

London Borough of Barking and Dagenham

Notice of Meeting

THE EXECUTIVE

Tuesday, 21 December 2004 - Civic Centre, Dagenham, 5:00 pm

Members: Councillor C J Fairbrass (Chair); Councillor C Geddes (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor H J Collins, Councillor S Kallar, Councillor M A McCarthy, Councillor M E McKenzie, Councillor L A Smith and Councillor T G W Wade

Declaration of Members Interest: In accordance with Article 1, Paragraph 12 of the Constitution, Members are asked to declare any direct/indirect financial or other interest they may have in any matter which is to be considered at this meeting

10.12.04

John Tatam
Director of Corporate Strategy

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AGENDA

1. **Apologies for Absence**
2. **Minutes - To confirm as correct the minutes of the meeting held on 14 December 2004 (to follow)**

Business Items

Public Items 3 to 6 and Private Items 14 to 20 are business items. The Chair will move that these be agreed without discussion, unless any Member asks to raise a specific point.

Any discussion of a Private Business Item will take place after the exclusion of the public and press.

3. **Licensing Act 2003 - Licensing Policy (Pages 1 - 28)**
4. **More Choice In Lettings - Allocations Procedures (Pages 29 - 33)**

5. **Passporting of Schools FSS Increase and Take-Up of the Standards Fund Grant Allocation 2005/06 and New Regime for 2006/07 (Pages 35 - 36)**
6. **Council Tax Base (to follow)**

Discussion Items

7. **Budget Monitoring 2004/05 (Pages 37 - 56)**
8. **Reference from the Scrutiny Management Board Call-In: Selection of Barking and Dagenham's Panel of Registered Social Landlords (Pages 57 - 64)**
9. **Food Standards Agency Audit of the Council's Food Safety Service (Pages 65 - 89)**
10. **Any other public items which the Chair decides are urgent**
11. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972).

Discussion Items

12. **Replacement of Hardware and Operating System for Oracle E-Business Suite (to follow)**
Concerns a Contractual Matter (paragraphs 8 and 9)
13. **Developing the Housing Landlord Service (Pages 91 - 119)**
Concerns a Staffing Matter (paragraph 1)

Business Items

14. **Renewal of Electrical Wiring to Domestic Properties - Tender Proposals (Pages 121 - 123)**
Concerns a Contractual Matter (paragraphs 8 and 9)
15. **Gascoigne Sure Start - Provision of Family Support Services Contract (Pages 125 - 127)**

Concerns a Contractual Matter (paragraphs 7 and 9)

- 16. Provision of Audio Entry System and New Wooden Doors and Screens at Ibscott Close and Wyhill Walk (Pages 129 - 132)**

Concerns a Contractual Matter (paragraphs 7, 8 and 10)

- 17. Revenue Service Modernisation Programme - Appointment of Programme Manager (Pages 133 - 135)**

Concerns a Staffing Matter (paragraph 1)

- 18. Revenue Services Agency Staff (Pages 137 - 140)**

Concerns a Staffing and Contractual Matter (paragraphs 1, 7 and 8)

- 19. Restructure of the Private Sector Housing Team in the Housing Strategy Division (Pages 141 - 150)**

Concerns a Staffing Matter (paragraph 1)

- 20. Staffing Matter - Finance Department (restricted circulation, circulated separately)**

Concerns a Staffing Matter (paragraph 1)

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

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THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF HOUSING AND HEALTH**

LICENSING ACT 2003 – LICENSING POLICY		FOR DECISION
<p>Under the Licensing Act 2003 the Council must establish a Licensing Policy.</p> <p><u>Summary</u></p> <p>This report presents a final draft of the Council's Licensing Policy which, subject to the Executive's approval, will be submitted to the Assembly for formal adoption on 5 January 2005. The report also contains a summary of responses to the consultation on the draft Policy approved by the Executive on 12 October 2004.</p> <p><u>Recommendations</u></p> <p>The Executive is asked to:</p> <ol style="list-style-type: none"> 1. note this report and the responses to the consultation exercise; 2. recommend the Assembly to formally adopt the Licensing Policy as appended to this report, subject to any comments / amendments agreed at this meeting; and 3. note that the approved Licensing Policy will be submitted to the Plain English Campaign for crystal marking. <p><u>Reasons</u></p> <p>To prepare to take on the new responsibilities provided by the Licensing Act 2003 the Council needs to establish a formal Licensing Policy before 7th January 2005.</p>		
<p>Contact: Clive Vallis</p>	<p>Job title: Licensing Development Officer</p>	<p>Tel: 020 8227 5734 Fax: 020 8227 5699 Minicom: 020 8227 5755 E-mail: clive.vallis@lbbd.gov.uk</p>

1. Background

- 1.1 The Licensing Act 2003 received Royal Assent in July 2003. It combines three previously separate systems of licensing - liquor licensing, public entertainment licensing and night café licensing - in a single new system. In doing so it transfers responsibility for liquor licensing from the Magistrates Court to the Council and makes significant changes to licensing controls and administration. Individuals as well as premises will need to be licensed where alcohol is sold.
- 1.2 The Act requires the Council to publish a statement of Licensing Policy. The Policy must, among other things, explain how the Council will meet four main objectives behind the Licensing Act which are:
 - Prevention of crime and disorder

- Public Safety
- Prevention of public nuisance
- Protection of children from harm

2. Licensing Policy

2.1 Consultation Feedback

A first draft Licensing Policy was prepared and agreed previously by the Executive for wide consultation. The consultation has been now carried out, results analysed (copy attached as appendix 1) and the draft amended where appropriate. The results of the consultation were very positive with over three hundred and sixty questionnaires being returned and;

- Ninety-four percent agreed that the policy was clear and easy to understand.
- The majority of respondents were satisfied with the licensing objectives and the groups/bodies that were consulted.
- On the whole people felt that there were too many takeaways in the borough and not enough cinemas, theatres and restaurants.
- A significant proportion of people felt the current licensing hours were suited to most types of premises.
- When asked “which issues concern you the most about late night premises” crime and disorder came top with public nuisance second.

2.2 If the policy is agreed by Members it will again be sent to the Plain English Campaign to be Crystal Marked and include the relevant translation paragraphs. The cost and benefit of having the draft Policy Crystal Marked was certainly reflected in the results of the consultation.

2.3 The Council now need to formalise The Licensing Policy and adopt the current version. Members will need to be aware that this Policy will be in force for three years, but can be reviewed at any time. This Policy will also have an impact on and need to be reviewed with other Council policies. Relevant policies are:

- Community Safety Strategy
- Crime and Disorder Strategy
- Cultural and Tourism Strategies
- Drug and Alcohol Strategies
- Enforcement Policy
- Environmental Strategy
- Fair Treatment for All - Equalities and Diversity Position Statement.
- Leisure Strategy
- Local Authorities Enforcement Concordat
- Neighbourhood Renewal Strategy
- Regeneration Strategy
- Transport Plan
- Unitary Development Plan
- Waste Strategy

- 2.4 The Government has published guidelines which include details of information which must be included within the Licensing Policy. The Policy includes the necessary information and statements.
- 2.5 In order to meet the timescale for implementing the new regime the Council must have its Licensing Policy formally adopted by 7 January 2005.
- 2.6 The Act requires the Council to consult specific stakeholders about the Policy and these are listed in the Policy.

3. Timetable to Introduce the Licensing Act 2003

- 3.1 7 July 2004 the Licensing Act 2003 guidelines were produced enabling us to finalise the Council's Draft Policy Statement.
- 3.2 12 October 2004 the Executive approved the draft Licensing Policy for wide consultation.
- 3.3 7 January 2005 all Policy statements must be finalised and formally adopted.
- 3.4 7 February 2005 is the first appointed day by which all procedures must be in place to deal with all new licensing applications. Between the two appointed dates, the current system will run in parallel with the new system, with existing liquor licences staying in force and under the jurisdiction of the Magistrates until they are transferred over to the Council or a new application has been made. The guidance for this process is still to be finalised by Government.
- 3.5 November 2005 has been given as the date when the old regime expires and the Local Authorities take full control.

4. Financial Implications

- 4.1 There are no financial implications in the formal adoption of the Licensing Policy. A further report will be submitted to the Executive and Assembly on the financial implications under the Licensing Act 2003 when the fees have been finalised by Government.

Consultation

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

Councillor McKenzie – Lead Member
Councillor Fairbrass – Lead Member
David Woods - Director of Housing & Health
Darren Henaghan - Head of Health & Consumer Services
Colin Rigby - Head of Finance Housing & Health
Nina Clark – Head of Democratic Support
Paul Feild- Principal Solicitor
Democratic Services
TMT

The following Background Papers were used in the preparation of this report:-

- The Licensing Act 2003.
- The Local Government Act 2000.
- Guidance issued under Section 177 of the Licensing Act 2003 by the Department of Culture, Media and Sport.
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- The Council's Constitution.

Licensing Policy Survey

Summary Report

November 2004

Introduction

Background

From February 2005 the responsibility of issuing liquor licences will be transferred from the Magistrates Court to the Council. All local authorities have to produce a licensing policy. The new Licensing Act 2003 gives the Council and police tougher powers when dealing with premises that cause disturbance; helping the Council to crack down on alcohol-fuelled crime and disorder. The Act also gives local residents a bigger say in licensing decisions.

We carried out a survey amongst the following groups to inform and consult our licensing survey. This report contains a summary of our findings.

- Residents
- Licensees
- Business owners
- Visitors
- And workers in Barking & Dagenham

Methodology

The survey was conducted between 25 October 2004 and 10 November 2004. In total, 2500 self-completion questionnaires were posted and 360 were returned. This represents a response rate of approximately 14%. (Respondents were also given the option to complete a copy of the questionnaire online; however responses via this medium were very limited).

Sample Profile

The majority of respondents (71%) were residents. Only 11% of respondents were licensees and 14% run a business in Barking and Dagenham.

45% of the total respondents were aged between 56 and 75 years (23% fell in the 56-65 age band and 22% were aged between 66 and 75). Nearly eight in ten (78%) of the respondents were White. Of this, 71% were White-UK (see Table 1 overleaf).

<i>Table 1</i>	Total		Total
Base: All respondents	360	Base: All respondents	360
	%		%
Status		Ethnicity	
Resident	71	Total Black	4
Licensee	11	Black- UK	3
Run a business in Barking & Dag.	14	Black- African	1
Visitor	1	Black- Caribbean	*
Employed in Barking & Dag.	14	Other Black	0
Not stated	6		
		Total White	78
Sex		White-UK	71
Male	55	White-Irish	1
Female	38	White-Other European	3
Not stated	7	Other White	3
		Total Asian	8
Age		Asian-UK	1
18-25	2	Asian-Bangladesh	1
26-35	6	Asian-Indian	3
36-45	13	Asian - Pakistani	*
46-55	17	Asian-Chinese	2
56-65	23	Other Asian	1
66-75	22		
76-85	10	Total Mixed	*
86 plus	1	Not stated	10
Not stated	7		
Registered disabled			
Yes	12		
No	81		
Not stated	7		

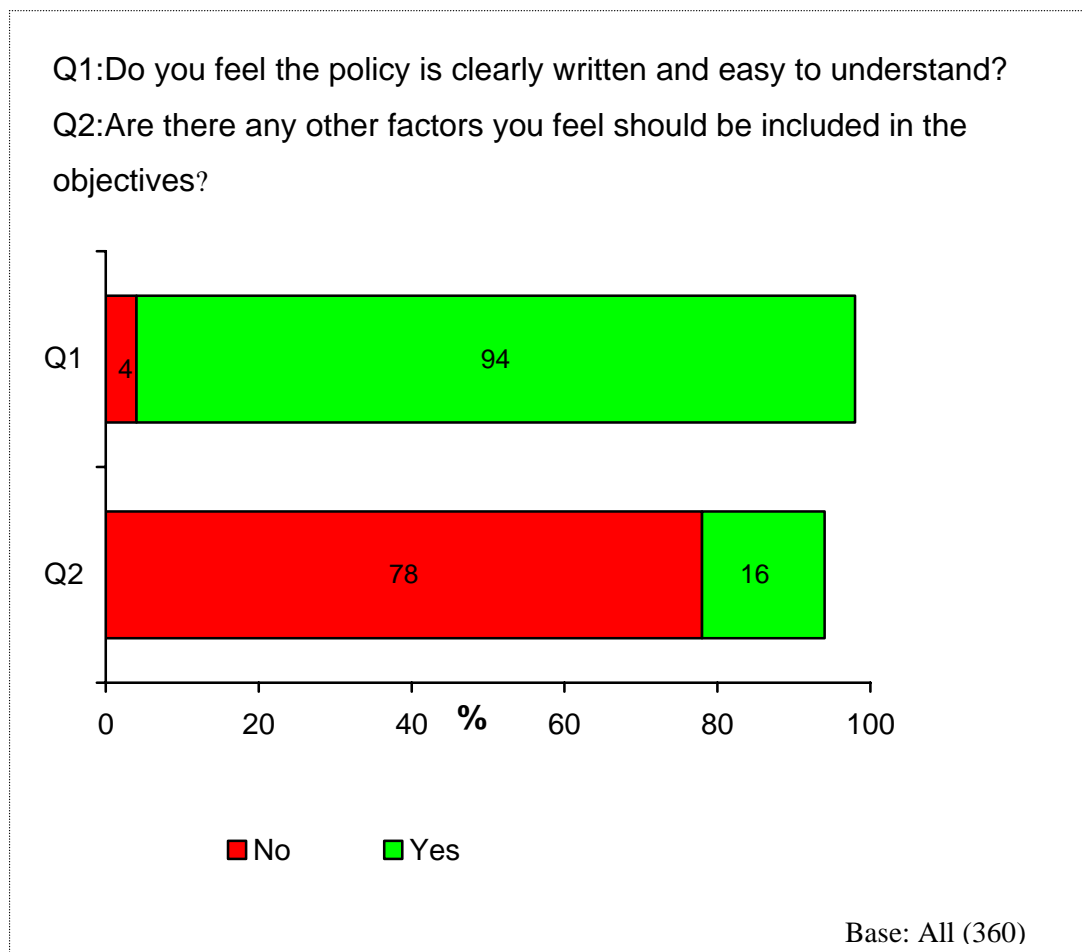
* : less than 0.5%

Summary

Views on the draft licensing policy

- A vast majority (94%) feel the draft policy is clearly written and easy to understand.
- Nearly eight in ten (78%) said they did not want to make changes to the objectives covered in the policy. This is an indication that most people are satisfied with the set objectives.

