

London Borough of Barking and Dagenham

Notice of Meeting

ASSEMBLY

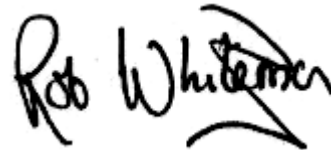
Wednesday, 2 November 2005 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor J Davis
Deputy-Chair: Councillor W F L Barns

Declaration of Members Interest:

In accordance with the Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.



R. A. Whiteman
Chief Executive

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AGENDA

1. Apologies for Absence
2. Minutes - To confirm as correct the minutes of the meeting held on 5 October 2005 (Pages 1 - 2)
3. Petition Regarding Padnall Lake (Pages 3 - 9)
4. Petitions for Better Security and Lighting on Footbridges (Pages 11 - 16)
5. Petition Regarding Payment for Private Dog Patrols on the Gascoigne Estate (Pages 17 - 21)

6. Local Issue - The London 2012 Bid to host the Olympic and Paralympic Games

Richard Sumray, Chair of the London 2012 Forum, and Councillor Ruth Cadbury, Chair of the ALG Cross Party Olympics and Paralympics Working Group, will talk to the Assembly about London's successful bid to host the Olympics and Paralympic Games in 2012.

7. Appointments

8. Report of the Executive (Page 23)

9. Leader's Question Time

10. General Question Time

11. Report of the Standards Committee (Pages 25 - 38)

12. Any other public items which the Chair decides are urgent

13. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

Private Business

The public and press have a legal right to attend Council meetings such as the Assembly, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972). There are no such items at the time of preparing this agenda.

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

ASSEMBLY

Wednesday, 5 October 2005
(7:00 - 8:12 pm)

PRESENT

Councillor J Davis (Chair)
Councillor W F L Barns (Deputy Chair)

Councillor A Agrawal	Councillor J L Alexander
Councillor Mrs E E Bradley	Councillor G J Bramley
Councillor Mrs J Blake	Councillor Mrs J E Bruce
Councillor Mrs D Challis	Councillor H J Collins
Councillor L A Collins	Councillor B Cook
Councillor R J Curtis	Councillor W C Dale
Councillor J R Denyer	Councillor C J Fairbrass
Councillor M A R Fani	Councillor Mrs K J Flint
Councillor C Geddes	Councillor A Gibbs
Councillor D Hemmett	Councillor Mrs D Hunt
Councillor I S Jamu	Councillor T J Justice
Councillor S Kallar	Councillor R C Little
Councillor M E McKenzie	Councillor W Northover
Councillor D O'Brien	Councillor B M Osborn
Councillor Mrs C T Osborn	Councillor R B Parkin
Councillor J W Porter	Councillor Mrs J E Rawlinson
Councillor Mrs V M Rush	Councillor L A Smith
Councillor A G Thomas	Councillor Mrs P A Twomey
Councillor T G W Wade	Councillor P Waker

APOLOGIES FOR ABSENCE

Councillor Ms M G Baker	Councillor A C Clark
Councillor Mrs J Conyard	Councillor A H G Cooper
Councillor Mrs J E Cooper	Councillor F C Jones
Councillor Miss N E Smith	Councillor L R Waker
Councillor Mrs M M West	

52. Minutes - To confirm as correct the minutes of the meeting held on 7 September 2005

Agreed.

53. Local Issue - Castle Green

Received a presentation by Roger Luxton, Director of Education, Arts and Libraries and Andy Buck, Head Teacher at Jo Richardson Community School on the Castle Green development.

54. Appointments

Agreed the following appointments:

Committee Appointments

- Licensing and Regulatory Board – Councillor B Osborn to become a full member following the resignation of Councillor Wade, there remains 2 substitute vacancies.

Appointments to Outside Bodies

- Barking and Dagenham Citizens Advice Bureau – Councillor Fani
- Barking and Dagenham Racial Equality Council – Councillor Agrawal
- Barking and Dagenham Sports Council – Councillors Fani, Denyer and H Collins
- Barking and Dagenham User / Carer Forum – Councillor Alexander and Bramley
- Barking College Corporation – Councillor McCarthy
- Employee Joint Safety Committee – Councillor H Collins
- Reserve Forces and Cadets Association of Greater London – Councillor West
- Sector Police (Dagenham) Working Party - Councillors P Waker and Jamu
- Sector Police (Barking) Working Party – Councillor M Baker

55. Customer Services Report

Received a presentation by Jim Ripley, Head of Landlord Services, Housing and Health on Customer Care in the Landlord Services Division.

56. Final Report of the Anti-Social Behaviour Scrutiny Panel

Agreed the recommendations made in the report.

Councillor Mrs Hunt, Lead Member, presented the final report of the Panel, its recommendations and action plan. She also thanked the Members and officers who had contributed to the Panel's work.

