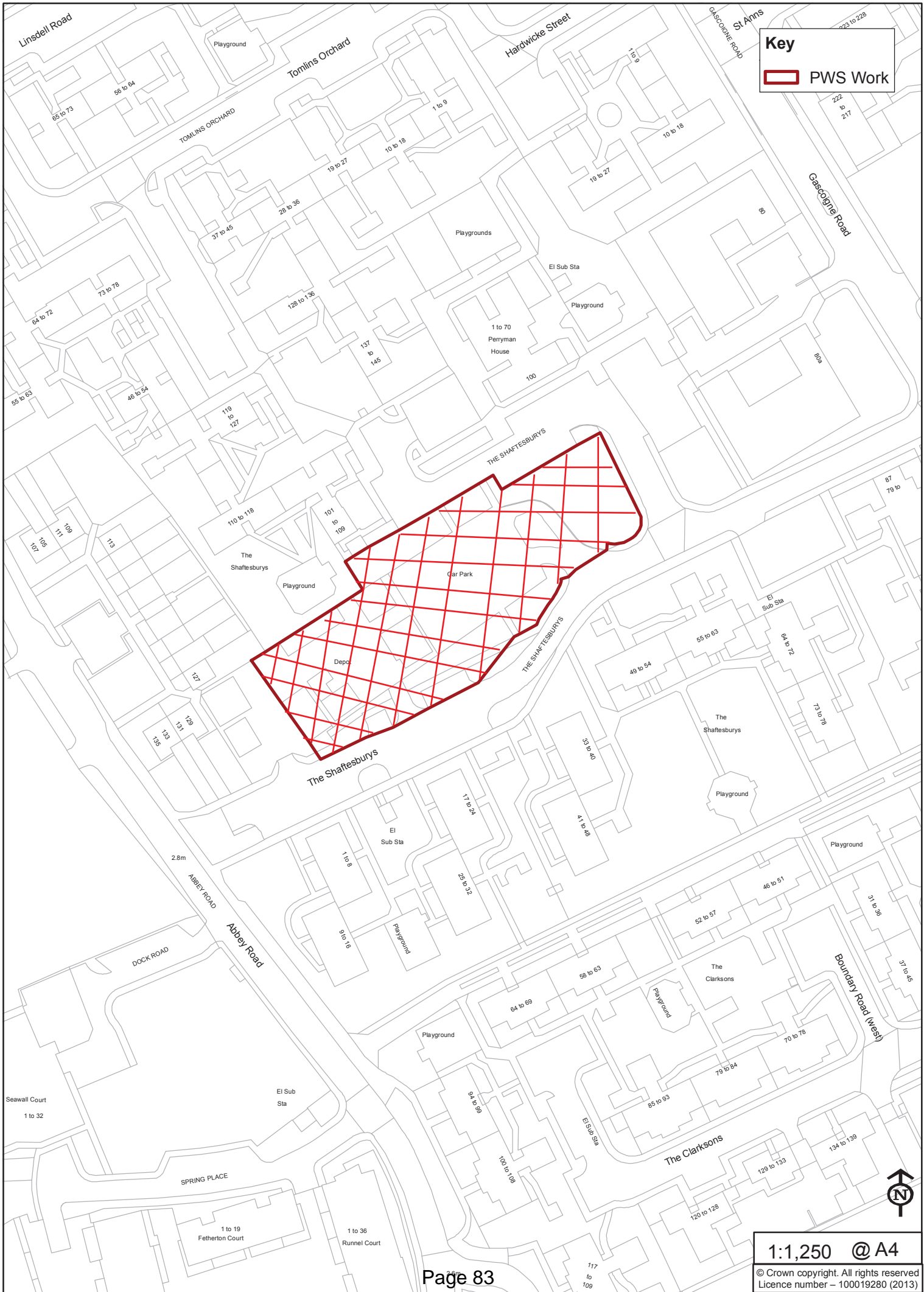
- 9.2 **Contractual Issues** - Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements to procure and secure the project, and the procurement route is included as a proposal on another report for this Cabinet's agenda. This project to be two stage design and build contract, secured through appropriate framework arrangements.
- 9.3 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.
- 9.4 **Customer Impact** - The short term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion.
- 9.5 **Safeguarding Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an integrated manner, having regard to guidance issued under the Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people.
- 9.6 **Health Issues** - In the short term there are no specific implications, but in the longer term the outlook is unlikely to be positive on the proposed funding levels.
- 9.7 **Crime and Disorder Issues** - In the short term there are no specific implications. However, appropriate consideration of the development of this project will take into account the need to design out potential crime problems and to protect users of the building facilities.
- 9.8 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets, and the development of a new asset.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix A** - Plan No Abb181213

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**Key**

PWS Work

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## CABINET

18 December 2013

<b>Title:</b> Community Capacity Grant	
<b>Report of the Cabinet Member for Adult Services and HR</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Paul Hogan, Divisional Director of Culture and Sport	<b>Contact Details:</b> Tel: 020 8227 3576 E-mail: paul.hogan@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Paul Hogan, Divisional Director of Culture and Sport	
<b>Accountable Director:</b> Anne Bristow, Corporate Director of Adult and Community Services	
<p><b>Summary:</b></p> <p>The Council has received ring fenced capital programme funding from the Department of Health's Community Capacity Grant fund to support the development of specific adult social care initiatives. The allocation is £490,995 for 2013/14 and £500,913 for 2014/15.</p> <p>Cabinet has previously agreed (24 July 2013) that this funding be used to improve the social care offer to older people in the Borough and that officers would bring specific proposals for Member approval to a future meeting of the Cabinet.</p> <p>Accordingly, Cabinet is now asked to approve the implementation of a capital programme scheme to improve facilities at the existing Park Active Age Centre and to create Active Age Centres at Valence Library and Robert Jeyes Library. These works will be wholly funded by the Community Capacity Grant.</p> <p>The improvement works will enable the development of the Active Age programme so that a wider and more effective range of social, cultural, health improvement, and educational activities are accessible to older people in the Borough.</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is recommended to:</p> <p>(i) Agree the allocation of Community Capacity Grant funding for 2013/14 and 2014/15 totalling £991,908 to ensure that the proposed improvement works set out in paragraph 2.1 of the report are implemented at Park Active Age Centre, Valence Library and Robert Jeyes Library as part of the Council's Active Age programme; and</p> <p>(ii) Authorise the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Adult Services and HR and the Chief Finance Officer, to finalise and implement the scope of works within the available budget.</p>	

## Reason(s)

The Active Age Centres are a core component of the older people's offer in the Borough. The proposal will assist the Council in making better use of its resources and assets and will make a significant contribution to the achievement of the Council's priority to improve health and well being through all stages of life and, in particular, to support older people to be active and healthy.

### 1. Introduction and Background

#### Active Age programme

- 1.1 The Council provides an Active Age programme at locations across the Borough which is intended to support older people to lead independent lives.
- 1.2 A review of the existing Active Age programme and the wider vision for older people has recently been undertaken with the Cabinet Member for Adult Services and HR. It is intended that going forward the Active Age programme will focus on five activity strands:

- **Connecting & re-connecting**

IT & reminiscence sessions including: SKYPE, Twitter, Facebook, Digital Photography, how to use iPhone / iPad, tea & talks, screen archives.

As well as signposting older people to community, sporting and cultural groups in the Borough.

- **Things to do**

Activities such as water sports, Broadway cinema, cooking workshops, taster courses, flower arranging, photography and cultural trips.

- **Working & volunteering**

Activities include community food growing projects, heritage activities, health ambassadors, home library service, and volunteer led sessions such knit and natter.

- **Getting Around**

Activities such as health walks and cycling.

- **Health improvement**

Activities include: Health promotion workshops, gym sessions at the Active Age Centres and leisure centres, swimming lessons, exercise classes and dance classes such as ballroom, salsa, and rock and roll.

- 1.3 The following venues will be utilised to present Active Age programmes:

- Park, Rush Green and Wantz Active Age Centres
- Valence Library, Robert Jeyes Library, Barking Learning Centre, Dagenham Library, Thames View Library
- Marks Gate Community Centre
- Parks & Adizone sites



- Eastbury Manor House and Valence House Museum
- Becontree Heath Leisure Centres, Abbey Sports Centre & Jim Peters' Stadium
- The Broadway theatre

### Community Capacity Grant

- 1.4 The Council has received ring fenced capital programme funding from the Department of Health's Community Capacity Grant to support the development of specific adult social care initiatives. Funding of £490,995 is committed for 2013/14 and £500,913 for 2014/15.
- 1.5 It is proposed to utilise this funding to undertake improvements to the following Council buildings that have been identified as key locations for the development of the new Active Age programme in the Borough and which would benefit from capital investment: Park Active Age Centre; Valence Library, and Robert Jeyes Library.
- 1.6 It should be noted that from 2014/15 onwards Robert Jeyes Library will become a community hub as part of a wholly community managed arrangement. As well as providing a volunteer led library service, the venue will incorporate an Active Age Centre, which will provide a wide ranging and regular programme of activities for older people.

## **2. Proposal**

- 2.1 A summary of the proposed improvements works to be undertaken is set out in table one below.

**Table one** Community Capacity Grant – proposed scope of works

Venue	Description
Park Active Age Centre	<ul style="list-style-type: none"> <li>• Repairs and defects identified in the condition survey</li> <li>• Lift installation to give access to first floor</li> <li>• New kitchen</li> <li>• Level access throughout ground floor and first floor</li> <li>• Improvements to thermal performance (energy efficiency) – light fittings, windows, dry line walls</li> <li>• New reception area to free up existing office as activity space</li> <li>• Refurbishment of main hall and ground/first floor activity space</li> <li>• Improved accessible toilet provision</li> </ul>
Valence Library	<ul style="list-style-type: none"> <li>• Repairs and defects identified in the condition survey</li> <li>• Creation of a dedicated older people's zone in the library including:               <ul style="list-style-type: none"> <li>○ New accessible toilets</li> <li>○ Direct access to heritage garden and</li> </ul> </li> </ul>

	<p>Valence House Museum</p> <ul style="list-style-type: none"> <li>○ IT facility</li> <li>○ Small catering facility</li> <li>○ Multi-use activity space including new floor suitable for older people's health and fitness programmes and dance classes</li> <li>○ New shelving around the perimeter for book and other display stock</li> </ul>
Robert Jeyes Library	<ul style="list-style-type: none"> <li>● Repairs and defects identified in the condition survey</li> <li>● Outdoor community food growing space at front and rear of building</li> <li>● Creation of flexible workshop/activity spaces</li> <li>● Small meeting room</li> <li>● Café/meeting space</li> <li>● Improved accessible toilet provision</li> <li>● New seating and other furniture</li> </ul>

2.2 In keeping with previous reports to Cabinet about capital programme schemes, the proposals and associated costings outlined above are indicative and have not been subject to a formal tender process at this time. This would have been both time consuming and costly ahead of knowing whether Members wish to support the proposals.

2.3 The final scope of works to be implemented will be shaped by the extent of the defects and repairs that will be identified in the new condition surveys for the three buildings, which will set out the required investment to the mechanical and electrical plant, building structure and fabric, as well as the costings from the formal tender process for the proposed improvements.

2.4 This report recommends that the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Adult Services and HR and the Chief Finance Officer, is authorised to finalise and implement the scope of works within the available budget.

### 3. Options Appraisal

3.1 The Community Capacity Grant is capital funding from the Department of Health that can only be used for adult social care initiatives. At its meeting on 23 July 2013, Cabinet agreed that these funds will be used to improve the social care offer to older people in the Borough and that officers will bring back specific proposals for Member approval to a future meeting of the Cabinet.

3.2 The Cabinet Member for Adult Services and HR is of the view that the best use of the available funding would be to support the expansion of the Active Age programme in the key venues that are owned by the Council, which is why Park Active Age Centre, Valence Library and Robert Jeyes Library have been proposed for investment.

#### **4. Consultation**

- 4.1 These proposals are not ward specific but rather are intended to support the development of a more effective and better quality Borough wide programme of activities for older people.
- 4.2 Consultation has been undertaken with the Cabinet Member for Adult Services and HR, the Cabinet Member for Health, the Councillors for Whalebone, Valence and Village wards, as well as a range of officers, to inform the development of the proposals set out in this report.

#### **5. Financial Implications**

Financial implications completed by: Roger Hampson, Finance Group Manager

- 5.1 There are no revenue implications arising from this proposal.
- 5.2 It is intended that the proposed capital improvement programme will be wholly funded by the Community Capacity Grant provided by the Department of Health.
- 5.3 The Community Capacity Grant may be used only for the purposes that a capital receipt may be used for in accordance with central government regulations; the Chief Executive will be required to sign a declaration by March 2014 that the conditions attached to the grant have been and will be complied with.

#### **6. Legal Implications**

Implications completed by: Michael Henson-Webb, Solicitor Adult Social Services

- 6.1 This report seeks approval to utilise ring fenced capital funding from the Department of Health for adult social care initiatives, which has previously been approved for this purpose by Cabinet.
- 6.2 All commissioning of works must be made in accordance with the Council's Standing Orders and EU procurement arrangements.

#### **7. Other Implications**

- 7.1 **Risk Management** – The key risk associated with this proposal is that the final costs will be higher than the available budget.

All of the works to be undertaken will in the first instance be costed by the Council's quantity surveyor before they are formally tendered to the framework contractors. This will enable 'value engineering' to be undertaken so that the scope of works is reduced or amended, if necessary, to ensure that there is confidence that the improvements to be undertaken can be contained within the available budget.

A similar process will be undertaken once the works have been tendered if the tender prices exceed the available budget.

A contingency sum (10%) has been included in the budget to allow for unforeseen challenges that may arise once the works have been commissioned.

- 7.2 **Contractual issues** – Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements for the proposed improvement works.
- 7.3 **Customer impact** - It is expected that the existing Active Age members who currently attend activities will continue to do so but that the proposed improvements will also encourage many new members to take part.
- 7.4 **Crime and Disorder Issues** - The Council has a statutory duty to consider crime and disorder implications in all its decision making. The Active Age programme provides a wide range of activities and quality facilities, which will provide positive activities for older people.
- 7.5 **Health issues** – the Active Age programme is intended to help older people to keep fit and active for longer and to feel connected to their community. Also the programme will provide opportunities for them to use their lifetime skills and experiences in voluntary or community leadership roles.

The activities delivered as part of the Active Age programme are consistent with our Health and Wellbeing Strategy to improve the health and well-being of individuals and build community cohesion through increased participation of older people in social, cultural, health improvement and educational programmes.

- 7.6 **Safeguarding Vulnerable Adults and Children** - As life changes through retirement, possibly bereavement, and as families move on, it can become increasingly difficult to remain connected and to re-establish connections with people

The proposed investment will improve the accessibility of services for older people as well as the quality and range of activity programmes that will be provided. The programmes will also help people feel less lonely and to access care and support.

- 7.7 **Property/Asset issues** – this proposed decision would facilitate the improvement and renewal of Council assets.

The existing Chadwell Heath Active Age Centre is in need of extensive investment to make the facility fit for purpose and is expensive to operate. The proposed investment at the Robert Jeyes library, which will see the creation of a dedicated Active Age Centre within the library, will allow the closure of the Chadwell Heath Active Age Centre but with an enhanced offer for older people being provided at the nearby Robert Jeyes Library and Marks Gate Community Centre.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:** None

## CABINET

18 December 2013

<b>Title</b> Housing Allocations Policy Amendments	
<b>Report of the Cabinet Member of Housing</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Anne Baldock, Group Manager, Housing Advice Service.	<b>Contact Details:</b> Tel: 020 8227 5186 E-mail: anne.baldock@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Ken Jones, Divisional Director of Housing Strategy	
<b>Accountable Director:</b> Darren Henaghan, Corporate Director of Housing and Environment	
<p><b>Summary:</b></p> <p>This report outlines several proposed amendments to the Housing Allocations Policy that are recommended to be made ahead of a full policy review. These amendments are urgently required to address:</p> <ul style="list-style-type: none"> <li>• Welfare Reform.</li> <li>• New regulations in respect of Armed Forces Personnel.</li> <li>• Criteria for the allocation of Council homes to be let above social rent levels in time for the first phase of these homes being completed and becoming available to let.</li> </ul> <p>The full Housing Allocations Policy review needs to take full account of statutory guidance issued in October by the Department for Communities and Local Government (DCLG) in respect of Allocation of Social Housing post Localism Act.</p>	
<p><b>Recommendations</b></p> <p>The Cabinet is recommended to agree the following amendments to the Council's Housing Allocations Policy:</p> <ol style="list-style-type: none"> <li>(i) The assessment of bedroom number to be in accordance with housing benefit regulations, as set out in paragraph 2.1 of the report, and be applied to all cases held for assessment since the benefit regulations came into effect in April 2013;</li> <li>(ii) To allow discretion to the rule that an allocation of housing cannot happen if the applicant is in rent arrears, as set out in paragraph 2.2 of the report;</li> <li>(iii) To grant 'Additional Preference' status to housing applications from British Armed Forces personnel who meet the statutory criteria set out in paragraph 2.3.1 of the report;</li> <li>(iv) As a local choice measure, to extend the 'Additional Preference' status to those</li> </ol>	

Reserve Forces personnel who meet the criteria set out in paragraph 2.3.3 of the report; and

- (v) The allocation of Council homes let above social rent levels, as set out in paragraph 2.4 of the report.

### **Reason(s)**

To assist the Council to achieve its priority to 'Create thriving communities by maintaining and investing in new high quality homes'.

## **1. Introduction and Background**

- 1.1 Housing Allocations policies are being reviewed nationally taking advantage of the Localism Act which offers authorities more opportunity and greater freedom to frame a policy that is responsive to local prevailing housing circumstances. The changes implemented so far in various authorities range from minor amendments to radical policy change.
- 1.2 Extensive consultation has been conducted over the last two years with a view to developing a new policy. However agreement is sought to make urgent amendments at this stage and prepare for a wider policy change in 2014/15 which will give us an opportunity to learn from others experience and challenges, and fully take account of newly published statutory code of guidance from DCLG.

## **2. Proposal and Issues**

### **2.1 Adjust bedroom size assessment to fall in line with Welfare Reform, and to Facilitate 'Corporate Parenting'**

- 2.1.1 The current allocations policy does not comply with new housing benefit regulations in respect of the bedroom size assessment. The amendments below are recommended to address this issue.

Current Policy - Parent/s with two children of different gender any age would be considered for 3 bedroom accommodation.

**Amendment - Parent/s with two children of different gender under 10 years old will be assessed for 2 bedroom accommodation.**

Current Policy - Two children same gender regardless of age would be considered for 1 bedroom accommodation.

**Amendment - Adult children aged 21 or over may be considered for a bedroom each (up to a maximum of 5 bedroom property), however due to the scarcity of larger homes applicants may choose to forgo this option.**

- 2.1.2 Amendments to housing benefit regulations have been issued to address the fact that approved foster parents may require an additional room for a foster child or children, in such circumstances the under occupation subsidy rule would not apply. It will also not apply where an adult child is in the armed forces even when deployed on operations. The Allocations policy amendments will be applied consistent with this regulation change.

2.1.3 These amendments will ensure the Council's Allocations Policy is aligned to Housing Benefit regulations in respect of bedroom size assessment to avoid households having a shortfall in housing benefit and being threatened with homelessness.

## 2.2 **Rent Arrears**

2.2.1 To mitigate the impact of welfare reform and to ensure we facilitate under-occupation moves to maximise best use of stock, agreement is sought to waive the blanket rule that requires applicants to have clear rent accounts in order to be allocated a move. Agreement is sought to allow a move where the applicant has arrears, if failure to do so would result in homelessness as a direct result of welfare reform, and where the household are likely to be found unintentionally homeless.

## 2.3 **British Armed Forces Personnel**

2.3.1 In accordance with the Council's Armed Forces Covenant and following new regulations requiring Local Authorities to respond positively to housing requests from Service Personnel, it is proposed that all qualifying personnel with urgent housing needs who fall within one of the categories below will receive 'Additional Preference' (the highest award of housing priority) to facilitate an early offer of accommodation.

- a) Those serving within the regular forces or who have served in the regular forces within five years of the date of their application.
- b) Those who have recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
  - 1) The spouse or civil partner has served in the regular forces; and
  - 2) Their death was attributable (wholly or partly) to that service.
- c) Those who have served or are serving in the reserve forces and who are suffering from a serious illness or disability which is attributable (wholly or partly) to that service.

None of the above will be subject to any residential or local connection criteria.

2.3.2 Members are asked to note that the above will be applied by all Housing Authorities in England.

2.3.3 In addition to the statutory obligations referred to above, it is proposed that the Council extend the 'Additional Preference' status to those who meet the Council's residential or local connection criteria and who have served in the Reserve Forces for five or more years, in recognition of this Council's appreciation of and commitment to the British Armed Forces.

## **2.4 Allocation of Council affordable rented housing**

- 2.4.1 The Council's programme of new build housing has a proportion of the homes to be let at rents above social rent levels.
- 2.4.2 By Minute 50 of the Cabinet meeting on 13 November 2012, it was agreed that Council houses and flats with rents at 50% market rent will be advertised in the Choice Homes magazine and on the website. Housing waiting list applicants will have the option to bid for these properties and they will be considered in accordance with the Council's Housing Allocations Policy.
- 2.4.3 It was further agreed that to be eligible for Council homes with rents at 65% and 80% of market levels applicants must be in employment and have sufficient household incomes to afford the rents. The following cascade of priorities for letting these homes was set:
1. Tenants of the Council and tenants of housing associations living in the Borough.
  2. Housing waiting list applicants living in the Borough.
  3. Residents of the Borough.
  4. People in employment in the Borough but who are not currently resident
  5. People in employment from outside the Borough.
- 2.4.4 Agreement is sought to amend this policy so that in the event of there being insufficient demand from categories 1, 2 and 3 above, the remaining homes be allocated to waiting list applicants from the borough to bid for regardless of income or employment status, and be shortlisted on the basis of housing need.
- 2.4.5 It is also proposed that the Council homes let at 65% and 80% of market rents will be, on the basis of a flexible tenancy of 5 years rather than a lifetime tenancy.
- 2.4.6 It is proposed that affordable homes above 50% rent levels are also allocated through Choice Homes. This approach will be transparent and will be a clear demonstration of the Council providing housing opportunities for working residents in the borough who do not ordinarily qualify for an allocation of social housing, often referred to as the 'squeezed middle'. It will also be an opportunity for working tenants who wish to transfer to a new build home.
- 2.4.7 An early marketing campaign will be essential to ensure all working borough residents are aware of the opportunity to join the waiting list with the express purpose of being able to access the bidding system for these properties.

## **3. Options Appraisal**

- 3.1 An alternative option is to market the properties outside of the usual allocation process through the Social letting Agency using the same approach currently used to let Barking and Dagenham Reside properties; using Home Match as the registration vehicle and letting on a first come first serviced basis to those who have sufficient income. The Social Lettings Team will have the benefit of experience of letting the Reside properties, and although the tenancies offered will be flexible Council tenancies it will keep the process separate from the mainstream allocation



of Council housing. In the event that there is still insufficient demand they could be released back to the Choice Homes Team to be advertised.

- 3.2 The current housing regeneration programme runs through to 2015/16 with approximately 800 affordable homes to let. The funding for the Social Lettings Agency is available until June 2014 only. The adoption of this option will require funding for advertising in the media and meeting the cost of Home Match. This option is rejected.

#### **4. Consultation**

- 4.1 Extensive consultation has taken place over the last two years with Councillors, the local community, staff, external bodies and other stakeholders.

#### **5. Financial Implications**

Implications completed by: Carl Tomlinson, Group Finance Manager

- 5.1 The report seeks to update the Housing Allocations Policy in line with current guidance and requirements. There is no direct financial implication as a result of the report but the regulation changes that make these amendments necessary (such as welfare reform) will have a financial impact on the Council. The proposed amendments contribute to addressing this.

#### **6. Legal Implications**

Implications completed by: Maria Oshunrinade, Lawyer

- 6.1 The Housing Benefit Amendment Regulations (SI 2013/665) provides for the changes in the treatment of families of armed forces personnel. Adult children who are in the Armed forces but who continue to live with parents will be treated as continuing to live at home, even when deployed on operations.
- 6.2 The Housing Benefit Amendment Regulations (SI 2013/665) regulations were amended to allow an additional room for approved foster carers.
- 6.3 Legal Services will continue to advise and support Housing Advice as this policy progresses

#### **7. Other Implications**

- 7.1 **Customer Impact** - The extensive community consultation and analysis that took place with regards to the protective characteristics (Equality Act 2010) indicates that these proposals will have a positive impact on all groups.
- 7.2 **Safeguarding Children** - The recommendations in this report would have a positive impact on child poverty and will support the corporate parenting role.
- 7.3 **Health Issues** - The changes proposed in this report are designed to mitigate the impact on general health and wellbeing for families in the borough impacted by welfare reform.

**Background Papers Used in the Preparation of the Report: None**

**List of appendices: None**

## CABINET

18 December 2013

<b>Title:</b> Procurement of Various Supplies and Service Contracts	
<b>Report of the Cabinet Member for Finance</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Martin Storrs, Head of Procurement and Accounts Payable Service	<b>Contact Details:</b> Tel: 020 8227 5429 E-mail: <a href="mailto:martin.storrs@elevateeastlondon.co.uk">martin.storrs@elevateeastlondon.co.uk</a>
<b>Accountable Director:</b> Jonathan Bunt, Chief Finance Officer	
<b>Summary</b>	
<p>The Council's Constitution requires that all contracts with an aggregate contract value of £500,000 or more need to be approved by Cabinet (the new threshold was agreed by the Assembly on 4 December 2013).</p> <p>This report asks for Cabinet approval to procure a number of Council contracts, as set out in Appendix 1, that have a contract value greater than £500,000 and which are required to be let over the next twelve months. In accordance with the new Contract Rules approved by the Assembly, this report condenses, and thereby reduces, the volume of Cabinet reports as a way of both simplifying and accelerating the procurement process for the Council whilst maximising value for money.</p>	
<b>Recommendation(s)</b>	
<p>The Cabinet is recommended to:</p> <p>(i) Agree the procurement of the following Council contracts as detailed in Appendix 1 to the report:</p> <ul style="list-style-type: none"> <li>• Stationery</li> <li>• Cleaning and Janitorial Supplies</li> <li>• Vehicle Hire</li> <li>• Housing - Voids</li> <li>• Housing - Boilers</li> <li>• Fencing</li> </ul> <p>(ii) Delegate authority to the relevant Corporate Directors, in consultation with the relevant Cabinet Members, to procure and award the contracts detailed in Appendix 1; and</p> <p>(iii) Delegate authority to the Head of Legal and Democratic Services to prepare and enter into all relevant and necessary agreements to effect the contracts.</p>	

## **Reason(s)**

The decision to tender the Council's various contracts is due to the future expiry and/or to formalise existing arrangements. The tendering process will enable the Council to procure new contracts on the best terms available in the current market and should lead to a reduction in cost, better supplier performance and greater opportunities for local people and suppliers.