Figure 1



- All respondents were invited to suggest other groups/bodies they would like to see included in the consultation list. Only 23% made recommendations – see Table 2 below.
- Residents and tenants associations were the main groups suggested followed by religious groups/ representatives.

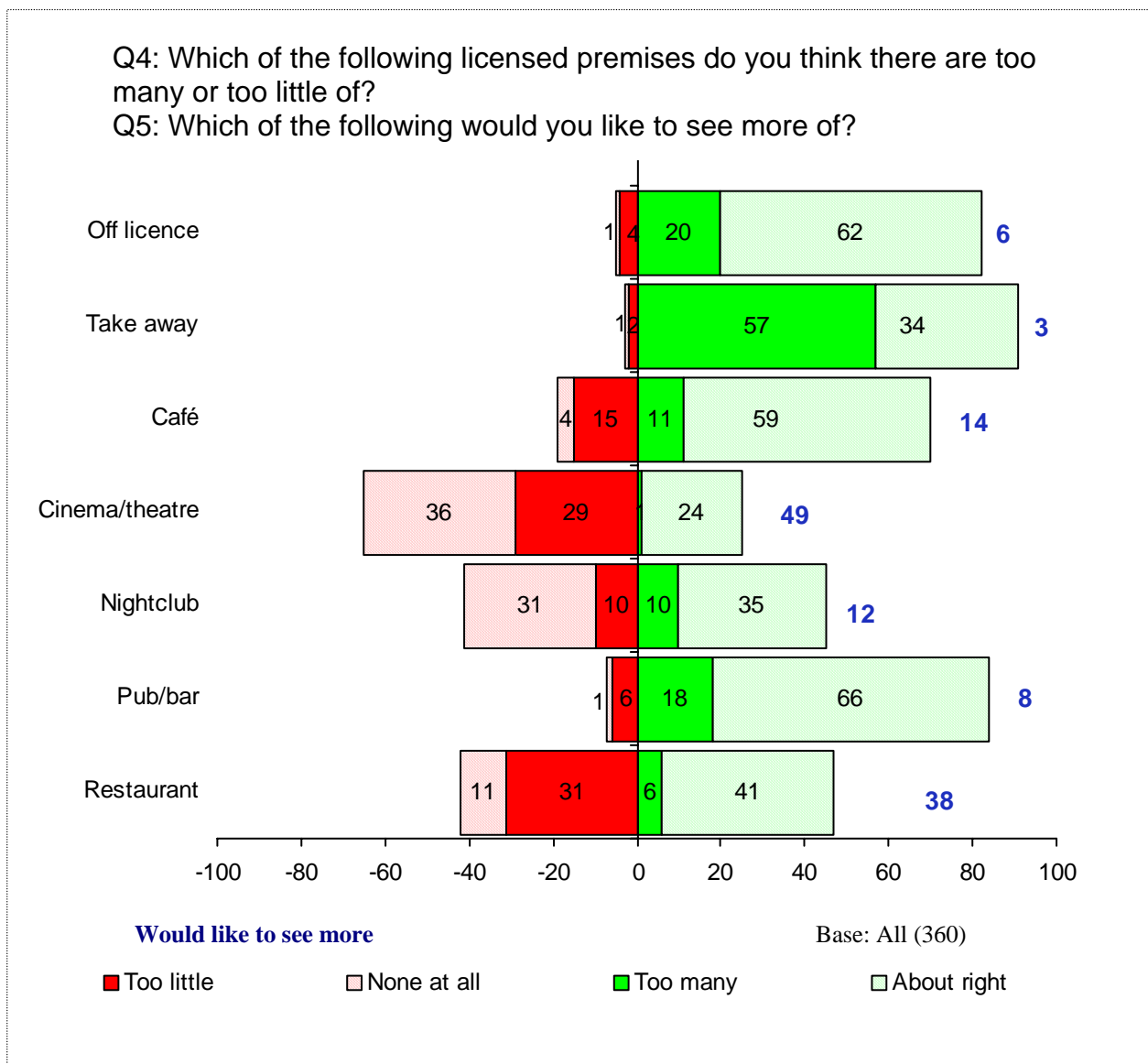
Q3: Please give details of any other groups/bodies you would like to see included in the consultation list

<i>Table 2</i>	Total
Base: All respondents who suggested other groups/bodies	82
	%
Local Residents/ Residents & Tenants Assoc.	27
Religious Groups/ Representatives	17
Local Groups e.g. Dagenham Village Partnership	12
Alcoholics Anonymous/ Gamblers Anonymous	11
Health Service / Health Organisations	10
Elderly Residents/ Age Concern	7
Education Authorities/ Bodies	6
Local Licensed Premises	6
Public Transport/ Transport Services	5
Social Services	2
Other	12

Views about licensed premises

- On the whole, 57% of all respondents feel that there aren't too many licensed premises in Barking and Dagenham (compared to 37% who think there are too many).
- Opinions seem to vary across the different types of licensed premises. 91% of respondents feel that takeaways are common in the area. Of this, 57% feel there are too many.
- Pubs/bars, off licences and cafes are also considered to be common (84%, 82% and 70% respectively) however most people feel that the quantities of these premises are about right.
- Views tend to be fairly polarised with regards to nightclubs and restaurants.
- Cinemas/theatres are perceived to be insufficient in the area. A total of 65% say there are inadequate cinemas/theatres (or none at all). Not surprisingly, nearly half (49%) of respondents say they would like to see more cinemas/theatres in the borough.

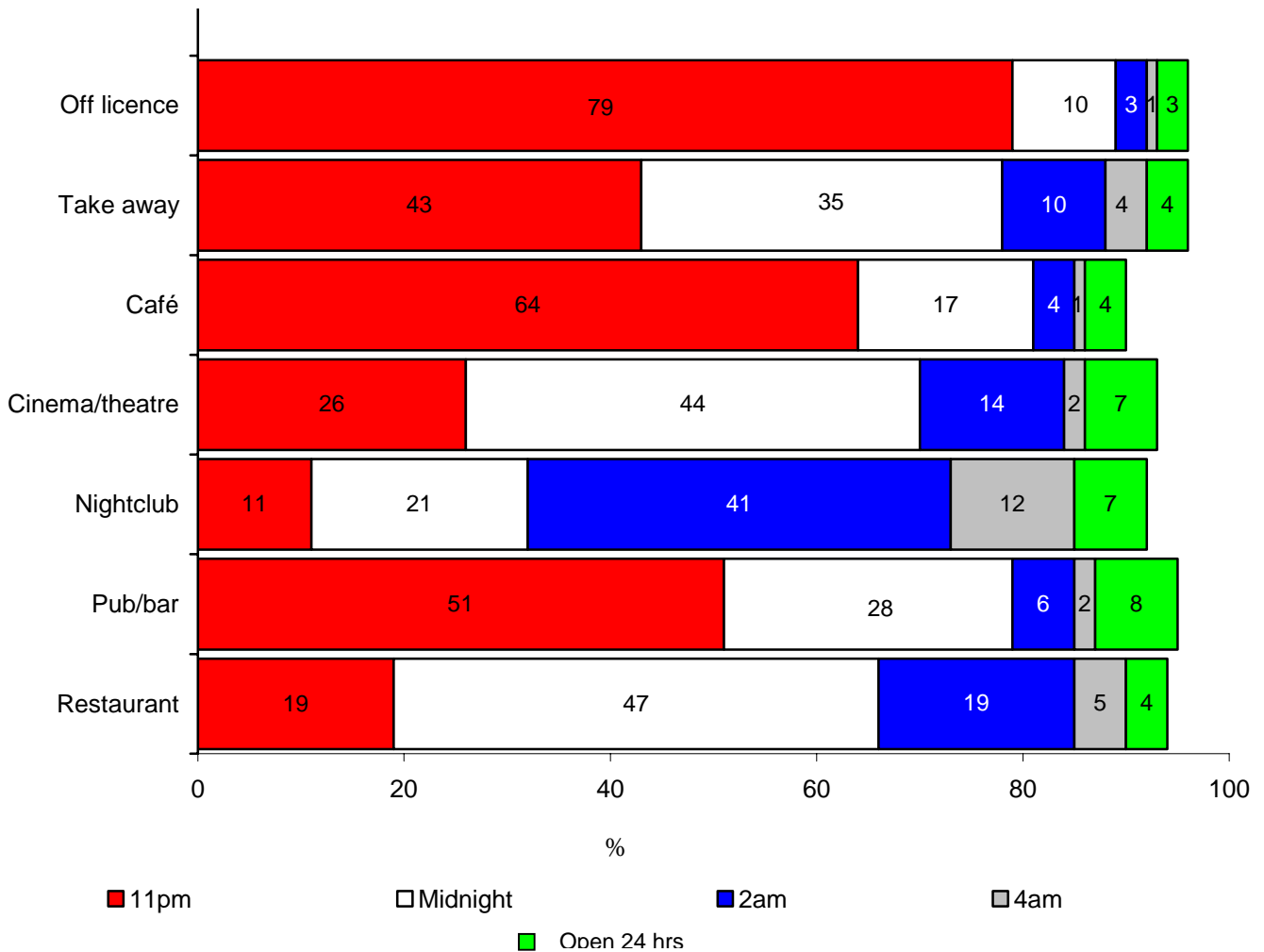
Figure 2



- A significant proportion (79%) of respondents would like off licences to close at 11pm. Around 64% and 51% respectively would also like cafes and pubs/bars to close no later than 11pm.
- Opinions regarding takeaways are fairly mixed with 43% suggesting a closing time of 11pm and 35% suggesting midnight.
- Most people feel cinemas and restaurants should close at midnight whilst nightclubs can stay open to 2am.


Figure 3

Q7: What do you think the permitted closing times should be for the following types of premises?



- Crime & disorder and public nuisance seem to be the key issues concerning people about late night premises. This reflects some general comments made by respondents who feel that anti social behaviour in their communities is fuelled by alcohol.
- In comparison to other issues, public safety and child protection doesn't seem to be a major concern. The latter may be due to opinions that children should not be at late night premises at all.

Q6: Which of the following issues concerns you most about late night premises

<i>Table 3</i> Base All (360)	most concern	% 			Least concern
Crime & disorder	50	21	4	6	
Public nuisance	36	20	15	9	
Public safety	15	16	19	31	
Child protection	26	14	18	21	

Note: there are inconsistencies in the way respondents completed this question, therefore treat results with caution.

Conclusions

- A majority of the respondents seem to be satisfied with:
 - The clarity of the draft policy
 - The licensing objectives and
 - The groups and bodies consulted

- The most common types of licensed premises in Barking and Dagenham are perceived to be takeaways (91%), pubs/bars (84%), off licenses (82%) and cafes (70%). Most people would like to see these premises (particularly off licenses) closed by 11pm. However, opinions regarding the closing times of takeaways are fairly mixed.

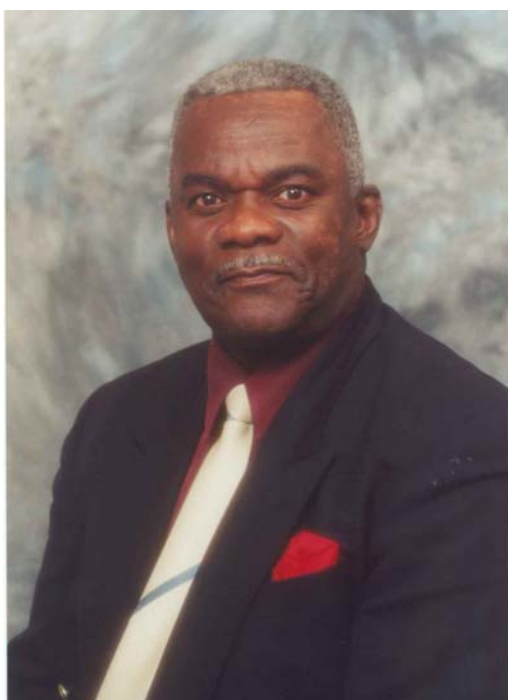
- Most people feel there are far too many takeaways in the borough and not enough cinemas/theatres.

FOREWORD

This Licensing Policy is being published to state clearly how we will use the modernised system of managing entertainment provided by the Licensing Act 2003 to increase the choices our residents have about how they spend their free time and at the same time ensure that premises that are badly run or causing disturbance in the Community are swiftly and effectively dealt with.

The new system gives residents a much stronger voice about how the entertainment industry will develop in the Borough making it easier for them to object to licensing applications that may affect them or their immediate Community.

Work is already underway to use the new powers to control the anti-social aspects of on street drinking and action will continue that will create a vibrant, safe and sustainable Borough, which the entire Community can enjoy.



Milton McKenzie

Chair of the Community Safety Strategic Partnership and Lead Council Member for making Barking and Dagenham 'Cleaner, Greener and Safer'.

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London Borough of Barking and Dagenham

Licensing policy

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Part A

Purpose of this policy

1. This licensing policy sets out how we will meet the requirements of the Licensing Act 2003 (the Act). It is the statement we must publish every three years under section 5 of the Act. This policy takes account of guidance the Secretary of State issued under section 182 of the Act.
2. The policy aims to:
 - make sure that Barking and Dagenham is a clean and safe place to live and work;
 - boost the local economy; and
 - encourage a range of licensed premises within the borough.
3. To achieve these aims, we will work with others with an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and others) to promote our objectives as set out in this policy.
4. The policy is about the regulation of activities that require licensing, focussing on the direct impact of those activities taking place in and around those premises. The policy is not the primary mechanism for controlling general nuisance. If we receive an application and no one objects, we are legally committed to grant a licence without any conditions other than those, which may be mandatory.

5. Activities covered by this policy

This policy covers licences to:

- sell alcohol to the public;
- supply alcohol in clubs;
- provide entertainment to an audience;
- put on shows and performances;
- show films;
- hold indoor and outdoor events;
- hold indoor sports (for example, boxing and wrestling);
- play live or recorded music and have dancing; and
- supply hot food and drinks after 11pm and before 5am.

6. Our objectives

- a) When making decisions on granting licences, we will consider our responsibilities as set out in the Act. These responsibilities are as follows:
 - **‘Protection of public safety’**
 - **‘Protection of children from harm’**
 - **‘Prevention of crime and disorder’**
 - **‘Prevention of a public nuisance’**

b) We aim to provide a licensing service which:

- is fair and honest, and seen to be so;
- is easily accessible to all businesses, residents and people who are interested in licensing (stakeholders);
- sets and maintains a high standard of service;
- deals effectively with all applications and enquiries; and
- avoids repeating the work of other regulators wherever possible.