57. Report of the Director of Corporate Strategy - The Licensing and Regulatory Board - Related Constitutional Issues

Received a report seeking approval for changes to the Constitution to address certain issues and, in particular, to provide clarity in respect of the Licensing and Regulatory Board.

Agreed the changes to the Constitution as set out in Appendix A to the report in order to ensure the Board's practices are clear and robust.

58. * Response to Articles in the Local Press

The Leader of the Council, Councillor Fairbrass responded to two articles which appeared in the Barking and Dagenham Post dated 5 October 2005.

* Item considered as a matter of urgency with the consent of the Chair under Section 100B (4)(b) of the Local Government Act 1972.

ASSEMBLY

2 NOVEMBER 2005

REPORT OF THE DIRECTOR OF HOUSING AND HEALTH

Title: Petition regarding Padnall Lake	For Decision
<p>Summary:</p> <p>A petition requesting urgent works to improve Padnall Lake (on Marks Gate estate) was received on 12 July 2005. Officers have met with the Lead Petitioner and Ward Members; and a package of environmental improvements has been put together following considerable community consultation/involvement. The majority of these improvements are being funded from the Big Lottery Fund 'Transforming Your Space' programme (£81,360) and are due to be carried out in the period January 2006 to March 2006. At the same time, works will be carried out to repair the defective silt-trap and partially de-silt the lake.</p> <p>Options for additional funding are to be explored by officers for a full dredging of the lake in 2006 / 2007.</p> <p>This report details the background, issues and planned works for Members' information and in response to the petition.</p> <p>Ward Affected: Chadwell Heath</p>	
<p>Implications:</p> <p>Financial:</p> <p>Funding is in place for a comprehensive range of environmental improvements to Padnall Lake and environs; and for renewal of the filtration equipment and de-silting of the catchment pits. This part of the project has been approved by the Council's internal capital approval system known as the CPMO (Capital Programme Management Office). A new capital bid to the CPMO is being recommended by the Housing and Health Department to enable the dredging works to occur in 2006/07.</p> <p>Legal:</p> <p>Unless the present state of the lake and /or its surrounding footpaths etc. is such that danger to health or injury / flooding could arise there are no legal implications</p> <p>Risk Management:</p> <p>There are no specific risks from an Environmental Health perspective connected with the lake; though obviously as a balancing lake associated with a major trunk road it will always be subject to the possibility of certain forms of pollutants on occasion affecting water quality. Therefore, members of the public who engage in activities in and around the lake like angling should exercise care and follow normal hygiene precautions against infection. There are no risks associated with the improvement works. The proposed dredging/de-silting works will be subject to full risk assessment with the silt removed either to a registered landfill site or another suitable, authorised location.</p>	

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

As this report does not concern a new or revised policy there are no specific adverse impacts insofar as this report is concerned.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals.

The planned improvements include lighting and gating. These are funded from the Office of the Deputy Prime Minister - specifically for works to combat anti-social behaviour.

Recommendations

The Assembly is asked to note:

1. The petition and the current position with regard to the improvements planned for Padnall Lake and Green; and
2. A capital bid of £100,000 for dredging and removal of the silt build-up at Padnall Lake is to be made for the 2006 / 2007 financial year.

Reasons

Padnall Lake has to be dredged sometime in the near future. Dredging at this stage would compliment the other landscape and water quality works that are occurring in 2005 / 2006.

There is a possibility that with the improvements around the lake and then dredging the silt, that a recreational fishing lake similar to Valence House Moat could be established, allowing for greater community involvement.

Once the silt is removed, Padnall Green could be transferred to Leisure and Community Services, where the vision is to turn it into a Nature Reserve. Currently it is a difficult asset to maintain for Housing and Health Department, as it does not fall under their core objectives.

Contact Officer: Derek Barclay	Title: Neighbourhood Management Co-ordinator - Wellgate	Contact Details: Tel: 020 8270 6983 Fax: 020 8270 6963 E-mail: derek.barclay@lbbd.gov.uk
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1. Introduction and Background

1.1 A petition was submitted on 12 July 2005 expressing the following:

- concern about the “quality of water” at Padnall Lake (a balancing pond on the Marks Gate housing estate);
- requesting that repairs / improvements be carried out to the paths and area surrounding the lake (an area known generically as Padnall Green);
- asking for immediate action to use the “grant money” (Big Lottery Fund and others) to carry out the promised improvements; and
- action to protect the wildlife on and around the lake.

1.1.1 This petition had 165 signatories; the lead petitioner Ms Patricia Stern subsequently has handed in details of a further 47 names.

1.1.2 Individual additional comments were invited on the petition forms. These relate to issues of:

- anti- social behaviour – chiefly involving off-road motor bikes;
- littering of the lake itself and of its environs;
- there are requests for more formal management (e.g. like a licensed club) for angling: a popular, unregulated activity at the lake at present;
- the need to dredge (de-silt) the lake – several speak of unpleasant smells.