### **1. Introduction and Background**

- 1.1 Corporate Procurement under the management of Elevate East London LLP (Elevate) has invested in the Council's Procurement service to maximise procurement benefits for the Council.
- 1.2 This report includes a number of different procurement contracts and consolidates them onto a single Cabinet report. This method is new to the Council and has been included in the new Procurement rules as a means of accelerating the procurement process.
- 1.3 Utilising a Category Management approach, Elevate has worked with the Council to identify areas of non-compliance, opportunities for cost reductions and opportunities to engage the market differently, creating more opportunities for local business and local residents.
- 1.4 Category Management is a procurement approach deployed in a category spend area e.g. fleet, to ensure best value is achieved in terms of both financial and non financial benefits.
- 1.5 A Category Management approach typically consists of the following steps:
  - (i) Project initiation
  - (ii) Situation analysis
  - (iii) Strategy creation & approval
  - (iv) Strategy implementation
  - (v) Continuous improvements

### **2. Proposal and Issues**

- 2.1 In order to maximise the benefits identified above and as a means of accelerating the procurement process and timescales, it is proposed to procure a number of standard category services as listed below:
  - Stationery
  - Cleaning and Janitorial Supplies
  - Vehicle Hire
  - Housing - Voids
  - Housing - Boilers
  - Fencing
- 2.2 For each identified category a sourcing strategy will be agreed with the relevant stakeholder to formalise the relevant options and gain sign off before engaging with the market.

- 2.3 The procurements identified in Appendix 1 will be evaluated based on MEAT (most economically advantageous tender) and will typically be evaluated on 60% price / 40% quality.
- 2.4 The Corporate Procurement team will work with the relevant client sponsor to formalise the overall evaluation criteria and weightings.
- 2.5 At this stage it is anticipated that standard Council Contract Terms will be utilised and / or national Procurement Framework Contract Terms.
- 2.6 Where applicable an eAuction will be utilised to negotiate price.

### **3. Options Appraisal**

#### Sourcing Strategies

- 3.1 All proposed contracts included in this report have been planned and structured through a sourcing strategy exercise. These strategies have been shared and approved through the Procurement Governance Board. The high level options considered in the strategies are detailed below.

#### **3.2 Stationery Contract**

- 3.2.1 Option One: Do nothing – not viable as contract is required and would create a position of contractual non compliance for LBBD
- 3.2.2 Option Two: Council is named on the London Contract Supplies Group tender – managed by LB Havering
- 3.2.3 Option Three: Council conducts an independent tender exercise using an alternative service matrix.

#### **3.3 Cleaning & Janitorial Supplies**

- 3.3.1 Option One: Do nothing – not viable as contract is required and would create a position of contractual non compliance for LBBD
- 3.3.2 Option Two: Council is named on the London Contract Supplies Group tender – managed by LB Newham
- 3.3.3 Option Three: Council conducts an independent tender exercise using an alternative service matrix.

#### **3.4 Vehicle Hire**

- 3.4.1 Option One: Do nothing – not viable as contract is required and would create a position of contractual non compliance for LBBD
- 3.4.2 Option Two: Short term waivers are drafted and approved for each of the 10 current providers to ensure compliance with the Councils constitution and Procurement

Rules followed by a new procurement to ensure compliance with EU Procurement rules and the Councils Constitution due to the aggregated spend levels.

### **3.5 Housing – Voids**

- 3.5.1 Option One: Do nothing – not viable as contract is required and would create a position of contractual non compliance for LBBD
- 3.5.2 Option Two: Council runs a tender exercise using the NHF M3 Schedule of rates for Void repair work ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.

### **3.6 Housing – Boilers**

- 3.6.1 Option One: Do nothing – not viable as it would create a position of contractual non compliance for LBBD
- 3.6.2 Option Two: Council runs a tender exercise using the NHF M3 Schedule of rates for Boiler installation services ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.

### **3.7 Fencing**

- 3.7.1 Option One: Do nothing – not viable as contract is required and would create a position of contractual non compliance for LBBD
- 3.7.2 Option Two: Council runs a tender exercise using the NHF M3 Schedule of rates for fencing installation services ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.

3.8 Appendix 1 details the recommendation for each Contract proposed as part of this report.

## **4. Consultation**

4.1 Consultation has been conducted the Council's Procurement Governance Board which has representation from across the Council. Departmental Management teams have also been consulted with where relevant.

## **5. Financial Implications**

Implications prepared by: Kathy Freeman, Group Manager - Corporate Finance

- 5.1 There are no direct financial implications arising from this report. Efficiencies are created by seeking Cabinet approval for the procurement of six contracts, enabling the Council to procure new contracts on best terms available at the time.
- 5.2 This report seeks Cabinet approval to tender procurement contracts with values greater than £500,000.
- 5.3 The financial value for the six procurement contracts range from £500,000 to £4m, ranging from a rolling one year contract to contract terms of five years. All contracts

with a value over £100,000 are now assessed by the Procurement Governance Board.

- 5.4 It is expected that the procurement exercise will seek value for money and secure maximum value for the Council where possible.

## **6. Legal Implications**

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

- 6.1 The Council's Constitution requires that all contracts with an aggregate contract value of £500,000 or more need to be approved by Cabinet. The procurement strategy and award of such contracts is normally submitted to Cabinet on a case by case basis.
- 6.2 The Council's Contract Rules require that officers prepare a report for each such contract setting out the strategy that is proposed for the procurement of the service.
- 6.3 This report identifies a number of above-threshold services that have been registered with the Council's Procurement team and which need to be procured in the forthcoming months. Officers are bringing all the listed contracts to be approved by Cabinet as part of a procurement plan rather than as individual contracts. The intention is that Cabinet will have an overview of the strategy for such high-value contracts as a whole. Procurement Strategy reports have been prepared for each of the individual services/contracts key points of which are summarised in Appendix 1.
- 6.4 Cabinet is being asked to review the procurement plan for these contracts, confirm its agreement to the proposed strategies and delegate authority to the relevant officers, in consultation with the relevant Cabinet Members, to procure and enter into the individual contracts.
- 6.5 Legal Services will work with Officers to ensure that the procurement strategies, processes and ensuing contracts comply with the law and the Council's Contract Rules.

## **7. Other Implications**

- 7.1 **Risk Management** - Risks will be identified and built into the sourcing strategy prior to project commencement.
- 7.2 **Contractual Issues** - These are detailed throughout the report.
- 7.3 **Customer Impact** - Leaseholder consultation will be undertaken where relevant in accordance with section 20 of the Landlord and Tenant Act 1985 (amended by section 151 of the Commonhold and Leasehold Reform Act 2002).

**Public Background Papers Used in the Preparation of the Report:** None

### **List of appendices:**

- **Appendix 1** – Proposed Procurement Projects

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## Appendix 1

No'	Contract / Project	Lead Directorate	Background	Current Contract Expiry Date	Incumbent & Annual value /	Est. Contract Value	Proposed Contract Term	Procurement Strategy	Procurement Route	Est. Start Date & Finish Date
01	Stationery	Finance & Resources	Current contract let by Havering via London Contract Supplies Group (LCSSG) and not delivering optimal value for LBBD	31/03/14	<b>Office Depot</b> £200k	£1m (based on current 11/12 spend)	5 years (3 year initial term with a 2 year extension)	Council conducts an independent tender exercise using an alternative service matrix.	Open tender process & eAuction negotiation	Dec 13 – Apr 14
02	Cleaning & Janitorial Supplies	Finance & Resources	Current contract let by Newham via London Contract Supplies Group (LCSSG) and not delivering optimal value for LBBD	28/02/14	<b>Greenham</b> £320k – only 50% under contract	£1.6m (based on current 11/12 spend)	5 years (3 year initial term with a 2 year extension)	Council conducts an independent tender exercise using an alternative service matrix.	Open tender process & eAuction negotiation	Dec 13 – May 14
03	Vehicle Hire	Housing & Environment	Approximately 10 suppliers currently utilised with no contract coverage in place	NA – no known contracts	<b>Various</b> £1.2m	£3.6m (based on current 11/12 spend)	5 years (3 year initial term with a 2 year extension)	Short term waivers are drafted and approved for each of the 10 current providers to ensure compliance with the Councils constitution and Procurement Rules followed by a new procurement to ensure compliance with EU Procurement rules and the Councils Constitution due to the aggregated spend levels.	Open tender process & eAuction negotiation	Dec 13 – Jul 14

## Appendix 1

No'	Contract / Project	Lead Directorate	Background	Current Contract Expiry Date	Incumbent & Annual value /	Est. Contract Value	Proposed Contract Term	Procurement Strategy	Procurement Route	Est. Start Date & Finish Date
04	Housing – Voids	Housing & Environment	No contract coverage – current high levels of non compliant spend	NA	<u>Various</u> £1m	£4m	4 years framework (3 year initial term with a 1 year extension)	Council runs a tender exercise using the NHF M3 Schedule of rates for Void repair work ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.	Open tender process & eAuction negotiation	Dec 13 – May 14
05	Housing – Boilers	Housing & Environment	No contract coverage – current high levels of non compliant spend	NA	<u>Various</u> £1m	£4m	4 years framework (3 year initial term with a 1 year extension)	Council runs a tender exercise using the NHF M3 Schedule of rates for Boiler installation services ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.	Open tender process & eAuction negotiation	Dec 13 – May 14
06	Fencing	Housing & Environment	No contract coverage – current high levels of non compliant spend	NA	<u>Various</u> £125k	£500k	4 years framework (3 year initial term with a 1 year extension)	Council runs a tender exercise using the NHF M3 Schedule of rates for fencing installation services ensuring that local Small Medium Enterprises are suitably engaged with as part of the process.	Open tender process & eAuction negotiation	Dec 13 – May 14

**CABINET****18 December 2013**

<b>Title:</b> Lease of Mayesbrook Park Football Stadium	
<b>Report of the Leader of the Council</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Paul Hogan, Divisional Director of Culture and Sport	<b>Contact Details:</b> Tel: 020 8227 3576 E-mail: paul.hogan@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Paul Hogan, Divisional Director of Culture and Sport	
<b>Accountable Director:</b> Anne Bristow, Corporate Director of Adult and Community Services	
<b>Summary:</b>	
<p>Authority is sought to grant a lease to the Academy of Dreams to enable them to operate and develop the facilities at the Mayesbrook Park football stadium at no revenue cost to the Council.</p> <p>The proposal would provide substantial investment to the site that would significantly enhance the facilities available to Barking Football Club as well as other local sports clubs and the wider community. As well as replacing the existing club house, which is no longer in use, and the dilapidated changing rooms, two new floodlit artificial turf pitches and associated facilities will be provided.</p> <p>The business case for this proposal is dependent upon planning permission being approved for the new facilities that are proposed.</p> <p>Except for the demolition of the existing club house and changing rooms and other remedial works, which it is proposed will be funded from previously committed s106 developer contributions, all of the costs associated with the replacement of existing facilities and the new provision at the site will be borne by the Academy of Dreams.</p> <p>It is intended that the grass pitch and associated changing rooms will be sub let to the Barking Football Club for the full term of the lease so that they have security of tenure.</p> <p>There are significant community benefits from these proposals: the future of both Barking Football Club and the football stadium itself, two of the Borough's most important community assets, will be secured for the foreseeable future. Also new sports facilities will be provided at the site which will be available for wider club and community use.</p>	

## **Recommendation(s)**

The Cabinet is asked to authorise the Chief Executive, in consultation with the Head of Legal and Democratic Services and Chief Finance Officer, to grant a 35 year lease for the Mayesbrook Park football stadium, shown edged red on the plan attached at Appendix 1, to the Academy of Dreams, subject to satisfactory negotiation of the lease including the provision of a sub lease to the Barking Football Club for the full duration of the lease.

## **Reason(s)**

The proposal will assist the Council in making better use of its resources and assets and links to the overall priority and vision for better health and wellbeing.

### **1. Introduction and Background**

- 1.1 Mayesbrook Park is a key sporting hub in the Borough. The football stadium in the park is located directly adjacent to the SportHouse leisure centre and the recently renovated Jim Peters stadium (athletics arena). A plan showing the location of the football stadium is attached at **Appendix 1**.
- 1.2 The wider park is also home to EuroDagenham, Barking Cricket Club and Barking Canoe Club and several football teams use the playing pitches in the park on a pay and play basis.
- 1.3 The football stadium is owned by the Council and managed by the Housing and Environment department. In effect this means that the department meets the relevant utility costs as well as undertaking some pitch maintenance, as part of a pitch hire agreement, and other essential repairs.
- 1.4 The facilities are dilapidated and are not fit for purpose. Significant investment is required in the short term if the stadium is to continue to operate.

#### History

- 1.5 New Barking Football Club Ltd took over the lease to operate on Mayesbrook Park from Barking Football Club 1980 Ltd in February 1997. The club was bought out by another party in 2002.
- 1.6 The club's premises were subsequently closed when they were forfeit to the Council for non-payment of rent after the sole remaining Director put the club into liquidation.
- 1.7 The Liquidator disclaimed the lease in July 2007. Soon after this bailiffs appointed by the Council forced entry and secured the premises.
- 1.8 The repairing obligations on the facilities were the responsibility of the tenant; however, they were not maintained and have deteriorated to the extent that the club house building is unsafe and is no longer in use. Although they are dilapidated, the changing rooms adjacent to the club house remain in use.

- 1.9 It subsequently transpired that the old Barking Football Club lease had become vested in the Crown, so although the Council had physical possession of the premises they had no legal rights over them as there was a substantial portion of the unexpired lease in place.
- 1.10 The Crown, following a court application, disclaimed the lease (rather than pay the arrears of rent) and so the Council has legitimate possession of the whole premises.
- 1.11 A further case was heard to obtain/enforce possession against the sundry telecom masts attached to the grounds floodlighting since all but one were erected without Council permission.
- 1.12 Since 2007 it has been the intention of the Council that football should be retained on the site via a seasonal licence until the long term future of the site had been decided by Cabinet.

### Barking Football Club

- 1.13 The Club is managed as a not for profit organisation and has been transformed over the past five years. The Club had just two teams in 2008 and this has now grown to 14 comprising about 260 children and adults and including: two ladies' teams, six youth teams from u13s to u18s, three college u-19 teams and three men's teams.
- 1.14 As part of its educational programme, the club also delivers a wide variety of community based programmes:
- The club has 16 qualified coaches who deliver sports projects in the community and in educational settings.
  - Holiday activity programmes are delivered during the summer and at half term.
  - Barking FC summer coaching - a 20 day programme during the summer holidays.
  - Barking & Dagenham College 16-21year olds coaching every month
  - FA Skills training for 5-11 year olds every week.
  - Futsal coaching and league administration every week.
  - Lunchtime and after school clubs coaching provided at Valence school
- 1.15 The club's senior team plays in the Essex Senior League, which is level five in the football pyramid or five promotions away from the football league. This is the highest level of football being played in the Borough apart from Dagenham and Redbridge Football Club.

## **2. Proposal and Issues**

- 2.1 There are considered to be four potential options for the future of the site:
- The Council funds the re-development of the site and then either operates the facility 'in house' or transfers operational responsibility to Barking Football Club or another third party;
  - Barking Football Club takes on responsibility for the operation of the stadium and secures the funds to re-develop the site;

- A commercial operator is identified to take on the operation of the site and provide the necessary investment; or
- Demolition of the dilapidated facilities by the Council, which would result in the facilities being unsuitable for anything other than casual pitch hire, if at all.

### **3. Options Appraisal**

#### **Option one**

- 3.1 The Council could fund the re-development of the site and then either operate the facility 'in house' or transfer operational responsibility to Barking Football Club or another third party. This is not the preferred option at this time.
- 3.2 This is because the draft development plans drawn up by the Council indicate that it would cost c£900,000 to replace the existing facilities, if these works were delivered by the Council.
- 3.3 Whilst these works could be funded via committed s106 funding relating to the housing development on the former UEL site, it is considered that other options should first be exhausted before a decision is made on whether this would be the best use of the s106 funds compared to other competing and perhaps more compelling demands for investment.
- 3.4 A further consideration in this respect is that although bringing the facilities up to standard would resolve the immediate asset management liabilities facing the Council; this would not resolve the equally important issue in these times of austerity of how the venue could be operated at no revenue cost on an ongoing basis.

#### **Option two**

- 3.5 Barking Football Club takes on responsibility for the operation of the stadium and secures the funds to re-develop the site. This is not the preferred option at this time.
- 3.6 The development of the Club has come on in leaps and bounds over the past five years and they are now one of the Borough's key sporting assets. However, it is considered that there would be a high level of risk associated with the Club having responsibility for the management of the site via a long term lease at this stage in its development.
- 3.7 Also whilst there has been positive soundings from Sport England and the Football Association about the potential to access their relevant funding streams to support the re-development of facilities, this would only be confirmed via a lengthy grant application process and would, if successful, only provide part of the total funding package that is required.

#### **Option three**

- 3.8 A commercial operator is identified to take on the operation of the site and provide the necessary investment. This is the preferred option because it would secure the long term future of the football stadium with enhanced provision and at no revenue cost to the Council.

## **Option four**

- 3.9 Demolition of the dilapidated facilities by the Council, which would result in the playing pitch being unsuitable for anything than casual pitch hire. This would be the option of last resort and should only be considered if none of the other options outlined above is tenable.
- 3.10 It is difficult to see how it would be possible for the Club to continue to operate in the Borough if this option is implemented.

## **The preferred option**

- 3.11 Option three is the option being recommended to Members for approval.
- 3.12 Four private sector organisations with relevant experience of managing football facilities were approached to investigate whether there was any appetite from a commercial operator to invest in and manage the facilities at the site.
- 3.13 One positive response was received from the Academy of Dreams, which is the organisation that the Council recently granted a long term lease to manage the Manor Road football ground in Dagenham but with security of tenure for the Dagenham United Football Club.
- 3.13 Officers subsequently met with the Academy of Dreams, Barking Football Club and Dagenham United to discuss this opportunity in more detail and Members are now asked to approve a long term lease to the Academy of Dreams to enable this proposal to be implemented.
- 3.14 If the lease is approved, Academy of Dreams will implement and pay for the replacement of the existing changing rooms and associated facilities with the following facility mix:
- Changing room provision to the relevant FA and Sport England standards including showers, referees room and flexible in design to enable use by male and female users
  - Treatment clinic for preventative advice, rehabilitation and treatment
  - Toilets for male and female use, accessible toilet and baby changing facilities
  - A lounge that can be used for refreshments, catering, coach education workshops and meetings and parties/special occasions.
- 3.15 They will also pay for, provide and operate:
- Two new artificial turf pitches with floodlighting: one would be an academy size pitch 60m x 40m and the other a regulation mini soccer pitch measuring 45m x 30m.
  - Changing rooms adjacent to the new all weather pitches so that these facilities can be used when there are games in the football stadium.
  - A pathway from the pavilion to the new all weather pitches.
- 3.16 The Council will be required to pay for and arrange the demolition and site clearance of the existing club house and changing rooms and other remedial works.

It is estimated that these works will cost c£100,000. Funding to wholly meet these costs is available from s106 developer contributions that have been received and are ring fenced for improvement to sports facilities in Mayesbrook Park and have previously been committed for this purpose by Cabinet (16 March 2010; minute 146 refers).

- 3.17 Barking Football Club will have security of tenure via a sub lease that gives them guaranteed use of the grass football pitches and associated changing facilities at a peppercorn rent as well as priority booking status for the new facilities to be provided but for which a charge would be made.

#### **4. Consultation**

- 4.1 Consultation with the Leader of the Council, members of the Council's Property Advisory Group (including the Cabinet members for Regeneration and the Deputy Leader), Mayesbrook ward councillors and representatives from the Barking Football Club has been undertaken to inform the development of the proposals set out in this report.

#### **5. Financial Implications**

Financial implications completed by: Roger Hampson, Group Manager - Finance

- 5.1 There are no ongoing financial implications for the Council. The preferred option would see the sports ground operated at no cost to the Council by a third party via a long term lease.
- 5.2 The funding required to undertake the demolition of the club house, changing rooms and associated works is available from s106 funding ring fenced for Mayesbrook Park and previously committed by the Council.
- 5.3 The income generated from the mobile phone masts within the footprint of the football stadium will continue to be paid to the Housing and Environment department, although there is a degree of risk over the level of income achieved as lease arrangements with telecom companies come up for renewal.
- 5.4 It is proposed that the financial terms of the lease will be a commercial rent at a similar level to the rent set for the Manor Road ground in Dagenham, which will have a similar facility mix.
- 5.5 It should be noted that the football stadium would revert to the Council if the lease is terminated. If this occurs it is likely that the Council would incur revenue costs until a new management arrangement could be put in place.

#### **6. Legal Implications**

Implications completed by: Jason Ofosu, Acting Senior Property Lawyer

- 6.1 The Council will retain the freehold interest and grant a long lease of 35 years for a commercial rent to the Academy of Dreams with a sub-lease for the same duration to the Barking Football Club.



- 6.2 The Council and the Academy of Dreams will agree heads of terms for the leasing arrangements.
- 6.3 The Chief Executive can agree the terms of the lease and management agreements in consultation with the Chief Finance Officer (Constitution Land Acquisition and Disposals Rules refer) and on the advice of Property Services and the Legal Practice.
- 6.4 Section 123 Local Government Act 1972 and the Council's Land Disposal rules require land to be disposed of at market value. The Council has a general power of competence under section 1 of the Localism Act, although as always its application of these powers must be carefully considered and appropriate to the relevant circumstances. Section 1 of the Localism Act allows the Council "to do anything that individuals generally may do". Therefore the Council could decide the rent does not have to be market value since the lease holder is acting for the benefit of the Council, its area or persons' resident or present in the area.
- 6.5 The lease should be a full repairing and insuring lease so that the Council do not bear the cost of repair and maintenance of the Property. The Legal Practice should be consulted on the preparation and completion of the lease.

## **7. Other Implications**

- 7.1 Risk Management** – This proposal is intended to remove the current risk the Council carries in relation to its duty of care responsibilities for a dilapidated facility for which there is only a seasonal hire agreement in place and no effective control of operational costs.

The key risks associated with this proposal relate to asset management, governance, planning considerations, and sustainability. Action has been or will be taken to transfer, manage or mitigate these risks.

### Asset management

Under the terms of the proposed lease, the lease holder will be responsible for repairs, maintenance and insurance of the site and an inspection regime will be put in place to ensure compliance.

### Governance

All of the facilities on the site will be managed on a day to day basis by the Academy of Dreams via a long term lease; however, Barking Football Club will be provided with a sub-lease at a peppercorn rent so that the club has security of tenure for the duration of the lease (35 years).

The proposed length of lease will enable the Barking Football Club to apply for funding to Sport England and to charitable trusts and relevant National Governing Bodies for sport.

### Planning

The viability of this proposal is dependent on planning permission being approved for the provision of the proposed artificial turf pitches, floodlighting and changing rooms. To help mitigate the risk in this respect meetings have been held with the

Council's Property Advisory Group and officers in the planning team to inform the development of these proposals.

Also advice has been received that the scope of the proposed development at the site is in keeping with Mayesbrook Park's classification as Metropolitan Open Land.

- 7.2 **Contractual issues** – The legal implications section sets out the Council's powers in relation to this matter. Legal Services will be fully consulted and will prepare all the necessary legal documentation.
- 7.3 **Customer impact** - It is expected that the existing clubs and individuals who currently use the football stadium and associated facilities will continue to do so under the proposed management regime but that there will also be improved access for other clubs and the wider community resulting from the enhanced facilities that are proposed.
- 7.4 **Crime and Disorder Issues** - The Council has a statutory duty to consider crime and disorder implications in all its decision making. The football stadium will provide a wide range of activities and quality facilities, which will provide positive activities for all residents.
- 7.5 **Health issues** – It is well known that a lack of physical activity is one of the main risk factors for heart disease and diabetes. But less well known is the fact that a lack of physical activity can increase risk factors in a range of other health areas, including mental health.

The activities delivered at the football stadium are consistent with our Health and Wellbeing Strategy to improve the health and well-being of individuals and build community cohesion through increased participation of children, young people and adults in sport and physical activity.

- 7.6 **Safeguarding Vulnerable Adults and Children** - The football stadium will provide an extensive programme of positive and diversionary activities for young people.

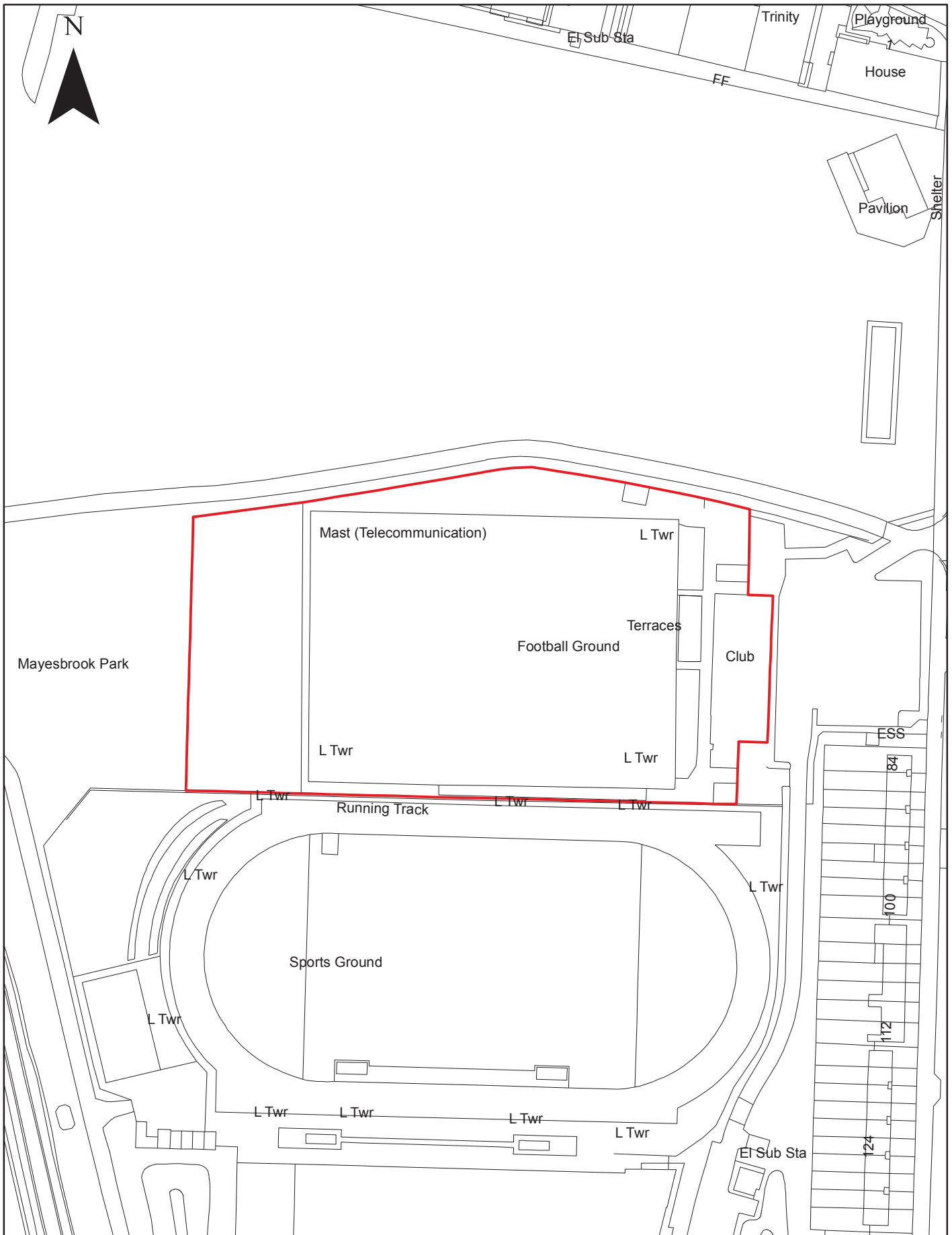
It will be a condition of use that clubs using the sports ground will have appropriate procedures in place in line with the safeguarding policies of their respective National Governing Bodies.