7. Our community priorities

a) Delivering our agreed 'community priorities' is essential as we increase the social, economic and environmental wellbeing of our community.

Our community priorities are;

- 'Promoting equal opportunities and celebrating diversity'
- 'Better education and learning for all'
- 'Developing rights and responsibilities with the local community'
- 'Improving health, housing and social care'
- 'Making Barking and Dagenham cleaner, greener and safer'
- 'Raising general pride within the borough'
- 'Regenerating the local economy'

We will encourage applications from businesses that can demonstrate how they will contribute to our community priorities.

In particular we will look more favourably on applications that demonstrate how they will;

- Take a proactive approach to ensuring that the area within and around the business is kept clean and free from broken glass, bottles and other rubbish.
- Take a responsible attitude to children within the business
- Promote healthy lifestyles by encouraging responsible drinking and establishing smoke free areas.
- Ensure that levels of noise and nuisance, in and most importantly outside their business are kept to a minimum
- Adopt a no glass policy outside their premises.

We will look less favourably on applications

- For very late licences especially those in residential areas or where residents live in the immediate vicinity of the premises
- In areas that are currently or likely to be a focus for anti-social behaviour
- That are aimed at very young clientele or are likely to promote binge drinking through happy hours or other irresponsible drinks promotions.

8. Working with stakeholders

- a) To produce this policy we consulted stakeholders and took their views into account. Those we consulted are listed in appendix 1. We will consult stakeholders every time we review and revise this policy.
- b) The results of the consultation on our draft policy were very encouraging with the vast majority of respondents feeling it was clearly written and easy to understand. On the whole people felt that there were too many takeaways in the borough and not enough cinemas, theatres and restaurants. A significant proportion of people felt the current licensing hours were suited to most types of premises. When asked “which issues concern you the most about late night premises” crime and disorder came top with public nuisance second.
- c) This policy will not:
- reduce anyone’s right to apply for a licence under the 2003 Act and to have their application considered; or
 - prevent anyone from commenting on an application, or putting forward a view about any licence, where the Act allows.
- d) We will consider equally all comments made on licence applications. However, we will not consider any comments which are:
- not relevant;
 - not justified;
 - made out of spite or to cause annoyance; or
 - repeating comments already made.

In these circumstances, we will explain our reasons for not considering the comments.

Part B

Local effect of activities that need to be licensed

1. When deciding whether or not to issue a licence for an activity, we will consider the effect the activity will have on the surrounding area.

2. Tourism and employment

Licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community. When considering applications for licences, we will take account of our Regeneration Strategy and the effect the application if granted may have on:

- promoting tourism;
- creating employment; and
- making the area more attractive.

3. Transport

Good public transport is essential so people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to local residents. We will take this into consideration when we process licences. We will work with the police and organisations such as Transport for London to help develop better public transport in areas where licensed premises are available.

4. Planning policy and guidance

- a) Nothing in this policy takes priority over anything in our planning policies or the Unitary Development Plan. Planning permission is usually needed for changing the way a building is used or developing a new business. When considering licence applications, we will make sure the correct planning permission and building control approval has been granted. Any planning restrictions that have been placed on how a building can be used will be reflected in the conditions of any licence we grant. In the case of new developments, applications for licensing and planning may be submitted together particularly in the case of provisional statements.
- b) Each year the licensing section will give our Development Control Board a report which provides information about the numbers and types of licences we have issued, and crime and disorder trends in the borough, during the previous year.
- c) We will not take account of development issues, such as the commercial need to have a particular type of property in an area, when making decisions on licence applications.

5. 'Saturation' policies and 'cumulative impact'

- a) We would hope that applicants would consider the area and types of existing licensed premises before making an application helping us to avoid developing a saturation policy.

- b) We may receive comments that an area has too many licensed premises and that the resulting nuisance and disorder cannot be blamed on individual premises. If those making the comments can give us evidence to show that any more licensed premises will increase the nuisance and disorder (that is, have a 'cumulative impact'), we will consider whether or not to grant any more licences in that area.
- c) If conditions attached to licences will not prevent further problems in the area, we can adopt a policy known as a 'saturation policy', that allows us to refuse all new applications for licences within the area. However, we will still consider every licence application on its merits.
- d) Before we introduce a saturation policy we will:
 - check whether local residents, or a responsible authority, such as the police, are concerned about nuisance and disorder;
 - assess the causes of the nuisance and disorder;
 - identify the area problems are arising from and the boundaries of that area; and
 - adopt a policy about future applications for licences in that area.
- e) If we adopt a saturation policy we will review it every three years. We will not set limits on the number of licensed premises within an area, as each application will still be judged individually on its merits.

6. **Restricted opening hours**

- a) Shops, stores and supermarkets can apply to be licensed to supply alcohol during their normal opening hours. If the police tell us about particular shops which contribute to disturbance and disorder, we will consider restricting the hours of supplying alcohol of those shops.

7. **Staggered closing times**

- a) To reduce any risk of nuisance to residents, we would view staggered closing times in any particular area more favourable, instead of a standard closing time, to avoid everyone leaving licensed premises at the same time.
- b) We will avoid 'zoning' where premises in one area stay open after those in another area have closed. This can cause people to move from one area to another, leading to greater disturbance and noise at particular times.
- c) We would consider applications favourably if last entry times are stated within the premises operating schedule. This helps to stop the problem of customers moving from one premise to another late at night.

8. **Live music, dancing and theatre**

- a) We encourage live music, dance and theatre within the community. Wherever practical, we will license our own premises and hire them out to people who want to use them without needing to get a temporary licence. In doing so, we will balance the need to

make sure disturbance does not occur with the need to make sure cultural activities can take place.

9. Other policies, objectives and guidance

a) When applying this policy we will take account of other related policies, strategies and guidance including:

- the Community Safety Strategy;
- the Crime and Disorder Strategy;
- cultural and tourism strategies;
- drug and alcohol strategies
- the Enforcement Policy;
- the Environmental Strategy;
- Fair Treatment for All - Equalities and Diversity Position Statement;
- the Leisure Strategy;
- the Local Authorities Enforcement Concordat;
- the Neighbourhood Renewal Strategy;
- the Regeneration Strategy;
- the Transport Plan;
- the Unitary Development Plan; and
- the Waste Strategy.

b) When applying this strategy we will take account of the Government's strategies and policies, and any other relevant strategies and policies, including:

- the Anti-Social Behaviour Act 2003;
- the Crime and Disorder Act 1998;
- security industry authority policies;
- the Government's 'Safer Clubbing' guide;
- the Government's proposed Alcohol Harm Reduction Strategy;
- the Mayor's Ambient Noise Strategy; and
- the Local Authorities' Coordinating Body on Regulatory Services' Test Purchase Code.

Part C

Licence terms and conditions

1. We may attach terms and conditions to licences 'if relevant objections are received' to explain and control activities associated with licensed premises and activities. When setting the terms and conditions, we will assess how they will affect people living, working or spending leisure time in the local area, and the people or business being licensed. We will make sure that any new terms and conditions attached to a licence are:
 - necessary;
 - in proportion to the activity being licensed;
 - reasonable;
 - able to be met by the people or business being licensed (the licensees); and
 - enforceable.
2. Any terms and conditions attached to a licence will take account of all other relevant laws and legal requirements affecting licensees and licensed premises including the Health & Safety At Work Etc Act 1974, the Environmental Protection Act 1990 and the Disability Discrimination Act 2000. The policy is not intended to replace any other law or legal requirement and aims to avoid duplication.
3. We will not try to use terms and conditions attached to a licence to restrict or regulate anything outside the licensee's control, or anything which relates to areas away from the licensed premises. However, conditions may be used to control what goes on inside the premises, which may directly or indirectly affect what goes on outside. We cannot use licences to control antisocial behaviour by people once they are away from licensed premises.
4. Any terms and conditions attached to licences will support strategies to prevent crime.
5. We will take account of the individual style and characteristics of premises, along with the type of events that will take place, when we attach conditions to a licence.
6. We will take into account past history of premises, turnover of licensees or Designated Personal Supervisors, as this may indicate poorly managed premises making it harder to fulfil the licensing objectives.
7. We would strongly recommend that where appropriate, licence holders become active members of relevant local organisations such as "Pub Watch" or "Offie Watch". These are aimed at promoting best practice and working together to achieve the licensing objectives. We would also expect all business owners to be actively involved in promoting the borough's proof of age scheme 'CitizenCard' as well as any other approved age related schemes.
8. We would encourage all licensing applicants to install and maintain good quality close circuit television (CCTV) for the benefit of public safety.

9. Operating Schedule

Apart from a more detailed explanation of how the four licensing objectives will be met it would be helpful to see in the operating schedule how applicants could contribute to the Council's community priorities. Specific issues such as the protection of children, contributing to a safer cleaner environment and monitoring noise levels in and around the premises, could be addressed. By achieving these measures, the applicant would demonstrate a responsible attitude and concern for the local community.

10. Standard licence conditions

We will develop, maintain and regularly review a pool of standard licence conditions which we may use when considering applications. However, we may impose conditions which are tailored to each application.

11. Children in licensed premises

- a) For the purpose of this document and the Licensing Act 2003 a child is anyone under the age of 18 years unless otherwise stated. Where there are no licensing restrictions, licensees or Designated Premises Supervisors can normally decide whether or not to let children on their premises. However, if a relevant objection is received we may attach a condition restricting access by children if this is necessary to prevent physical, moral or psychological harm to them. Premises where we would probably set a condition to restrict access by children include premises where:
- the licensee has been convicted of serving alcohol to underage people;
 - there is evidence of underage drinking;
 - there is evidence of drug taking or dealing;
 - a lot of gambling takes place;
 - adult or sexual entertainment is often provided; and
 - the only or main purpose is to supply alcohol to be drunk on the premises.
- b) Licence conditions which restrict access by children may include:
- limits on the hours when children can be present;
 - age limits for people under 18;
 - children not being allowed in part or all of the premises when certain activities are taking place;
 - all children having to be accompanied by an adult;
 - anyone under 18 not being allowed on the premises when any activity which needs a licence is taking place; and
 - children not being allowed in when age-restricted films are being shown that are classified higher than their age according to the British Board of Film Classification.
 - requirement for the presence of trained adult staff to a set ratio when a large number of children are likely to be present on any licensed premises
- c) If a licensee does not want to allow children on their premises, we will not set a condition to make them let children in.

12. Casinos and Bingo Clubs

- a) The Licensing Act 2003 covers activities within Casinos and Bingo Clubs. This does not affect the conditions of the 1968 Gaming Act or any new Gaming Acts.

13. Sports Grounds

- a) Premises that are subject to the Safety at Sports Ground Act, safety shall take precedence over conditions imposed or activities permitted by the premises licence during those times the Safety Certificate applies.

14. Door supervisors

- a) Competent and professional door supervisors are key to public safety at licensed premises and only those registered and licensed by the Security Industry Authority (SIA) can work as door supervisors within the borough. We would look more favourably on licence applications, which demonstrate the consideration of recruiting staff from a reputable company with SIA approved contractor status. We would expect that if there were incidents of criminal activity in or around the premises, the door supervisors would assist any enforcing authority and if necessary give evidence in a court of law.

Part D

Enforcing licenses

1. We will enforce licensing laws in line with the principles of the Local Government Enforcement Concordat and in line with our enforcement policy. We will work closely with the police to make sure our enforcement measures are effective. We intend to develop our enforcement procedures with the local police and other relevant parties.
2. We will carry out risk assessments to see if we need to visit and inspect licensed premises. We will not routinely visit and inspect licensed premises under the Licensing Act unless we have received complaints about the premises or we have other concerns about the premises and the way the business is being run.
3. The police and other external agencies will however continue to conduct routine visits to all licensed premises.

Part E

Granting licences

1. We will grant licence applications no-one objects to as long as the person or business applying for the licence can meet all relevant standards set by us.
 - a) A premise licence is issued for the lifetime of the business at the premises concerned. There is no annual renewal. If a business changes ownership, or the type of activity at the premises changes significantly, the licence has to be reconsidered and reissued.
 - b) In order to run a licensed premise an individual must hold a Personal Licence and become a “designated premises supervisor”. Personal licences are issued for ten years and are valid nationwide to those who have received appropriate training and a Criminal Records Bureau check.
 - c) Although a licence may be granted, it can be reviewed at anytime and may lead to the restriction of the premises licensed hours or in some cases the licence maybe withdrawn.

2. Licensing board

- a) Under section 6 of the Licensing Act 2003, our Regulatory and General Matters Board will become the licensing board and perform all our functions relating to licensing as laid out in appendix 2.
- b) We will appoint 10 members to sit on the licensing board. Only councillors who have received licensing training will take part in decisions on licensing matters, unless they are disqualified from doing so under our standing orders.

- c) Members of the licensing board will not take part in any licensing decisions about premises they have an interest in and will be unable to hear cases relating to premises within their ward.
- d) If a licensing board starts considering a licensing matter but does not reach a decision, the matter will be considered again, and a decision made, by the same board members
- e) Some licensing decisions will be made by the licensing board, and some by council officers through delegated authority, in line with the table set out in appendix 2.

3. Licence fees

- a) We will charge the licence fees set under the Act and the licence fees we receive will help to fund the cost of providing our licensing service, including the costs of:
 - consulting stakeholders;
 - enforcing licensing laws;
 - inspecting licensed premises;
 - considering licence applications;
 - supporting a licensing board;
 - setting up and managing the service; and
 - handling appeals against licensing decisions.

Part F

Start date and reviews

- 1. This policy starts on 7 January 2005. It will stay in force for three years and we will review and revise it, as necessary, during that period. We will publish a new licensing policy at the end of the three-year period.