1.2 Padnall Lake is what is referred to as a ‘balancing lake’ or pond. Covering an area of 4000m², Padnall Lake’s primary function is as a flood storage basin as part of the local land-drainage system. The water draining into the lake comes partly from the nearby roads [principally the main trunk road, the Eastern Avenue (A12) and therefore likely to be contaminated to some extent by oil and heavy metals]; and from the Marks Gate estate. The lake transferred to Barking and Dagenham (from Redbridge) in 1994 under Boundary Commission changes. Because as a drainage facility it serves the mainly Council-owned Marks Gate housing estate, it was decided at the time of the transfer that the lake would be the responsibility of the Housing Revenue Account (HRA) for ongoing maintenance. The HRA continues to pay for regular maintenance like grass cutting of the banks, baiting the island for rats, regularly removing litter and larger items dumped in the lake etc.

1.3 The lake has a rather artificial look about it through its bank construction with concrete revetment blocks. The north side of the lake is a more formal, relatively intensively managed landscape, associated with the residential areas (the beginning of the Marks Gate estate) that define the northern boundary. The south side of the lake has a more informal ‘semi-natural’ character (including an orchard area of pear trees) and grassed-mounds that shelter the lake from the A12 which defines the southern boundary. A small elongated island lies in the centre of the lake at its eastern end: the banks supported by upright timber posts. There are a variety of aquatic plants around the lake; at times, concentrations of wild-fowl; carp (some of reasonable size) live in the lake; and it is popular with local people for fishing and as an informal recreational facility.

- 1.4 In October 2001 the Lake and Watercourse Management Plan commissioned by the then Department of Leisure & Environmental Services carried out an engineering survey of the lake and recommended the introduction of higher aquatic plants and reeds (to improve both the visual quality of the lake, increase habitat diversity and improve water quality); bank-side planting (also to improve the visual quality); and repairs to the island to assist the waterfowl. The report also commented on the phenomenon of the lake acting effectively as a settling lagoon, leading to a growing problem with siltation and suggesting that if funds were available, the lake should be dredged to remove the build-up of silt.
- 1.5 Following this report, the project to improve Padnall Lake as a recreational facility for the local community was taken on board by Marks Gate Agenda 21 Neighbourhood Partnership. The suggested improvements form an important part of the Neighbourhood Action Plan for the Padnall Green part of Marks Gate.
- 1.6 An opportunity arose in March 2002 to bid to the Lottery's New Opportunities Programme (now called Big Lottery Fund) under the Transforming Your Space (TYS) strand. The Neighbourhood Renewal Steering Group on behalf of the Barking and Dagenham Partnership took the lead in deciding areas within Barking and Dagenham to be included in the bid – with three areas successful in obtaining TYS funding: Parsloes Park; Goresbrook Park (replaced by Old Dagenham Park); and Padnall Green (principally the lake). Groundwork East London was appointed to carry out the necessary consultation and project manage the improvement packages to be delivered. The Padnall Lake project began in March 2003 and works are to be completed by March 2006.
- 1.7 The progress of the project throughout has been reported back to the Marks Gate Agenda 21 Neighbourhood Management Environment Sub-group (which has acted effectively as the steering group for the Padnall Green project); and regular updates have been given to the Wellgate Community Forum.

2. Current Position

- 2.1 In addition to the £81,360 Lottery (TYS) funding, Groundwork East London were successful in obtaining a further £36,000 from the Gate It (ODPM) and £7,000 from SRB6. This SRB funding has already paid for improved lighting in the area.

The following works are to be carried out.

2.2 Lake

Aim: to improve the quality of the water and create a more 'naturalised' bank. Stone gabions will be used to create planting zones along the beaches to allow emergent vegetation to be planted. Coir rolls will be attached to the island banks. Stone gabions will be used to create a reed bed around the outfall.

2.3 Footpaths

Aim: to create a recreational route around the lake that is Disability Discrimination Act compliant. Existing footpaths will be widened and resurfaced in a material that is both appropriate to the setting and provides a safe walking surface. Motorcycle barriers will be installed to deter illegal motorcycle use.

2.4 Orchard

Aim: to create a social focal point. A new fence and signs will be erected to help protect the area from dogs and motorcycles. More fruit trees will be planted. Seats and litter bins will be installed.

2.5 Mounds

Aim: to reduce the impact of the A12 and increase biodiversity. The south side of the mounds will be planted with native trees and shrubs which will tie in with existing native hedgerow.

2.6 Vehicle access to allow dredging and other maintenance

Aim: to create a vehicle access off the A12 for maintenance and dredging purposes. The existing gate off the A12 will be retained and the access road will be reinforced to withstand loadings of the dredging machinery. Where necessary lamp standards will be relocated to allow access to all necessary areas for maintenance of silt traps / filters and for dredging / de-silting.