- 7.7 **Property/Asset issues** – it is intended that the terms of the lease will require the lease holder to repair, maintain and insure the facilities at the football ground. This proposal will also see the replacement of dilapidated changing rooms and club house with new, fit for purpose facilities.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix 1** - Site Plan



Barking Park Football Club,  
Lodge Avenue, Barking  
RM8 2AS

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## CABINET

18 December 2013

<b>Title:</b> Addition of the Sacred Heart Convent to the Local List of Buildings of Special Architectural or Historic Interest	
<b>Report of the Leader of the Council</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Goresbrook Ward	<b>Key Decision:</b> yes
<b>Report Author:</b> Francesca Cliff, Principal Planning Policy Officer	<b>Contact Details:</b> Tel: 020 8227 3910 E-mail: francesca.cliff@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director Regeneration	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<p><b>Summary:</b></p> <p>The Local List of Buildings of Special Architectural or Historic Interest was approved by Cabinet on 21 April 2009 (Minute 174 refers). The local list is currently being reviewed.</p> <p>In advance of the updated list being reported to Cabinet, officers are recommending that the Sacred Heart Convent on Goresbrook Road is added. The landowner is objecting to the local listing.</p> <p>This site has been brought forward for local listing as an application for the demolition of the building and erection of 20 two and three bedroom homes was refused by the Council's Development Control Board on 14 October 2013. The local listing may not have any impact on this proposal but it does signal that the Council would resist the loss of the building when considering any future proposals for the site.</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is recommended to approve the addition of the Sacred Heart Convent, Goresbrook Road, Dagenham, to the Local List of Buildings of Special Architectural or Historic Interest</p>	
<p><b>Reason(s)</b></p> <p>To assist the Council's vision to encourage growth and unlock the potential of Barking and Dagenham and its residents and its priority of reducing crime and fear of crime by safeguarding an important heritage asset which will help boost civic pride and build community cohesion.</p>	

## **1. Introduction and Background**

- 1.1 The Local List of Buildings of Special Architectural or Historic Interest was approved by Cabinet on 21 April 2009 (Minute 174 refers). The list comprises 135 buildings which although not worthy of formal listing are of local historical or architectural interest and important in helping define the character of the borough's built environment and provide links to its past. The list was put together following consultation with professional bodies such as English Heritage and Design for London and local interest groups such as the Barking and District Historical Society, Creekmouth Preservation Society, the Faith Forum, the Church Commission, Centre for Independent Living, Barking and Dagenham Access Group, and Chadwell Heath Historical Society.
- 1.2 The National Planning Policy Framework (NPPF) classifies a locally listed building as a non-designated heritage asset; as distinct from those buildings which are statutorily listed and classified as designated heritage assets. The NPPF makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Similarly the Council's Local Plan aims to protect and wherever possible enhance the borough's historic environment.
- 1.3 The Council made an application to the Secretary of State for Culture, Media and Sport to add the convent to the Statutory List of Buildings of Special Architectural or Historic Interest. On 6 November the Secretary of State informed the Council that when judged against the published listing criteria, the Sacred Heart Convent, Dagenham did not merit listing for the following principal reasons:
- Architectural interest: although built of good quality brickwork the composition is bland and lacks symmetry with standard fittings for the period;
  - Historic interest: lack of evidence of association with a leading cleric, architect, patron or a development of worship;
  - Degree of alteration: very large late C20 continuous dormers on the front and back and protruding lift shaft and additional staircase.
- 1.4 However English Heritage considered that the building is clearly of local interest.

## **2. Proposal and Issues**

- 2.1 The report to 21 April 2009 Cabinet committed the Council to reviewing the local list every five years. This is in line with the National Planning Policy Framework which states that local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment.
- 2.2 This site has been brought forward for local listing as an application for the demolition of the building and erection of 20 two and three bedroom homes was refused by the Council's Development Control Board on 14 October 2013. The local listing may not have any impact on this proposal but it does signal that the Council

would resist the loss of the building when considering any future proposals for the site which involves its loss.

- 2.3 This building was constructed in the 1920s or early 1930s, probably by an architect working for the Roman Catholic diocese. The convent was established to serve the workers of the Ford Motor Works and their families, many of them residents on the Becontree estate and Roman Catholic. Therefore it is clearly of local historical interest.
- 2.4 The building can be described as having been built in a Neo-Georgian style with two storeys in red brick. It has two adjoining wings and a cupola on the roof of the central section. The main entrance doors are framed by mock Doric columns and a scrolled pediment. The Convent retains the original sash windows and features two larger round headed windows on the western wing which may have served a chapel. There is a dentil course underneath the eaves. The building is set back from Goresbrook Road in well kept mature gardens which give the building a stately appearance. The site is secured to the front with a short brick plinth topped with decorative railings interspersed with brick piers and well maintained hedging behind. The garden to the rear provides a sense of retreat and is complemented by a sculpture at the end of the central path.
- 2.5 The integrity and harmony of the building's original design has, in Council officers' opinion, been undermined by more recent interventions. These include a large dormer into the roof (front and rear) to make a third level, stairs and lift to the rear providing access to upper floors, and a single storey timber extension on the east wing. However despite these unsympathetic additions the building is locally significant due to its local architectural and historic value and compares favourably with the other buildings already on the list and therefore warrants inclusion. The Convent is a prominent local landmark, is a good and rare local example of an early 20<sup>th</sup> Century neo-Georgian institutional building and positively contributes to the character and appearance of the area. Therefore officers recommend the building is added to the local list. This is supported by the English Heritage assessment which although it did not regard the building as worth of statutory listing considered that it was clearly of local interest. It is also consistent with the definition of significance for heritage policy in the National Planning Policy Framework.

### **3. Options Appraisal**

- 3.1 In terms of its architectural and historic interest the convent compares favourably with the other buildings already on the list and therefore is considered to warrant inclusion.

### **4. Consultation**

- 4.1 The original local list was consulted on from 12 January to 6 March 2009 with target groups. The addition of the Sacred Heart Convent ahead of the review of the local list has not been consulted on however there was public support for its retention in response to the recent planning application for the site. A 23 signature petition was received objecting on a number of issues including the loss of the Sacred Heart Convent building on the basis it forms an important part of the identity of the street and is a prominent local landmark and that the Council should take particular care to reinforce local distinctiveness. English Heritage also responded stating that this

was one of the few local buildings designed with more than function in mind. They went on to state that the building is a local landmark and that consideration should be given to its potential for conversion rather than demolition.

- 4.2 A comprehensive report 36 page report assessing the significance of the Sacred Heart Convent and in particular its eligibility for local listing as a non-designated heritage asset has been received from Beacon Planning Limited appointed by Gerald Eve LLP on behalf of the Trustees of the Sacred Hearts of Jesus and Mary and Croudace Partnership. The report concludes that:

“It is recognised that the Convent building has a certain local interest due to its historical association with the Dagenham plant and its community. It was, however, never designed to be a landmark or have a designed landscape around it, and what group value it has was lost when the schools nearby were demolished to make way for housing. It is also no longer an active part of the community, and is now unused with much of its original communal value being transferred to the nearby Harmony House. While the Convent is distinct from the domestic style of its immediate surroundings and is of some aesthetic interest externally and internally, its architectural interest is limited due to its common neo-Georgian styling externally and the neo-Classical features internally, which are of no great rarity or significance. Its value has been further limited by the later extensions and alterations to the building. In conclusion, while the Convent has some local interest and value, it is not of sufficient architectural or historic interest to categorically justify its inclusion on the local list.”

- 4.3 Clearly there is a difference of opinion about the value of this heritage asset and therefore how locally significant it is. Both parties agree that the building is of local significance but the Trustees consider this it is limited. However the Council’s Core Strategy is clear that compared to many other areas the Borough has relatively few protected historic environment assets and therefore the Council will take particular care to protect and wherever possible enhance the borough’s historic environment and to reinforce local distinctiveness. Clearly the loss of the convent would be detrimental to this objective.

## **5. Financial Implications**

Implications completed by: Philip Horner, Principal Accountant

- 5.1 The Sacred Heart Convent is currently owned by its Trustees who are responsible for the costs of its upkeep.
- 5.2 If this building is added to the List of Local Buildings of Special Architectural and Historic Interest, there would be no liability created on this Authority to contribute towards its costs in the future.
- 5.3 Therefore, this report has no financial implications.



## 6. Legal Implications

Implications completed by: Paul Feild, Senior Corporate Governance Lawyer

- 6.1 Conservation of heritage assets is one of the 12 core principles of the National Planning Policy Framework. So the demarcation of a site and buildings as a heritage asset means that its status is a material consideration when taking planning decisions. Nevertheless to place a building on the Local List buildings does not afford the same level of protection as if statutorily listed.
- 6.2 Inclusion on the Local List is advisory only; it is solely to highlight their local significance to the built character and amenity of an area. It does not provide the Council with additional planning powers or create extra burdens on the landowner. It does mean that there will be an expectation that planning considerations, as far as is reasonable, will take account of the need to preserve Locally Listed Buildings when considering applications for planning permission.

## 7. Other Implications

- 7.1 **Risk Management** This report is recommending that the Sacred Heart Convent is added to the local list due to its local architectural and historic interest. This will also increase the protection it enjoys through the planning system.
- 7.2 **Customer Impact** The Council's Heritage Strategy 2013-2016 recognises that the historic environment is a vital part of place making. It provides character, distinctiveness and a sense of place. It helps people be proud of where they live.
- 7.3 **Crime and Disorder Issues** Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. A locally listed building that is well cared for can contribute to the local identity of an area and encourage a sense of pride in and respect for the local environment.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:** None

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## CABINET

18 December 2013

<b>Title:</b> Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'	
<b>Report of the Cabinet Member for Regeneration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Naomi Pomfret, Planning Policy Manager	<b>Contact Details:</b> Tel: 020 8724 8097 E-mail: <a href="mailto:naomi.pomfret@lbbd.gov.uk">naomi.pomfret@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director Regeneration	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<p><b>Summary:</b></p> <p>The number of public houses (pubs) in the borough has reduced from 48 to 28 in the last 26 years. The rate of loss is accelerating; in the last six years 13 pubs have closed. With the loss of a local pub comes the loss of a community facility, the loss of a business and in some cases the loss of an important historical building of architectural and civic interest.</p> <p>This report proposes a draft Supplementary Planning Document (SPD) to give the Council more control over the loss of pubs. The guidance draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. A copy of the guidance is provided at Appendix 1.</p> <p>It is proposed to consult on the draft SPD for six weeks in line with the Council's Statement of Community Involvement.</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is asked to:</p> <ul style="list-style-type: none"> <li>(i) Approve the Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses' at Appendix 1, for public consultation and as a material consideration by Development Management;</li> <li>(ii) Note that, following the outcome of consultation, a report will be presented to the Assembly seeking approval of the final Public Houses Supplementary Planning Document (SPD), and</li> <li>(iii) Support the Kirklees Council submission to Government to protect local pubs under the Sustainable Communities Act.</li> </ul>	

## Reason(s)

In order to assist the Council to achieve its vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities';.

### 1. Introduction and Background

- 1.1 This report proposes a draft Supplementary Planning Document (SPD) in response to the loss of pubs in the borough.
- 1.2 It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character and economy of the borough. The guidance seeks to encourage a diverse and active pubs sector in Barking and Dagenham and draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan. In doing so, the SPD will help to deliver the Council's Community Strategy, in particular the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. A copy of the guidance is provided at Appendix 1.
- 1.3 The Borough has experienced a 42 percent decline in the pub stock in the last 26 years. The majority of this loss has taken place over the last 10 years. Between 2007 and 2011 the rate of pubs decline in the Borough was over twice as high as the decline in the national pubs stock with 11 pubs closing. Currently 28 pubs remain open in the Borough.
- 1.4 With the loss of a local pub comes the loss of a community facility, the loss of a business and in some cases the loss of an important historical building of architectural and civic interest.
- 1.5 Pubs are valued meeting spaces for the local community. The importance of the pub as a community asset has been acknowledged by a range of organisations. In particular, the Institute for Public Policy Research (IPPR) which published 'The Social Value of Community Pubs' in 2012. The report outlines the importance of pubs as hubs for the development of social networks between local people. The borough's pubs offer a social space for people to meet. A decline in social infrastructure, such as the loss of the pub, is not just an inconvenience for residents but can have long-term consequences, and associated costs, for the wellbeing of communities.
- 1.6 The draft SPD is also intended to protect pubs for the contribution they make to the character of the borough. There are currently 20 pubs in Barking and Dagenham which are locally listed. Of these, 12 are currently open, three have closed and the remaining five have changed use but the building and its features have been retained in some form. It is important that the Council ensures that these local assets are viewable to the public for generations to come, so they can be appreciated for their historic, cultural and architectural value or if their loss is unavoidable that the history of the pub is recorded and artefacts archived.

Furthermore, two of the borough's pubs, both of which are operational, are statutorily listed; the Grade II Cross Keys Inn and the Grade II\* Eastbrook which is one of the most architecturally important pubs in the country.

## **2. Proposal and Issues**

- 2.1 The proposed draft SPD explains that the Council supports the retention of pubs and will resist their change of use, redevelopment or demolition. For proposals involving a change of use the guidance explains that the pub should first be marketed for 12 months as a pub, at a price agreed by the Council and clarifies that the preferred approach is for the pub to be marketed without a tie. If this has been done to the Council's satisfaction the applicant then needs to demonstrate that there are no reasonable prospects of reuse by an alternative community use despite attempts over 12 months to market it. Officers recognise that in total this involves 24 months of effort to prove the pub is not viable either as a pub or for an alternative community use. However, the guidance encourages applicants to speak to the Council at the earliest opportunity before they commence their marketing exercise since some pub sites may have development potential which can complement rather than threaten the pub building and use. Equally, the guidance recognises that not all pubs will lend themselves to alternative community uses since they may give rise to unacceptable impacts on residential amenity, parking and road safety. So it will not always be appropriate to seek an alternative community use.
- 2.2 The guidance also recognises that there may be some instances where a pub is located in close proximity to another which is significantly more valued by the local community and of far greater interest architecturally and historically. In these instances the Council concedes that it may not be appropriate to market the pub for a pub use or to secure an alternative community use and this illustrates the importance of the applicant speaking to the Council at the earliest opportunity.
- 2.3 Where the marketing has been done to the Council's satisfaction the guidance then turns to consider the quality of the building. Where the pub building is assessed as making a contribution to either architectural heritage, local character or appearance of the streetscape the guidance requires the ground floor of the building to be retained for a publicly accessible use which maintains an active frontage. Many such uses can actually be done through permitted development rights as for example at the Railway Tavern and Beacon which have been converted into metro supermarkets.
- 2.4 For those pubs which are demolished the guidance expects the replacement development to make an equal or greater contribution to the street scene and the community. This can be done by either incorporating a community use in the redevelopment or by the applicant making a contribution towards enhancing community facilities in the locality where appropriate.
- 2.5 Finally in those cases where pubs are demolished the applicant will where appropriate be required to work with the Council to safeguard any historically important artefacts for archiving or public display.
- 2.6 The Council recently received a letter from Kirklees Council who have passed a motion to submit a proposal to Government under the Sustainable Communities Act

to protect local pubs. Under the Act Kirklees Council is requesting that the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before they are converted to other uses or demolished. Kirklees Council is inviting Councils across the country to join the submission so their name can be added to the list of supportive councils when the proposal is submitted to Government. It is recommended that Barking and Dagenham join this submission as it is consistent with the purpose of this SPD.

### **3. Options Appraisal**

- 3.1 Failure to adopt the SPD would reduce the ability of the Council to control the change of use of pubs to other uses and prevent the loss of historically important buildings. As discussed in this report, the borough is losing its pubs at an increasingly fast rate. The SPD is considered to be a proportionate response to the threat to local pubs and to embody sufficient flexibility to allow the Council to respond appropriately in each instance.

### **4. Consultation**

- 4.1 No consultation on the SPD has taken place to date. To bring forward the SPD, consultation with the statutory consultees, identified in accordance with the Government's National Planning Policy Framework, will be undertaken for a period of 6 weeks and the remainder of the local consultation will be undertaken in line with the Council's Statement of Community Involvement. All matters regarding the SPD will be in line with all legal requirements, plus secondary legislation regarding plan making set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. Officers will address the comments received and bring a final copy of the SPD to the Assembly for approval.

### **5. Financial Implications**

Implications completed by: Horner, Principal Accountant

- 5.1 The cost of the proposed public consultation can be met from existing Regeneration and Economic Development budgets.
- 5.2 The only financial impact could be on levels of Planning Application income received and, due to the small number of pubs now located in the Borough, the financial implications for this report are not significant.

### **6. Legal Implications**

Implications completed by: Paul Feild, Corporate Governance Lawyer

- 6.1 The Planning and Compulsory Purchase Act 2004 required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF) now known as the Local Plan. The SPD will inform the Local Plan
- 6.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) provides that adoption of Local Plan documents are not solely to be an executive function, so the resolution to adopt SPD documents must be carried out by the Assembly.

## 7. Other Implications

### 7.1 Risk Management - Officers consider that there is a sound policy basis for producing this Draft Supplementary Planning Document.

Risk	Probability	Impact	Priority	Action
Failure to meet legal requirements.	Low	High	High	Relevant Act and Regulations will be followed in preparing and adopting SPD.
Policy not applied successfully	Low	High	High	Development Management staff will be fully briefed.
Failure to integrate fully with other Council policies and strategies	Low	High	High	The Draft SPD is consistent with the National Planning Policy Framework and the Council's Community Strategy, Local Plan and Heritage Strategy.
Guidance is not upheld at appeal	Medium	High	High	This SPD is in line with the National Planning Policy Framework. Its purpose is to provide detailed guidance to developers on the implementation of LDF policy set out in the Borough Wide Development Policies DPD and the Core Strategy which has now been adopted.
Policy is challenged by developers.	Low	High	High	Other local authorities have issued similar guidance. Whilst Cambridge's guidance was the subject of a legal challenge this was not upheld.

### 7.2 Customer Impact - Pubs form important community assets providing a space for communities to meet. Many of our pubs are important cultural, historical and architectural buildings and therefore give much value to the population they serve. There are 28 pubs currently open in the borough (Summer 2013) but all indications show that this number will fall given past trends. The guidance outlined, if adopted, will give pubs a greater level of protection, ensuring that people living, working in and visiting the borough can continue to enjoy these vital institutions whilst protecting them for future generations. The entire borough will benefit from the impact of the guidance. It will help to retain important community facilities and in those cases where pubs are listed (either statutory or locally listed) it will help to maintain important architectural, historical and cultural assets.

- 7.3 **Safeguarding Children** - Pubs traditionally are considered the domain of adults. However, in a changing industry many pubs have opened themselves up and diversified. One such trend has been emergence of family pubs. Often such pubs have play areas for children or shared community facilities. Such pubs can, where managed appropriately, help to create a healthy social environment for children as well as adults.

Although the primary motive for the guidance is aimed at the protection of pubs, the guidance also states that where the pub operation is not economically viable then the building should be retained as a community facility of some kind. This offers the opportunity for these sites as community facilities which could include facilities which would be of benefit to children.

- 7.4 **Health Issues** - The health problems and financial impact on public health services created by increased alcohol consumption need to be considered against the positive effects of local pubs. Alcohol misuse is a significant problem both for society and for the NHS in England. It is estimated that a quarter of adults in England drink a hazardous or harmful amount of alcohol. Alcohol has an effect on judgement, concentration, reaction time, balance and vision and hence it is a major cause of accidents and crime. Some religions forbid the use of alcohol and others commonly abstain from drinking. The 2012 Joint Strategic Needs Assessment highlights that alcohol-related disorder has been identified as a concern by residents of Barking and Dagenham through local and national surveys. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the detrimental effect this has on the environment and on residents feelings of safety. However, it is important to stress that the negative impacts outlined above relate to alcohol consumption rather than the pub itself although there is naturally a relationship.

- 7.5 **Crime and Disorder Issues** – Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. A locally listed building that is well cared for can contribute to the local identity of an area and encourage a sense of pride in and respect for the local environment and therefore may help to reduce vandalism. Equally disused and vacant buildings can become eyesore sites and attract anti-social behaviour. Officers consider that the guidance strikes the right balance in this regard.

- 7.6 **Property / Asset Issues** - It should be noted that restrictions on any type of development may affect the volume of private sector interest in development, the level of investment and/or the viability of business. The financial impact on the Council of this cannot be estimated.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

**Appendix 1** - Draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'



# **Last Orders? Preserving Public Houses**

## **Draft Supplementary Planning Document**

December 2013

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**Appendix 1: Pubs closures and openings 1987-2013**

# 1. Introduction

- 1.1 This Supplementary Planning Document (SPD) explains the Council's overall guidance on the retention of public houses (pubs) in the borough. It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character of the borough. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed.
- 1.2 This document is a response to community concerns regarding the declining number of pubs in the borough. With only 28 pubs still in operation, a figure which is low for London, it is clear that doing nothing is not an appropriate response. The rate of decline in Barking and Dagenham is high with a reduction of 41.6 percent over the past twenty six years, with most of this occurring in the last ten years.
- 1.3 Whilst the loss of pubs in the borough is concerning, many of our pubs have managed to stay successful businesses even in testing economic times. Proving that with the right management, sales and offer our local pubs can and do thrive. Nevertheless, the pub industry nationally remains a challenging environment.
- 1.4 Pubs are special, more than private businesses; the local pub often brings people from different walks of life together, supporting community cohesion. Many of the pubs in Barking and Dagenham are also of local and in some instances national historic significance and contribute to the unique character and appearance of the borough, including its conservation areas. To put it simply, our pubs matter and it is for this reason that the Council wants to give pubs a greater level of protection.
- 1.5 The guidance, detailed in Section 6, sets out a level of protection for the Borough's pubs. This SPD is considered a pragmatic and proportionate response to the challenges we face in maintaining the borough's pub stock. It will allow the opportunity for pubs to flexibly change use in appropriate circumstances.
- 1.6 This SPD has been prepared to take into account the following key principles:
  - a. The importance of pubs as community gathering spaces which reinforce the importance of community and social interaction.
  - b. A need to preserve the important economic functions of pubs which provide a substantial amount of local employment, providing job opportunities to local people.
  - c. The need to preserve pubs which have an important historical and architectural function, contributing to the local townscape.

- d. A need to be flexible enough to respond to the changes and realities of the local economy and the wider economic environment.

- 1.7 It should also be noted that the guidance is not proposing the use of an Article 4 Direction to remove permitted development rights for pubs to change to cafes and restaurants (A3), financial and professional services (A2) or shops (A1). However, the Council may use an immediate Article 4 Direction on a case by case basis should it be deemed by the Council to be appropriate. Immediate Article 4 Directions can be imposed on specific buildings or land when there is a justified and urgent requirement for the land or buildings protection. The Council as the planning authority would therefore have the right to stop permitted development changes relating to a pub if required.
- 1.8 This SPD is supported by national and regional policy (see Section 3 for a review of relevant planning policy). This is reflected by the National Planning Policy Framework (NPPF), which encourages a positive approach towards the protection of community facilities such as pubs (NPPF, Para 70).
- 1.9 This SPD will assist the Council to achieve its Community Strategy vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities;.
- 1.10 The SPD specifically supplements the following policies and objectives of the Local Plan:

*Core Strategy (2010)*

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Historic Environment
- CC2: Social Infrastructure to Meet Community Needs

*Borough Wide Development Policies (2011)*

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities
- BP2: Conservation Areas and Listed Buildings

- 1.11 The SPD does not have the same status as the Development Plan but is a material consideration in the determination of planning applications.

1.12 The provisions of this SPD will be implemented primarily through the Development Management process and the determination of applications for change of use of pubs. This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Plan.

**Public houses - a definition**

1.13 In planning terms a pub is designated as Use Class A4 Drinking Establishments under the Town & Country Planning Use Classes Order (1987) as amended. Pubs require a premises license under the Licensing Act 2003 which is administered by the Council. Under their license terms, the definition of a 'public house' is framed so as to include all premises licensed for the supply of alcohol for consumption on the premises, including bars and restaurants. The license is valid for an indefinite period once granted and can only be repealed if the proprietor breaks the terms and conditions of their license, or fails to pay their annual fee.

## **2. Status**

2.1 This guidance has been put together in accordance with the National Planning Policy Framework (NPPF, 2012). The statutory Development Plan is the starting point when determining a planning application for the development or use of land. The Development Plan consists of the London Plan (2011) and the Development Plan Documents within the London Borough of Barking and Dagenham's Local Plan. This SPD provided further detail on the implementation of Local Plan policy that applicants must follow to ensure they meet the policy requirements.

### 3. Planning policy framework

- 3.1 This Supplementary Planning Document (SPD) has been produced to address the impact of the loss of pubs. The guidance seeks to encourage a diverse and active pubs sector in Barking and Dagenham. It draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan.

#### The National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) recognises the importance of community facilities and seeks to protect against their loss. The NPPF sets the achievement of sustainable development as its main focus. This encompasses three goals; economic, social and environmental. Pubs help contribute to supporting all three. First, in terms of their social contribution, the borough's pubs provide a social meeting place for the community. Second, in terms of economic contributions, local pubs are an important source of local employment and support the local economy<sup>1</sup>. Lastly, environmentally, many of our pubs contribute to the history and architectural heritage of our borough and are therefore identified as heritage assets in their own right. A thriving local pub sector is therefore important to achieving the principle function of national planning policy; achieving sustainable development.
- 3.3 The NPPF provides a wealth of general support for those community facilities which can promote social inclusion whilst supporting the economy. In particular paragraph 70 defines pubs as community facilities. The Council's Local Plan does not include pubs as a community facility. However, the Council intends to use the more recent definition of community facilities in the NPPF in implementing its Local Plan policies including CC2 and BC6. Paragraph 70 of the NPPF recommends that planning policies and decisions should:
- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet day to day needs;*
  - *Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*

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<sup>1</sup> An 11 percent decline in the national pub stock was recorded in the UK public house stock between 2007 – 2011. Source: British Beer and Pubs Association, <http://www.beerandpub.com/statistics>

- *Ensure an integrated approach to considering the location of housing economic uses and community facilities and services*
- 3.4 The NPPF also places great emphasis on maintaining the character and distinctiveness of an area. Paragraph 50 expects development to respond to local character and history whilst demonstrating an understanding of the defining characteristics of an area.
  - 3.5 Some pubs may make a positive contribution to the character and appearance of conservation areas. Under the NPPF Loss of those that do should be treated as either harm or substantial harm to a designated heritage asset, as appropriate, taking into account its contribution to the significance of the conservation area.
  - 3.6 Substantial harm to a conservation area should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss, and that sufficient viability testing has been carried out, including appropriate marketing (paragraph 133).
  - 3.7 Local Authorities are required to look for opportunities for new development within conservation areas to enhance or better reveal their significance.
  - 3.8 Under the NPPF Local Authorities should require developers to record and advance understanding of the significance of heritage assets to be lost in a manner proportionate to their significance. English Heritage has provided guidance on the appropriate level of building recording, available at [www.english-heritage.org.uk](http://www.english-heritage.org.uk)
  - 3.9 Paragraph 153 of the NPPF states that Supplementary Planning Documents should only be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. With relation to this, it is considered that this SPD is required to assist applicants make successful planning applications in respect to development involving a pub. It is not considered that this SPD adds unnecessarily to the financial burdens on development. The guidance set out in Section 6 provides appropriate and proportionate criteria to protect and retain pubs. When reading the NPPF as a whole, it can be seen that the SPD will aid the delivery of sustainable development by aiding in the retention, where viable, of valued community facilities.