Stakeholders we consulted when preparing this policy

- **Area Child Protection Committee**
- **Association of Licensed Multiple Retailers**
- **Campaign for Real Ale Limited**
- **British Beer & Pub Association**
- **Barking & Dagenham Chamber of Commerce**
- **Cleaner Greener Safer Community Group**
- **Those who hold club premises certificates**
- **Community forums**
- **Community Safety Strategic Partnership**
- **Health Service**
- **Community Voluntary Service**
- **Drug Action Team**
- **Probation Service**
- **Councillors**
- **Fire Service**
- **Home Office**
- **Government Office for London**
- **Our licensing service staff**
- **Council staff**
- **Local Authority Coordinating Body on Regulatory Services**
- **School Governors**
- **Those who hold, or might need to hold, personal licences**
- **Police – Local Chief Inspector**
- **Police – Superintendent Chris McDonald**
- **Current licensees**
- **Neighbouring Local Authorities**
- **Magistrates**
- **Town Centre Manager**
- **Dagenham Village Partnership**

Table of who makes licensing decisions

Decisions made by: Matter being decided:	Licensing Board	Council officers
An application for a personal licence	If anyone objects	If no-one objects
An application for a personal licence from a person with a conviction that is not spent (A spent conviction is one that does not need to be declared as a specific length of time has passed.)	In all cases	
An application for a premises licence or club premises certificate	If anyone objects	If no-one objects
An application for a provisional statement	If anyone objects	If no-one objects
An application to vary a premises licence or a club premises certificate	If anyone objects	If no-one objects
An application to change a 'designated premises' supervisor'	If the police object	In all other cases
An application to stop being a 'designated premises' supervisor'		In all cases
An application for a premises licence to be transferred	If the police object	In all other cases
An applications for interim authorities	If the police object	In all other cases
An application to review a premises licence or a club premises certificate	In all cases	
Whether a complaint is irrelevant, unjustified, or made out of spite or to annoy		In all cases
Whether or not to object to an application we are consulted on but not being asked to license	In all cases	
A police objection about a temporary event notice	In all cases	

THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF HOUSING & HEALTH**

MORE CHOICE IN LETTINGS: ADVERTISING PROPERTIES, ALLOCATION POLICIES AND ASSOCIATED COSTS		FOR DECISION
<p><i>This report concerns policy issues affecting the Council and its rehousing services.</i></p> <p><u>Summary</u></p> <p>The Executive on 9 November 2004 agreed the assessment and bidding procedures for More Choice in Lettings. The Executive agreed to receive a further report following a review of various practices including Decants, Management Transfers, Key Workers and Rent Arrears Policy specifically in relation to allocations.</p> <p><u>Recommendation</u></p> <p>The Executive is asked to agree</p> <ol style="list-style-type: none"> 1. The revised procedures for decants, management transfers, key workers, special schemes and rent arrears as set out in Appendix 1. 2. That the magazine advertising the available properties be named "Barking and Dagenham Property Guide" <p><u>Reason</u></p> <p>The proposed policy changes and the property magazine facilitate the development of More Choice in Lettings</p>		
Contact: Anne Baldock	Project Leader Homelessness & Rehousing.	Tel: 020 8227 5186/2210 Fax : 020 8227 5595 Minicom : 020 8227 5755 Email: anne.baldock@lbbd.gov.uk

1. Background

- 1.1 The Executive on 9 November 2004 agreed a new allocations policy, More Choice in Lettings. The policy, to be implemented 1 April 2005, replaces a complex points system and complies with the amendments to Part VI of the Housing Act 1996, introduced by the Homelessness Act 2002. The scheme is simple, transparent and balances housing needs with waiting time. This report addresses the outstanding issues around allocations, which have now been reviewed.

2. New Allocations Procedures

- 2.1 It is necessary to review a number of areas of allocations policy in order to bring forward More Choice in Lettings. These relate to:-

- Major decant schemes from Council estates
- Management transfers
- Keyworkers
- Special schemes – such as rehousing of young people leaving care
- Rent arrears

These are set out in Appendix 1.

3. Advertising Property

- 3.1 The Executive agreed in January 2004 to employ the East London Lettings Company (ELLC) to produce a property magazine for Barking and Dagenham. The magazine will contain details of available Council and housing association properties specific to Barking & Dagenham.

The Barking and Dagenham property magazine will be produced to the same standard as ELLC's own production, which recently won the Guardian Public Service Award for technology. The magazine will be distributed around the Borough and residents can place their bids by telephone, via the internet, or by using one of the user friendly touch screen kiosks that will be installed at easily accessible access points.

- 3.2 Access to the bidding process is available in 11 languages and British sign language. There is also a 'talking heads' service available.

4. Costs

- 4.1 The cost of producing this magazine will be £70,000 per annum. This is based on a fortnightly publication and compares favourably with similar products.
- 4.2 These costs were agreed by the Executive in the 27 January 2004 report on More Choice In Lettings, and have been factored into the process of preparing budget estimates for 2005-2006.

5. Conclusion

- 5.1 The allocations scheme agreed by the Executive on 9 November 2004 and the revised allocations procedures recommended in this report will supersede all existing practices with effect from 1 April 2005.

6. Consultation

- 6.1 The Executive lead Member for Housing, Health and Social Care and the Finance Manager Housing & Health Dept were consulted in the preparation of this report.

Background papers used in the preparation of this report

Executive report January 2004

.. .. 9 November 2004

**London Borough of Barking
and Dagenham**

More Choice in Lettings

Allocation Procedures

Decants

There is a significant decant programme underway which will continue beyond the introduction of More Choice In Lettings on 1 April 2005. In order to maintain continuity within the current programme, it is proposed that residents of The Lintons, London Road and Cadiz Court will be made offers of suitable accommodation in the area of their choice. Their date of tenancy will be used to determine priority.

Tenants affected by future decant programmes post the introduction of More Choice In Lettings will be encouraged to bid for properties of their choice. Their date of tenancy will be used as the effective bidding date and assessed housing needs will determine the size of accommodation the tenant can bid for.

Should a tenant fail to make a successful bid, a direct offer will be made within six months of the target date for completing the decant, to avoid any delays in the programme. Tenant's who exercise their right to bid will fall within band 1, for the purpose of prioritising the bid.

Management Transfers

A management transfer is a special procedure that recognises a tenant's urgent need to move. However, as a management transfer should not be seen as an alternative route to re-housing, it is only applied in a limited number of circumstances: threat to life or limb, escalating threats to a person and where a property is in need of major repairs.

Supporting evidence from other agencies such as the Police, Social Services and Domestic violence groups is essential to achieve a management transfer under current policy.

It is proposed that a fourth criteria be added to the Management Transfer Procedure. Community Housing Managers should have the discretion to recommend a Management Transfer where they are satisfied, despite lack of Police evidence, there is persistent offensive harassment which could prove more damaging to a household's welfare and quality of life than a less frequent, more serious threat. The recommendation will be countersigned by the Project Leader for Re-Housing and Homelessness and the Head of Landlord Services.

In view of the urgency involved with Management Transfers, one direct offer of suitable accommodation will be made. Should the tenant decline a reasonable offer, they will lose their Management Transfer Priority and revert to the bidding process in More Choice In Lettings.

Key Workers

The current policy for Key Workers provides for 5% of voids to be allocated to this group. The applicant must work in the borough but is not required to live in the borough. The Key Worker policy for Barking and Dagenham defines this group as Teachers, other Council staff and other Public Sector workers.

It is proposed to abandon the fixed quota of 5% and identify Key Workers as a special scheme which will fall into Band 1. For the purpose of bidding however the criteria for accepting other Council staff as key workers will be dependent on the following:

1. The member of staff is a permanent employee
2. There is a genuine problem of retention and recruitment to the post

3. The employee is not resident in the borough

Any request for council employees to be housed as a Key Worker must be recommended by a Head of Service.

Other Special Schemes

A number of direct referrals classed as 'special' are processed under the current policy, such as care-leavers and clients with learning difficulties. It is proposed that all such clients are given the opportunity to bid. However, whilst this client group will not be precluded from bidding we will endeavour to make direct offers to care-leavers to ensure continuity of the Council's parental responsibilities.

Exclusions from Bidding

All persons eligible to apply to the More Choice In Lettings scheme will be eligible to bid. The only exceptions will be violent offenders and sex offenders.

The Public Protection Multi Agency Panel will collectively decide on a course of action to manage the risk to the community.

Allocations Policy in Respect of Rent Arrears

At present Council tenants who accrue rent arrears that reach £200 are automatically suspended from bidding for accommodation. The rent account must be clear for 26 weeks before the suspension is lifted. When assessing a suspension, consideration is given to tenants who pay their rent 4/5 weekly when they receive their salary and consequently fall between credit and arrears.

It is proposed that all eligible applicants may bid for accommodation, and subject to a current clear rent account, the successful bidder will be allocated the property. However, the Allocations Manager will have discretion in extenuating circumstances where the rent account is in arrears to waive the exclusion. Extenuating circumstances such as

- ◆ a delay in processing a new Housing Benefit Claim The allocations manager will give regard to the fact that submission of a claim for Housing Benefit, will not automatically mean that the tenant will be entitled to Housing Benefit
- ◆ arrears accrued due to monthly rent payments where the account is consistently clear when the rent is paid on a regular basis.

This will apply to both Council and Private Sector tenants.

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THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF FINANCE**

PASSPORTING OF SCHOOLS FSS INCREASE AND TAKE UP OF THE STANDARDS FUND GRANT ALLOCATION 2005/2006 AND NEW REGIME FOR 2006/07		FOR DECISION
<p><u>Summary</u></p> <p>Authorities are required to confirm to the DfES whether they intend to passport the full amount specified by the DfES to the Schools Block for 2005/06, and their intended take up of the 2005/06 Standards Fund grant allocations by 31st December 2004.</p> <p><u>Recommendation</u></p> <p>The Executive is asked to:</p> <ol style="list-style-type: none"> 1. Agree to the Director of Education, Arts and Libraries informing the DfES that the Authority intends to passport the required increase in schools' Formula Spending Share (funding) of £6.36m in full to the Schools Block, and the intended take up of the Standards Fund grant allocations for 2005/06. 2. Note the charges expected for Education funding for 2006/07 onwards. 		
Contact Officer: Paul Pearson	Head of Finance Education, Arts & Libraries	Telephone: 020 8227 3497 Fax: 020 8227 3159 E-mail: paul.pearson@lbbd.gov.uk

1. Education Formula Spending Share (EFSS)

- 1.1 The provisional EFSS allocation for 2005/06 is £122.05m and is made up of the following elements:-
- The Schools Block (SFSS) which covers the Individual (i.e. delegated) Schools Budget (ISB) and other services providing direct support for pupils such as Special Education Needs and provision for pupils out of school which are controlled by the LEA.
 - The LEA Block which covers the remaining areas of education spending.
- 1.2 The Authority's provisional 2005/06 FSS for the schools block in isolation is £108.27m which represents an effective increase of £6.36m compared with 2004/05. The Secretary of State for Education and Skills has written to Directors of

Education indicating that he expects all LEAs to passport their full increase in schools FSS into the schools budget. Where LEAs fail to do so, the Secretary of State has indicated that he will use his powers under the Education Act 2002 to set a minimum schools budget for that LEA unless it can be demonstrated that there are exceptional circumstances.

- 1.3 Based on the DfES formula, the minimum schools budget required to passport in full from the total SFSS, as defined on the DfES Section 52 Budget Statement 2005/06 is £109.17m. This is subject to any changes in the Authority's 2004/05 baseline budget which may subsequently be made by the Council with the agreement of the DfES. In addition to this, DfES also include within their passporting calculation the ring fenced grants for Excellence in Cities (£2.86m) and Threshold and Performance Pay (£4.71m) which have to be allocated to schools in full. The total provisional schools budget requirement to achieve full passporting including these two grants is therefore currently estimated to be £116.74m.

2. Standards Fund Grant Allocations 2005/2006

- 2.1 Currently the DfES has notified the Authority of grant allocations amounting to £13.329m, most of which has to be devolved to schools.
- 2.2 The majority of these grants are fully funded by the DfES, however there are a number that require an LEA contribution to allow them to be taken up. In order to take up these grants in full, the contribution would be £2.97m which is an increase of £367k or 14% over the current year's contribution. Given the pressures on the Education budget it is not clear, at the moment, whether it will be possible to take up the full allocation and the Director of Education, Arts and Libraries will confirm the position at the meeting.
- 2.3 There are still a few large grants to be announced by the DfES, which are expected to be 100% funded.

3. New Schools Funding Regime from 2006/07

- 3.1 On 1 December the government published its new Education Bill which proposes a number of changes to the existing schools funding regime from 2006/07. From April 2006 schools funding will be provided to LEAs via a ring fenced grant rather than via the schools formula spending share. Local authorities will therefore lose their existing powers to set the aggregate level of their schools budget although they will be permitted to top up the DfES's ring fenced grant from Council tax and their residual revenue support grant for other services.
- 3.2 The financial implications of these changes for the Council's overall funding position will be assessed next year once the government has published more details about the operation of the new system.

Background Papers

DfES correspondence

FSS Information and Analysis

THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF FINANCE****BUDGET MONITORING REPORT
APRIL TO OCTOBER 2004/05****FOR DECISION**

This report relates to the regular monitoring of the Council's budget.

Summary

The report updates the Executive on the Council's revenue and capital position from the beginning of April to the end of October 2004.

For revenue, it highlights continuing pressures on Education and Corporate Strategy totalling about £0.4 million with other remaining Council services broadly on target to meet their budget requirements by the year end offset by a favourable position on interest on balances of about £0.3 million.

In order to alleviate the projected overspend by the year-end the Director of Education, Arts and Libraries is continuing to review elements of the Service's budget to ensure a balanced position by the year end. In the meantime, he is continuing to closely monitor the position. The Director of Corporate Strategy is also continuing to address the position where possible within his Department to limit the overspend by the year end.

For the Housing Revenue Account, minimal pressures currently exist which can be contained within the relevant working balance by the year end of £2.6 million.

For capital, the latest position is that there has been spend of £29.4 million on the overall budgeted programme of £91.772 million, with a current projection of a total spend of nearly £85 million by the year end. This aspect will need to be closely monitored by Directors to ensure programmed spend is achieved by the year end.


Recommendation

Members are asked to: -

1. Note the current position of the Council's revenue and capital budget.
2. Agree the reprofiling of the Council's capital programme as identified in Appendix D.
3. Note that the Directors of Education, Arts and Libraries and Corporate Strategy continue to review their budgets to ensure where possible a balanced position.
4. Note the position and projected out-turn for the Housing Revenue Account.

Reason

As a matter of good financial practise, the Executive should be regularly updated with the position on the Council's budget.