2.7 Existing trees

Aim: to ensure the continued survival of the existing tree stock and maintain public safety. All mature and semi-mature existing trees will be surveyed by an arboriculturalist. Any necessary works to dead, dying or diseased trees will be carried out. Non essential crown lifting and thinning work will be carried out to improve visibility and increase light levels. Some lopping of trees required also to allow access for future dredging.

2.8 New planting

Aim: to improve the spatial structure of the site and increase biodiversity. New trees and shrubs will be planted across the site.

2.9 Northern (Marks Gate estate) residential boundary

Aim: to soften the interface with the lakeside amenity landscape and the residential boundaries. Shrubs and climbers will be planted in front of blank walls gables and fences where appropriate.

2.10 Southern (A12) boundary

Aim: to reduce the impact of the noise and visual impacts. The existing native hedgerow will be managed and reinforced where necessary.

2.11 Other

Aim: to improve the amenity qualities of the space. Seats, litter bins and dog bins will be installed. Educational and interpretative signage will be installed. Restoration of existing railings will be investigated.

2.12 These works have been arrived at following considerable community consultation including:

- Survey carried out in May –June 2004
- Workshop held on site with children from Marks Gate Junior School in July 2004
- A series of Workshops for interested members of the community (including young people) held in July-August 2004
- Young People’s Work-day in October 2004: installing a nature trail
- Party at the Lake and Community tree planting at the lake both in October 2004
- Over 200 members of the community actively participated in this period of consultation. Others kept fully informed by newsletters.

After this period of consultation these final plans / priorities for the Lake / Green were passed into the hands of Groundwork East London’s Landscape Architects.

2.13 The funding breakdown for the project is as follows:

Big Lottery Fund (TYS)	£ 81,360
Gate It	£ 36,000
LBBB Parks and Green Spaces Capital	£ 25,000
LBBB Housing and Health Capital	£ 25,000
LBBB Lakes Management Revenue	£ 50,000
SRB6	<u>£ 7,000</u>
Total	<u>£224,360</u>

3. Report Detail

- 3.1 The petition calls for immediate action to use the “grant money” to carry out the promised improvements and to repair the paths etc. As 2.2 to 2.11 inclusive above details, these works are planned and will be carried out from January 2006 to March 2006. The works will address issues like curtailing the use of motor-cycles around the lake area; and by providing bins, seating and other improvements will improve generally the area for recreational purposes (e.g. fishing). Several of the environmental improvements will assist in protecting the local wildlife: e.g. waterfowl benefiting from works to the island; aquatic planting helping with water quality etc.
- 3.2 The lead petitioner Ms. Stern has become a member of the Marks Gate Agenda 21 Neighbourhood Partnership Environment Sub-group alongside Ward Members; and has been involved since the submission of the petition, in a number of meetings with all concerned parties; so is completely up-to-date with these works and the proposed time-scales / timetable.
- 3.3 It is fair to say, therefore, that the one issue remaining outstanding from the petitioners’ point of view is the dredging of the lake to remove the build-up of silt.
- 3.4 In order initially to address this problem, as part of the current package of works, LBBB Borough Engineers department are to fund and carry out the renewal of the silt-trap at the main western inflow; also de-silting the catchment-pit in that area. The cost of this work is £15,000.

- 3.5 The larger task of dredging the rest of the lake and removing the build-up of silt to land-fill has been estimated to cost a further £150,000. There are two stages in getting this done: firstly the works described in 2.6 and 2.7 above need to be carried out to allow future access on site for the machinery needed to carry out the dredging and for vehicles to remove the silt (completion by March 2006). It will then be necessary for a full dredging operation to take place including the removal of the silt to registered land-fill.
- 3.6 The petition holder states that due to the lake not being regularly de-silted that wildlife such as herons and bats have moved away from this site.
- 3.7 £50,000 is available from the Lake Management revenue budget as a contribution towards the cost of de-silting the lake. A new capital bid from Housing and Health is recommended to ensure that money is made available for the dredging to occur as soon as possible.
All other external funding avenues have been explored, but none have been found to be suitable for this work.
Efforts are being made to find alternative places to dispose of the silt: as the land-fill charges / taxes constitute a third of the potential cost of the project. Options include the Marks Gate Cemetery extension scheme; and discussions with Redbridge Council about using immediately adjacent land that remains in that Local Authority's ownership.