### **London Plan**

- 3.10 At the London (regional) level, the London Plan (2011) forms part of the development plan for the area. Pubs can be considered to be social infrastructure when read in alignment with the NPPF which, as set out above, consider pubs community facilities. London Plan Policy 3.16 – Protection and Enhancement of Social Infrastructure, in part states:

*Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for*

*re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

3.11 Other London Plan policies that are relevant to the protection of pubs include:

- Policy 2.5: Town Centres
- Policy 3.1: Ensuring equal life chances for all
- Policy 4.1: Developing London's economy
- Policy 4.6: Support for and enhancement of arts, culture, sport and entertainment provision
- Policy 4.8: Supporting a successful and diverse retail sector
- Policy 7.1: Building London's neighbourhoods and communities
- Policy 7.4: Local character
- Policy 7.8: Heritage assets and archaeology

### **Barking and Dagenham Local Plan**

3.12 At the local level, the Barking and Dagenham Local Plan is divided into a portfolio of Development Plan Documents (DPDs) which includes:

- Core Strategy (DPD)
- Borough Wide Development Policies (DPD)
- Site Specific Allocations (DPD)
- Barking Town Centre Area Action Plan (DPD)
- Proposals Map
- Joint Waste Development Plan (DPD)

### **Barking and Dagenham Core Strategy (2010)**

3.13 The Core Strategy is considered the principle planning document within the Local Plan. It sets out the strategic policies which guide all planning decisions. The document shapes strategic growth in the borough. It sets a range of policies which are relevant to the issue of the protection of pubs.

3.14 Core Strategy Policy CC2 – Social Infrastructure to Meet Communities Needs seeks to resist the loss in community facilities. It states the following:

*To maintain and improve community wellbeing; support will be given to proposals and activities that protect, retain or enhance existing community facilities, or lead to the provision of additional community facilities.*

*The loss of community facilities will only be allowed in exceptional circumstances.*

*Community facilities should be sustainable and accessible. For example they should:*

- *Be located where they can be accessed on foot, bicycle or public transport, rather than only by car.*



- *Be located in premises that comply with the access requirements of the Disability Discrimination Act 2005.*
- *Where possible, be developed as part of mixed-use developments so that facilities are better linked to housing, jobs, shopping, leisure and other local service, in order to minimise travel distances.*
- *Where possible, be located in close proximity to the community that the facility will serve.*

*Where appropriate, the dual-use of premises for a range of community uses will be encouraged. Appropriate locations may include underused existing community facilities or vacant premises within retail parades in designated town centres, subject to the provisions of town centre retail policy.*

3.15 Other Core Strategy policies which are relevant to the protection of pubs include:

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Built Environment
- CC2: Social Infrastructure to Meet Community Needs

#### **Barking and Dagenham – Borough Wide Development Policies (2011)**

3.16 The Borough Wide Development Policies (DPD) provides further interpretation and further detail to Core Strategy policies. Policy BC6 Loss of Community Facilities states:

- *Planning permission that will result in the loss of a community facility will only be permitted where one of the following criteria is met:*
- *The facility is replaced within the new development.*
- *The facility is relocated or a better facility is provided in a more appropriate building or location on another site which improves its accessibility for its users in terms of proximity, walking and public transport, safety (real and perceived) and physical accessibility.*
- *The Council is satisfied that the facility is no longer needed and there are no reasonable prospects of reuse by an alternative community use despite attempts (over a minimum period of 12 months) to market it.*

3.17 Other Borough Wide Development policies which are relevant include:

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities

## **Legislation Review - Planning Law and Public houses**

- 3.18 The Town and Country Planning (Use Classes) Order 1987 (as amended)**  
The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In general terms, a use class can be considered a grouping of similar uses. Planning permission is generally not required when both the present and proposed uses fall within the same use class; this is considered permitted development.
- 3.19 The current 'A Use Class' system is set out in Table 1 and shows the permitted changes which are allowed. A pub is classified as an A4 Use Class. Pubs have a permitted change to a shop (Use Class A1), a financial or professional service (Use Class A2) or a restaurant or cafe (Use Class A3). This is considered to be permitted development.
- 3.20 Since 2013, buildings under 150 metres within Class A1 – A5, B1, D1 and D2 are permitted to change to a flexible use falling within Class A1 (shops), A2 (financial and professional services), A3 (restaurants) or B1 (business) for a temporary period of two years.

**Table 1 – ‘A Class’ Use Class Order**

<b>Use Class</b>	<b>Use /Description of Development</b>	<b>Permitted Change</b>
<b>A1: Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.	State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 3.
<b>A2: Financial &amp; Professional Services</b>	Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.	A1 (where this is a ground floor display window). State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 3.
<b>A3: Restaurants</b>	For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.	A1 or A2 Article 4 Direction proposed to remove permitted development right to change use to Betting Office State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 3.
<b>A4: Drinking Establishments</b>	Public houses, wine bars or other drinking establishments (but not night clubs).	A1, A2 or A3 Article 4 Direction proposed to remove permitted development right to change use to Betting Office State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 3.

<sup>2</sup> State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by SoS and school must notify Council before they open. School must revert to its previous use at end of year.

<sup>3</sup> A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c (R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a, b & c without planning permission. Change of use must be less than or equal to 150 square metres. Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period.

### **Listed Buildings**

- 3.21 Listed buildings are given statutory legal protection due to their national historical or architectural interest. Any works which affect their character as buildings of historic or architectural character require listed building consent, including, for example, historic interiors.
- 3.22 Under the NPPF listed buildings are considered designated heritage assets. In assessing any proposals for listed pubs which require planning permission Local Authorities must refuse consent for proposals which would harm their historic significance.
- 3.23 There are two statutory listed pubs in Barking and Dagenham (detailed in Table 9).

### **Locally Listed Building**

- 3.24 Locally listed buildings are properties which have been listed by the Local Authority due to their local historic or architectural importance. These buildings are not deemed to be of national importance but are of local value. The National Planning Policy Framework (NPPF) classifies a locally listed building as a non-designated heritage asset; as distinct from those buildings which are statutorily listed and classified as designated heritage assets. The NPPF makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application.
- 3.25 Barking and Dagenham's locally listed pubs not only have an innate heritage value but make a positive contribution to the borough's local character and sense of place. The Borough has 20 locally listed buildings which are or were pubs, 12 of which are currently open and 3 of which have closed. In addition the borough also has 5 former pubs which are locally listed where the primary use has changed but the building has been retained.

### **Localism Act 2011**

- 3.26 The Localism Act received Royal assent in November 2011. This introduced Community Right to Bid. Under the Community Right to Bid buildings of community importance, such as local pubs, can be nominated for listing on a register of assets of community value. If the owner of a listed asset of community value wants to sell it they have to notify the local authority. The local authority in turn has to notify any interested parties. If local groups are interested in buying the asset they have six months to prepare a bid to buy it before the asset can be sold.
- 3.27 It has been established that there is a strong planning basis for undertaking this SPD. The NPPF, London Plan and local plan policies demonstrate strong planning policy support for the protection of pubs, for the economic, social and historical contribution they make to the Borough.

## 4. Consultation

- 4.1 The consultation on this draft SPD is in line with Barking and Dagenham's Statement of Community Involvement and runs from xx January 2014 to xx February 2014.

Copies are available on the Barking and Dagenham website at <http://barking-dagenham.limehouse.co.uk/portal/>

Alternatively, you can request a copy by emailing [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or writing to:

Planning Policy Team  
Regeneration and Economic Development  
London Borough of Barking and Dagenham  
Room 104  
Town Hall  
1 Town Square  
Barking  
IG11 7LU

Responses can be made online at <http://barking-dagenham.limehouse.co.uk/portal/>, sent by email to [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or by post to the above address

## 5. Purpose and scope

5.1 Pubs nationally and locally are facing difficult times. Between 2007 and 2011 an estimated 6,396 pubs closed in the UK equating to an 11 percent loss<sup>1</sup>. Indeed, in the second half of 2011, pubs were closing at a rate of 16 a week. Whilst the UK picture is bleak, the rate of decline experienced locally has been over twice that of the national rate. Barking and Dagenham has witnessed a 27.5 percent decline in the borough's pub stock between 2007 and 2011. Yet despite this decline, the pub remains an important and much valued community asset.

### **A place of community cohesion**

5.2 The importance of the pub as a community asset has been acknowledged by a range of leading organisations, such as the All Party Parliamentary Beer Group<sup>3</sup> and the British Beer and Pubs Association. In particular, the Institute for Public Policy Research (IPPR) published 'The Social Value of Community Pubs' (2012). This outlines in great detail the social and community importance of pubs. It outlines the importance of pubs as hubs for the development of social networks between local people. A lack of social infrastructure is not just an inconvenience for residents but can have significant long-term consequences, and associated costs, for communities. Social infrastructure and amenities can support wellbeing, health and sustainability agendas.

5.3 The IPPR's research, states that local pubs are important to communities for the following reasons:

- Allowing people to strengthen existing social networks by meeting up with friends and family.
- Extending social networks whilst reinforce community cohesion and community participation.
- Pubs are perceived by people to be important social institutions for promoting interactions between people from different walks of life.

### **A place of important historical and architectural character**

5.4 Like many parts of Britain, pubs have historically played an important role in the cultural, social and communal life of the Borough. As a result they have become repositories of cultural heritage value – archaeological, architectural, artistic and historic. Their historic functions and importance to the community are often reflected in their architectural character, quality and prominence within the townscape hierarchy. Tony Clifford, a local writer and historian, wrote extensively about the Borough's pubs in the mid 1990s. These perhaps above all other sources help to illustrate the wonderful contribution the Borough's pubs have made to the social character and appearance of the borough<sup>4 5</sup>. Their contribution to conservation areas may also be recorded in conservation area appraisals.

- 5.5 Some local pubs have intrinsic historic and architectural value due to their age and rarity: Clifford's research illustrates how the local pub history dates back long before the formation of the Borough. The earliest currently operating pub is, according to Clifford, a pub which established itself in 1708 as the Queens Head. Known today as the Cross Keys, the building - which itself dates back to the 15<sup>th</sup> century - is a fine timber framed hall house with gabled jettied wings and is considered to be the oldest secular building in the Borough.
- 5.6 It is quite evident to anyone who has visited one of the Borough's historical pubs that they play a very important role in the local townscape. The 15th century Cross Keys building, mentioned above, with its timber framed construction and unique character is an obvious example. Indeed, this is pub is of national important and as such is Grade II listed. More contemporary pubs can also make a fine contribution to the appearance of the borough. The Grade II\* listed Eastbrook pub in Dagenham is one of the Borough's most important buildings. Indeed, it is considered to be within the top 4 percent of all listed buildings in terms of architectural importance across England. A unique modern pub, the Eastbrook is listed in the National Inventory of Historic Pub Interiors published by CAMRA<sup>6</sup>. This guide states that the Eastbrook is the finest 1930s pub in the inventory due to its completeness. The architecture of the pub makes considerable play of panels of brick alternating with render, and hipped roofs with pantile coverings. Its unique character can also be evidenced through its Oak Room and Walnut Room.
- 5.7 The area of the Borough known as the Becontree Estate has an interesting relationship with the pub. Prior to the building of the estate Dagenham was an Essex village. Conceived in the post-Great War years, the Becontree Estate provided some 27,000 new 'Homes for Heroes'. Interestingly, as the area developed in the 1920s and 1930s very few pubs were built. The estate was characterised by large pubs which were few and far between – unlike the rest of London which developed along a pattern of smaller pubs in closer proximity. Records suggest that these larger pubs were not always popular with the new residents of the Becontree Estate who mainly came from the East End of London<sup>7</sup>. This explains why there is a sparse base of local pubs in this area of the Borough.
- 5.8 Any change of use experienced by pubs can have impact on the external appearance of buildings (and therefore on the local townscape) and on historic interiors. A change of use which restricts or removes access to the building undermines the public's ability to enjoy their historic and cultural values as heritage assets. This guidance is therefore an important means of maintaining access to pubs wherever possible so that these buildings can be enjoyed by the public.
- 5.9 Two of the boroughs pubs are statutory listed and a further 12 operational pubs are recognised on the Local List. Barking and Dagenham has relatively few statutory listed buildings and other buildings of architectural and heritage importance when compared to other London boroughs. It is vital therefore to protect the borough's remaining assets, including its pubs.

5.10 The rest of this Section will establish the rate of pub decline in the Borough and any geographic patterns to their loss. This will inform the guidance set out in Section 6.

### **Barking and Dagenham - a declining pub sector**

5.11 An analysis of pubs operating in the borough between 1987 - 2012 has been undertaken to establish when they closed, demolished or changed use. The starting point has been the Council's Local Land and Property Gazetteer and this has been supplemented with planning, building control and historical records. The data supporting these results are presented in Appendix 1 and a dataset which accompanies the SPD. Further to this, Appendix 1 also presents the number of pubs in operation in the middle of 2013.

5.12 The headline figure from this analysis is that the borough's pub stock has declined by 39.5 percent between 1987 and 2012 equating to a net loss of 19 pubs. This decline has largely been generated over the last ten years, with the rate of stock decline increasing over the five years leading to 2012.

### **Timeframes**

5.13 Using the analysis and methods outlined above data has been generated for each five year period in the last 25 years showing how the borough's pub stock has changed. For a detailed breakdown of these results please see Appendix 1.

5.14 In 1987 there were 48 pubs in the Borough. By the end of 1992 this had declined to 46. Over the five years leading to the end of 1992 a total of 3 pubs closed. The first JD Wetherspoon in the borough opened in 1992 (the Barking Dog) equating to a net loss of 2 pubs between 1987 and 1992.

5.15 This small decline in the pub stock recovered by the end of 1997. The five years between the end of 1992 and the end of 1997 witnessed no pub closures and two gains. Wetherspoon grew their investment in the borough, opening a further pub in Dagenham in 1993 (the Lord Denman), another pub opened in a former shop on Goresbrook Road (Me'An O'Brien's). This meant that in 1997 there were the same number of pubs as in 1987.

5.16 Five pubs closed between the end of 1997 and end of 2002, with only one pub opening (Barking Arms); a net loss of 4 pubs, leaving 44 pubs

5.17 Between 2002 and 2007 4 pubs closed with no gains; leaving 40 pubs.

5.18 Between 2007 and 2012 12 pubs closed and one opened (Brewers Fayre – Chequers Lane). This has resulted in a net loss of 11 pubs, a 27.5 percent reduction, leaving 29 pubs.



**Table 2 – Number of Pubs in the Borough 1987 – 2012**

Year Ending	Number of Pubs	Net loss/ gain	Cumulative net loss / gain
1987	48	NA	0
1992	46	- 2	- 2
1997	48	+ 2	0
2002	44	- 4	- 4
2007	40	- 4	- 8
2012	29	- 11	- 19

5.19 In 2013 the Crooked Billet (Marks Gate) closed its doors, leaving 28 pubs open in the borough at the date of publication.

5.20 Whilst the number of pubs closing has significantly increased over the past twenty five years, during this time five pubs have been gained, as shown in Table 3.

**Table 3 – Number of New Pubs Opened 1987 – 2012**

Pub	Opened
The Barking Dog	1992
Lord Denman	1993
Me'An O'Brien's	1997
Barking Arms PH	2000
Brewers Fayre	2012

**Rate of Public House Decline in Barking and Dagenham**

5.21 The table set out below shows the rate of decline between 1987 and 2012. What can be clearly deduced is that the loss of pubs has risen substantially in the last ten years and has accelerated over the five years leading to the end of 2012. If the rate of change experienced over the last ten years is maintained over the next ten years then 24 pubs will remain. If the 27.5 percent decrease experienced in the last five years is repeated over the next ten then 11 pubs will remain. Whilst the Council acknowledges that this ignores underlying factors it nevertheless demonstrates that locally the role of the pub as an important social, economic and place making facility is in danger of being consigned to history if the Council does not respond.

**Table 4 – Rate of Public House Decline**

Year	1987	1992	Rate	Annual Rate
Stock Total	48	46	Loss 4.1%	Loss 0.82%
Year	1992	1997	Rate	Annual Rate
Stock Total	46	48	Gain 4.3%	Gain 0.86%
Year	1997	2002	Rate	Annual Rate
Stock Total	48	44	Loss 8.3%	Loss 1.66%
Year	2002	2007	Rate	Annual Rate
Stock Total	44	40	Loss 9.0%	Loss 1.8%
Year	2007	2012	Rate	Annual Rate
Stock Total	40	29	Loss 27.5%	Loss 5.5%

### Public House Closures

5.22 Over the timeframe period (1987 – 2012) a total of 24 pubs closed. However, a further pub closed in 2013 (the Crooked Billet, Marks Gate) taking the total to 25 closures over the period 1987 – 2013. Table 5 shows those pubs which have been closed between 1987 and 2013.

**Table 5 – Pub Closures 1987 – 2013**

Pub	Address	Demolition Date	Closure Date	Status
Chequers	Ripple Road, Dagenham	1987	1987	Demolished and scheme implemented
Henry Ford	Ballards Road Dagenham	1989	1989	Demolished and scheme implemented
Merry Fiddlers	Wood Lane, Dagenham	1992	1992	Demolished and scheme implemented
The Stag	Ripple Road Barking	1999	1999	Demolished and scheme implemented
The Volunteer	Alfreds Way Barking	2001	1999	Demolished and scheme implemented
The Royal Oak	715 Green Lane, Dagenham	NA	2000	Changed use building retained
The Westbury Arms	Ripple Road	2011	2001	Demolished
Anglers Retreat	New Road, Dagenham	2002	2001	Demolished
Fishing Smack	92 Abbey Road	2008/9	2003	Demolished and scheme implemented
The Pipers	Gale Street, Dagenham	2004	2004	Demolished and scheme implemented
The Church Elm	Church Elm Lane, Dagenham	2008	2005	Demolished and scheme implemented
The Robin Hood	807 - 829 Longbridge Road, Dagenham	2005	2005	Demolished and scheme implemented
Barge Aground	15 Broadway, Barking	NA	2008	Closed
The Red Lion	66 North Street, Barking	NA	2008	Changed use building retained
The Short Blue	Bastable Avenue, Barking	2013	2009	Demolished and scheme implemented
The Britannia	1A Church Road, Barking	NA	2009	Changed use building retained
Captain Cook	Axe Street, Barking	2010	2009	Demolished and scheme implemented
The Bull	2-4 North Street, Barking	NA	2010	Closed
Farmhouse Tavern	649 Dagenham Road, Rush Green	NA	2010	Closed
The Ship & Anchor	Wood Lane, Dagenham	NA	2010	Closed

The Railway Hotel	Shafter Road, Dagenham	NA	2010	Changed use building retained
The Harrow	Ripple Road, Barking	2013	2010	Demolished and scheme implemented
The Hope	170 Gascoigne Road, Barking	NA	2011	Changed use building retained
The Beacon	201 Oxlow Lane, Dagenham	NA	2012	Changed use building retained
The Crooked Billet	Marks Gate	NA	2013	Closed

### Change of Use

5.23 Of the 48 pubs which existed in 1987, six pubs have changed use but the building has been retained in some form while twelve have been demolished and schemes implemented for a different use. This equates to 37.5 percent of the 1987 pub stock. Table 6 details the nature of these planning applications.

**Table 6 – Implemented Public House Schemes**

Change of Use	Total	Percent
Residential and Residential Led Mixed Use	8	44.5
Supermarket and Supermarket Led Residential	5	28
Transport Improvements	1	5.5
Restaurant	1	5.5
Petrol Filling Station	1	-5.5
Community Facilities	1	-5.5
Place of Worship	1	5.5

5.24 At the date of publication five previously operational pub sites in the Borough were nearing completion for new uses. As such, these pubs have been included in the above calculations. The Hope has discharged all conditions in connection to its permitted planning permission for change of use to a Place of Worship. It is expected that the applicant will implement the change of use soon and for this reason has been included in Table 6 as 'changed use and building retained'. Short Blue and The Harrow are both in the process of being implemented with demolition having taken place in 2013. The Captain Cook has been demolished and the site is currently being implemented as a sports centre.

5.25 As can be seen, the change of use to residential or residential-led mixed use development has been the most frequent change of use followed by supermarket development. The table shows that transport improvements, restaurants and a petrol filling station have also replaced pubs.

### Listed Public Houses

5.26 One of the key reasons for this guidance is to protect against the loss of pubs for the architectural merit and the contribution they make to the character of the local townscape.

5.27 The Borough has two statutory listed pubs. These are considered to be of national importance and are set out in Table 7.

**Table 7 – Statutory Listed Pubs in the Borough**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Cross Keys	Crown Street, Dagenham	Statutory Grade II	Open
Eastbrook Public House	Dagenham Road, Dagenham	Statutory Grade II*	Open

**Locally Listed Public Houses**

5.28 As well as the statutory listed pubs, the Borough has many pubs on its Local List. The Council's regeneration directorate compiles, publishes and maintains a List of Buildings of Local Architectural or Historic Interest - a 'Local List'. This is separate from the national statutory list of Listed Buildings held by the Secretary of State. These are buildings and structures of local importance and are afforded protection under the NPPF, Policy CP2 and Policy BP2 the Local Plan.

5.29 Pubs are well represented on the Local List. Currently there are 20 pubs on the Local List out of a total of 124 locally listed buildings. Of these, 12 locally listed pubs are open, three are closed and five have changed use but the buildings and its features have been retained in some form. These comprise: The Britannia, The Red Lion, The Railway Hotel and The Beacon.

5.30 The Britannia has been converted to a residential-led scheme with community use on ground floor. Some features have been retained such as the pub's windows and decorative mouldings. The Red Lion has also converted to residential and is also easily noticeable as a former pub. The Railway Hotel has been implemented as a metro supermarket-led development with residential above. The Beacon has also converted to a metro supermarket. Those locally listed pubs which are open are set out in Table 8; locally listed pubs which are closed or have changed use are set out in Table 9.

**Table 8– Open Locally Listed Pubs**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Jolly Fisherman	108 North Street, Barking	Locally	Open
King's Lounge	2 Linton Road, Barking	Locally	Open
Spotted Dog	15 Longbridge Road, Barking	Locally	Open
The White Horse	High Road, Chadwell Heath	Locally	Open
The Admiral Vernon	141 Broad Street, Dagenham	Locally	Open
The Cherry Tree	Wood Lane, Dagenham	Locally	Open
The Harrow	Billet Road, Romford	Locally	Open
The Roundhouse	Lodge Avenue, Dagenham	Locally	Open
The Royal Oak	Longbridge Road, Barking	Locally	Open
The Ship And Shovel	Ripple Road, Barking	Locally	Open
The Three Travellers	Wood Lane, Dagenham,	Locally	Open
The Crooked Billet	113 River Road, Barking	Locally	Open

**Table 9 – Closed and Implemented Locally Listed Pubs**

Pub	Address	Listing	Status
The Bull	2-4 North Street, Barking	Locally	Closed
The Britannia	1A Church Road, Barking	Locally	Changed use building retained
The Hope	170 Gascoigne Road, Barking	Locally	Changed use building retained
The Red Lion	66 North Street, Barking	Locally	Changed use building retained
Farmhouse Tavern	649 Dagenham Road, Rush Green	Locally	Closed
The Railway Hotel	Shafter Road, Dagenham	Locally	Changed use building retained
The Ship & Anchor	Wood Lane, Dagenham	Locally	Closed
The Beacon	201 Oxlow Lane, Dagenham	Locally	Changed use building retained

**Spatial Distribution of Public Houses Closures**

5.31 As noted the boroughs pub stock has declined by 39.5 percent over the last twenty five years with the majority of this loss occurring over the past ten years. Table 10 outlines the loss of pubs and gains by borough ward. It illustrates that, with the exception of Longbridge, Mayesbrook, Parsloes and Alibon, all wards have experienced the loss of at least one pub.