Contact Officer Joe Chesterton	Title Head of Financial Services	 020 8227 2932 e-mail joe.chesterton@lbbd.gov.uk Minicom: 020 8227 2413
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1. Overview for Revenue Budget

- 1.1 At the end of October 2004, the Council has a relatively balanced budget for the year end. Current projections indicate that there are still financial pressures within the Education and Corporate Strategy budgets and that these may impact on the final position by the end of the current financial year. The position at the end of October is that for Education there is a projected overspend of about £250,000, this compares to the previously reported position of £223,000. For Corporate Strategy there is now a projected overspend of £143,000. Offsetting these factors is currently a favourable position on interest on balances of around £300,000 to produce an overall broadly balanced position for the Council's revenue budget.

2. Service Position

2.1 General

- 2.1.1 Details of each service's current financial position are provided in Appendix A. It is expected such variances will reduce as the year progresses and out-turns for the full year are currently expected to be within the budgets agreed, except for that identified above for Education and Corporate Strategy unless the relevant action plans are not fully delivered.
- 2.1.2 At the Executive meeting on 16th November, Members were advised that roll forwards from 2003/04 for the revenue budget amounting to some £1.9 million had been added to the relevant Departmental budgets. It is important to remind Members that Directors use these funds to deliver the relevant services associated with the agreed roll forwards and this will be closely monitored for the remainder of the financial year.

2.2 Education

- 2.2.1 The Director of Education, Arts and Libraries reported the Education budget position to the Executive on 19 October. The report highlighted in year pressures on the Education Service of £846,000. In addition, it was also approved that there is the need to meet £300,000 of the 2003/04 overspend position. An action plan totalling £923,000 to address this overspend position of £1,146,000 was approved and if fully delivered would enable the position to reduce to £223,000. The agreed action plan is attached at Appendix A(i).
- 2.2.2 The current position is that there is now a projected overspend of £247,000. This is made up of a positive position of £53,000 for in year activities but offset by the £300,000 requirement from 2003/04. The Director is pursuing

detailed monitoring of the position at his regular Policy and Strategy group of all senior Education staff and will continue to examine other areas of his budget to ensure savings are delivered to achieve a balanced budget by the year end.

- 2.2.3 The position is being continually monitored by the Director alongside support from the Finance Department and Members will be apprised of the ongoing situation in future monitoring reports.

2.3 **Other Services**

- 2.3.1 The position to date for Social Services is showing an underspend of around £1.5 million. However, as is usual for this service winter pressures are likely to reduce this underspend position. However, as we are now seven months into the monitoring of this year's budget further work is being undertaken by the Director to ascertain the expected position for the year end. This will be reported to Members in future monitoring reports. Consideration of the underlying revenue position for social services will be taken into account as part of the 2005/06 budget setting process.
- 2.3.2 For Corporate Strategy the Director has implemented a relevant action plan after highlighting pressures of about £230,000 earlier in the year. However, the latest position now indicates an overspend by the year end of £143,000, which primarily results from a continuing downward trend for income on land charges. This particular issue amounts to an additional £100k loss of income and the Director is to undertake a review of the service provision. This issue will also need to be addressed as part of the 2005/06 budget process.
- 2.3.3 In respect of the Finance Department there is an underspend position of about £200,000 against budget for this time of the year but agreed recruitment and other pressures is likely to reduce this to an underspend of around £75,000 by the year end.
- 2.3.4 The Regeneration and Environment Department is currently indicating a broadly balanced position against budget at the end of October with pressures in planning and leisure being offset by favourable positions in car parking, land and property. It is also anticipated that the Department will have a balanced budget by the year end.

3. **Housing Revenue Account (HRA)**

- 3.1 The HRA working balance as at the 31st March 2005 was originally estimated to be £2.6 million. Although some early pressures have been identified within the newly created Neighbourhood Environmental Services Division, these are relatively small and can be contained within the overall budgets. It is, therefore, anticipated at this stage of the year that the working balance will remain at £2.6 million by the end of 2004/05.

4. Interest on Balances

- 4.1 The current position is that this area of the budget is continuing to show signs of better performance and that current projections show an anticipated favourable variance by the end of the year. As at the end of October this is estimated at about £300,000. The favourable position is arising due to the recent increases in interest rates, performance on investments being better than expected coupled with a larger investment base due to earlier Capital receipts being generated from land disposals and right to buy sales. This positive position will allow the strengthening of Council balances at the year end.

5. Savings and Growth – Budget Decisions 2004/05

- 5.1 The Savings and Growth items approved by Members as part of the 2004/05 budget process is being closely monitored by relevant Directors and the Director of Finance. Total savings for the EPCS block amounted to £ 3.479 million and growth of £2.583 million. A summary by Department on their performance to date for meeting these targets is shown at Appendix B. The latest position for 2004/05 is that the majority of the level of savings required and growth commitment is being contained within relevant Departmental budgets. Where specific savings items are not being actioned the relevant Directors have reviewed their budgets appropriately. This relates to both the Corporate Strategy and Housing & Health Departments where the Directors have identified other areas of savings to ensure the identified target has been met for the year.

6. Capital Programme

- 6.1 The Capital Programme is being actively managed by the Capital Programme Management Office (CPMO) team in the Department of Regeneration and Environment alongside financial input from the Finance Department. A Summary of the latest position for the 2004/05 programme is shown in Appendix C.
- 6.2 As at the end of October approximately £29.4 million of this year's programme has been spent out of an overall original budget for the year of around £91.8 million. This compares with an actual spend at the end of June of only £9.3 million. It is quite usual for the majority of spending on capital schemes to occur in the latter part of the year as a result of tender exercises, consultation etc and the spend to the end of October is more than consistent with the pattern of spend in the last financial year. However, it must be noted that currently, seven months through the year, only 32% of the programme has actually been spent.

- 6.3 The Capital Programme has increased from the original programmed level of £91.772 million by around £19 million to a working budget of £111.2 million, due mainly to carry forwards from 2003/04 and recent Executive decisions on profiling of schemes and new external funding. The current projections indicate that there will be an overall spend by the year end of some £85 million (93% of the original budget).
- 6.4 The carry forwards from 2003/04 have been incorporated into relevant capital monitoring reports and it is, therefore, enabling a much clearer picture of the progress of each scheme within the programme to be undertaken and a firmer position on the projected outturn of the overall programme to be established.
- 6.5 As a result a number of major schemes across all Departments have been highlighted as needing reprofiling into 2005/06 and later years which require Executive approval. The CPMO have worked closely with the relevant project sponsors and the detail of the schemes requiring reprofiling are attached in Appendices D(i) and D(ii). In total, the sum of, schemes to be reprofiled from 2004/05 is around £6.3 million. Of this, £400,000 is being deleted from the overall programme where external funding for a Social Services scheme is not forthcoming.
- 6.6 Regular liaison between the CMPO and project sponsors is taking place to ensure that projections of spend on the remaining capital schemes are robust and achievable by the year end. It is important, therefore, that Directors are closely monitoring this position to achieve full spend of their programmed budgets by the year end.

Background Papers

Oracle reports
CPMO reports

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REVENUE BUDGET 2004/2005**SUMMARY OF POSITION - APRIL TO OCTOBER 2004**

	<u>Original Budget</u>	<u>Working Budget</u>	<u>Projected Outturn</u>	<u>Projected Outturn Variation</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
<u>Department</u>				
Corporate Strategy	1,543	1,935	2,078	143
Education, Arts & Libraries	132,778	134,232	134,479	247
Finance	-	-	-75	-75
Housing & Health	5,105	5,492	5,492	0
Regeneration and Environment	28,396	28,936	28,967	31
Social Services	66,380	66,826	66,826	0
Total for Department's	234,202	237,421	237,767	346
<u>Other Services</u>				
Corporate Management	5,533	5,638	5,638	0
General Finance	-25,965	-28,928	-29,228	-300
Contingency	863	501	501	0
Levies	5,535	5,535	5,535	0
Total for Other Services	-14,034	-17,254	-17,554	-300
Total Council Budget	220,168	220,167	220,213	46

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Education Action Plan 2004/05

	Current Budget	Potential Savings
	£'000	£'000
1. Freeze on central standards funds	2700	260
2. SEN Transport – reduce number of routes and taxi journeys	2500	120
3. SEN Statements – reduced number of statements issued prior to implementation of new SEN funding formula for schools	2453	50
4. Adult College – delete subsidy to become self-financing	50	50
5. Community Inspection Advisory Service salaries – freeze vacant General Inspectors post	1292	70
6. Education Psychology Service – reviewing staff and capitation budgets	369	26
7. Access and Attendance post – freeze vacant post	542	26
8. Music Service and Trewern - overachieved income	644	40
9. Youth Service – freeze vacant part-time posts	947	26
10. Specialist SEN Support - freeze vacant post	660	48
11. Education IT Section - freeze vacant post	360	34
12. Early Years Post - freeze vacant post	1248	13
13. B&D Training Unit – additional LSC funding	297	25
14. Mobile phones – limit to essential users	-	10
15. Westbury Centre – increase canteen and hire charges	313	5
16. Pupil number adjustment based on provisional pupil numbers in September.		120
		923

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BUDGET SAVINGS AND GROWTH 2004/05
(EPCS SERVICES)

SAVINGS

BUDGET SAVINGS 2004/05		
SUMMARY		
Department	Amount £'000	Projected Outturn £'000
Corporate Strategy	713	593
Education, Arts and Libraries	45	45
Finance	340	340
Housing and Health	527	444
Regeneration and Environmental Services	1,768	1,768
Social Services	86	86
TOTAL	<u>3,479</u>	<u>3,276</u>

Comments:

Overall current projections by Directors indicate that there will be a shortfall of £203,000 in the agreed savings target of £3.497 million and this arises within the Housing and Health and Corporate Strategy Department's. This position mainly relates to staff saving options. Further work has been undertaken by Directors to ensure the full savings figure is delivered by the year end.

GROWTH

BUDGET GROWTH 2004/05		
SUMMARY		
Department	Amount £'000	Projected Outturn £'000
Corporate Strategy	0	0
Education, Arts and Libraries	240	240
Finance	230	230
Housing and Health	205	205
Regeneration and Environmental Services	1,280	1,280
Social Services	213	213
Corporate	415	415
TOTAL	<u>2,583</u>	<u>2,583</u>

Comments:

Directors currently anticipate the full use of the agreed growth in the budget of £2.583 million.

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CAPITAL PROGRAMME 2004/2005**SUMMARY OF EXPENDITURE - APRIL TO OCTOBER 2004**

	<u>Original Budget</u>	<u>Working Budget</u>	<u>Projected Outturn</u>	<u>Projected Outturn Variation against Working Budget</u>	<u>Projected Outturn Variation against Original Budget</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
<u>Department</u>					
Corporate Strategy	500	4,255	2,827	-1,428	2327
Education, Arts & Libraries	28,215	34,592	21,497	-13,095	-6718
Finance	1,950	3,567	1,079	-2,488	-871
Housing & Health	34,596	40,781	38,593	-2,188	3997
Regeneration and Environment	18,261	19,297	15,058	-4,239	-3203
Social Services	8,250	7,460	5,725	-1,735	-2525
Total for Department Schemes	91,772	109,952	84,779	-25,173	-6,993
<u>Accountable Body Schemes</u>					
Regeneration and Environment	-	1,242	895	-347	895
Total for Accountable Body Schemes	-	1,242	895	-347	895
Total for all Schemes	91,772	111,194	85,674	-25,520	-6,098

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Capital Programme – Reprofiling of Schemes

Comments from Project Sponsors and CPMO

HOUSING AND HEALTH (Health & Consumer Services)

Contaminated Land

The proposed reprofiling of £256k of the budget allocated into 2005/06 will be necessary because of contracting and recruitment delays for this strategy.

As a result of this, of the £573k 2004/05 award only £317k is now deliverable.

REGENERATION AND ENVIRONMENT

Beam Valley

This is a project broken into elements. Those elements which relate to the Dagenham Village Trail, have been delayed due to continuing legal discussions with the Environment Agency (EA) over access rights. Another element that has been delayed by EA is Brettons Bridge.

As a result of this, of the £468k 2004/05 award only £148k is now deliverable.

Leisure Centre Capital works (combined Goresbrook Pool -filtration & Refurbishment of Dagenham Pool)

The Goresbrook Leisure Centre Capital works refers to the monies formerly under the title of Dagenham Pool Refurbishment and Goresbrook Leisure Centre – Filtration. Health and safety requirements at Goresbrook require urgent repairs and so funding incorporates the re-profiling of the capital allocations for both.

As a result of this, of the combined £522k of the 2004/05 award only £225k is now deliverable.

Asbestos Removal

The re-profiling is necessary for a number of reasons:

The amount of asbestos removal and therefore the cost, is dependent on the amount found in the surveys due to complete March 2005.

Removal in the schools has to be undertaken in the school holidays and therefore there is always a risk of slippage to this programme.

Original figures were based upon a small number of urgent asbestos removal projects. The high levels of asbestos found to be present in those projects has so far not been repeated in subsequent buildings and so the cost of treatment has been less than anticipated.

A review of the programme is underway and the Housing Communal Areas survey programme has been accelerated to include the priority 3 areas as this will help to counteract slippage elsewhere.

As a result of this, of the £1400k 2004/05 award only £989k is now deliverable.

Relocation of Eastbrook Garage

Re-Location of passenger transport – the capital allocated for 2004/05 to purchase a new Passenger Transport depot has not been used due to protracted negotiations securing a new site. This has now been resolved and a site, owned by LBBB but occupied by a contractor will become vacant during 2005/06. This resolves a long standing problem of bringing this site back into use.

As a result of this, none of the £803k 2004/05 award is now deliverable.

Waste Minimisation Programme

The capital fund of £740k was to be spread over a 3 year period commencing in the financial year 2004/05 with a contribution of £50k for purchase of composting bins to be allocated to approximately 5,000 dwellings. Because of the success in securing external funding from “London Recycling Fund” (LRF) for 2004/05 and 2005/06, plus the fact that a proportion of that LRF funding included providing composting bins in 2005/06, the in-house capital funding of £50k in 2004/05 would be more beneficial as an additional resource during 2005/06 as we promote recycle and green initiatives over the following 3 years.

As a result of this, none of the £740k 2004/05 is now required.

SOCIAL SERVICES

Grays Court

Work on site was delayed by the need to meet some additional Planning conditions and it did not commence on-site until July 2004. The subsequent list of the contractors staged payments indicated that £790k worth of spend would occur in 2005/06.

As a result of this, of the £4852k 2004/05 award only £4031k is now deliverable.

Kingsbridge - Can be removed from the programme as the anticipated external funding will not now be forthcoming.