4. Consultees

4.1 Councillors

Ward Members: Cllr Ron Curtis; Cllr Terry Justice; Cllr Nadine Smith
Lead Member for Housing & Health: Cllr Liam Smith
Chair of Wellgate Community Forum: Cllr John Denyer

4.2 Officers:

Gavin Flynn - Project Officer (Transforming Your Space programme)
David Dare – Engineering Manager - Regeneration and Environment Department
Rob Williams – Health Improvement Unit Manager - Housing and Health Department
Jim Ripley - Head of Landlord Services - Housing and Health Department
Alan Aubrey - Head of Leisure and Community Services - Regeneration and Environment Department
Robin Hanton – Solicitor to the Council
Colin Rigby – Finance Manager – Housing and Health Department
Lee Russell and Russell Sawers - Central Finance and CPMO

4.3 External organisations

Sarah Axtell (Groundwork East London)
Rev. Roger Gayler (Chair- Marks Gate Agenda 21 Neighbourhood Partnership)

Background Papers Used in the Preparation of the Report:

- Marks Gate Agenda 21 Meetings: full Board and Environment Sub-group 2003 to present
- Lake and Watercourse Management Plans – May 2001
- Basic Wildlife Survey of Padnall Lake (WWT Wetlands Advisory Service) – October 2004

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THE ASSEMBLY

2 NOVEMBER 2005

REPORT OF THE DIRECTOR OF HOUSING AND HEALTH

<p>Title: Petitions for better security and lighting on the footbridges between 1) Ripple Road and Sparsholt Road and 2) St Awdrys / Essex Road and Salisbury Road and 3) other footbridges in the Barking area.</p>	<p>For Information</p>
<p>Summary:</p> <p>Two petitions have been received. One with 242 signatures (238 from different households) asking for better lighting for the footbridge linking Ripple Road and Sparsholt Road; and one with 367 signatures (325 from different households) raising concerns regarding assaults, muggings and the lack of safety and asking for CCTV and improved lighting on the footbridges linking St Awdrys, Essex Road and Salisbury Road.</p> <p>This report is submitted in accordance with Article 2, paragraph 15 of the Council's Constitution which requires petitions, which contain more than 50 signatories from separate households, to be reported to the Assembly, together with details of action taken or proposed.</p> <p>Wards Affected: Gascoigne and Eastbury</p>	
<p>Implications:</p> <p>Financial:</p> <p>Network Rail is responsible for the maintenance and security of these footbridges.</p> <p>Legal:</p> <p>The council is unable to carry out work on the bridges without the consent of network Rail.</p> <p>Risk Management:</p> <p>These footbridges are vulnerable to crime especially robbery and assaults. Adding mirrors, better lighting and other security measures would be an effective deterrent against these crimes. The quality of life and fear of crime for the residents is directly affected by whether these measures are put into place.</p> <p>Social Inclusion and Diversity:</p> <p>The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.</p> <p>As this report does not concern a new or revised policy there are no specific adverse impacts insofar as this report is concerned.</p>	

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals.

In relation to this report there is a direct link with crime and disorder. Local residents currently feel the bridges are too dangerous to use both by adults and children, therefore making parts of the Borough inaccessible. The security measures are required on the footbridge to prevent and deter crime and disorder and reduce the fear of crime for the residents. The footbridges are the property of Network Rail and the council has no jurisdiction on them without the permission of Network Rail.

Recommendations

The Assembly is asked to note that

1. The actions taken to date;
2. The Council will continue to put pressure on Network Rail to improve the security on the footbridges; and
3. The Council is seeking legal advice to establish what action the Council can take in respect of the footbridges.

Reason

To assist the Council in achieving its Community Priority of "Making Barking and Dagenham Cleaner, Greener and Safer".

Contact Officer:

Teresa Munro

Title:

Deputy Community
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E-mail: teresa.munro@lbbd.gov.uk

1. Introduction and Background

1.1 The council has received two petitions, both requiring enhanced security on two specific footbridges in the Barking area.

1.2 The first petition from residents states:

'Recent activity on and around the pedestrian footbridges at St Awdrys Road/Essex Road and Salisbury Avenue Barking has heightened the fears of local people regarding their personal safety when using the footbridges. As these footbridges provide the principle pedestrian access to the Town Centre, Barking station and several schools we, the undersigned, request that the council work with other responsible agencies to improve the security of and lighting on the bridges.'

- 1.3 The second petition from local residents states:
'Better street lighting on footbridge for Ripple Road and Sparsholt footbridge'.
- 1.4 The footbridges are the property of Network Rail.
- 1.5 In view of the issues raised a meeting was held on Thursday 14th April 2005 involving the lead petitioners, Police, Local Authority, British Transport Police, Transport for London and Network Rail.
- 1.6 Network Rail failed to attend the meeting or send any apologies.
- 1.7 The lead petitioners raised concerns on muggings, assaults, antisocial behaviour, and fear of crime, graffiti and cleanliness on and around the footbridges. Full discussion took place and the following action points were agreed:
- Street wardens to patrol the areas.
 - Police Community Support Officers to be tasked to the areas.
 - The street cleansing team will continue to clean the area including the bridges.
 - Contact to be made with Network Rail and a further meeting to be arranged.
 - British Transport Police to carry out a formal crime reduction survey for the areas.
- 1.8 Copies of the petitions were sent to Network Rail and continuous efforts were made to engage with them.
- 1.9 A further meeting was held on Wednesday 6 July 2005 involving the lead petitioners, Ward Councillors, Council Officers, Network Rail and Transport for London.
- 1.10 The agreed actions from that meeting were as follows:
- Network Rail's Route Crime Team to carry out site visits to the bridges and complete an assessment / gap analysis report of their findings.
 - The report to be forwarded to the Council and Transport for London who will then meet with Network Rail and formulate an action plan.
 - Network Rail's team of liaison officers to contact the council to arrange 'rail awareness' sessions in schools.