**Table 10 – Pub Losses and Gains 1987 – 2013**

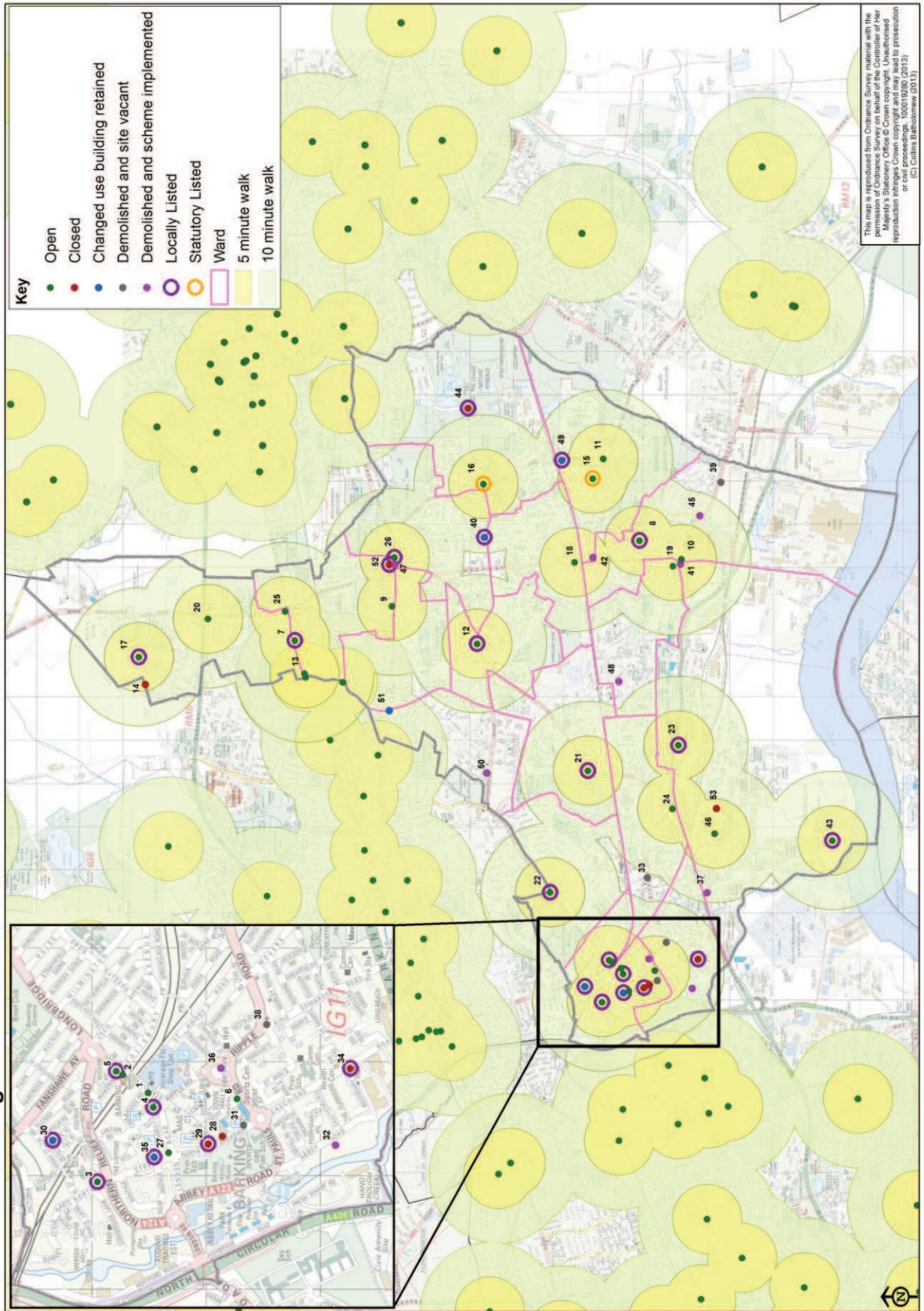
Wards	1987 pubs	Loss	Gain	Net Loss	2013 pubs	% loss/ Gain
Abbey	11	6	2	-4	7	- 36%
Alibon	0	0	1	0	1	+ 100%
Becontree	1	1	0	-1	0	- 100%
Chadwell Heath	6	1	0	-1	5	- 17%
Eastbrook	2	1	0	-1	1	- 50%
Eastbury	2	1	0	-1	1	- 50%
Gascoigne	3	3	0	-3	0	- 100%
Goresbrook	1	1	1	0	1	0%
Heath	3	2	0	-2	1	- 67%
Longbridge	1	0	0	0	1	0%
Mayesbrook	1	0	0	0	1	0%
Parsloes	1	0	0	0	1	0%
River	3	2	1	-1	2	- 33%
Thames	6	3	0	-3	3	- 50%
Valence	1	1	0	-1	0	- 100%
Village	4	2	0	-2	2	- 50%
Whalebone	2	1	0	-1	1	- 50%
<b>Total</b>	<b>48</b>	<b>25</b>	<b>5</b>	<b>20</b>	<b>28</b>	

5.32 As Table 10 and Figure 1 demonstrate, pub closures have occurred across the whole of the borough, both in urban and more suburban locations. The impact

of pubs loss is however perhaps felt more keenly in suburban areas where the pub stock is already at a low base. As outlined in Table 10, the majority of wards have lost at least one pub over the past 25 years. Abbey ward has experienced the highest loss, with a net loss of four, followed by Gascoigne and Thames which have lost three.

5.33 Figure 1 also illustrates how there are parts of the Borough which are not within eight hundred metres of a pub (deemed to be a 10 minute walking distance). In terms of being within 400 metres, which is considered a 5 minute reasonable walking distance, it can also be noted that a considerable proportion of the Borough is not within this distance. This is most strongly felt in the suburban areas to the north of the Borough and in Becontree Ward. As Figure 1 shows, Becontree has no pubs and is for the most part outside of the five and ten minute walking distance of a pub. In fact only a small amount of the north east boundary of the Becontree Ward is within an acceptable five or ten minute distance of a pub. As well as Becontree, the wards of Gascoigne and Valence have no currently functioning pubs.

**Figure 1: Public House in Barking and Dagenham  
Indicating areas of Pub Deficit**



## Summarising the Data Analysis

5.22 The data analysis has outlined the significant decline in the pubs stock over the last 25 years leading to 2012. The main messages to take from the analysis are as follows:

- a. There has been a significant decline in the number of pubs. This recent decline can be considered to be higher than the national rate of stock decline. Between 2007 and 2011 the national rate of stock decline was 11 percent where as the boroughs stock decline was 25 percent. Albeit from a much smaller base.
- b. The rate of decline has increased over time. Between 2007 and 2012 there was a decline of 27.5 percent.
- c. The decline has been experienced in both suburban and the more urban wards of the Borough.
- d. Pubs appear under threat from change of use from two main types of development, which could be deemed to be more viable than the pub sector:
  - Residential (43 percent of development)
  - Metro supermarket (36 percent of development)
- e. There have been relatively few pub gains, only five pub openings over the last 25 years.
- f. Many pubs on the Council's Local List have closed or changed use. This has ultimately impacted on the public's ability to interact with these important character buildings.
- g. Between the years 1987 – 2013 a total of 14 pubs have been demolished. twelve of these demolished pubs have been implemented as new development. The remaining two have been demolished but with no schemes coming forward to date, although two have extant planning permissions.



## **6. The guidance**

### **SPD Guidance – Protecting Public Houses**

**1. The retention of public houses (pubs) is supported. The loss, change of use, redevelopment or demolition of a pub will be resisted.**

**2. Proposed change of use of a pub will only be permitted where the applicant has satisfied the following criteria:**

**A.** The pub has been marketed for a continuous period of 12 months as a pub, at a price agreed with the Council, following an independent professional valuation (paid for by the developer) and there has been no interest in either the free or leasehold as a pub. The outcome of this exercise should be presented in a viability report which demonstrates to the Council's satisfaction that all reasonable efforts have been made to preserve the pub use but it has been proven that it would not be economically viable to do so.

**B.** It has been demonstrated to the Council's satisfaction that there are no reasonable prospects of reuse by an alternative community use despite attempts over 12 months to market it. Evidence must demonstrate that it is not economically viable to utilise the building for a community use.

**3. In cases where submitted evidence demonstrates to the Council's satisfaction that criteria A and B are met but where the building is assessed as having historic significance, or making a positive contribution to local character or appearance of the streetscape including conservation areas, the Council will require the ground floor of the building to be retained for a publicly accessible use which maintains an active frontage.**

**4. Where a pub is demolished the replacement development must make an equal or greater contribution to the street scene and community benefit than the building and use it is replacing. Proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate.**

**5. In cases where pubs are demolished but the former pub is considered to make a valued contribution to the Borough's past the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) by sending the most important components of the building to the Council for archiving or public display, in line with best practice guidance published by English Heritage.**

## REASONED JUSTIFICATION

- 6.1 The London Borough of Barking and Dagenham has witnessed a significant loss of pub stock. Between 1987 and 2012 there has been a 39.5 percent decline in pubs. Most of this loss has taken place over the last ten years with a significant increase in loss over the five years leading to the end of 2012.
- 6.2 Pubs are important community assets, providing both employment and a meeting place for local people, whilst also often adding to the architectural quality of the borough. The Council supports the retention of pubs and will resist their change of use, redevelopment or demolition.
- 6.3 It is not considered desirable to implement a blanket protection of pubs nor is it deemed necessary to remove permitted development rights. Pubs in the borough will retain their right to change use to A1, A2 or A3 uses, although change of use to a betting office may be restricted by the Council's proposed Article 4 Direction and accompanying SPD. This SPD provides guidance where planning permission is necessary. The Council may also utilise an Immediate Article 4 Direction to specific buildings where the threat to the future of that building warrants it.
- 6.4 Criterion A of the guidance requires applicants to demonstrate that all reasonable efforts have been made to preserve the pub use. The Council encourages applicants to speak to the Council before they commence their marketing exercise since some pub sites may have development potential which can compliment rather than threaten the pub building and use. Whilst the Council has not stipulated that the pub should be marketed without a 'tie', which require the purchase of drinks through the vendor and often with restrictive covenants, this is the preferred approach. Marketing without such 'ties' maximises the potential for a continuation of the pub use for other pub operators, breweries, local businesses or community groups.
- 6.5 The pub should be marketed over a continuous period of twelve months at a price agreed by the Council with reference to an independent valuation by a RICS accredited valuer paid for by the applicant. It is important that pubs do not become closed, neglected eyesore sites. Twelve months, in the current market conditions, is considered to be a reasonable timeframe to allow for the marketing of a pub and is consistent with the period set in Policy BE1 for the loss of retail uses. For pubs which have been closed prior to this guidance coming into force the Council will take into account existing marketing exercises.
- 6.6 The outcome of the marketing should be detailed in a viability report which demonstrates that every effort has been taken to maintain the pub use. The report should include analysis of local demand for a pub use as well as the proximity and offer of other local pubs in evidencing that the pub use is not economically viable. The Council maintains a viability spread sheet which enables comparison of site values across the Borough; this will be used when assessing applicants supporting evidence. The viability report should cover different format of pubs with reference to the local demographic and trends in the

pub sector since some formats are proving more successful than others. This is supported by the NPPF which:

- Guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensures that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

6.7 Criterion B of the guidance applies when Criterion A has been satisfied. Criterion B seeks to ensure that where the pub use cannot be sustained that an alternative community use is secured. With reference to Policy BP6 of the Local Plan this should be evidenced through proof that the premises has been offered for sale or hire at a reasonable charge to community or voluntary organisations over a twelve month period. The price of hire and use rate should be agreed by the Council before hand. It is appreciated that not all pubs will lend themselves to alternative community uses since they may give rise to unacceptable impacts on residential amenity, parking and road safety. For this reason applicants are encouraged to seek advice from the Council on whether it is necessary to seek an alternative community use. Pubs which are converted to an alternative community facility must be, sustainable and accessible, meeting the following criteria:

- Located where they can be accessed on foot, bicycle or public transport, rather than only by car.
- Located in premises that comply with the access requirements of the Disability Discrimination Act 2005.
- Where possible, be located in close proximity to the community that the facility will serve.

6.8 This accords with Core Strategy Policy CC2 and Borough Wide Development Planning Policy BC6 and which resist the loss of community facilities.

6.9 Alternative community uses must be sympathetic to the building's design, character and heritage value, this is especially important for those pubs which are locally listed and statutorily listed.

6.10 There may be some instances where a pub is located in close proximity to another pub of significantly more valued by the local community and/or of far greater interest architecturally and historically. In these instances the Council concedes that it may not be appropriate to market the building for a pub use or to secure an alternative community use. This illustrates the importance of the applicant speaking to the Council at the earliest opportunity.

6.11 Where is it not possible to sustain a pub use and the Council is satisfied that it is not appropriate or possible to secure an alternative community use then proposals must be sympathetic to the architectural quality of the building, its heritage value and its contribution to the street scene irrespective of its status,

although the Council will prioritise the retention of listed and locally listed buildings. With reference to paragraph 135 of the NPPF the Council regards locally listed pubs as especially significant given the number lost in recent years and their important contribution to defining Barking and Dagenham's character. Therefore, any proposals involving listed or locally listed pubs must preserve and enhance the building's historic significance and maintain an active ground floor frontage in a use which is accessible to the public.

- 6.12 Should a pub be demolished the Council will expect the replacement building to provide an equal or greater contribution to the street scene, community benefit, and in the case of conservation areas, their historic significance, than the building it is replacing. In this respect the Council will expect proposals to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate. This is consistent with paragraph 70 of the NPPF which requires local authorities to plan positively for the provision of community facilities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 6.13 As a last resort, where a pub of local historical value is to be demolished, the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost. This is in accordance with paragraph 141 of the NPPF which requires copies of evidence to be deposited within a local museum or other public depository. In the case of Barking and Dagenham this would be held at Valance House Museum. Applicants should first speak with Development Management for guidance, Officers will then, where applicable, refer the case to the Council's Archivist.
- 6.14 A pub which has lawfully changed to an alternative use will be expected to preserve its important historical details and to retain its character over the entire lifetime of the building. This is regardless of the building's future change of use.

## **7. Monitoring, Implementation and Review**

### **Monitoring**

- 7.1 Preparation of Local Plan documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 7.2 This will be done through a regular process of monitoring in partnership with the appropriate partner bodies. The Annual Monitoring Report will present the success of the guidance.
- 7.3 Such indicators may include:
- The total number of pubs in the borough – monitored on an annual basis in the Authorities Monitoring Report
  - Decrease in the annual rate of pub loss
  - Success at appeal

### **Implementation**

- 7.4 The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan, but it will be an important material consideration in determining planning applications.

### **Review**

- 7.5 The Council's Annual Monitoring Report will highlight any issues that may need a review.
- 7.6 Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

## Appendix 1 – Pubs closures and openings 1987-2013

Pubs closures and openings 1987-2013							
Pub	Address	1992	1997	2002	2007	2012	2013
Chequers	Ripple Road, Dagenham	-1					
Henry Ford	Ballards Road Dagenham Essex	-2					
Merry Fiddlers	Wood Lane, Dagenham, Essex	-3					
The Stag	Ripple Road Barking Essex	1	1	-4			
The Volunteer	Alfreds Way Barking Essex	2	2	-5			
The Westbury Arms	Ripple Road	3	3	-6			
Anglers Retreat	New Road, Dagenham	4	4	-7			
The Royal Oak	715 Green Lane, Dagenham	5	5	-8			
Fishing Smack	92 Abbey Road, Barking	6	6	1	-9		
The Church Elm	Church Elm Lane, Dagenham	7	7	2	-10		
The Pipers PH / Fanshawe	Gale Street, Dagenham	8	8	3	-11		
The Robin Hood	807 - 829 Longbridge Road, Dagenham	9	9	4	-12		
Barge Aground	15 Broadway, Barking	10	10	5	1	-13	
The Bull	2-4 North Street, Barking	11	11	6	2	-14	
The Britannia	1A Church Road, Barking	12	12	7	3	-15	
The Hope	170 Gascoigne Road, Barking	13	13	8	4	-16	
The Red Lion	66 North Street, Barking	14	14	9	5	-17	
Farmhouse Tavern	649 Dagenham Road, Rush Green	15	15	10	6	-18	
The Railway Hotel	Shafter Road, Dagenham	16	16	11	7	-19	
The Ship & Anchor	Wood Lane, Dagenham	17	17	12	8	-20	
The Beacon	201 Oxlow Lane, Dagenham	18	18	13	9	-21	
The Short Blue	Bastable Avenue, Barking	19	19	14	10	-22	
The Harrow	Ripple Road, Barking, Essex	20	20	15	11	-23	
Captain Cook	Axe Street, Barking	21	21	16	12	-24	
The Crooked Billet	Marks Gate	22	22	17	13	1	-25
The Jolly Fisherman	108 North Street, Barking	23	23	18	14	2	1
King's Lounge	2 Linton Road, Barking, Essex	24	24	19	15	3	2
Spotted Dog	15 Longbridge Road, Barking, Essex	25	25	20	16	4	3
The Victoria	Axe Street, Barking, Essex	26	26	21	17	5	4
The White Horse	High Road, Chadwell Heath, Essex	27	27	22	18	6	5
The Admiral Vernon	141 Broad Street, Dagenham	28	28	23	19	7	6

Beacon Tree	945 Green Lane, Dagenham	29	29	24	20	8	7
The Bull Tavern	Rainham Road South, Dagenham	30	30	25	21	9	8
The Cherry Tree	Wood Lane, Dagenham	31	31	26	22	10	9
The Coopers Arms	2 High Road, Chadwell Heath, Essex	32	32	27	23	11	10
The Cross Keys	Crown Street Dagenham, Essex	33	33	28	24	12	11
Eastbrook Hotel	Dagenham Road, Dagenham	34	34	29	25	13	12
The Harrow	Billet Road, Romford, Essex	35	35	30	26	14	13
The Moby Dick	Whalebone Lane North, Chadwell Heath	36	36	31	27	15	14
The Roundhouse	Lodge Avenue, Dagenham	37	37	32	28	16	15
The Royal Oak	Longbridge Road, Barking	38	38	33	29	17	16
The Ship And Shovel	Ripple Road, Barking	39	39	34	30	18	17
The Thatched House	Ripple Road, Barking	40	40	35	31	19	18
The Tollgate Hotel	High Road, Chadwell Heath	41	41	36	32	20	19
The Three Travellers	Wood Lane, Dagenham, Essex	42	42	37	33	21	20
The White Horse	North Street, Barking, Essex	43	43	38	34	22	21
The Crooked Billet	113 River Road, Barking, Essex	44	44	39	35	23	22
Lighterman	109 Bastable Avenue, Barking, Essex	45	45	40	36	24	23
The Barking Dog	61 Station Parade Barking	46	46	41	37	25	24
Lord Denman	270-272 Heathway Dagenham		47	42	38	26	25
Me'An O'Brien's	26-28 Goresbrook Road		48	43	39	27	26
Barking Arms	25-27 Station Parade, Barking, Essex			44	40	28	27
Brewers Fayre	2 New Road Dagenham					29	28

Closures	3	0	5	4	12	1
Openings	1	2	1	0	1	0
Total pubs open	46	48	44	40	29	28

**Key**

	Closed
	New pub
	Open

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## 8. References

- 1 British Beer and Pub Association. Available online at:  
<http://www.beerandpub.com/statistics> (accessed - September 2013)
- 2 IPPR – Pubs and Places – The Social Value of Community Pubs, 2012
- 3 Pubs is the Hub Campaign. Available at:  
[http://www.pubisthehub.org.uk/assets/media\\_library/PITH\\_full\\_report.pdf](http://www.pubisthehub.org.uk/assets/media_library/PITH_full_report.pdf)  
(accessed October 2013)
- 4 Barking Pubs Past and Present, Tony Clifford 1995
- 5 Dagenham Past and Present, Tony Clifford 1996
- 6 CAMARA National guide – the Eastbrook:  
<http://www.heritagepubs.org.uk/pubs/pubguide-print-region.asp?Region=London>
- 7 Lost Pubs in Dagenham Essex. Available at:  
<http://www.closedpubs.co.uk/essex/dagenham.html> (accessed September 2013)



## CABINET

18 December 2013

<b>Title:</b> Betting Shops - Withdrawal of Permitted Development Rights and consultation draft Supplementary Planning Document	
<b>Report of the Cabinet Member for Regeneration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Daniel Pope, Development Planning Manager	<b>Contact Details:</b> Tel: 020 8227 3929 E-mail: <a href="mailto:daniel.pope@lbbd.gov.uk">daniel.pope@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director Regeneration	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>Summary:</b>	
<p>19 December 2012 and 19 March 2013 Cabinets agreed to the making of a non-immediate Article 4 Direction, covering the whole Borough, withdrawing permitted development rights for changes of use from use class A5 (hot food takeaways), use class A4 (drinking establishments) and use class A3 (restaurants and cafes), to a betting office (use class A2) and to consult on a draft Supplementary Planning Document (SPD) 'Evening the Odds: Curbing the Proliferation of Betting Shops'. (Minutes 77 and 118 of 19 December 2012 and 19 March 2013 Cabinets refers).</p> <p>The Council consulted on the Article 4 Direction and draft SPD from 15 May 2013 to 26 June 2013. The consultation response was substantial. A number of the objections from the betting shop industry did raise a need for officers to reconsider the most effective approach to secure the Council's proposed course of action. This has caused officers to review the evidence base for the Article 4 Direction and the consultation draft SPD. In the light of this officers consider that the focus of the Article 4 Direction and SPD be directed at managing the clustering of betting offices rather than their proliferation and have revised the SPD accordingly.</p> <p>Officers still consider that it is right to introduce an Article 4 Direction to remove the right to change use from an A5, A4 or A3 use to a betting office (A2) but that this should apply to the frontages that comprise the borough's major, district and neighbourhood centres rather than the whole borough. Officers originally advised that it was possible to make a non-immediate direction to avoid compensation claims for the withdrawal of permitted development rights. However, this is not possible and therefore officers are recommending that the original non-immediate Article 4 Direction is not confirmed and that Cabinet agrees an immediate Article 4 Direction which would have immediate effect.</p> <p>Officers have revised the SPD. Previously it stated that planning permission for a new betting office would not be granted within 400 metres of the boundary of an existing betting office. It is accepted that such a measure could have too severe an effect. It is the case</p>	

that since 2007 the number of betting offices has remained at 40 but due to the pattern of closures and openings they have become more concentrated in Dagenham Heathway and Chadwell Heath district centres and Barking Town Centre in particular. The clustering is most pronounced in Barking Town Centre and due to the problems this has caused, and the experiences of other London Boroughs, the Council has decided action is needed to control clustering throughout the borough to prevent these problems occurring elsewhere. It is important to note however that the Council cannot control changes of use from one A2 use to another such as from a bank or an estate agent to a betting office.

### **Recommendation(s)**

The Cabinet is asked to:

- (i) Approve an immediate Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class C of the General Permitted Development Order as amended, for changes of use of A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) to betting office (A2) in Barking and Dagenham's designated primary, secondary and unrestricted shopping frontages.
- (ii) Approve the draft Supplementary Planning Document (SPD) 'Controlling the clustering of betting offices' at Appendix 1, for public consultation and as a material consideration for Development Management; and
- (iii) Note that, following the outcome of consultation, a report will be presented to the Assembly seeking approval of the final Supplementary Planning Document (SPD) 'Controlling the clustering of betting offices'.

### **Reason(s)**

To assist the Council in delivering the community strategy vision to encourage growth and unlock the potential of Barking and Dagenham and its residents and the priorities of reducing crime and the fear of crime and improving health and wellbeing through all stages of life.

## **1. Introduction and Background**

- 1.1 Cabinet agreed to the making of a non-immediate Article 4 Direction, covering the whole Borough, withdrawing permitted development rights for changes of use from use class A5 (hot food takeaways), use class A4 (drinking establishments) and use class A3 (restaurants and cafes), to use class A2 Betting Office and to consult on a draft Supplementary Planning Document (SPD) 'Evening the Odds: Curbing the Proliferation of Betting Shops'. (Minutes 77 and 118 of 19 December 2012 and 19 March 2013 Cabinets refers).
- 1.2 The Council consulted on the Article 4 Direction and draft SPD from 15 May 2013 to 26 June 2013.
- 1.3 A total of 102 people, organisations and businesses responded as shown in table 1.

Table 1

	Object	Support	Neutral
Association of British Bookmakers (ABB)	1		
Paddy Power	1		
Ladbrokes	1		
William Hill	1		
NLP on behalf of Corals	1		
Knights Solicitors LLP on behalf of Power Leisure Bookmakers	1		
GLA		1	
Estates and Agency		1	
HUDU		1	
Campaign for Fairer Gambling		1	
Resident	1	78	2
Metropolitan Police		1	
Non Resident/unknown		10	
<b>Total</b>	<b>7</b>	<b>93</b>	<b>2</b>

1.4 Provided below is a summary of the main points raised in the objections from ABB, Corals, Paddy Power, Power Leisure Bookmakers, Ladbrokes and William Hill.

- Thinly disguised ban on betting offices. Will stifle development and contrary to National Planning Policy Framework (NPPF).
- Inaccurate and misleading evidence base, no justification or exceptional circumstances demonstrated for Article 4 or SPD. Particularly strong justification needed for borough wide Article 4 Direction and there is no basis for this.
- No evidence whatsoever has been presented to show that clustering of betting offices in Barking and Dagenham increases likelihood of anti-social behaviour, impacts on the diversity of the high street and detrimentally affects vitality and viability.
- Betting offices generate as many linked trips and as much footfall as other town centre uses.
- Consultation can be legally challenged because it is biased.
- No evidence to suggest betting offices have resulted in loss of retail or that they are clustering.
- Borough has a high vacancy rate - betting offices help reduce vacancy rate
- The number of betting offices has only increased by two since 2007 despite borough's population growing by 14% since 2001.
- Borough does not have a disproportionately high number of betting offices.
- Borough has 17th highest concentration of betting offices in London and lower than London average.
- Customers will go elsewhere to bet and therefore local jobs will be lost and footfall reduced.
- No evidence that crime and anti-social behaviour is linked to the location of betting offices or their clustering.

- No reference made to economic contribution that bookmakers bring to the local economy.
- No evidence to link the location of betting offices within the borough to the presence of deprivation.
- No reference in Cabinet report to DCLG guidance on use of Article 4 Directions.
- Other boroughs have concluded that the use of an Article 4 Direction is unnecessary and unwarranted.
- No evidential link between number of betting shops on the high street and the health of the local population.
- Article 4 Direction would not affect the retail to non-retail ratio of shops on the high street as shops already require planning permission to convert to an A2 use such as a betting office.
- Council's borough wide neighbourhood health check does not identify an over concentration of betting shops neither do Barking Town Centre studies and no mention made of betting offices in Barking Town Centre Area Action Plan.
- Allowing one betting shop every 400 metres does not preserve high street diversity and is contrary to the town centres first policy.
- Article 4 Direction can only be used to limit a change of use to an A2 use class from an A3, A4 or A5 use and cannot single out betting shops. It is therefore unlawful.
- Conflicts with the aims and intentions of the Gambling Act 2005 specifically with regard to the provision of greater consumer choice.
- Even when a planning application is not required a licence application must still be made to the local authority.
- There is no evidence to support the assertion that demand for betting shops may be result of an addiction or that they contribute to ill health and other social problems.
- The Council already has the power to refuse, revoke or amend licence applications, permissions and conditions if it can be shown that there is a real concern based upon evidence.
- No attempt has been made to analyse the prevalence or causes of problem gambling in Barking and Dagenham.
- The addition of new gambling facilities in already serviced environments does not causes an increase in problem gambling.
- Research by Gerald Eve LLP shows that nationally the number of betting offices is likely to remain stable in the future.

#### 1.5 Support was received from:

- Iceni projects on behalf of Estates and Agency Properties Limited
- Greater London Authority
- NHS London Healthy Urban Development Unit
- Metropolitan Police
- Campaign for Fairer Gambling
- 78 Members of the public

#### 1.6 Below is a summary of the main points raised in their support:

### **Iceni projects on behalf of Estates and Agency Properties Limited**

- Clustering of betting offices has restricted retail choice and attractiveness and appeal of Borough's shopping centres has declined as a result.
- Migration of betting offices into local shopping centres has increased trading pressures on independent retailers.
- Betting offices have contributed to an increase in local rental values.
- Guidance should also ensure proposals will not result in two or more adjacent betting shops within any centre of frontage in the borough.

### **Greater London Authority**

- SPD is in general conformity with the London Plan and in particular policy 2.15 on Town Centres.
- Support the issues the guidance raises in controlling the proliferation of betting shops and to address the implications this can have for maintaining the vitality and viability of town centres and protecting their amenity and safety.

### **NHS London Healthy Urban Development Unit**

- Support the approach to control the proliferation of betting offices in response to the link between gambling addiction and a range of health and social problems.