Barking Hospital

With so many partners and variables involved, only limited further spend will occur in 2004/05 (£10K) and therefore the balance of the £500k will need to be re-profiled into 2005/06.

Negotiations continue with the PCT and the Strategic Health Authority on this project.

As a result of this, of the £500k 2004/05 award only £10k is now deliverable.

FINANCE

Replacement of Revenue IT systems

There were unavoidable delays arising out of the selection of a preferred supplier for the IT systems, which have previously been reported to the Executive. The profile figures up to that point were provisional pending the selection process.

The Council is currently in contractual negotiations with the supplier so even though the total budget is now known, the timescales for implementation have not yet been agreed. The Executive agreed the re-profiling of capital expenditure on this project on 19/10/04. The changes since then indicate that there may be a £67k greater spend than indicated at that meeting.

Information Communication Technology (ICT)

A number of projects have been successfully implemented during 2004/05 although some of the major sequentially dependent projects such as the Windows upgrade, e-mail upgrade and other projects will roll over into 2005/06.

As a result of this, of the £1020k 2004/05 award only £800k is now deliverable.

CORPORATE STRATEGY

Customer First

Office Accommodation Customer First

The reason that the other initiatives listed under Accommodation have not yet been identified is that the Customer Care Managers role has been vacant for part of the year. Once this post has been filled identification can be made of what this money can be spent on.

As a result of this, of the £1964k 2004/05 award only £969k is now deliverable.

One Stop Shop - Customer First i.e. Call Centre / Contact Centres initiative.

Corporate Strategy would like to bring forward some of the 2006/2007 capital into 2005/2006 so that there are sufficient resources available in 2005/2006 to complete phase 2 & 3 of the call centre.

The reprofiling requested is from 2006/07 into 2005/06 does not affect this year's predicted spend of £1,714k

St Georges Centre New Build & Faircross Community Centre

The spend on this project in the current year is unachievable, as there is currently no site to move to. TMT are also considering the proposed development proposal by Stratford Development Partnership. It has to be borne in mind that the project may as a result of this, need to be further re-profiled into 2006/07.

The Community Centre is no longer owned by LBBD and the Executive 12th November 2002 minute No198 approved the transfer the funding from Faircross Community Centre for project management costs to St. George's.

As a result of this, of the £576k 2004/05 award only £26k is now deliverable.

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REPROFILING REQUEST FOR CAPITAL FUNDING FROM 2004/05 INTO 2005/06 & SUBSEQUENT YEARS

Appendix D(ii)

HOUSING & HEALTH (Health & Consumer Services)

Contaminated Land Programme

	2004/05			2005/06			2006/07			2007/08			2008/09			Total		
	Budget £'000	Funding		Budget £'000	Funding		Budget £'000	Funding		Budget £'000	Funding		Budget £'000	Funding		Budget £'000	Funding	
		External £'000	LBBB £'000		External £'000	LBBB £'000		External £'000	LBBB £'000		External £'000	LBBB £'000		External £'000	LBBB £'000		External £'000	LBBB £'000
Current	573	0	573	514	0	514	637	0	637	568	0	568	498	0	498	2,790	0	2,790
Revised	317	0	317	642	0	642	765	0	765	568	0	568	498	0	498	2,790	0	2,790
Change	(256)	0	(256)	128	0	128	128	0	128	0	0	0	0	0	0	0	0	0

DEPARTMENT OF REGENERATION & ENVIRONMENT

Beam Valley

Current	468	168	300	0	0	0	0	0	0	0	0	0	0	0	0	468	168	300
Revised	148	81	67	320	87	233	0	0	0	0	0	0	0	0	0	468	168	300
Change	(320)	(87)	(233)	320	87	233	0	0	0	0	0	0	0	0	0	0	0	0

Leisure Centre Capital works (formerly Goresbrook Pool -filtration & Refurb Dagenham Pool)

Current	522	0	522	0	0	0	0	0	0	0	0	0	0	0	0	522	0	522
Revised	225	0	225	297	0	297	0	0	0	0	0	0	0	0	0	522	0	522
Change	(297)	0	(297)	297	0	297	0	0	0	0	0	0	0	0	0	0	0	0

Asbestos Programme

Current	1,400	0	1,400	785	0	785	0	0	0	0	0	0	0	0	0	2,185	0	2,185
Revised	989	0	989	993	0	993	203	0	203	0	0	0	0	0	0	2,185	0	2,185
Change	(411)	0	(411)	208	0	208	203	0	203	0	0	0	0	0	0	0	0	0

Relocation of Eastbrook Garage

Current	803	0	803	0	0	0	0	0	0	0	0	0	0	0	0	803	0	803
Revised	0	0	0	803	0	803	0	0	0	0	0	0	0	0	0	803	0	803
Change	(803)	0	(803)	803	0	803	0	0	0	0	0	0	0	0	0	0	0	0

Waste Minimisation

Current	740	0	740	0	0	0	0	0	0	0	0	0	0	0	0	740	0	740
Revised	0	0	0	490	0	490	250	0	250	0	0	0	0	0	0	740	0	740
Change	(740)	0	(740)	490	0	490	250	0	250	0	0	0	0	0	0	0	0	0

THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF HOUSING & HEALTH**

REFERENCE FROM THE SCRUTINY MANAGEMENT BOARD CALL-IN: SELECTION OF BARKING AND DAGENHAM'S PANEL OF REGISTERED SOCIAL LANDLORDS	FOR DECISION	
<i>This report responds to the Scrutiny Management Board report of 10th November 2004.</i>		
<p><u>Summary</u> This report considers the issues raised by the Members who called-in the Executive decision of 12th October 2004 to include Southern Housing Group (SHG) to the Council's panel of preferred RSL partners. An update is included on actions which have taken place involving SHG and Members representing Village and Marks Gate Wards and the Executive Lead Member for Housing, Health and Social Care.</p> <p>The report sets out how SHG are improving communications with both residents and Ward Members.</p> <p><u>Recommendation</u> The Executive is asked to consider the views of the Scrutiny Management Board and agree :-</p> <ol style="list-style-type: none"> 1. to note that Scrutiny Management Board did not seek to exclude SHG from the Council's panel of preferred RSL partners. 2. that a review of the performance of SHG and all other preferred partners be undertaken in 6 months 3. to include a Village Ward Member on the board of the future local housing company/ housing regeneration company to be agreed between the Council and SHG. <p><u>Reason</u> The continued participation of SHG in the panel of preferred partners will strengthen the ability of the Council to deliver high quality new affordable homes and the performance monitoring will help drive up service standards.</p>		
Contact: Ken Jones	Job Title: Head of Housing Strategic Development	Tel: 020 8227 5703 Fax : 020 8227 5595 Minicom : 020 8227 5755 Email: ken.jones@lbbd.gov.uk

1. Background

- 1.1 The Executive agreed on 12 October 2004 to admit Southern Housing Group (SHG) to the Council's panel of preferred RSL partners.

- 1.2 The Members for Village Ward made a request to call-in this decision. The issues raised by the Members to substantiate the call-in related to the Rookery Farm / Leys Estate. This was a Newham Council housing estate which had undergone a transfer to SHG following a tenants' ballot conducted by Newham. The Members reasons for the call-in request are shown in Appendix A.

2. Scrutiny Management Board (SMB) decision

- 2.1 SMB agreed to refer the matter back to the Executive for further consideration because of their concern that the report to the Executive did not inform Members of the full history relating to the performance of SHG on management issues. They are not recommending that the Executive overturn their decision to include SHG on the Council's panel of preferred RSL partners but do recommend that a review of SHG's performance be undertaken in 6 months.
SMB also recommended that a Member for Village Ward be included on the Board of the housing development management company for projects in the borough.

3. Actions taken

- 3.1 Prior to receiving notice of the call-in, an estate inspection of Rookery Farm / Leys had been arranged for 16 November involving SHG, Village Ward Members and Council officers.
- 3.2 The estate inspection and discussions which took place focussed on the issues raised by the Members and a number of positive outcomes were achieved and some misunderstandings were cleared. These are:-
- Communications – SHG deliver a quarterly magazine to all their tenants, however, they agreed to produce a regular local newsletter to Rookery Farm / Leys which will cover issues such as SHG's programme for works to the estate, contact numbers and names and issues raised by local residents. It was also confirmed that the call centre for SHG is open from 8:00am – 8:00pm weekdays and that the office in Crown House, Barking is open to the public and Members. SHG set up a Residents Panel for the purposes of consultation and that this does comprise residents from the estate. A commitment was given to work with these residents and the Ward Members to set up an estate meeting
 - Estate surgery – It was confirmed that SHG staff a weekly surgery every Thursday morning at the Theresa Green Community Centre. In the event that a session has to be cancelled a commitment was given that SHG will ensure that a notice will be placed at the centre.
 - Tenancy enforcement issues – During the course of the visit impromptu discussions took place with Members and residents about specific nuisance issues. SHG undertook to respond to these (Appendix B).
 - Cyclical external works – These are programmed for the current financial year and information will be given to residents.
 - Estate renewal funding - Members had raised a question on the spend of the £3.75m funding which had accompanied the stock transfer from Newham. SHG are to give Members a full analysis of the refurbishment works to the houses carried out with costs. It was reported that there were some tenants who requested that the works not be carried out to their homes because of the disruption – SHG had respected these wishes, but were carrying out the funded works when those properties subsequently became void.

- Provision of play area – The transfer terms with Newham as agreed by residents made no such provision, this was confirmed by 2 of the residents who had been involved in previous consultations. However, SHG are in contact with the Head of Leys Primary School concerning facilities and projects for local children with a view to making a contribution.
- Future liaison - A commitment was given to working with local residents and Members, this was demonstrated by the newsletter, setting up a residents and Members meeting and ongoing estate meetings between SHG and the Village Ward Members.

3.3 A letter from SHG is in Appendix B.

3.4 It should be noted that SHG had previously carried out a similar estate inspection with Marks Gate Members and the Executive lead Member for Housing Health and Social Care to Gibbfield Close. This has led to improved communications with Ward Members and clarified a number of service issues.

4. Proposals

4.1 Effective action has been taken in relation to improving communications with residents and Members. It is necessary to establish performance indicators which assess the performance of SHG and all of the other housing association partners of the Council. This was identified in the Executive report of 12 October 2004. It is proposed that the performance of housing associations will be considered in the areas of:-

- Estate / tenancy management
- Development performance
- Compliance with nomination agreements
- Commitment to building sustainable communities
- Involving tenants.

The review of the performance of SHG and all other partners will be undertaken in 6 months and reported initially to the Borough's Housing Association Forum, on which there are 3 Council Members (Lead Members for Housing, Health and Adult Care and Regeneration and the Chair of Housing Association Scrutiny Panel). This will then be reported to the Executive with, should it be necessary, proposals to suspend / exclude any housing association from the panel.

4.2 It is proposed that a Member for Village Ward be proposed for the board of the future local housing company / housing regeneration company to be agreed between the Council and SHG.

Background papers used in the preparation of this report:

Executive report 20 May 2003

.. .. 7 October 2003

Scrutiny Management Board report 29 October 2003

Executive report 17 February 2004

.. .. 12 October 2004

Scrutiny Management Board report 10 November 2004.

APPENDIX A

REASONS FOR CALL-IN

1. Southern Housing has a number of properties in Village Ward. Approximately 160 are on the Rookery Farm Estate (which includes the area often referred to as the Leys Estate).
2. In recent weeks we have spoken to a number of tenants of Southern Housing on the Rookery Farm Estate who have long been very unhappy with Southern Housing. This includes tenants who were involved in the Tenants Association until they wound the Association up in despair because of the performance of Southern Housing and the feeling that they were getting nowhere with the problems.
3. There is still a great deal of dissatisfaction regarding a £3.75 million refurbishment that took place some time ago. The tenants do not believe the agreement was adhered to by Southern Housing regarding the use of that money and a fund that was due to be set aside for other use when some tenants did not want particular aspects of the refurbishment. Southern Housing was supposed to supply a breakdown of costs, but failed to do so despite many requests for the information.
4. Tenants state that Southern Housing cut the number of surgeries and often cancel them without notice.
5. Tenants complain they have trouble contacting people who understand their issues.
6. Tenants state that while the repair company now used by Southern Housing is a great deal better than the previous one, the information the Association passes to the company is often incorrect.
7. Tenants also believe that Southern did not supply the children's play area they were due to under the refurbishment agreement.
8. The above problems are far from all the issues. We are informed there are many more. We are grateful for the Officers arranging a site meeting with Southern Housing in November, but we do not believe Southern Housing should be placed on the Council's Registered Social Landlord preferred partner panel until we can be assured that the issues we have with this Association are either addressed or we are confident are being addressed.
9. Should we be satisfied that Southern Housing will address the outstanding problems, many of them *long* outstanding, we would want the ongoing involvement with Southern Housing that has been proposed for Abbey, Gascoigne and Thames Wards.

APPENDIX B

17 November 2004

Cllr Lee Waker
115 Church Elm Lane
Dagenham
Essex
RM10 9RL

Southern Housing Group

PO BOX 643
Fiveash House
Denne Parade
Horsham
West Sussex

Tel 08456 066 366
E-mail:
Fax Tony.hughes@shgroup.
org.uk
0208 709 1184

Dear Cllr Waker,

Rookery Farm, Leys Estate - Dagenham

Thank you for making the time available on Tuesday 16th November and the opportunity to discuss with you some of your concerns and those of residents on a variety of issues affecting the above scheme. I found this very useful and as agreed during the meeting I have summarised the actions points identified during this exercise.

Communication

This was the single most consistent complaint both from yourself and the residents we met. Although residents are sent a quarterly Group newsletter which features articles covering the Thames Gateway region it was felt that often residents would most like information more local to their community. We will therefore work with Council members and local residents to produce a local newsletter. This will include issues raised by the Neighbourhood watch group. We will agree the frequency of these newsletters with residents.

You raised concerns about contacting SHG officers. I would like to confirm that our Service Centre is open from 8:00 am until 8:00 pm Monday to Friday and should be the first point of customer contact for all enquiries. We also remain committed to providing a weekly surgery from the Theresa Green Community Centre each Thursday between the hours of 9:30 am until 12:00 noon. We make every effort to avoid cancelling these sessions but on occasion this may be unavoidable. In this situation we will place a notice on the gates of the Community Centre informing residents.