2. Current Position

- 2.1 No report has been received from Network Rail.
- 2.2 The Police 'Safer Neighbourhood' Team are patrolling in the areas of the footbridges and on going police operations are being conducted in the area.
- 2.3 Street Wardens are patrolling the areas and liaising with the petitioners.
- 2.4 Incident log sheets have been issued to the lead petitioners to monitor incidents.
- 2.5 The street cleansing team are cleaning the bridges.

- 2.6 British Transport Police have conducted a crime survey for the eastern end of the District line – this is not specific to the two footbridges cited in the petitions.
- 2.7 Network Rail has made contact once with the Council since the meeting held on 6 July via e-mail on 9 August 2005 and gave the following update:
- The lighting meets the required levels.
 - The type of caging used on the footbridges is a reflection of the level of trespass and vandalism incidents recorded by the police and is necessary to protect trains and workers.
 - Details of the contact for their 'External Liaison Officers' who will provide 'rail awareness' session in schools.
 - With regards to enhancing security on the footbridges by improving lighting or the installation of CCTV a jointly funded scheme may be possible, however, this would be dependant upon the cost of the scheme given Network Rail's need to prioritise on anti-trespass and vandalism resources.
 - Their 'Maintenance Delivery Unit Manager' will assess the security levels on the footbridges and they have proposed a meeting between the Council, London Underground Limited (LUL) and themselves to discuss the issue further.
- 2.8 No further contact has been received from Network Rail until 12 October. The following update was given:
- The type of caging used on the footbridges in question - particularly the density of the wire mesh - is a specific response to the level of trespass and vandalism incidents recorded and the need to protect trains and track workers alike. The lighting also meets the required level.
 - Network Rail is committed to enhancing security in and around station environs. The footbridges in question have not been flagged by British Transport Police as hotspots. Their maintenance teams therefore target resources at crime hotspots in an effort to enhance security.
 - Regarding Network Rail's suggestion to improve the security of the footbridges (e.g. lighting or the installation of CCTV) by a jointly funded scheme, following discussions with their maintenance team, such resources are being targeted in areas with higher levels of recorded crime at present.
 - Apologies were given for the delay in responding to recent e-mails, this was due to annual leave commitments and is not a reflection upon the seriousness Network Rail attaches to issues of safety and security.
- 2.9 The Council will continue to put pressure on Network Rail to improve the security on the footbridges.
- 2.10 Legal advice is being sought to establish what action the Council can take on the footbridges.

3. Report Detail

- 3.1 Crime has been monitored within a 200 metre radius of the two footbridges for two timescales, year on year. The four and half months prior to the first meeting of 14 April 2005 and the four and a half months after that meeting. The table below shows the figures.

St Awdry's Rd/Essex Road/Salisbury Avenue Footbridge				
Recorded Crime/Disorder	From 1 st Dec 04 to 14 th Apr 05		From 15 th Apr 05 to 31 st Aug 05	
	03/04	04/05	2004	2005
Violence Against the person	5	5	5	12
Sexual Crimes	0	1	0	1
Street crime	7	4	1	6
Antisocial Behaviour	6	9	15	10
Total	18	19	21	29

Sparsholt Road /Blake Avenue Footbridge				
Recorded Crime/Disorder	From 1 st Dec 04 to 14 th Apr 05		From 15 th Apr 05 to 31 st Aug 05	
	03/04	04/05	2004	2005
Violence Against the person	9	3	6	10
Sexual Crimes	0	1	0	0
Street crime	2	1	3	3
Antisocial Behaviour	1	2	2	1
Total	12	7	11	14

3.2 The figures show that crime and disorder, especially violent crime and street crime, are increasing in both areas.

3.3 Investigations have taken place regarding CCTV. A site visit by Council officers has identified that it would be impractical to site any cameras on the actual footbridges. If the cameras are located above the cages their view would be obscured by the density of the caging. If they are placed inside the caging they will be easily accessible and liable to be vandalised. However, there are poles to facilitate cameras on the footpaths either side of the footbridges. The council has identified two costs for the installation of CCTV using these poles in both areas. The quotes include a third footbridge which runs next to Essex Road / Salisbury Avenue.

The first quote is for installing mobile cameras which the council already possesses. These cameras are moved around the Borough as and when hot spot areas are identified. These would not be a permanent fixture. The installation cost to enable the mobile cameras use in these areas is £5,000.