### **Metropolitan Police**

- It has been our recent experience that the clustering and concentration of betting shops can increase the likelihood of crime and anti social behaviour (ASB).
- The police have had ongoing issues with gangs hanging around the doorways of two particular betting shops in Station Parade, which are opposite each other. The groups were the subject of many public and Councillor complaints. There was evidence that they were engaged in drug dealing both inside and outside these premises. This resulted in two drug warrants being executed on these premises on 27th June 2013 whereby 9 people were arrested. It was also apparent that one of these premises did not have appropriate management structures to deal with the issues that were being presented. These gangs regularly gathered outside of these premises and were found to be intimidating by the general public.
- The police are not suggesting that all the crime and ASB in Station Parade is directly linked to the presence of betting shops but it does appear that betting shops have become a focal point for crime and ASB in this specific area.

### **Campaign for Fairer Gambling**

- The only long term, cost effective and manageable system for curbing the prevalence of betting shops and Fixed Odds Betting Terminals is to return them to their own use class, thus returning control over high streets back to local authorities and communities. Until this is corrected, Article 4 is the only option left to Councils

- Bookmakers are increasingly relocating tertiary shops from secondary locations onto primary high streets
- The correlation between betting shops and areas of deprivation has been evidenced through research by Geofutures.
- Secondary research based on the British Gambling Prevalence Surveys has estimated that 23% of revenue from fixed odds betting terminals is derived from problem gamblers.
- The negative impacts associated with problem gambling are wide ranging. Many gambling addicts are also addicted to alcohol and more than half of problem gamblers have co-morbid mental health conditions. Problem gambling can lead to loss of work productivity, relationship breakdowns, debt and child neglect. It can also lead to criminal activity.

## Residents

Out of 81 residents responding to the consultation 78 were in support. 47 of these residents took the time to provide more detailed comments. In summary these were most concerned about the impact of the cluster of betting offices in Barking Town Centre in particular anti-social behaviour and intimidation. Other common concerns expressed were problem gambling and knock on impacts on family breakdown, health, alcoholism, drugs and crime. Respondents were also concerned about the general attractiveness of Barking Town Centre and Dagenham Heathway as places to shop due to the preponderance of betting offices, pawnbrokers, takeaways and pound shops. Comments provided include:

- “We must not allow a culture of betting shops to invade our community, inculcating and grooming a generation of gamblers. whose ambition and aspiration is to win the next 'sweep stake’”
- “There is a visible problem regarding some of the betting shops in Barking town centre. Large groups of young males hang around outside and it feels very intimidating.”
- “I feel this has come too late due to the 3 betting offices within close proximity to each other on the Heathway. William Hill, Coral and Bet Fred. This has not attracted any good businesses to the area.”
- “Betting shops are proving to be a magnet for anti-social behaviour and other criminal activities within LBBD.”
- “Betting shops only add to the misery of the unemployed and unskilled, they mainly operate in areas of high poverty and unemployment and add to crime for some to fund a gambling habit.”
- “I’m concerned about the proliferation of betting shops in our community and the temptation offered to people in our community who can scarcely afford the essentials, let alone lining the pockets of the gambling industry.”
- “I am very pleased to see that the council wants to take action on this issue. I live in an area where betting shops have been springing up left right and centre and I am aware of how detrimental they are to some people’s lives.”
- “There are far too many betting places between the train station and the Lemonade Building. I don’t feel safe walking home as often there are groups of mobs around these places. I often don’t use the pedestrian pavement to avoid any conflicts”
- “Barking’s high street already has too many betting offices. More needs to be done to attract a greater variety of businesses to Barking’s high street and the Vicarage Field shopping centre”

- “I strongly do feel there are way too many betting shops around Barking town centre. I very much find this detrimental to the town centre's attractiveness to a vibrant atmosphere and the potential of business spirit and initiative. Seeing the wrong kind of people outside those shops is often rather intimidating, especially towards women. I very much hope the council will take strong action against the spread of such shops and will promote a better variety of shops and restaurants.”

1.7 The Secretary of State for Communities and Local Government had no comments to make in respect of the Direction.

1.8 The full schedule of the responses to the Draft Supplementary Planning Document ‘Evening the Odds – Curbing the proliferation of betting shops’ is available to view on the Council’s website at <http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalPlan/Pages/BettingOffices.aspx>

## **2. Proposal and Issues**

### Policy and evidence review

2.1 The responses from the betting companies and the Association of British Bookmakers (ABB) stress the positive impacts of the betting industry. The ABB response lists the following benefits:

- Contribute £3.2bn to UK GDP
- Support 100,000 jobs
- Pay £1bn in taxes
- For every £1 of Gross Value Added generated, they generate an additional 61p in the wider economy through indirect and induced impacts
- 99% of the economic benefits in London stay in London
- Of the 55,000 jobs provided by betting shops (or 10% of the entire number provided by the leisure industry) 50% are filled by women and over 25% are filled by 18-24 year olds. The latter compares with only 8% across the economy as a whole.

2.2 The betting companies also question the accuracy of the Council’s evidence base. The Gambling Act came into force in 2007. Since that time four betting offices have closed and four betting offices have opened and additionally three betting offices have been refused which are currently the subjects of appeals.

2.3 Therefore there has been no net increase in the number of betting offices in the borough since 2007. Moreover the ABB highlight that nationally the number of betting offices peaked in 1968 at 15,782 and at 30 September 2012 it was 9049. The ABB cite research by Gerald Eve LLP that the number is likely to remain stable in future.

2.4 However whilst the number of betting offices locally has not changed since 2007 the betting offices that have closed with one exception have been in neighbourhood centres and the betting offices that have opened have been in Barking Town Centre and the district centres of Dagenham and Chadwell Heath and have been in close proximity to existing betting offices.

- 2.5 In Dagenham Heathway planning permission was granted for a BetFred betting office in 2007 in Unit 25 of the Mall within 20 metres of the existing William Hill betting office at 220 Dagenham Heathway which was approved in 1997. In 2008 a Coral betting office was approved at 251-253 Dagenham Heathway opposite William Hill and Bet Fred.
- 2.6 In Barking Town Centre Paddy Power in 2011 used permitted development rights to open a betting office at 23 Station Parade opposite Corals which had also used permitted development rights to open a betting office at 24 Station Parade in 2005.
- 2.7 In Chadwell Heath District Centre Betfred used permitted development rights in 2008 to open a betting office within 50 metres of a Ladbrokes at 1-2 Tudor Parade and within 150 metres of a Paddy Power at 13-15 Station Road.
- 2.8 The three planning applications which are currently the subject of appeals include a Paddy Power at 243-245 the Heathway within 50 metres of the Corals at 251-253 the Heathway and a Paddy Power at 51 East Street Barking with 100 metres of the Ladbrokes at 29a East Street. The third appeal concerns a Paddy Power at 33 Faircross Parade within 50 metres of a Corals at 24 Faircross Parade.
- 2.9 Therefore, whilst nationally the ABB may be correct in forecasting the number of betting offices may remain stable, locally four applications have been received since the publication of the Gerald Eve LLP research, 10% of the existing number of functioning betting offices.
- 2.10 Of the 40 functioning betting offices only three have used permitted development rights and one of these was a change of use within the A2 use class which an Article 4 Direction cannot control. However these two betting offices, the Corals at 24 Station Parade and the Paddy Power at 23 Station Parade have formed a particularly problematic cluster in the heart of Barking Town Centre.
- 2.11 The ABB correctly identify that the Council's Neighbourhood Health Check in 2006 established that 13% of the units in the Council's 41 local centres were in A5 use as Hot Food Takeaways, 8.5% were hairdressers and 3% were bookmakers. However hairdressers are an A1 use whilst bookmakers are A2. The Council has already introduced planning controls on Hot Food Takeaways. It is also the case that the patterns of closures and openings has seen a migration of betting offices from lower order neighbourhood centres to higher order district and town centres since 2006.
- 2.12 The ABB also highlight that the 2009 and 2012 Barking Town Centre Retail Studies whilst stating that betting offices were over represented do not suggest that they created a significant difficulty. However, comparing the 2009 to 2012 studies the floorspace and outlet index for betting offices has increased significantly surpassing that of Hot Food Takeaways which the Council has acted on in July 2010 when it published its planning guidance on hot food takeaways. An outlet index of 183 effectively means that there are 83% more betting offices in Barking Town Centre than the UK average. It also shows that restaurants, pubs and cafes are underrepresented.



	Floorspace Index	Outlet Index
2009	129	146
2012	140	183
Source Barking Town Centre Retail Study 2009 and 2012 update – Jones Laing Laselle/King Sturge Goad.		

- 2.13 The ABB states that the borough has the 17th highest concentration of betting offices per capita in London based on the 2011 census not the 6th as officers quoted in the original Cabinet Report, and that this is lower than the London average density.
- 2.14 The original Cabinet Report misinterpreted licensing data by counting premises that were not betting offices and as already covered there are 40 functioning betting offices in the borough. The Council has revisited its data but in calculating the number of people per betting office has focused on those residents at 18 and above, the legal age for gambling, and divided this by 40. The borough has 1 betting office for every 3,373 residents aged 18 and above. This is the 16th highest concentration in London and ranked 2nd of the Outer East London Boroughs. By comparison Newham to the west has 1 betting office for every 2,858 residents. Using this ratio the borough would have 47 betting offices. NLP on behalf of Coral's highlight that the borough has one of the lowest proportion of betting offices by 1,000 sqm retail floorspace in London. However, on closer inspection the same data reveals that the opposite is true. VOA data estimates that in 2012 the borough had 253,000 square metres of retail floorspace and therefore 1 betting office for every 6,325 square metres of retail floorspace, which represents the 11th highest concentration in London and the highest concentration in Outer East London and not dissimilar to Southwark who have recently made an immediate Article 4 Direction.
- 2.15 The fact that the Council has recently dealt with applications for a further four betting offices evidences that the borough has not reached a saturation point. Had these been approved the borough would have been ranked 10th by capita and 4th by floorspace. The direction of travel therefore is towards the concentrations of betting offices experienced in inner London Boroughs such as Southwark and Hackney.
- 2.16 The ABB state that there is no evidence to link the location of betting offices within the borough to the presence of deprivation. However, the ratio of residents aged 18 and over to betting offices across London, and ratio of retail floorspace to betting offices, shows that the two most deprived London Boroughs, Hackney and Tower Hamlets feature in the top five and the two least deprived London Boroughs, Richmond Upon Thames and Kingston Upon Thames feature in the bottom five. In Barking and Dagenham the highest concentration of betting offices is in Barking Town Centre and Dagenham Heathway which are centres serving some of the most deprived wards in London.
- 2.17 The ABB state that no evidence has been presented to show that the clustering of betting offices in Barking and Dagenham increases the likelihood of anti-social behaviour, impacts on the diversity of the high street and detrimentally affects vitality and viability.

### Anti-social behaviour

- 2.18 The response to the consultation from the police evidences that they are concerned about the link between the clustering of betting-offices in Station Parade and anti-social behaviour. This is reinforced by the responses from the residents to the consultation which are summarised in paragraph 1.14 which evidences the very real problems that clustering has caused on how people perceive Barking Town Centre. An important Community Strategy priority is to reduce crime and the fear of crime.

### Impacts on the diversity of the high streets and detrimentally affects vitality and viability

- 2.19 This report has already evidenced that there has been a recent trend of betting offices clustering in Barking Town Centre, Dagenham Heathway, Green Lane and Chadwell Heath and recent planning applications which are currently the subject of appeal would exacerbate this. It has also evidenced that in Barking Town Centre there are 83% more betting offices in comparison to the UK average, but that equally there is an underrepresentation of cafes and restaurants. This is substantiated by the borough having the highest ratio of betting offices to retail floorspace in Outer East London and not far behind inner London Boroughs such as Southwark. The response from Icenii on behalf of Estates and Agency a company who own a number of sites in and around the town centre highlights their concerns about betting offices contributing to an increase in local rental values and the impact this has had on independent retailers.
- 2.20 The ABB highlight with reference to the Barking Town Centre Retail Study Update 2012 that there were 51 vacant units in Barking Town Centre, 19.6% of the total in the town centre. However the report later clarifies that 22 of these units were earmarked for demolition, which has since occurred. Consequently the vacant space in Barking Town Centre is 12.18%, which would be below the national average. It goes on to say that the retail core of the centre, such as, East Street and Vicarage Field have few vacancies and this area presents a better measure of the health of the centre. It is also the case that, as at 25 November 2013, from 1- 41 Station Parade, 2-74 Station and 2-40 Longbridge Road within which the cluster of five two Corals, one Paddy Power, 1 Metrobet and 1 Ladbrokes are located there was not a single vacant retail unit. Therefore with regard to the response from NLP on behalf of Corals it is not accurate to say that the SPD would threaten the high street by increasing the potential for long standing vacant units to remain vacant. Moreover there are two vacant premises with planning permission for betting offices in neighbourhood centres which have been overlooked by bookmakers in favour of opening units in more prime locations in town and district centres. These are 11 Royal Parade Dagenham and 121 Rose Lane in Marks Gate.
- 2.21 Paddy Power are correct to highlight that the Article 4 Direction will not affect A1 uses but the Council is concerned that the clustering of betting offices is detrimental to the character of the high street which affects all town centre uses. The consultation response from the Metropolitan Police highlights the concerns from members of the public about the intimidating presence of gangs outside the premises on Station Parade and this is substantiated by the feedback the Council received from the public on the draft SPD. Both these premises were established through the permitted development rights that the proposed Article 4 Direction seeks to withdraw. Whilst the licensing regime provides some control over this issue

it has a narrower remit than the planning system. Equally whilst the anti-social behaviour and intimidation from gangs outside these premises has improved recently officers consider it is reasonable for the Council to have more control over the location of betting offices so that it can have more control over the planning of its town centres to avoid similar problems arising in the future not only in Barking Town Centre but in shopping frontages in all the borough's centres.

### Problem gambling

- 2.22 The ABB state that there is no evidence to support the assertion that demand for betting shops may be result of an addiction or that they contribute to ill health and other social problems. The original draft SPD highlighted with reference to data from the Gambling Commission, the NHS and the British Medical Association and the National Centre for Social Research the prevalence of problem gambling, the groups most at risk, and the health and social problems gambling addiction can cause. It then highlighted with reference to data from Geofutures that the growth of betting shops is particularly prominent in areas with high levels of social and economic deprivation, and this report has provided further evidence to support this. It then evidenced with reference to established research that the level of problem gambling is known to be linked to the available opportunities to gamble. The SPD then focused on the profits bookmakers derive from Fixed Odd Betting Terminals and the limits placed on these by the 2005 Gambling Act to try and explain why the clustering of betting offices was occurring. The response to the consultation from the Campaign for Fairer Gambling reinforces the evidence presented in the SPD.
- 2.23 The ABB in response say that it is simply untrue that the borough has a disproportionate number of betting offices and that while reliance is placed upon problem gambling no attempt has been made to analyse the prevalence or causes of problem gambling in Barking and Dagenham. They then state that there is no respectable body of opinion holding that the addition of new gambling facilities in already serviced environments cause an increase in problem gambling due to the opportunities to gamble in other environments such as the national lottery, amusement centres, casinos and online. They turn to a Government response to this issue in parliament which states that casual links with problem gambling are poorly understood and to impose new restrictions without clearer evidence of harm risks ineffective legislation that unnecessarily threatens businesses and jobs. Finally the ABB point out that the SPD ignores the controls imposed by the licence conditions bookmakers must abide by.
- 2.24 Improving health and wellbeing through all stages of life is a Community Strategy priority. Whilst officers stand by their original analysis and the body of work which was referenced it is clear that this is an issue which is very contentious and subject to claim and counter claim. Officers do not consider that the justification of the Article 4 Direction or the draft SPD rests on establishing the link between the opportunities to gamble, fixed odd betting terminals and problem gambling in Barking and Dagenham.

### Other boroughs

- 2.25 The ABB point to the conclusions reached by the London Boroughs of Haringey and Southwark whose respective scrutiny committees concluded that Article 4 Directions were not the best tool for controlling betting offices. Haringey's committee

highlighted the financial and legal challenges involved. However, despite these challenges the London Borough of Southwark has recently made an immediate Article 4 Direction withdrawing permitted developments for A5, A4 and A3 uses to change use to any A2 use. Paddy Power refer to the conclusions reached by Merton that there is not an over concentration of betting offices in the borough. However data from NLP on behalf of Corals shows that in Merton there is one betting office for every 11,000 sqm of retail floorspace, using this ratio in Barking and Dagenham there would be 23 not 40 betting offices in the borough.

#### Article 4 Direction

- 2.26 For all Article 4 Directions the legal requirement is that the local planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (see paragraph (1) of Article 4 of the GPDO). Additionally, for directions with immediate effect, the legal requirement is that the local planning authority considers that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenity of their area (see paragraph (1)(a) of article 6 of the GPDO).
- 2.27 Replacement Appendix D to Department of the Environment Circular 9/95 gives further guidance. It states Local Planning Authorities should consider making Article 4 Directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.
- 2.28 In deciding whether an Article 4 Direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address. In deciding whether an Article 4 direction might be appropriate, local planning authorities may want to consider whether the exercise of permitted development rights would:
- Undermine the visual amenity of the area or damage the historic environment.
  - Undermine local objectives to create or maintain mixed communities.
  - Lead to the subdivision of agricultural land other than for purposes reasonably necessary for agriculture, or to the loss of agricultural land.
  - Lead to an intensification of development in close proximity to a military or aviation safeguarding zone.
  - Have a direct and significant adverse effect on a flood risk area, flood defences and their access, the permeability of ground, and management of surface water or flood risk;
  - Lead to an intensification of development or use in areas affected by coastal erosion.
- 2.29 Finally the circular says that there should be a particularly strong justification for the withdrawal of permitted development rights covering the entire area of a local planning authority.
- 2.30 In addition paragraph 200 of the National Planning Policy Framework says that the use of Article 4 Directions to remove national permitted development rights should

be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.

- 2.31 The Council's original Article 4 Direction applied to the whole borough. Officers accept this was disproportionate since the planning concern is to the borough's district centres and Barking Town Centre and to a lesser extent neighbourhood centres. Therefore, officers propose that the direction should apply to the borough's neighbourhood centres, district centres and Barking Town Centre. Officers did consider whether it was necessary to apply the direction to neighbourhood centres given recent migration of betting offices from these centres to district centres and Barking Town Centre. However, the current planning application at 33 Faircross Parade less than 50 metres from an existing Corals evidences the threat of clustering remains for the borough's neighbourhood centres.
- 2.32 Officers considered in the December 2012 and March 2013 Cabinet Reports that by making a non-immediate direction compensation claims for the withdrawal of permitted development rights could be avoided. This is not possible. Section 2 of The Town and Country Planning (Compensation) (England) Regulations 2013 specifies for the purposes of section 108(2A)(a) and (3C)(a) of the Town and Country Planning Act 1990 as amended by section 189 of the Planning Act 2008 which development granted by Schedule 2 of the 1995 GPDO as amended is prescribed and for which compensation can be avoided if 12 months notice of the withdrawal of permitted development rights is given. The permitted development rights granted by Schedule 2, Part 3, Class C of the 1995 GPDO as amended are not specified as prescribed development by the 2013 regulations and therefore it is not possible to prevent claims for compensation through the issuance of a non-immediate direction.
- 2.33 At the same time Government guidance provided in Replacement Appendix D to Department of the Environment *Circular 9/95* makes clear that Local Planning Authorities could elect to make a non-immediate direction in instances where it would be legally possible to make an immediate direction- i.e. although there are only certain types of permitted development rights that may be restricted by an immediate direction, it does not follow that these rights must be restricted by an immediate direction. It goes on to say that the immediacy of the threat and potential compensation liability may be considerations in determining whether to use a non-immediate or immediate direction. Since it is not possible to avoid the potential compensation liability and the threat of further clustering of betting offices is immediate as evidenced by the continued interest of bookmakers in opening more premises in the borough officers recommend that the Council makes an immediate direction. Therefore it is recommended that the original non-immediate Article 4 Direction is not confirmed.
- 2.34 The next section of this report will evidence, in light of the above, why officers consider, despite the objections from the betting office industry that an immediate Article 4 Direction is justified.
- 2.35 The Town and Country Planning Use Classes Order as amended classifies betting offices within the A2 use class which comprises Financial and Professional Services. They currently enjoy permitted development rights granted by Schedule 2 Part 3 Class C of the General Permitted Development Order as amended to change use from an A5, A4 or A3 use without planning permission.

- 2.36 The ABB response considers that an Article 4 Direction should not be used to control particular business operations within use classes. Power Leisure Brokers representatives Knights say they have sought opinion from leading Counsel who has advised that an Article 4 can only be used to limit a change of use to an A2 use class from an A3, A4 or A5 use and that the Council cannot use an Article 4 to direct that no permitted development rights should simply attach to “betting shops”. The London Boroughs of Southwark and Haringey have also reached the same conclusion. However, the Council has sought opinion from leading Counsel who has confirmed that it is legally possible to withdraw permitted development rights from the entire A2 use class or for betting offices alone. Counsel concludes in weighing the two options the better approach to be that permitted development rights can be removed for a specific A2 use such as a betting office. This is because if an omnibus order is advanced the local planning authority must be satisfied that the harm caused by betting offices is sufficiently great as to require the serious step impinging on the other activities as well. This includes estate agents, banks and building societies.
- 2.37 Officers recommend that this permitted development right be withdrawn via an immediate Article 4 Direction. Officers consider this is expedient because of the need to exercise more control over planning for betting offices in the interest of the proper planning of the borough’s town centres. This aligns with the Council’s Community Strategy vision to encourage growth and unlock the potential of Barking and Dagenham and its residents. Of particular concern is the fact that:
- Clusters of betting offices have become established in Barking Town Centre and the District Centres.
  - The most significant cluster of betting offices in the borough is along Station Parade in Barking Town Centre. This has coincided with problems of anti social behaviour in the area, is detrimental to the character of the high street and local amenity and how people perceive the town centre. Two of these betting offices used permitted development rights which the proposed Article 4 Direction would remove.
  - There is potential for existing betting office clusters in Barking Town Centre and the Borough’s District Centres to intensify or new ones to be formed (including in neighbourhood centres) and the issues experienced along Station Parade to be repeated. The Council is currently dealing with three planning appeals from the same bookmaker which would either intensify existing clusters in Barking Town Centre and Dagenham Heathway or form a new one at Faircross Parade.
- 2.38 Officers also consider that these circumstances are exceptional since locally the establishment of clusters in Barking Town Centre and the District Centres is a new and worsening problem. The most significant cluster in Station Parade in Barking Town Centre has had an impact on local amenity and the Council wishes to avoid a repeat of this elsewhere. The spate of recent applications for betting offices does not reassure the Council that the borough has yet reached saturation point in terms of further development of betting shops. Nor do the experiences of boroughs such as Newham, Hackney and Southwark.

2.39 It is also the case that central Government continues to promote an Article 4 Direction as the most appropriate means of controlling betting offices where justified. Nick Boles MP on 3 June 2013 speaking in parliament stated;

“There is still, as there has always been, an ability to suspend a permitted development that is not right for an area. That is why Barking and Dagenham Council is consulting on an Article 4 direction, which we welcome. That is exactly the right use of the law, which existed under the Government whom the hon. Lady supported.”

2.40 On 3 September 2013 Nick Boles MP also confirmed to the Council in writing that he was not persuaded that a separate use class for betting offices was justified.

#### Supplementary Planning Document

2.41 In light of the issues raised during the consultation and addressed in this report officers have reviewed the draft Supplementary Planning Document. The main proposal was that planning permission would not be granted for new betting offices within 400 metres of an existing permitted betting office. The proposed 400 metres buffer zone would have effectively excluded new betting offices, or at least those that needed planning permission, from locating in the borough. Officers accept the point made by the ABB that this amounted to a ban on betting offices and would stifle development contrary to the NPPF. Officers consider that a balance needs to be struck between controlling the clustering of betting offices whilst not closing off opportunities for betting offices to locate in the borough. For this reason officers are proposing that a new betting office should not be permitted within 100 metres of an existing betting office. For example the three betting offices on Dagenham Heathway are within 50 metres of one another and the two Coral's, Paddy Power and Ladbrokes on Station Parade are within 100 metres of one another. A map is provided of these zones in **Appendix 1** to this report and demonstrates the 100m buffer would help control clustering whilst still allowing considerable scope for betting offices to locate in the borough.

2.42 On 30 May 2013 the Government introduced a new temporary permitted development right. Schedule 2 Part 4 Class D of the GPDO now allows for a temporary change of use from shops, financial and professional services, cafes, pubs, fast food takeaways, offices, non residential institutions, assembly and leisure (A1, A2, A3, A4, A5, B1, D1 and D2) to shops, financial and professional services, cafes and offices (A1, A2, A3 and B1) for a single continuous period of up to two years, subject to a 150 sqm size limit. However, the Council understands from the ABB that bookmakers, at least those it represents, would be unlikely to use this permitted development right since the investment necessary in fitting up a premise cannot be justified for a two year period. Therefore officers do not recommend that these rights are removed.

#### National Planning Policy Framework and London Plan

2.43 Corals acting on behalf of NLP states that the SPD is not consistent with the NPPF's objective to enhance the vitality and viability of the borough's town centres and is threatening the High Street by increasing the potential for long term standing units to remain vacant. They consider that the Council should be planning positively for betting offices to encourage economic growth and the Article 4 Direction and

SPD does the opposite. As this report has already evidenced betting offices are migrating from lower order neighbourhood centres to prime retail locations in Barking Town Centre and the District Centres. The NPPF states that planning should not simply be about scrutiny but a creative exercise in finding ways to enhance and improve the places in which people live their lives. There are already 40 betting offices in the borough which represents the highest concentration in relation to total retail floor space in Outer East London and not dissimilar to Southwark who have recently issued an immediate Direction. The Direction and SPD can only control new betting offices and then only those which require planning permission. Moreover the proposed revised SPD whilst controlling clustering still provides opportunities for betting offices to locate in the borough, notwithstanding that betting offices will be able to convert from other A2 uses in any event. Consequently, the Council is planning positively its town centres moreover the SPD will help as set out in the NPPF promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It is also consistent with the NPPFs desire for planning to promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

- 2.44 The GLA have confirmed that the SPD is in general conformity with the London Plan particularly Policy 2.15 on Town Centres. Paragraphs 2.2.8 to 2.2.10 of the Mayor of London's draft Supplementary Planning Guidance on Town Centres highlight that betting offices cluster in centres in less prosperous areas which can lead to a narrowing of a centre's offer, and may well put some off from visiting and shopping in them altogether – particularly because of concerns about crime and anti-social behaviour that they can give rise to. It goes on to state that there are genuine planning issues affecting amenity and the continued success of town centres which justify allowing planning authorities to consider the merits of proposals for betting shops. Betting shops are different in planning terms from the other types of use in the A2 class; they have different hours of operation from other uses covered in A2 (typically they open seven days a week for up to twelve hours a day – rather longer than the typical financial/business use), with different impacts on local amenity.