Southern Housing Group is accessible to its residents and since October 2003 we have been working from new offices here at Crown House in Barking. I am sorry that you were informed that this office was not open to members of the public. I can confirm that this is not the case. This office has a waiting area and an interview room. Wherever possible we ask that residents telephone in advance to make an appointment to see their Housing Officer as often they are out on their estates.

continuation/

2004/2005 programme of works. Details of the programme will be sent to residents when the contract arrangements have been finalised.

Tenancy enforcement

A number of individual tenancy issues were discussed. These have been summarised as follows:-

■ Wellington Drive – tenant leaving rubbish on footpath outside ■ Wellington Drive prior to collection day.

Property adjacent ■ Wellington Drive - Condition of front and rear gardens to property.

■ Wellington Drive – Caravan to front garden

Our Housing Officer has been instructed to visit these households to investigate the complaints received and take appropriate steps to improve this situation. It is exactly these sorts of issues that can be discussed at the surgery or by telephoning the Customer Service Centre, who will then arrange for Fehmi to visit.

Play Area

It is noted that the query concerning the provision of a play area for children on the estate is linked to the private development at the end of Leys Avenue and did not form part of the original transfer terms agreed with residents and Newham Council. I would also confirm that we did work with the former Tenants Association on this request but it did not come to fruition because no agreement could be made on its location.

However our Social Investment Officer, Stephen Francis is in contact with the Head of Leys Primary school concerning facilities and projects for local children and we of course will explore any opportunities to contribute in this area.

Tenants hand book

You have requested a copy of the Tenants Handbook which is issued to all tenants. I have made arrangements to send a copy through to you under separate cover.

Highway front of 49/51 Wellington Drive

Ownership and therefore maintenance responsibilities can not be determined from my plans. I have therefore raised this query with the Borough Highways department so that this can be established. Thereafter landscaping of this area can be the subject of consultation with immediate local residents. I will get back in touch with you when I have received a reply.

continuation/

Resident involvement

We recognise that a formal tenants association is often not how residents want to be involved in the management of their homes. Subsequently since the demise of the TA for Rookery Farm we have concentrated our efforts on establishing our Resident Panel data base. This is a register of residents who have agreed to be a point of contact when we consult on a broad range of issues such as changes in existing policy or procedures, customer service levels and communication methods. I will look at the existing data base to identify the number of residents registered for Rookery Farm and work with our Community Involvement team to increase local membership. In the mean-time we welcome the opportunity to work with Ward members and residents on an informal group basis and we will arrange a resident meeting to discuss issues affecting this community.

We also encourage resident involvement in our estate inspections which are designed to identify scheme standards and environmental issues which can affect the look of our estates. We have also set up a formal resident inspection panel whose role Group wide is to conduct unannounced visits on our schemes and assess and monitor standards of service delivered. This opportunity has been heavily promoted in our Resident Newsletter however we will use the local newsletter to remind residents how they can get involved.

Finally I would like to reaffirm our commitment to working with residents and Ward members on all issues affecting the Rookery Farm estate and its place in the surrounding community. Pamela Bhamra joins Southern Housing Group as our Thames Gateway Regional Director in January 2005. I would like the opportunity to introduce Pam to you and perhaps we could arrange to meet in the New Year to review progress.

In the mean-time please do not hesitate to contact me at this office if you wish to discuss any of the above issues further or raise any additional concerns.

Yours sincerely

Tony Hughes
Area Manager
Tony.hughes@shg.org.uk

THE EXECUTIVE**21 DECEMBER 2004****REPORT OF THE DIRECTOR OF HOUSING & HEALTH**

FOOD STANDARDS AGENCY AUDIT OF THE COUNCIL'S FOOD SAFETY SERVICE		FOR DECISION
<i>This report concerns the outcome of the Food Standards Agency audit of our Food Safety Service</i>		
<u>Summary</u>		
Delivering an effective service to enforce high standards of hygiene and safety in the Borough's food businesses is a major priority for the Council, and the Community as a whole.		
The Food Standards Agency oversees food law enforcement in all local authorities and specifies in great detail how all we must provide the service		
The audit carried out by the Food Standards Agency (FSA) concluded that the service has excellent enforcement procedures and is willing to take tough enforcement action where necessary, but more management checks are necessary to ensure officers are following procedures when dealing with more routine work.		
An action plan has been developed that describes how the recent reorganisation of Health and Consumer Services, agreed by Members on the 28 September 2004 will address the issued raised.		
<u>Wards Affected</u>		
All Wards		
<u>Recommendation</u>		
The Executive is asked to consider the audit findings and the action which is underway to address the issues raised.		
<u>Reason</u>		
An effective food safety enforcement service is crucial to ensuring our residents are eating safe and healthy food.		
Contact: Joanna Smith	Job title: Lead Food Safety Officer	(Tel:) 0208 227 5640 (Fax:) 0208 227 5699 (Minicom:) 0208 227 5755 Email: Joanne.smith@lbbd.gov.uk

1. Background

- 1.1 The audit was carried out on the 16-18 March 2004. It covered all aspects of the Council's internal monitoring arrangements for the food hygiene, food standards and animal feed enforcement services.

1.2 A generic audit programme for all local authorities was used and was therefore not specifically tailored to the types of work the Council undertakes. The audit is very different from Best Value reviews and gives no star rating to describe service quality.

2. Audit Outcomes

2.1 **Performance Management** - The audit recognised that performance management is good within the service and that the service consistently achieves its targets. Officers are appropriately trained and supported in their role and the system for performance management developed through the Balanced Scorecard is excellent. It recognised the score of 10 out of 10 we record for BVPI 166.

2.2 Nevertheless, the audit found that our system for managing the quality of our officers' work and our systems for checking they have followed our detailed procedures was not working to the required extent. Simple errors were found in many areas of routine work, such as food sampling, licensing and food labelling checks and insufficient information was recorded about the outcome of inspections and the investigation of food complaints.

2.3 **Animal feed inspections** – The audit found that although inspections of animal feed are carried out from time to time, there was no systematic way of planning and evaluating the effectiveness of these inspections. It was however acknowledged that the Borough does not have any real animal feed issues so the resource allocated to this should be minimal.

2.4 **Enforcement** – The audit recognised that our systems for dealing with closing down unhygienic food businesses and prosecuting offenders were highly developed and working well.

3. Addressing the Issues

3.1 Appendix A describes in detail how we will address the individual issues raised by the auditors.

3.2 In general terms however action is being taken through the Health and Consumer Services Restructure agreed by members on the 28th September 2004 (minute 128/2004 refers) to improve and modernise the way the services are managed.

3.3 Lead officers for each professional area will be employed to oversee the professional development of the service and the officers within it. They will be responsible for assessing the expectations of government and new legislation and ensuring that the service is developed to meet the needs of the community.

3.4 In the Food team this officer will carry out detailed checks of the teams work with the same framework and audit forms used by the Food Standards Agency for this audit. Any development needs for our officers will be addressed through the Council's appraisal and personal development processes.

3.5 Unit managers will oversee the strategic direction and management of the service and use the detailed performance information we gain from the Balanced Scorecard to prioritise their time to supporting officers that may be under performing or experiencing difficulties with their work.

4. Financial Implications

4.1 There are no additional financial implications coming from the audit, however it must be recognised that the demands being placed on the service are increasing as our population and local economy develop. As a way of example the number of higher risk food businesses such as takeaways has increased by 10 % over the last five years.

4.2 A review of the way we provide all of the regulatory services within Health and Consumer Services will be carried out in the new financial year with a view to examining options such as partnering arrangements to gain service efficiencies.

5. Conclusions

5.1 Providing an excellent food safety service is vital to our community. The audit has revealed that more effort is required by officers and managers to ensure that we follow our procedures and make extensive records of our work in all areas, including the more routine tasks such as low risk food complaints and food samples.

5.2 Nevertheless, the audit found no areas where our resident's health was unprotected and confirmed that our processes for taking tough enforcement action to close down unhygienic food business and prosecute offenders are excellent and working well.

Consultation

Internal:

Head of Housing & Health

Chief Executive

Portfolio holder for developing rights and responsibilities.

Background Papers used in the preparation of this report

Food standards Agency Report.

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**Report on the Internal Monitoring and
External Review Arrangements for the
Food Law Enforcement Service**

London Borough of Barking and Dagenham

16 - 18 March 2004

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at:

www.food.gov.uk/enforcement/.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety.

This audit was carried out as part of a programme of 15 audits focusing on local authority internal monitoring arrangements and peer/3rd party review arrangements, such as inter-authority audit (IAA) schemes.

These areas of activity have been linked in this audit programme as robust and effective internal monitoring and peer/3rd party review form the basis of continual improvement through self-regulation. These two areas also promote consistent enforcement, both qualitatively and quantitatively, between officers and authorities.

This report records the results of an audit of the internal monitoring arrangements undertaken by London Borough of Barking and Dagenham and their involvement in IAA and 3rd party/peer review schemes. This report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/. Hard copies are available from the Food Standards Agency's Local Authority Enforcement Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8434.

A summary report of the findings of the focused audit programme, as well as the individual local authority audit reports, will be made available on the Agency's website. The Agency's website also contains enforcement activity data for all UK local authorities that can be found at:

www.food.gov.uk/enforcement/.

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1. Introduction

Reason for the Audit

- 1.1 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. This audit of the London Borough of Barking and Dagenham was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.2 The focus of this audit programme was decided on the basis of the following criteria:
- information arising from the full and focused audits carried out by the Agency to date. These have identified internal monitoring as a common problem area with wide variations in the approach to and level of internal monitoring being carried out, and also the effectiveness of monitoring arrangements;
 - the Agency's involvement in a number of Inter Authority Audit (IAA) initiatives operated throughout England and the need to investigate the scope for a greater exchange of information between the Agency's audits and robust inter-authority audit schemes run locally.
- 1.3 The selection of local authorities for inclusion in this audit programme was primarily based on Food Liaison Group responses to a survey on IAA schemes carried out by Local Authority Co-ordinators of Regulatory Services (LACORS) in 2003. A range of key factors was used to select Liaison Groups which operated differing IAA schemes. These factors included the scope of the scheme, the protocols against which the audit was carried out, whether there was a requirement for auditors to be qualified, and the process for following up on non-conformances. A number of liaison groups which had failed to respond or who had reported that no IAA scheme was being undertaken were also selected. Local authorities within the identified liaison groups were then selected to represent a mix of different types of authority.
- 1.4 The London Borough of Barking and Dagenham was included within the audit programme on the basis that the Authority's liaison group, the North East London Sector Liaison Group, did not respond to the LACORS survey.

Scope of the Audit

- 1.5 The audit covered the London Borough of Barking and Dagenham's internal monitoring arrangements and their involvement in IAA and 3rd party/peer review schemes, with regard to food hygiene, food standards and feeding stuffs law enforcement. The on-site element of the audit took place at the Authority's office at Roycraft House, 15 Linton Road, Barking on 16 – 18 March 2004.
- 1.6 The audit assessed the Authority's conformance against the requirements of the Standard in relation to internal monitoring and 3rd party/peer review arrangements. The Standard was adopted by the Food Standards Agency Board on 21 September 2000, (amended March 2002), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at www.food.gov.uk/enforcement/role/framework.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in internal monitoring, and IAA and 3rd party/peer review schemes, with the aim of exploring trends and gaining opinions to inform Agency policy. A set of structured questions was developed to seek views and information on areas such as:
- the local approach to internal monitoring;
 - the regional approach to inter-authority auditing;
 - the perceived effectiveness of methods of internal monitoring and IAA;
 - the process for addressing findings from internal monitoring and IAA;
 - the process for evaluating the effectiveness of internal monitoring and IAA.
- 1.8 The information gained from the structured questions will be incorporated into a summary report on the focused audit programme which will be published on the Agency's website at:
www.food.gov.uk/enforcement/.

Background

- 1.9 The London Borough of Barking and Dagenham is situated on the north bank of the River Thames in east London and borders the London Boroughs of Redbridge, Havering and Newham.
- 1.10 The population is approximately 167,300. Unemployment is relatively low at 4.5%. In the "Wealth of the Nation Report 2002", the average income of people who live in the Borough was £24,000 compared to £20,900 in 2000.
- 1.11 The development of heavy industry along the Thames corridor makes Barking and Dagenham the most industrial of the London Boroughs. More recently, employment in the Borough has relied on a significant number of small and medium sized businesses, many of which are manufacturing based, supplying services to central London and the surrounding counties.

Executive Summary

- 2.1 The Authority had not developed effective internal monitoring arrangements for the qualitative aspects of its food and feeding stuffs law enforcement service. This was reflected in the problems found across most areas of the Service which could have been identified and addressed by effective internal monitoring.
- 2.2 The Authority's monitoring of the key performance indicators as outlined in its Food Safety Service Business Plan was generally adequate, as was its monitoring of prosecutions and formal cautions.
- 2.3 The Authority had participated in an inter-authority scheme sponsored by the Agency in 2000. The auditors were advised that there were plans to repeat the exercise in 2005.

3. Audit Findings

3.1 Organisation and Management

Organisation

- 3.1.1 The Council's political management structure was changed in May 2000 to a new "Cabinet Style". This included an Assembly and Executive with responsibility for implementing County policies and Community Forums to give residents direct access to the political process. One Member on the Executive had portfolio responsibility for environmental health and consumer protection services, which were delivered by the Health and Consumer Services Division within the Housing and Health Department.
- 3.1.2 Delivery of food hygiene, food standards and feeding stuffs was the responsibility of two teams of officers within the Commercial Inspections Section of Health and Consumer Services. Officers in the Food Team provided the food hygiene and food standards service whilst also being responsible for the enforcement of health and safety legislation.
- 3.1.3 Officers of the Consumer Protection Team within the Commercial Inspection Section undertook feeding stuffs enforcement. These officers were also responsible for the full range of legislation typically enforced by Trading Standards Officers. This included weights and measures, fair trading, consumer safety and consumer credit legislation.
- 3.1.4 In June 2004 the Authority produced Futures 2004/2005, the latest edition of Barking and Dagenham's Performance Plan. The plan identifies the 7 community priorities which the Authority believed would lead to real outcomes for people. The Council Scorecard and Service Scorecards have been developed to underpin the 7 community priorities. In setting its service scorecard, Health and Consumer Services have identified key objectives in supporting these community priorities. Health and Consumer Services saw its key role in delivering the Council's community priorities as:

"Working with the community towards a safe, fair and healthy environment."

3.1.5 The Food Safety Service Business Plan 2003/2004 set out the Service's main strategic objectives and measures as part of its Balanced Scorecard 2003 as:

- Effective enforcement;
- Informed and trained community;
- Good access to services;
- Sustainable environment;
- Effective budgeting.