The second quote is to install permanent cameras on each footpath either side of the footbridges at a cost of £55,000.

Currently no budget has been identified to facilitate either process.

4. Consultees

- 4.1 Graham Stark – Metropolitan Police
Stuart McVernon – Network Rail
Carl Horseman – Transport for London
Paul McQuillam – British Transport police
Teresa Parish – DRE
Alex Anderson – DRE Finance
Lee Russell – CS finance
Muhammad Saleem – CS legal
Naomi Goldberg – CS policy and performance
Colin Beever – DRE corporate estates
Jeff Elsom – DHH community Safety
Darren Henaghan – DHH Head of Service
David Woods – DHH Director

Background Papers Used in the Preparation of the Report:

- Minutes of the meeting held on Thursday 14 April 2005
- Minutes of the meeting held on Wednesday 6 July 2005
- Petitions

THE ASSEMBLY

2 NOVEMBER 2005

REPORT OF THE DIRECTOR OF HOUSING AND HEALTH

Title: Petition Regarding Payment for Private Dog Patrols on the Gascoigne Estate	For Information
<p>Summary:</p> <p>Following consultation and a positive response from residents, a Dog Patrol was introduced on the Gascoigne Estate. A petition was received in February 2005 requesting the charge of £2.00 per week to be removed. This report outlines the discussions held with the Lead Petitioner and Ward Members and provides an update on the current position.</p> <p>Wards Affected: Gascoigne</p>	
<p>Implications:</p> <p>Financial:</p> <p>The budgetary restrictions would not permit the provision of an additional service without a charge to residents.</p> <p>Legal:</p> <p>No legal implications.</p> <p>Risk Management:</p> <p>To remove the charge for this additional service and continue with the provision would impact on budgets.</p> <p>Social Inclusion and Diversity:</p> <p>As this report does not concern a new or revised policy there are no specific adverse impacts insofar as this report is concerned.</p> <p>Crime and Disorder:</p> <p>Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals.</p> <p>Statistics show crime on the Estate has fallen following the introduction of the dog patrol service.</p> <p>Reports of anti social behaviour have also indicated that the Patrol has had an impact on incidents.</p>	

Recommendation		
The Assembly is asked to note this report.		
Reason		
To assist the Council in achieving its Community Priority of <i>"Making Barking and Dagenham Cleaner, Greener and Safer"</i> .		
Contact Officer: Joan Prior	Title: Community Housing Manager	Contact Details: Tel: 020 8227 3820 Fax: 020 8227 3899 E-mail: joan.prior@lbbd.gov.uk

1. Introduction and Background

- 1.1 In December 2002, following consultation with residents and Ward Members of the Gascoigne Estate, a Mobile Security Patrol was employed to patrol the Estate between 5 p.m. and 1 a.m., 365 days a year. This was one of many measures used to address residents concerns of increased acts of anti social behaviour by groups of young people gathering on the Estate. The cost of this service was met from existing budgets and was also supported by a donation of £24,000 from the Neighbourhood Renewal Fund.
- 1.2 When funding ran out, all residents of the Estate were consulted regarding the continuation of the Mobile Patrol, with a charge of £2.00 per week per household, which would include an extended responsive service based in the St Marys Concierge Unit. Of those residents who responded, the majority were in favour of the patrol continuing.
- 1.3 Following the introduction of the charge, a petition was received requesting the charge be waived. Officers and Ward Members met with the main petitioners and explained the reasons for the Service Charge. The petitioners were also advised that further consultation would be carried out following the introduction of the responsive service. The representatives of the petitioners accepted this proposal.

2. Current Position

- 2.1 The patrol has now been in operation for almost 3 years. In July 2005 the new responsive service was introduced and feedback regarding this service has been very positive. The patrol is supported by the Police (a copy of a letter from the Police is attached as Appendix 1), who are left to deal with more serious incidents in the area.
- 2.2 The petition requested the charge of £2.00 per week to Gascoigne Estate residents be waived. At the meeting with the main petitioner and Ward Members it was agreed to re-consult residents as to the continuation of the patrol funded via a service charge.

3. Future Proposal

- 3.1 A further consultation with residents will be undertaken and a review of the provision will be carried out following that process.

4. Consultation

- A consultation letter to 2,300 residents on the Estate.
- Discussions with Police.
- Discussions with Ward Members.
- Meeting with Petitioners.

Background Papers Used in the Preparation of the Report:

- Previous report to the Executive regarding the introduction of Service Charges for Council tenants – Mobile Security Patrol.
- Dog Patrol records.
- Results of consultation.

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Appendix 1

Your reference: .

Our reference: .