#### Licensing

- 2.45 An important consideration in understanding the expediency of the Article 4 Direction is to understand the relationship between the planning and licensing regimes.
- 2.46 The Council is responsible for issuing premises licenses for betting offices. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.47 A report by the London Health Inequalities Network titled "Responding to the Cumulative Impact of Betting Shops" highlights that Gambling Commission guidance suggests that evidence of public nuisance and anti-social behaviour in



and of itself is unlikely to demonstrate an undermining of the Gambling Act objective related to crime. This is because the Gambling Commission's guidance takes the issue of crime to be 'severe', which may imply more than just anti-social behaviour. It is also difficult for the Council to take into account the cumulative impact of betting offices in assessing proposals against all three of the licensing objectives. This report has already highlighted that the justification for the Article 4 Direction and draft SPD does not rest on problem gambling and its impacts; however there is clearly a distinction between the matters which the planning system can legitimately take into account and the licensing system. As already quoted the NPPF promotes safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion which is a broader remit than the licensing objectives. In addition policy BP11 of the Council's Local Plan states that development should protect or enhance the character and amenity of the area. Officers consider that the clustering of betting offices locally is detrimental to the character and amenity of the high street and has been a contributing factor to the anti-social behaviour experienced in Station Parade and impact on amenity.

### Consultation

- 2.48 Since the draft SPD has been substantially changed it will need to be consulted on. Consultation with the statutory consultees, identified in accordance with the National Planning Policy Framework (2012), will be undertaken for a period of 6 weeks and the remainder of the local consultation will be undertaken in line with the Council's Statement of Community Involvement. Officers will address the comments received and bring a final copy of the SPD to the Cabinet and Assembly for approval.

### Process for Article 4 Direction

- 2.49 The process is as follows:

- Council makes an Article 4 Direction withdrawing permitted development rights with immediate effect.
- Council gives notice of Article 4 Direction and refers decision to Secretary of State.
- Council takes into account representations received during consultation in determining whether to confirm direction.
- Council confirms direction within six months of it coming into force but not earlier than 28 following the date the notice was published.

### Compensation

- 2.50 The Council is liable to pay compensation to those whose permitted development rights have been withdrawn if it:

- Refuses planning permission for development which would have been permitted development if it were not for an Article 4 direction; or
- Grants planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 direction being in place.

- 2.51 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. All claims for

compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GPDO).

- 2.52 Claims for compensation will be assessed against Sections 107 and 108 of the *Town and Country Planning Act 1990* as amended. Costs can include the depreciation in the value of land or a building when its value with the permitted development right is compared to its value without the right. The Council may also be liable to the cost of abortive expenditure including works carried out under the permitted development rights before they were removed as well as the preparation of plans for the purposes of any work.
- 2.53 It is very difficult to quantify what these costs may be for each case and how many claims may be made. The liability for compensation exists for as long as the Article 4 Direction is in force.
- 2.54 Compensation will be payable where an application is made, that would otherwise not be necessary, and refused by the Council for a change of use from A5, A4, or A3 to an A2 betting office. As previously stated there have been two instances since 1987 where betting offices have opened using the permitted development rights which this Article 4 Direction proposes to remove. Moreover the ability to change operations within the A2 class remains. Whilst the Council is proposing to limit betting offices to beyond 100m of one another this still leaves opportunities for betting offices to locate in the borough.

### **3. Options Appraisal**

- 3.1 Failure to make the Article 4 Direction and adopt the SPD would reduce the ability of the Council to control the clustering of betting shops. The report explains that it is not possible to avoid liability for compensation by making a non-immediate direction and an immediate direction is recommended. In the draft SPD officers are recommending a 100 metre rather than the original 400 metre buffer zone to control clustering whilst leaving scope for betting offices to locate in the borough.

### **4. Consultation**

- 4.1 The proposed consultation on the immediate Article 4 Direction and draft SPD are set out in paragraphs 2.48 and 2.49

### **5. Financial Implications**

Implications completed by: Philip Horner, Principal Accountant

- 5.1 There are no costs involved in obtaining an Article 4 Direction.
- 5.2 Should the local authority refuse planning permission for a development that otherwise would have been granted by Schedule 2, Part 3, Class C the landowner/developer will have a period of 12 months in which they can make a claim to the council for compensation. Any compensation may relate either to a depreciation in the value of land or buildings which results from failure to gain planning permission or to abortive expenditure. Therefore there is a risk that the proposed direction will make the council liable to compensation claims, however,

because circumstances vary widely, it is not possible to gauge the magnitude of such claims. Any claim for compensation will be dealt with through the council's official complaints procedure and it is anticipated that any award would be contained within existing budgets.

- 5.3 As a result of the strong objections received from the betting office industry there is a risk of a legal challenge through a Judicial Review and the costs of this would have to be met by the Authority. Obviously, at this stage, such costs cannot be accurately assessed.

## 6. Legal Implications

Implications completed by: Paul Feild, Corporate Governance Lawyer

- 6.1 The measures set out in this report require different processes. The Making of the Article 4 Direction is an Executive function whereas the Planning and Compulsory Purchase Act 2004 required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF) now known as the Local Plan. The SPD will inform the Local Plan.
- 6.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended provides that adoption of Local Plan documents are not solely to be an Executive function, so the resolution to adopt SPD documents must be carried out by the Assembly.
- 6.3 As set out in the report body and risk implications the proposals in the report are not without the risk of challenge. This is likely to take the form of legal action and it is therefore crucial that any material objections regarding the Article 4 Direction and the SPD are considered and taken into account before confirmation.

## 7. Other Implications

- 7.1 **Risk Management** - Officers consider that there is a legally sound basis for making this Article 4 Direction and Supplementary Planning Document. Whilst the Council has to notify the Secretary of State when the Article 4 Direction is published it is unlikely he/she would intervene. The report details the strong objections received from the betting office industry and its umbrella group the Association of British Bookmakers. The report has been reviewed by Leading Counsel who noted the extensive consultation and the careful work in preparing the clear report. He also noted that the General Permitted Development Order is not the best drafted document but that the approach to it had been to enable the sort of action contemplated in the report. However the threat of legal challenge exists and the cost of this would be met from the Regeneration cost centre.
- 7.2 **Customer Impact** – This course of action is necessary to allow the Council to have more control over the location of betting offices in its shopping frontages so that it can control clustering and increase the chances that it can avoid the problems which have arisen on Station Parade in Barking Town Centre occurring elsewhere in the borough. Clearly this is in the interests of all residents who use the borough's retail centres. At the same time the course of action does not impact on existing betting offices and embodies sufficient flexibility to allow betting offices to open up

new premises in the borough and therefore does not prevent local people partaking in this traditional past-time.

**7.3 Safeguarding Children – No impact**

**7.4 Health Issues** - Officers do not consider that the justification of the Article 4 Direction or the draft SPD rests on establishing the link between the opportunities to gamble, fixed odd betting terminals and problem gambling in Barking and Dagenham.

**7.5 Crime and Disorder Issues** - The consultation response from the Metropolitan Police highlights the concerns from members of the public about the intimidating presence of gangs outside the premises on Station Parade and this is substantiated by the feedback the Council received from the public on the draft SPD. Both these premises were established through the permitted development rights that the proposed Article 4 Direction seeks to withdraw. Whilst the licensing regime provides some control over this issue it has a narrower remit than the planning system. Equally whilst the anti-social behaviour and intimidation from gangs outside these premises has improved recently officers consider it is reasonable for the Council to have more control over the location of betting offices so that it can have more control over the planning of its town centres to avoid similar problems arising in the future not only in Barking Town Centre but in shopping frontages in all the borough's centres.

**7.6 Property / Asset Issues** - It should be noted that restrictions on any type of development may affect the volume of private sector interest in development, the level of investment and/or the viability of business. The financial impact on the Council of this cannot be estimated.

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

1. London Borough of Barking and Dagenham Neighbourhood Health Check, 2006, Atkins  
<http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalPlan/Documents/KeyEvidenceBase/3.RetailandTownCentre/1.town-centre-health-check.pdf>
2. Barking Town Centre Retail Study: Update 2009, King Sturge, May 2009  
<http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalPlan/Documents/KeyEvidenceBase/3.RetailandTownCentre/2.btc5.pdf>
3. Barking Town Centre, Retail Study Update: 2012, Jones Lang LaSalle, February 2012  
<http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalDevelopmentFramework/Documents/Retail%20Study%20Update%20Feb%202012%20final.pdf>

**List of appendices:**

**Appendix 1** - Draft Supplementary Planning Document: Controlling the clustering of betting offices

**Controlling the clustering of betting offices**

**Supplementary Planning Document**

**December 2013**

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## 1. Introduction

- 1.1 This Supplementary Planning Document (SPD) seeks to control the clustering of betting offices in the interests of the character and amenity of the borough's shopping frontages. It complements the Council's Article 4 Direction which removes permitted developments rights for a Hot Food Takeaway (A5), Drinking Establishment (A4) and Restaurant and Cafe (A3) to change to a betting office without planning permission.
- 1.2 This SPD will assist the Council in delivering the Community Strategy vision to encourage growth and unlock the potential of Barking and Dagenham and its resident and the priorities of reducing crime and the fear of crime and improving health and wellbeing through all stages of life.
- 1.3 This SPD specifically supplements the following policies and objectives of the Local Plan:

*Core Strategy (2010)*

- **SO.7: Promoting Vibrant Town Centres**
- **CM1: General Principles for Development**
- **CM5: Town Centre Hierarchy**
- **CE1: Vibrant and Prosperous Town Centres**

*Borough Wide Development Policies (2011)*

- **BE1: Protection of Retail Uses**
- **BE2: Development in Town Centres**
- **BE3: Retail Outside of Town Centres**
- **BP8: Protecting Residential Amenity**
- **BP11: Urban Design**

- 1.4 The SPD does not have the same status as the development plan but is an important material consideration in the determination of planning applications.
- 1.5 The provisions of this SPD will be implemented primarily through the development management process and the determination of applications for betting office development. This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Strategic Partnership's Community Strategy and the adopted Local Plan.

## **Betting offices – a definition**

- 1.6 Betting offices are designated in planning terms as use class A2 Financial and Professional Services under the Town & Country Planning Use Classes Order (1987) as amended. Betting offices also require a premises licence under the Gambling Act (2005), which is administered by the Council.
- 1.7 Under their licence terms, the definition of a betting office is that the primary activity on the premises must be betting services. Each premises is permitted to have up to four gaming machines, known as fixed odds betting terminals. Additional licences may be required for the use of other betting mediums to lay bets such as betting websites. The licence is valid for an indefinite period once granted, and can only be repealed if the proprietor breaks the terms and conditions of their licence, or fails to pay their annual fee.

## **2. Status**

- 2.1 This guidance has been put together in accordance with the National Planning Policy Framework (NPPF, 2012). The statutory Development Plan is the starting point when determining a planning application for the development or use of land. The Development Plan consists of the London Plan (2011) and the development plan documents within the London Borough of Barking and Dagenham's Local Plan.
- 2.2 This SPD provides further detail on the implementation of Local Plan policy that applicants must follow to ensure they meet the policy requirements.

## **3. Planning policy framework**

- 3.1 This Supplementary Planning Document (SPD) has been prepared by the London Borough of Barking and Dagenham to control the impact of the clustering of betting offices on the high street in the interests of the character and amenity of the borough's shopping frontages. It draws upon national and regional planning policy guidance and expands on local policies in the Local Plan.

### National Planning Policy Framework (NPPF)

- 3.2 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. It explains that there are three dimensions to sustainable development: economic, social and environmental. Whilst it is recognised that betting offices have an economic role in that they contribute to the local economy and that they in some respects have a social role in so much that betting is a popular past time it is also the case that the



clustering of betting offices can contribute to problems of anti-social behaviour and can have a negative impact on the character of the high street and local amenity. This SPD seeks to balance the negative and positive impacts of the clustering of betting offices on the social, economic and environmental dimensions of sustainable development. It therefore seeks to control clustering whilst ensuring there are still sufficient opportunities for betting offices to locate in the borough.

- 3.3 The NPPF seeks to empower local planning authorities to create thriving and safe high streets which provide local communities with a diverse offer of retail and services. Core Principle 2: *Ensuring the vitality of town centres*, of the NPPF states that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Paragraph 23 states that Local Planning Authorities (LPAs) should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. LPAs should set out policies that make clear which uses will be permitted in such locations, and promote competitive town centres that provide a diverse retail offer which reflects the individuality of a town centre.
- 3.4 Paragraph 69 of the NPPF requires planning policies and decisions to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The clustering of betting offices has the potential to have an adverse impact on the character and amenity of town centres with a knock on impact on vitality and viability. Paragraph 157 requires local plans to identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with clear explanation.

### The London Plan

- 3.5 At the London (regional) level, the London Plan (2011) forms part of the development plan for the area.
- 3.6 London Plan Policy 2.15 on Town Centres states amongst other things that development proposals in town centres should sustain and enhance the vitality and viability of the centre and promote safe, secure and lifetime neighbourhoods.
- 3.7 London Plan Policy 4.8: *Supporting a Successful and Diverse Retail Sector* states that boroughs should support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need. Local Plans should support convenience retail and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping.

- 3.8 Paragraphs 2.2.8 to 2.2.10 of the Mayor of London's draft Supplementary Planning Guidance on Town Centres highlights that betting offices cluster in centres in less prosperous areas which can lead to a narrowing of a centre's offer, and may well put some off from visiting and shopping in them altogether – particularly because of concerns about crime and anti-social behaviour that they can give rise to. It goes on to state that there are genuine planning issues affecting amenity and the continued success of town centres which justify allowing planning authorities to consider the merits of proposals for betting offices. Betting offices are different in planning terms from the other types of use in the A2 class; they have different hours of operation from other uses covered in A2 (typically they open seven days a week for up to twelve hours a day – rather longer than the typical financial/business use), with different impacts on local amenity.

### Local Plan

- 3.9 The Core Strategy is considered the principle planning document within the Local Plan. It sets out the strategic policies which guide all planning decisions. The document shapes strategic growth in the borough. It sets a range of policies which are relevant to the issue of the clustering of betting offices.

### Core Strategy (2010)

- 3.10 Strategic Objective 7 of the Core Strategy promotes a vibrant Barking Town Centre and District Centre which offers a mix of uses including retail, leisure, culture and entertainment, housing, community facilities and food and drink and makes sure residents throughout the Borough and beyond have access to them.
- 3.11 Core Strategy policy CM1: General Principles for Development states that retail and other town centre development will be focused within the centres set out in the retail hierarchy defined in policy CM5. It goes on to say that development should meet the needs of new and existing communities.
- 3.12 Core Strategy policy CM5: Town Centre Hierarchy states that encouragement will be given to development and services that will help maintain and enhance the vitality and viability of the borough's major, district and neighbourhood centres.
- 3.13 Core Strategy policy CE1: Vibrant and Prosperous Town Centres states that all retail development in the borough should maximise opportunities to meet the needs of existing communities and to provide them with social and economic benefits.

## Borough Wide Development Policies (2011)

- 3.14 Borough Wide Development Policy BE1: Protection of Retail Uses sets out the percentage of non-retail uses that are allowed within the borough's shopping frontages within the town centre hierarchy.
- 3.15 Borough Wide Development Policy BE2: Development in Town Centres, of the Borough Wide Development Policies DPD promotes development in town centres that will bring vitality, viability and regeneration benefits. It makes clear that all development as well as meeting the requirements of BE1 must also to meet a series of design criteria including 'not to be detrimental to the visual and/or environmental character and amenity of the area' this includes reference to general disturbance.
- 3.16 Borough Wide Development Policy BE3: Retail Outside of Town Centres explains that the Council will seek to retain existing individual shops that are located outside centres in the town centre hierarchy particularly those that sell fresh food and that applications for changes of use to non-retail will normally be refused.
- 3.17 Borough Wide Development Policy BP8: Protecting Residential Amenity explains that all developments are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place.
- 3.18 Borough Wide Development Policy BP11: Urban Design states that having regard to their layout and function the design of buildings and layout of new development should protect or enhance the character and amenity of the area and to provide safe environments that reduce the fear of crime and improve crime prevention.

## **4. Consultation**

- 4.1 The consultation on this Draft SPD is in line with Barking and Dagenham's Statement of Community Involvement and runs from

**XX January 2014 to XX February 2014.**

Copies are available on the Barking and Dagenham website at <http://barking-dagenham.limehouse.co.uk/portal/>

Alternatively, you can request a copy by emailing [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or writing to:

Naomi Pomfret  
Regeneration  
London Borough of Barking and Dagenham  
Room 104  
Town Hall

1 Town Square  
Barking  
IG11 7LU

Responses can be made online at <http://barking-dagenham.limehouse.co.uk/portal/>, sent by email to [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or by post to the above address

## **5. Purpose and scope**

- 5.1 Cabinet agreed 18 December 2013 that the permitted development right for A5, A4, and A3 uses to convert to a betting office without planning permission be withdrawn via an immediate Article 4 Direction. Cabinet agreed this was expedient so the Council could exercise more control over planning for betting offices in the interest of the proper planning of the borough's town centres. Of particular concern was that
- Clusters of betting offices have become established in Barking Town Centre and the District Centres.
  - The most significant cluster of betting offices in the borough is along Station Parade in Barking Town Centre. This has coincided with problems of anti social behaviour in the area, is detrimental to the character of the high street and local amenity and how people perceive the town centre. Two of these betting offices used permitted development rights which the proposed Article 4 Direction would remove.
  - There is potential for existing betting office clusters in Barking Town Centre and the borough's District Centres to intensify or new ones to be formed (including in neighbourhood centres) and the issues experienced along Station Parade to be repeated. The Council is currently dealing with three planning appeals from the same bookmaker which would either intensify existing clusters in Barking Town Centre and Dagenham Heathway or form a new one at Faircross Parade.
- 5.2 This SPD will compliment the Direction and supplement the policies in the Local Plan by ensuring that were a betting office does need planning permission that it is not within 100 metres of an existing betting office.
- 5.3 Of the forty betting offices currently in operation, three have been through the exercise of permitted development rights. The remainder required planning permission, therefore the SPD will be useful in its own right in controlling clustering.
- 5.4 Since the Gambling Act came into force in 2007 four betting offices have closed and four betting offices have opened in the borough and additionally, as of 25 November 2013, three betting offices have been refused which are the subjects of appeals. Therefore there has been

no net increase in betting offices in the borough since 2007. Nationally the number of betting offices peaked in 1968 at 15,782 and at 30 September 2012 it was 9049.<sup>1</sup> Gerald Eve LLP estimate that the number is likely to remain stable in future. However, since the Gerald Eve LLP research was published in 2012, locally four applications have been received for new betting offices. This represents 10% of the existing number of functioning betting offices.

- 5.5 The borough has 1 betting office for every 3,373 residents of 18 and above. This is the 16th highest concentration in London and ranked 2nd of the Outer East London Boroughs. VOA<sup>2</sup> data estimates that in 2012 the borough had 253,000 square metres of retail floorspace and therefore there is 1 betting office for every 6,325 square metres of retail floorspace. Barking and Dagenham has the 11th highest concentration in London and the highest concentration in Outer East London and not dissimilar to Southwark who have recently made an immediate Article 4 Direction. Had the four recently received applications for betting offices been approved Barking and Dagenham would have been ranked 10th by capita and 4th by floorspace in London. The direction of travel therefore is towards increased concentrations of betting offices, as experienced in inner London Boroughs such as Southwark and Hackney.
- 5.6 However, the issue this SPD focuses on is not the proliferation of betting offices but their clustering. Three of the four betting offices that have closed since 2007 have been in neighbourhood centres and the four betting offices that have opened have been in Barking Town Centre and the District Centres of Dagenham and Chadwell Heath and have been in close proximity to existing betting offices.
- 5.7 In Dagenham Heathway planning permission was granted for a BetFred betting office in 2007 in Unit 25 of the Mall within 20 metres of the existing William Hill betting office at 220 Heathway which was approved in 1997<sup>3</sup> <sup>4</sup>. In 2008 a Coral betting office was approved at 251-253 Heathway opposite William Hill and Bet Fred<sup>5</sup>.
- 5.8 In Barking Town Centre Paddy Power in 2011 used permitted development rights to open a betting office at 23 Station Parade opposite Corals which had also used permitted development rights to open a betting office at 24 Station Parade in 2005.
- 5.9 In Chadwell Heath District Centre Betfred used permitted development rights in 2008 to open a betting office within 50 metres of a Ladbrokes

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<sup>1</sup> ABB, response to draft SPD, 2013

<sup>2</sup> VOA, May 2012 [http://www.voa.gov.uk/corporate/statisticalReleases/120517\\_CRLFloorspace.html](http://www.voa.gov.uk/corporate/statisticalReleases/120517_CRLFloorspace.html)

<sup>3</sup> Betfred Unit 25 The Mall, ref 07/01321/FUL

<sup>4</sup> William Hill 220 Heathway, ref 96/00267/TP

<sup>5</sup> Coral 251-253 Heathway, ref 08/00004/FUL

at 1-2 Tudor Parade and within 150 metres of a Paddy Power at 13-15 Station Road<sup>6 7 8</sup>.

- 5.10 The three planning applications which are currently the subject of appeals include a Paddy Power at 243-245 the Heathway within 50 metres of the Corals at 251-253 the Heathway and a Paddy Power at 51 East Street Barking with 100 metres of the Ladbrokes at 29a East Street. The third appeal concerns a Paddy Power at 33 Faircross Parade within 50 metres of a Corals at 24 Faircross Parade<sup>9 10 11</sup>.
- 5.11 The 2009 and 2012 Barking Town Centre Retail Studies provide floorspace and outlet indices for betting offices<sup>12 13</sup>. This data shows that under both indices betting offices have increased significantly, surpassing that of Hot Food Takeaways which the Council has acted on in July 2010 when it published its planning guidance on hot food takeaways. An outlet index of 183 effectively means that there are 83% more betting offices in Barking Town Centre than the UK average. It also shows that restaurants, pubs and cafes are underrepresented.

	Floorspace Index	Outlet Index
2009	129	146
2012	140	183
Source Barking Town Centre Retail Study 2009 and 2012 update – Jones Laing Laselle/King Sturge Goad.		

- 5.12 The Council's earlier Neighbourhood Health Check in 2006 established similarly that in the Council's neighbourhood centres that betting offices were overrepresented<sup>14</sup>. It identified that betting offices were the third most common non-retail use after Hot Food Takeaways and Restaurants and Cafes constituting 3% of premises in neighbourhood parades.
- 5.14 This section of the SPD has explained that there has been a recent trend of betting offices clustering in Barking Town Centre, Dagenham Heathway and Chadwell Heath and that the planning applications received in 2013, subject of appeal, could exacerbate this. It has also evidenced that in Barking Town Centre there are 83% more betting offices in comparison to the UK average, but that equally there is an underrepresentation of cafes and restaurants. This is substantiated by

<sup>6</sup> Betfred 36 High Road, Chadwell Heath

<sup>7</sup> Ladbrokes 1-2 Tudor Parade, Chadwell Heath, ref 02/00389/FUL

<sup>8</sup> Paddy Power, 13-15 Station Road, ref 03/00865/FUL

<sup>9</sup> Paddy Power 243-245 Heathway, Dagenham, ref 13/00448/FUL

<sup>10</sup> Paddy Power 51 East Street, Barking, ref 12/00349/FUL

<sup>11</sup> Paddy Power 33 Faircross Parade, Barking, ref 13/00267/FUL

<sup>12</sup> Table 9, Barking Town Centre Retail Study Update 2009, King Sturge LLP, May 2009

<sup>13</sup> Table 9, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>14</sup> Table 4.2, London Borough of Barking and Dagenham, Neighbourhood Health Check 2006, Atkins, January 2006

the borough having the highest ratio of betting offices to retail floorspace in Outer East London and not dissimilar to inner London Boroughs such as Southwark.

- 5.15 The recent pattern of betting offices opening and closing demonstrates that bookmakers are targeting prime retail frontages in Barking Town Centre and the District Centres. Taking into account the demolition of the vacant retail units at London Road/North Street vacant space in Barking Town Centre is 12.18%, which is below the national average<sup>15</sup>. The Barking Town Centre Retail Update Study (2012) explains that the retail core of the centre, such as, East Street and Vicarage Field have few vacancies and this area presents a better measure of the health of the centre<sup>16</sup>. It is also the case that, as at 25 November 2013, from 1- 41 Station Parade, 2-74 Station and 2-40 Longbridge Road within which the cluster of 5 betting offices; 2 Corals, 1 Paddy Power, 1 Metrobet and 1 Ladbrokes are located there was not a single vacant retail unit. Moreover there are two vacant premises with planning permission for betting offices in neighbourhood centres. These are 11 Royal Parade Dagenham and 121 Rose Lane in Marks Gate<sup>17 18</sup>.
- 5.16 The Council is concerned that the clustering of betting offices is detrimental to the character of the high street which affects all town centre uses. Members of the public are concerned about the intimidating presence of gangs outside the premises at 24 and 23 Station Parade and this is substantiated by the consultation feedback the Council received from the public and the Metropolitan Police on the first draft SPD. Both these premises were established through the permitted development rights that the proposed Article 4 Direction seeks to withdraw. Whilst the licensing regime provides some control over this issue it has a narrower remit than the planning system. Equally, whilst the anti-social behaviour and intimidation from gangs outside these premises has improved recently officers consider it is reasonable for the Council to have more control over the location of betting offices so that it can have more control over the planning of its town centres to avoid similar problems arising in the future not only in Barking Town Centre but in shopping frontages in all the borough's centres.
- 5.17 The establishment of clusters of betting offices in Barking Town Centre and the District Centres is a new and worsening problem. The most significant cluster in Station Parade in Barking Town Centre has had an impact on local amenity and the Council wishes to avoid a

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<sup>15</sup> Paragraph 2.29, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>16</sup> Paragraph 2.31, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>17</sup> 11 Royal Parade Dagenham ref 63/00081/DAG

<sup>18</sup> 121 Rose Lane Marks Gate ref 68/00341/TP

repeat of this elsewhere. The spate of applications in 2013 for betting offices does not reassure the Council that the borough has yet reached saturation point. Nor do the experiences of boroughs such as Newham, Hackney and Southwark.

- 5.18 Therefore, the SPD compliments the Article 4 Direction in this regard by ensuring that where betting offices do need planning permission that they are not within 100 metres of one another.
- 5.19 Officers consider that a balance needs to be struck between controlling the clustering of betting offices whilst not closing off opportunities for betting offices to locate in the borough. For this reason it is proposed that a new betting office should not be permitted within 100 metres of an existing betting office. For example the three betting offices on Dagenham Heathway are within 50 metres of one another and the two Coral's, Paddy Power and Ladbrokes on Station Parade are within 100 metres of one another. A map is provided of these zones in Appendix 1 to this report and demonstrates the 100m buffer would help control clustering whilst still allowing considerable scope for betting offices to locate in the borough thereby balancing the economic, social and environmental dimensions of sustainable development.