3.1.6 The Food Safety Service Business Plan set out the following key targets for 2003/2004 with regard to food law enforcement activity:

Task	Indicator	Target
Reactive Work		
Food complaints	To respond to all complaints within 2 working days and attempt to provide a resolution to the complaint in the shortest time.	90%
	To provide a written conclusion to complaints.	90%
	To close complaints within 28 days.	90%
Planned Work		
Food premises inspections in accordance with CoP 8&9 requirements	% of planned visits made in year	100%
Food hygiene/ food standards sampling targeted towards home authority/originating authority premises and high risk premises	2.5 samples per 1,000 population	387

3.1.7 The Authority had not identified what level of enforcement was required for feeding stuffs enforcement in the Borough, although it was thought to be very little. Consequently, the Authority had set no targets for feeding stuffs law enforcement.

Demands on the Service

- 3.1.8 The Authority's Food Safety Service Business Plan for 2003/2004 stated that the food hygiene risk profile for food premises within the area as at 1 April 2003 was as follows:

Risk Rating	No. of Premises
A	16
B	28
C	502
D	189
E	225
F	123
TOTAL	1,083

- 3.1.9 The above profile included 21 food manufacturers/importers, 10 requiring approval under product specific regulations, and 24 butchers. The Food Safety Service Business Plan also indicated that the Authority acted as Home/Originating Authority for 26 local businesses.

- 3.1.10 The Authority's food hygiene premises inspection programme for 2003/2004 consisted of the following number of inspections by risk rating:

Risk Rating	No. of Inspections
A	*26
B	28
C	266
D	56
E	89
F	11
TOTAL	476

* The Authority advised that the actual number of inspections due was 24 (12 category A premises). This anomaly had occurred because the food service plan had been written before the most accurate information for 2003/2004 was available.

- 3.1.11 The Authority had not produced a separate food standards risk profile in the Food Safety Service Plan for 2003/2004 which received Member approval on the 15 April 2003. The auditors were advised that this was due to an oversight as all inspection types including food standards are described and monitored in the overarching Health & Consumer Services Balance Score Card Service and Financial Plan. This contains objectives for the current year as required by the National Best Value Performance Indicator 166 (BVPI). Auditors were

also advised that food standards and food hygiene inspections were undertaken together at the frequency dictated by the food hygiene inspection programme unless a food standards inspection was due first in which case the food standards inspection would be programmed and carried out.

3.1.12 The Authority had not assessed the number of premises subject to enforcement under the Feeding stuffs (Establishments and Intermediaries) Regulations 1998 or developed a sampling programme for feeding stuffs.

3.1.13 The Authority's 2003/2004 Food Service Plan also predicted the following additional demands on the food service:

- 165 revisits following programmed inspections
- 620 food complaints
- 159 requests for advice from business
- 45 Home Authority complaints or requests for advice
- Provision of food hygiene training for 60 Cantonese speakers and people with disabilities
- Other non-quantifiable work e.g. investigation of all food poisoning incidents, providing food safety courses, promotion, formalising all Home Authority relationships, liaison with other organisations and food safety incidents.

Resources

3.1.14 The Food Safety Service Business Plan 2003/2004 gave the total budget for the food safety function at just over £271,000, before income from licences and training courses was taken into account. The resources were allocated as follows:

Cost	% of total budget
Administration	6
Equipment	2
Legal	2
On costs	22
Salaries	64
Sampling	4

3.1.15 A separate budget for feeding stuffs law enforcement had not been identified.

3.1.16 The Food Safety Service Business Plan 2003/2004 estimated the officer hours required to carry out each of the service tasks in the plan. The Food Safety Service Business Plan also indicated that 4 full time food safety officers were involved in food law enforcement. In addition the Service had a Business Liaison Officer who led on the

development of business forums and consultations. Two other officers with appropriate qualifications and experience were also available to undertake food law enforcement work.

Recommendations

3.1.17 The Authority should:

- (i) Develop a Food Service Plan for the provision of its feeding stuffs service in line with the Framework Agreement on Local Authority Food Law Enforcement. This may be incorporated within the existing Food Safety Service Business Plan or within a separate Consumer Protection Business Plan.
[The Standard – 3.1]
- (ii) Develop the Food Safety Service Business Plan to include the premises profile for food standards inspections together with a food standards inspection programme in accordance with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. [The Standard – 3.1]

3.2 Internal Monitoring

General

- 3.2.1 The Authority had developed the procedures required by the Standard for food hygiene and food standards law enforcement. However, most of the procedures relating to feeding stuffs law enforcement had not been produced. The Authority had implemented a procedure specifically relating to its internal monitoring arrangements for food law inspections. However, this procedure did not address quantitative and qualitative monitoring for all areas of food law enforcement activity detailed in the Standard. There were no internal monitoring arrangements for feeding stuffs law enforcement.

Service Planning Review

- 3.2.2 The Authority's Food Safety Service Business Plan was routinely subject to monthly and quarterly review. In addition, an annual review of the Service's performance against the Service Plan was carried out and reported to the Authority's Executive. The quarterly reviews detailed the in-year progress against the key performance indicators identified in the Service Plan. This included targets relating to inspections, complaint response times and sampling. The end of year reviews detailed whether annual targets had been achieved and set out the new targets for the following year. The process also included a review of the Authority's performance against the National Best Value Performance Indicator 166 (BVPI), a score against a checklist of enforcement best practice for environmental health and trading standards. The Authority reported a score of 10 points out of a possible 10 in 2002/2003 and planned to continue to perform to this level during 2003/2004.
- 3.2.3 The Authority's 2003/2004 Food Safety Service Business Plan included a review of the Service's performance in the previous year. Most targets for 2002/2003 had been achieved, although there had been some under achievement in the number of food samples taken. The 2003/2004 plan did not detail how this variance would be addressed in 2003/2004.

Training and Competency

- 3.2.4 The Service had developed and implemented an authorisation procedure for food hygiene, food standards and feeding stuffs law enforcement work. A register of all authorisations was being maintained. Training needs were identified as part of the recruitment and authorisation process and were incorporated into the officers' personal development plans. Competency and training needs were also subject to an annual review as part of the Authority's personal development scheme. Training needs identified by the monitoring of officers' inspection work, during validation inspections, were also fed

back into the Authority's personal development process. This process enabled senior managers to ensure that officers were receiving the training necessary to maintain their competency and develop it where appropriate.

- 3.2.5 Examination of authorisation records showed that, despite the monitoring detailed above, one officer had been authorised to seize food although they did not have the necessary qualifications as detailed in Food Safety Act Code of Practice No. 19: Qualifications and Experience of Authorised Officers.

Quantitative Monitoring

- 3.2.6 The Authority was carrying out a programme of quantitative monitoring of food law enforcement activity at its monthly management meetings. This included the production of reports detailing compliance with targets for various areas of activity, such as numbers of food hygiene and food standards inspections, response times for food complaints and other service requests, and numbers of food samples taken. In addition, documented monthly meetings were being held with individual officers to monitor their workloads.

Qualitative Monitoring

- 3.2.7 The Service's procedure on internal monitoring included "validation of enforcement inspections". The aims of the validation inspections were stated in the procedure to be:

- a) To assess the ability of an officer to perform "a planned enforcement" in accordance with relevant policies and guidelines;
- b) To assess the technical ability of an officer at an inspection;
- c) To determine the need for training;
- d) To identify best practice and promote consistency.

- 3.2.8 The Principal Officer responsible for food law enforcement was required to undertake a minimum of 4 validation inspections with each officer every year. A standard validation form was used as part of the process and included a scoring system by which officer performance could be judged. This was then used to dictate the frequency of future validation inspections. The validation process covered all aspects of a food premises inspection including pre-inspection planning and follow-up. However, it did not specifically involve other aspects of food law enforcement, such as complaints and sampling, unless they formed part of the inspection subject to validation.

- 3.2.9 An examination of records relating to the validation exercises showed that they had not been carried out at the frequency required by the Authority's procedure. In fact officers had typically only received 1

validation inspection during 2003. In addition these exercises had not been carried out in accordance with the procedure, in that, for the majority of records looked at, the scoring required to determine the frequency of future validation inspections had not been carried out. In several cases, pre and post inspection assessments had not been completed. The records of the validation exercises showed a clear description of how officers address food hygiene matters, however, more detail about how officers address food standards issues is required.

3.2.10 In addition to the monitoring detailed above, the Authority was also carrying out other forms of qualitative monitoring of food law enforcement activity. This included the following:

- Review of all formal enforcement action by senior managers;
- Monthly minuted team meetings to discuss outstanding work and any interpretational issues;
- Regular customer satisfaction questionnaires and investigation of results;
- Regular business surveys and investigation of results.

3.2.11 The Service operated a paperless office and most food law enforcement documents, including inspection reports, were scanned into the Authority's database. During the course of the audit it became clear that relevant documents were not always available. The Authority advised that some documents had been lost during a server breakdown. In some cases the scanned documents were not legible. Where this was the case, it would have been difficult to effectively monitor the work being undertaken.

3.2.12 Record checks carried out during the audit on a random sample of complaints, food samples, licensed butchers' shops, infectious disease outbreaks and food hazard warnings did not show sufficient evidence of routine internal monitoring. In addition, with the exception of the validation inspections which had been carried out by the Service, there was insufficient evidence of routine monitoring of food premises inspections. Checks of files revealed a number of issues including:

- Generally, a lack of detail on inspection reports concerning matters examined during food hygiene inspections. This would affect the Authority's ability to monitor the compliance of these inspections with the Service's own procedures and centrally issued guidance and could potentially undermine the use of formal enforcement action. In particular in 3 of the 6 inspections checked there was a lack of information concerning the size and scale of the businesses inspected, no record of the type of food activity

carried out and no record of assessment of the businesses hazard analysis system;

- Very limited information concerning food standards inspections, making it difficult for auditors to assess whether inspections were in accordance with Food Safety Act Codes of Practice and centrally issued guidance. This would also make it difficult for the Authority to carry out effective internal monitoring of food standards inspections;
- The type of non-conformances found, on successive inspections, suggested that 4 of the 6 premises examined were not correctly risk rated for food hygiene;
- Lack of evidence on all files concerning how a risk rating of the premises for food standards had been determined;
- In 3 food hygiene inspections there was no evidence of any follow-up action where this would have been appropriate;
- Follow-up letters to inspections relating to 4 of the 6 premises checked did not clearly distinguish between advice and legal requirements and in some cases legal requirements were given as recommendations and vice versa. None of the letters contained correct legislative references as required by Food Safety Act Code of Practice No.5: The Use of Improvement Notices. In 5 instances the letters had not taken into account Industry Guides or other centrally issued guidance;
- The wording of 3 of the 6 improvement notices checked was not in accordance with centrally issued guidance and the works required in 2 of these notices were not easily understood. In 4 cases there was no evidence of follow-up correspondence stating that works required had been carried out satisfactorily;
- In the case of the 5 Approved Premises files examined, inspection reports gave incorrect legislative references and Approval documents did not specify the proprietors name in 2 cases;
- In 4 of the 12 complaints examined (7 food hygiene and 5 food standards) records revealed that complainants had not been advised of the result of their complaint. The auditors noted that the Service's own internal monitoring checks had previously highlighted this issue;
- Record checks revealed that 6 food hygiene samples with unsatisfactory results had not been followed up. The auditors were advised that this was because of a problem during the sample process and not evidence of unsatisfactory hygiene. However, this explanation had not been recorded on the file;

- In some cases, the action relating to food hazard warnings (FHWs) had not been fully recorded. Information concerning FHWs was entered onto the Service's database when they were received. However, there was a lack of information concerning how the Service had responded to food hazard warnings;
- Generally, there was insufficient evidence on records of licensed butchers' shops to demonstrate compliance, particularly with regard to HACCP and training. It was clear that licences had been issued retrospectively.

3.2.13 Records relating to prosecution and formal cautions did show that a high level of internal monitoring had taken place and these were generally satisfactory.

Recommendations

3.2.14 The Authority should:

- (i) Ensure that all officers are authorised to undertake food law enforcement in line with their qualifications and experience as required by Food Safety Act Code of Practice No. 19 Qualifications and Experience of Authorised Officers. [The Standard – 5.3]
- (ii) Ensure adequate records of enforcement activity are kept. In particular, records of inspections, sampling, Approved Premises inspections, butchers' shops licensing, all formal actions and actions taken with regard to food hazard warnings should facilitate effective internal monitoring. [The Standard – 14.3 & 16.1]
- (iii) Further develop and implement its internal monitoring procedures for both food and feeding stuffs law enforcement to include both quantitative and qualitative aspects of monitoring across all areas of the Standard and ensure that internal monitoring includes appropriate follow-up action. [The Standard – 19.1 & 19.2]
- (iv) Develop and implement the required procedures for feeding stuffs law enforcement including the inspection, approval and registration of premises. [The Standard – 7.5]

3.3 IAA and Peer / 3rd Party Review

Inter Authority Audit

- 3.3.1 The Authority had participated in an IAA scheme of its food service during 2000 organised by the Food Standards Agency in conjunction with LACORS and the North East London Sector Liaison Group. The Authority advised that it would be taking part in a similar initiative during 2005.

3rd Party Audit

- 3.3.2 The Authority had undertaken a Best Value review of its whole service during 2002 which incorporated some aspects of its food law enforcement function. This had included a bench marking exercise completed with other local authorities organised by the Association of London Environmental Health Managers.
- 3.3.3 The Service was also working towards ISO 9002 accreditation of its food function and estimated that 80% of its procedures were compliant with ISO 9002 requirements at the time of the audit.

Auditors: **Ron Cheesman**
Mark Davis
Christina Walder

Food Standards Agency
Local Authority Enforcement Division

ANNEX

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feeding stuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none">• increasing the role of local people in deciding the priorities for local government services• improving the way authorities manage and review their business• building on the experience and expertise of staff.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.

Improvement notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Minded to notice	A notice served by an Authorised Officer of the local authority under the Deregulation (Improvement and Enforcement Procedures) (Food Safety Act 1990) Order 1996. This notice is served prior to an 'improvement notice' and gives food business proprietors a specified period to make either a written or oral representation to the enforcement authority about the enforcement action. A repeal to the above Order means that from 10 April 2001 'minded to notices' no longer need to be issued prior to the issue of an 'improvement notice'.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.

Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.

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