## **6. The guidance**

### **SPD Implementation Point 1 – Controlling clustering**

**Planning permission for new betting offices will not be granted within 100 metres of an existing betting office.**

### **REASONED JUSTIFICATION**

- 6.1 This Supplementary Planning Document (SPD) complements the Council's Article 4 Direction in controlling the clustering of betting offices in the interests of the character of the borough's shopping frontages. The Council has analysed existing clusters in Barking Town Centre, Dagenham Heath, Green Lane and Chadwell Heath and considers that 100 metres is sufficient separation to avoid the negative effects of clustering which have been experienced in Barking Town Centre. The Council is keen that the problems experienced in Barking Town Centre are not repeated elsewhere in the borough and therefore would not wish existing clusters to become more intensive or for new clusters to form.
- 6.2 At the same time the Council recognises that betting offices are a popular pastime and also an important component of the local economy providing jobs and business rates. The map provided in



Appendix 1 demonstrates that the 100 metre buffer provides sufficient opportunities for betting offices to locate in the borough's shopping frontages subject to satisfying the policies in the Local Plan.

- 6.3 The 100 metre distance will be applied from the mid-point on the highway of the premises for which planning permission is being sought and will take into account licensed betting offices with planning permission within and without the borough. The map provided in Appendix 1 is correct as of 25 November 2013 but when determining applications for betting offices the Council will take into account the latest information.
- 6.4 In particular this Implementation Point should be read in conjunction with Policy BE1 of the Borough Wide Development Policies DPD which must also be complied with.

## **7. Strategic working**

### Council's Licensing Authority

- 7.1 Whilst this guidance will help restrict opportunities for new betting offices to establish themselves in the borough the reality is that many of Barking and Dagenham's centres already have notable concentrations of betting offices. Therefore, the Council and the Trading Standards and Licensing team will look closely at existing licensed premises, and work closely with the Gambling Commission to ensure any breach of licence conditions is fully investigated and appropriate remedial action is taken.
- 7.2 In cases where there is evidence to suggest that gambling at one of the premises is a source of crime and disorder, or that the premises is associated or used to support crime and disorder, the Council will seek to use its powers as the licensing authority under the Gambling Act (2005) to revoke the licence. Equally if there is evidence to suggest that the betting office is failing to meet any other of its licensing objectives the Council will seek to revoke the licence. Other breaches (in addition to failing to pay the licence fee) which can justify the revocation of a premises' licence under the Gambling Act (2005) include:
- Children and other vulnerable people are being harmed or exploited by gambling
  - Gambling is not being conducted in a fair and open way
- 7.3 The Council's Licensing Authority will ensure that current licenced betting offices provide better access to information about the issues on gambling, debt and the services available to assist and support those with gambling addiction.

## **8. Monitoring, Implementation and Review**

### Monitoring

- 8.1 Preparation of Local Plan documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 8.2 This will be done through a regular process of monitoring in partnership with the Council's Licensing and Trading Standards and Development Management teams, the success of the SPD and its policies against a set of indicators and targets in the Annual Monitoring Report.
- 8.3 Such indicators may include:
- The total number and concentration of betting offices in the borough
  - The attractiveness and diversity of the borough's high street offer in Town Centre Health Checks and Retail Study updates
  - Success at appeal

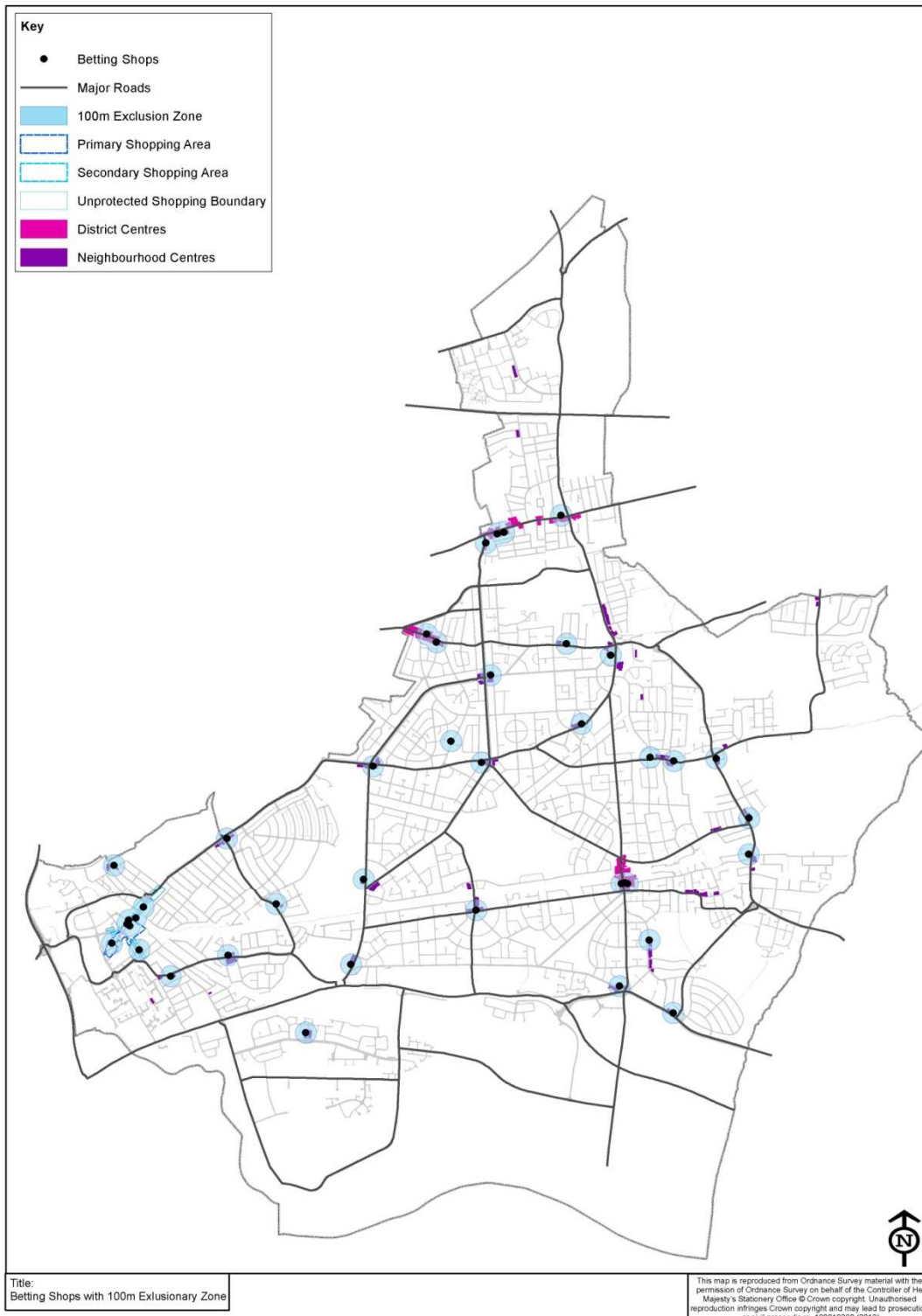
### Implementation

- 8.4 The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan, but it will be an important material consideration in determining planning applications.

### Review

- 8.5 The Council's Annual Monitoring Report will highlight any issues that may need a review.
- 8.6 Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Development Framework, may also prompt the need for further reviews.

# Appendix 1: Figure 1 – Clustering control zones



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**CABINET****18 December 2013**

<b>Title:</b> Debt Management Performance and Write-Offs 2013/14 (Quarter 2)	
<b>Report of the Cabinet Member for Finance</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Peter Cosgrove, Operations General Manager	<b>Contact Details:</b> Tel: 0208 227 3850 E-mail: peter.cosgrove@elevateeastlondon.co.uk
<b>Accountable Director:</b> Jonathan Bunt, Chief Finance Officer	
<b>Summary</b>	
<p>This report sets out the performance of the Council's partner, Elevate East London, in carrying out the debt management function on behalf of the Council and covers the second quarter of the year 2013/14. It also includes details of debt written off in accordance with the write off policy approved by Cabinet on 18 October 2011.</p>	
<b>Recommendation(s)</b>	
<p>The Cabinet is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Note the contents of this report as it relates to the performance of the debt management function carried out by the Revenues and Benefits service operated by Elevate East London, including the performance of bailiffs; and</li> <li>(ii) Note the debt write-offs for the second quarter of 2013/14 and that a number of these debts will be publicised in accordance with the policy agreed by Cabinet.</li> </ul>	
<b>Reason</b>	
<p>Assisting in the Council's Policy aim of ensuring a well run organisation delivering its statutory duties in the most practical and cost-effective way. It will ensure good financial practice and adherence to the Council's Financial Rules to report on debt management performance and total debt write-off each quarter.</p>	

**1. Introduction and Background**

- 1.1 The Council's Revenues, Benefits, General Income and Rents Service is operated by the Council's joint venture company, Elevate East London LLP (Elevate). The service is responsible for the management of the Council's debt falling due by way of statutory levies and chargeable services.

- 1.2 This report sets out the performance for the second quarter of 2013/14 and covers the overall progress of each element of the service since April 2013. In addition it summarises the debts that have been agreed for write off in accordance with the Council's Financial Rules. Write offs in the second quarter have been actioned in accordance with the Council's debt management policy agreed on 18 October 2011.

## 2. Proposal and Issues

- 2.1 Set out in table 1 below is the performance for quarter 2 of 2013/14 achieved by Elevate for the main lines of debt managed by the Revenues Service during the financial year.

**Table 1: Collection Rate Performance – 13-14**

Type of Debt	Annual Target	Target for Quarter 2	Performance	Variance	Actual collected £m
<b>Council Tax</b>	93.50%	54.40%	55.60%	+1.20%	31.243
<b>NNDR</b>	97.40%	56.90%	56.10%	-0.80%	33.227
<b>Rent</b>	96.50%	96.79%	97.05%	+0.26%	51.144
<b>Leaseholders</b>	91.80%	46.25%	50.72%	+4.47%	1.910
<b>General Income</b>	94.64%	62.31%	72.22%	+9.91%	32.167

### Council Tax collection performance

- 2.2 Council Tax collection at the end of the second quarter is 1.20% above the profile and 0.10% above the performance at the same time last year. Collection of Council Tax, from those formerly on Council Tax Benefit but who now receive Council Tax Support (CTS) for a maximum of 85% of the tax, at the end of the second quarter, was 45.70% compared to 57.40% for those not in receipt of CTS.

### 2.3 Changes and improvements:

- i. During the second quarter debt recovery action continued for non payers with 7,100 summonses being issued for the year.
- ii. Enforcement action has been initiated and 2,168 attachments to earnings or benefit have been created since the start of the year. These are identified via account segmentation prior to bailiff action.
- iii. Work began on improved scripts for the contact centre to assist in improving the quality of information given to customers.
- iv. The payment arrangement procedure continues to ensure that those requiring more time to pay are managed correctly. Those that fail to adhere to the terms of the arrangement are quickly identified and recovery action is initiated.

### NNDR collection performance

- 2.4 The NNDR collection rate at the end of the second quarter is 56.10% which is 0.80% below the profile but 0.60% above the same period in 2012/13.

- 2.5 There was significant disruption, including a team restructure, leading up to the cancellation of the Shared Business Rates Service with Havering at the end of September. Whilst the team now has more resources overall there is also an agreed proportionately higher collection target to achieve.
- 2.6 The financial climate continues to have a detrimental effect upon businesses within the Borough making collection of Business Rates within year challenging.
- 2.7 Recovery procedures have been reviewed to ensure that debts are progressed to bailiffs in a timely fashion.
- 2.8 Proactive outbound calling has been adopted to identify ratepayers that are beginning to fall behind with payments. This will ensure that these cases are quickly identified and payment agreed.
- 2.9 The largest value one hundred debtors are being specifically targeted to ensure recovery is appropriate and effective where required.

### **Rent collection performance**

- 2.10 The rent collection target of 96.50% is being exceeded at the end of quarter 2 with collection of 97.05%.
- 2.11 The introduction of the bedroom tax affects approximately 1,600 of our tenants. Of those tenants who have lost housing benefit this year because they are deemed to have one or more excess bedrooms; 48% are in rent arrears. This group as a whole owe £366k and recovery action is only taken against these tenants at the agreement of the Council and based on each case's merits. Where tenants have arrears caused in the main by the bedroom tax changes recovery action will not take place whilst they are actively seeking to move to smaller accommodation
- 2.12 Various actions have been taken to improve performance in rent collection:
  - i. A good platform is in place to ensure that new arrears are minimised with procedures agreed between the Council and Elevate. These procedures are designed to ensure that rent accounts are closed more swiftly when tenants move out.
  - ii. Elevate are proactively seeking to backdate housing benefit entitlement for tenants who have experienced a loss of entitlement due to learning difficulties or mental illness which prevents them being able to comply with the standard claims requirement.
  - iii. Elevate have included messages on rent statements and on-line reminding tenants to prioritise rent payments first and the possible consequences of non-payment are highlighted.
  - iv. Improved procedures are in place at the sign up of new tenancies to maximise housing benefit take up from the start of tenancy and encourage payments through direct debit.
  - v. Rents campaigns of visiting high density blocks of flats by staff in groups was carried out in July and August.

## Leaseholders' debt collection performance

- 2.13 The leasehold collection target for the year has been set at 91.80%. In the second quarter Elevate achieved 50.72% which exceeds the expected profile by 4.47%.

## General Income collection performance

### Overall position

- 2.14 General Income is used to describe the ancillary sources of income available to the Council which support the cost of local service provision. Examples of areas from which the Council derives income include: penalty charge notices; social care charges; housing benefit overpayments; rechargeable works for housing; nursery fees; trade refuse; truancy penalty notices; hire of halls and football pitches. Oracle is used for the billing of these debts and collection performance by Elevate for its activities across all these debts is reported together.
- 2.15 Collection has started the year well with over £32m being collected in the first two quarters against a debit of £44.5m. This collection is above the profile for the previous year with more effective school salary collection having been implemented by the team. The remainder of this section considers a selection of General Income debts which have specific separate collection rate targets.

### ACS Homes and ACS Residential - Collection of social care charges (home and residential)

- 2.16 The Council's Fairer Contribution Policy commenced from October 2011 and applies to home care. Residential care charges are covered by the Department of Health's *Charging for Residential Accommodation Guide* (CRAG).
- 2.17 Collections of debt for home and residential care are reported separately. For both, the agreed measure for performance reporting is the percentage collected on debt over 90 days old and performance reporting can include debts from previous financial years.
- 2.18 Residential care debt which the Council has secured with a charging order against the client's assets, usually their property, is not included in these figures.

### Residential care

	Invoices	Debit Raised (£000)	Total Collected (£000)	Collection rate	Target	Difference
Sept	90+ days	4.545	4.212	92.68%	90.00%	+2.68%

### Homecare

	Invoices	Debit Raised (£000)	Total Collected (£000)	Collection rate	Target	Difference
Sept	90+ days	2.339	2.178	93.12%	90.00%	+3.12%



- 2.19 The recovery process of these debts is similar to that of other debts, but with added recognition given to particular circumstances. In order to ensure that the action taken is appropriate and to maximise payments each case is considered on its own merits at each stage of recovery and wherever possible payment arrangements are agreed. In addition a further financial reassessment of a client's contribution is undertaken where there is extraordinary expenditure associated with the care of the service user.

### **Housing and Environment: Penalty Charge Notices**

- 2.20 This recovery work only includes debts due to Penalty Charge Notices (PCNs) for parking, bus lane and box junction infringements once a warrant has been obtained from the Traffic Enforcement Centre (TEC). The majority of these relate to parking infringements and Elevate enforce these warrants through bailiffs and monitor their performance. Overall collection rates on PCNs will be reported by Environmental and Enforcement Services (Parking Services). Performance is set out in 2.25 below.

### **Housing Benefit Overpayments**

- 2.21 In the first two quarters of the year collection totalled £1,650,000. This is ahead of the collection profile target by £162,000.

### **Bailiff Performance**

- 2.22 Bailiff action is a key tool for the Council to recover overdue debts but is only one area of collection work. There are now over 13,000 additional households liable to pay Council Tax following the introduction of Council Tax Support as a replacement of Council Tax Benefit and with this comes a probable increase in arrears. This is not a static group as residents move in and out of work. The Council's ability to collect sums due will be progressively affected as the welfare reforms take effect alongside the cumulative yearly effect of CTS on arrears.
- 2.23 A report was made to the Public Accounts and Audit Select Committee (PAASC) meeting on 26 June 2013 clarifying the scale of the potential impact in 2013/14, and the recovery processes the Council uses. The key to the Council's approach is that it encourages contact and payments as soon as possible, which maximises the opportunity for the taxpayer not to incur the added costs for being summonsed. The norm in 2011/12 and 2012/13 was for less than 25% of reminders to lead to action by bailiffs. It is not anticipated that this percentage will change in 2013/14.
- 2.24 The majority of cases sent to the bailiffs for Council Tax in quarter one relate to 2012/13 debts. Quarter two has seen more referrals relating to 2013/14 debts as recovery cycles gather pace. This resulted in the bailiff having a proportion of cases for only around 10 working days by the end of quarter two. Consequently the bailiff had no time in which to begin recovery action and this is reflected in the low collection rate. Collection will continue to improve over the rest of the year.
- 2.25 Information on the performance of the bailiffs is set out in the table below by type of debt for quarters 1 and 2 of 2013/14:

<b>Service</b>	<b>Value sent to bailiffs (£000)</b>	<b>Total collected by bailiffs (£000)</b>	<b>Collection rate</b>
Council Tax	2,988	204	6.83%
NNDR	1,531	236	17.92%
Road Traffic	1,584	288	18.19%
Commercial rent	24	23	94%
General Income	61	16	27%

### **Debt Write-off: Quarter 2 2013/14**

- 2.26 All debt recommended for write off is done so in accordance with the policy of the Council who have the final decision with regard to approval. The value of debt recommended to the Chief Finance Officer and subsequently approved for write off during the second quarter of 2013/14 totalled: £132,980. The detail of the value of cases and number of cases written off is provided in Appendix A.
- 2.27 The figures in Appendix B show the total write-offs for 2011/12 and 2012/13 as well the debts written off in the first and second quarters of 2013/14.
- 2.28 351 debts were written off in quarter 2 of which:

<b>Absconded/not traced</b>	<b>Uneconomic to pursue</b>	<b>Debtor Insolvent</b>	<b>Deceased</b>	<b>Other reasons</b>
10.50%	77.80%	0.60%	6.30%	4.80%

(The 'Other reasons' category includes examples such as: where the debt liability is removed by the Court or the debtor is living outside the jurisdiction of the English Courts and is unlikely to return).

### **Publication of individual details of debts written off (Appendix C)**

- 2.29 In line with Council policy established in 2007, due to the difficulties of finding absconding debtors, a list showing the details of some debtors who have had debts written off is attached to this report at Appendix C. The list has been limited to the ten largest debts only and can be used in the public domain.

## **3. Financial Implications**

Implications verified by: Jon Bunt, Chief Finance Officer

- 3.1 Collecting all sums due is critical to the Council's ability to function. In view of this, monitoring performance is a key part of the monthly meetings with Elevate.
- 3.2 The monthly meetings between Elevate and the Council focus on the areas where the targets are not being achieved and discuss other possibilities to improve collection. An example of this is the need to collect prior to or when a service is provided, thereby avoiding the need to raise an invoice and collect a debt.

- 3.3 These meetings also ensure that key activities to enable debts to be collected and accurately administered are being carried out. A key indicator of this is the processing of bad debts. At the end of Q2 the total value of write-offs indicates that this is happening, but not at the level needed. The volume of write-offs declined in quarter two as the service focused on the collection of current year debts.

#### **4. Legal Implications**

Implications verified by: Fiona Taylor, Head of Legal and Democratic Services

- 4.1 The pursuit of debts owed to the Council is a fiduciary duty. The Council seeks to recover money owed to it by way of courts action once all options are exhausted. Not all debt will be recovered and a pragmatic approach has to be taken with debts as on occasion they are uneconomical to recover in terms of the cost of process and the means of the debtor to pay. As observed in the body of this report, in the case of rent arrears a possession and subsequent eviction order is a discretionary remedy and the courts will more often than not suspend the possession order on condition the tenant makes a contribution to their arrears. The Council's decision to utilise Introductory Tenancies will, over time, begin to have an impact as only those tenants with a satisfactory rent payment history can expect to be offered a secure tenancy.
- 4.2 The decision to write off debts has been delegated to Chief Officers who must have regard to the Financial Rules.

#### **5. Other Implications**

- 5.1 **Risk Management** - No specific implications save that of this report acting as an early warning system to any problems in the area of write offs.

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

- RBGIR monthly report

#### **List of appendices:**

**Appendix A** – Debt Write Off Table for Quarter 2, 2013/14

**Appendix B** – Debts written off in 2011/12 and 2012/13 and totals for 2013/14

**Appendix C** – Ten Largest Debts Written Off in Quarter 2, 2013/14

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## Appendix A

**Table 1: Debts Written Off during Quarter 2 2013/14 (£)**

Write-offs		Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Council Tax	NNDR	TOTAL
Jul-13	Under 2k	84	15,021	0	0	0	0	
	Over 2k	22,026	0	0	0	0	0	
	Over 10k	0	0	0	0	0	0	
	<b>Total</b>	<b>22,110</b>	<b>15,021</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>37,132</b>
Aug-13	Under 2k	4,995	16,044	0	359	23,402	0	
	Over 2k	0	0	0	0	0	0	
	Over 10k	34,587	0	0	0	0	0	
	<b>Total</b>	<b>39,582</b>	<b>16,044</b>	<b>0</b>	<b>359</b>	<b>23,402</b>	<b>0</b>	<b>79,386</b>
Sep-13	Under 2k	2,500	6,133	0	215	0	0	
	Over 2k	0	7,613	0	0	0	0	
	Over 10k	0	0	0	0	0	0	
	<b>Total</b>	<b>2,500</b>	<b>13,746</b>	<b>0</b>	<b>215</b>	<b>0</b>	<b>0</b>	<b>16,462</b>
<b>Quarter 2 Totals</b>		<b>64,193</b>	<b>44,811</b>	<b>0</b>	<b>574</b>	<b>23,402</b>	<b>0</b>	<b>132,980</b>

**Table 2: Debts Written Off during Quarter 2 2013/14 (Numbers)**

Write-offs		Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Council Tax	NNDR	TOTAL
Jul-13	Under 2k	17	110	0	0	0	0	127
	Over 2k	0	0	0	0	0	0	0
	Over 10k	0	0	0	0	0	0	0
	<b>Total</b>	<b>17</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>127</b>
Aug-13	Under 2k	15	100	0	1	50	0	166
	Over 2k	0	0	0	0	0	0	0
	Over 10k	2	0	0	0	0	0	2
	<b>Total</b>	<b>17</b>	<b>100</b>	<b>0</b>	<b>1</b>	<b>50</b>	<b>0</b>	<b>168</b>
Sep-13	Under 2k	13	37	0	1	0	0	51
	Over 2k	4	1	0	0	0	0	5
	Over 10k	0	0	0	0	0	0	0
	<b>Total</b>	<b>17</b>	<b>38</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>56</b>
<b>Quarter 2 Totals</b>		<b>51</b>	<b>248</b>	<b>0</b>	<b>2</b>	<b>50</b>	<b>0</b>	<b>351</b>

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Table 3: Debts written off during 2011/12

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2011/12 Totals	£260,487	£145,284	£987,383	£2,808	£N/A	£0	£0	£205,789	£772,683	£2,374,433

Table 4: Debts written off during 2012/13

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2012/13 Totals	£110,876	£141,896	£886,890	£23,360	£N/A	£0	£0	£1,015,408	£569,842	£2,748,281

Table 5: Debts written off during 2013/14

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2013/14 Totals	£64,193	£135,376	£23,729	£2,031	£N/A	£0	£0	£62,682	£16,592	£304,603

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## Appendix C

### Ten largest debts approved for write-off by the Chief Financial Officer - Quarter 2, 2013/14

NAME	AMOUNT	DEPARTMENT	REASON
Mr Jonathan Cole	£1,577.40	CTAX	The debtor absconded without leaving a forwarding address. Period of liability is 01.07.09 to 10.10.12. Part CTS was originally awarded on each bill, however in March 2013, it was amended after the account was closed. This affected balances on each bill period and increased them significantly. Payments were made throughout 2010 and then stopped. The account was originally referred to the bailiffs in 2011, however it was returned not long after as nulla bona. A small amount of DSS payments were collected in 2012 as we sent an Attachment of Benefits order to the DWP. Actions taken; internal system checked (i.e. name search to see if registered elsewhere within the borough) as well as external credit checks (Experian) without success.
Miss Sylwia Pawlowska	£1,491.92	CTAX	The debtor absconded without leaving a forwarding address. Period of liability is 15.04.10 to 01.11.12. The debt was passed to the bailiffs, however was returned at a later date as they were unable to trace debtor. Actions taken; internal system checked as well as external credit checks made without success. In addition 2 letters were sent to landlord asking for charge payer's forwarding address; however no response was ever received from the landlord. The trace letters state we can impose a fine to the landlord for withholding information.
Mrs Susan Teece	£1,460.49	CTAX	The debtor absconded without leaving a forwarding address. Period of liability is 01.04.10 to 25.06.12. The debt was referred to the bailiffs, however it was returned as Nulla Bona (uncollectable) at a later date. Actions taken; internal system checked as well external credit checks made without success.
Mr Sonny Tran	£1,351.16	CTAX	The debtor absconded without leaving a forwarding address. Period of liability is 04.01.12 to 04.11.12. The debt was referred to the bailiffs, however returned as nulla bona at a later date. Actions

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			<p>taken; internal system checked as well as external credit checks made without success. In addition a letter sent to landlord asking for charge payer's forwarding address; however no response was ever received from the landlord. The trace letters state we can impose a fine to the landlord for withholding information.</p>
Mr Mohammed N M Fardoos	£1,225.35	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 03.01.11 to 09.11.12. The debt was passed to the bailiffs, however was returned at a later date as they were unable to trace debtor. Actions taken; internal system checked as well external credit checks made without success.</p>
Mr Oluseyi Afolabi	£1,124.95	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 01.04.11 to 03.12.12. The debt was passed to the bailiffs, however was returned at a later date as they were unable to trace debtor. Actions taken; internal system checked as well external credit checks made without success.</p>
Miss Leigh Stacey Turner	£1,072.59	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 01.04.10 to 13.08.12. The debt was passed to the bailiffs, however was returned at a later date as they were unable to trace debtor. Actions taken; internal system checked as well external credit checks made without success.</p>
Mr Remigijus Juodokas	£1,058.87	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 01.04.10 to 13.06.11. The debt was referred to the bailiffs, however returned as nulla bona at a later date. Actions taken; internal system checked as well external a letter sent to landlord asking for charge payer's forwarding address; however no response was ever received from the landlord. The trace letters state we can impose a fine to the landlord for withholding information</p>
Ms Bolante Afuape-Akanbi	£935.96	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 13.01.12 to 10.12.12. The debt was passed to the bailiffs, however was returned at a later date as they were unable to trace debtor. Actions taken; internal system checked as well external credit checks made without success</p>

## Appendix C

Miss Oluyemisi Temidayo	£920.46	CTAX	<p>The debtor absconded without leaving a forwarding address. Period of liability is 01.06.11 to 16.06.12. Recovery action commenced after she left. As we had no forwarding address, account was not sent to the bailiffs. Actions taken; internal system checked as well external credit checks made without success. In addition a letter sent to landlord asking for charge payer's forwarding address; however no response was ever received from the landlord. The trace letters state we can impose a fine to the landlord for withholding information.</p>
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