Date: 17 October, 2005

Mrs Jan Suggate
Housing Office
127 Ripple Road
Barking
Essex

Metropolitan Police Service
Barking Police Station
6 Ripple Road
Barking
Essex,
IG11 7NF

Tel: 0208 217 5604

Dear Jan

I have been asked to comment on the effectiveness of the Private dog warden Service the Council have employed to patrol the Gascoigne Estate, and The Linton's area of Barking.

It is difficult for me to evaluate the effectiveness of a service we have minimal contact with. The information sharing policy we developed with them to submit intelligence to us has not been used, so I cannot state they have supplied us with useful information.

I am aware of a number of incidents on the estates that they have attended and defused situations. Residents on the estates feel safer by the presence of the patrols. They are seen on the estates in the evenings and regularly patrol the stairwells of the tower blocks

As you are probably aware over the last few years crime on the estate has fallen. In January 2005 we introduced a safer neighbourhood team of 1 Police Sergeant, two Police Constables and 5 police Community Support officers onto the estate.

Undoubtedly both the presence of the Safer neighbourhood team and the private dog service is having an impact.

Yours Faithfully

Ivan Hayes

Community Inspector

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THE ASSEMBLY
2 NOVEMBER 2005
REPORT OF THE EXECUTIVE

THE EXECUTIVE - RECENT BUSINESS	FOR DECISION	
<p>Summary</p> <p>This report sets out a recommendation made by the Executive at its meeting on 11 October 2005.</p> <p>London Thames Gateway (Urban) Development Corporation: Proposed Planning Service Agreement</p> <p>The Executive received a report on the outcome of negotiations with London Thames Gateway Development Corporation (the 'Urban Development Corporation' (UDC) in respect of the working relationship between the Council and the UDC on planning matters, in the light of the transfer to the UDC of local planning authority responsibilities for specified developments in certain areas of the Borough with effect from 31 October 2005.</p> <p>Recommendation</p> <p>The Assembly is recommended to agree that Section E of the Council's Scheme of Delegation (Part C of the Constitution) be amended to include an additional responsibility to enable the Development Control Board to consider officer reports to the UDC Planning Committee.</p>		
<p>Contact: Alan Dawson</p>	<p>Democratic Services Officer</p>	<p>Tel: 020 8227 2348 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: alan.dawson@lbbd.gov.uk</p>

Background papers used in the preparation of this report:

Public report and Minute 149 "London Thames Gateway (Urban) Development Corporation: Proposed Planning Service Agreement" - Executive 11 October 2005.

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THE ASSEMBLY

2 NOVEMBER 2005

REPORT OF THE STANDARDS COMMITTEE

Title: Report of the Standards Committee meeting of 8 September 2005	For Decision
<p>Summary:</p> <p>The following business which requires Assembly approval was carried out by the Standards Committee at its last meeting of 8 September 2005.</p> <ol style="list-style-type: none"> 1. Annual Review of the Guide for Members' Use of Council Resources, Facilities and Equipment <p>The Committee received a report outlining minor changes to this Guide.</p> <ol style="list-style-type: none"> 2. Protocol re: Member and Employee Relations <p>This report reviewed and updated the Council's Member and Employee Relations Protocol.</p> <ol style="list-style-type: none"> 3. Planning Code of Conduct <p>The Committee received a report proposing a "Planning Code for Members" for suggested adoption by the Assembly. The key objectives of the Code are to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge.</p> <p>Wards Affected: None</p>	
<p>Recommendations</p> <p>The Assembly is recommended to approve:</p> <ol style="list-style-type: none"> 1. The changes to the Guide for Members' Use of Council Resources, Facilities and Equipment (Appendix A); 2. The amended Member and Employee Relations Protocol (Appendix B); and 3. The adoption of the Planning Code of Conduct (Appendix C). <p>Please note that Appendix A and B includes only those pages from the Guide and Protocol where changes have been made; amendments to these pages are indicated in bold type.</p>	

Reasons

The suggested changes clarify the application of these guidance documents. In the case of the Planning Code of Conduct, adoption will ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Contact Officer: Councillor R Curtis	Title: Chair of the Standards Committee	Contact Details: Tel: 020 8590 9005 E-mail: rcurtis@barking.dagenham.gov.uk
John Barry	Democratic and Electoral Services	Tel: 020 8227 2352 Fax: 020 8227 2171 Minicom: 020 8227 2685 E-mail: john.barry@lbbd.gov.uk

Background Papers Used in the Preparation of the Report:

Minutes of the Standards Committee, 8 September 2005

**EXTRACT FROM THE
GUIDE FOR MEMBERS' USE OF COUNCIL RESOURCES,
FACILITIES AND EQUIPMENT**

Telephones

You are expected to use your own private telephone(s) for Council business at your expense. This includes mobile telephones. If you feel that your Council position warrants a mobile telephone, or other similar equipment, you should purchase your own, again at your own expense including all call costs.

If you have a Council computer and associated telephone handset you can receive incoming business calls on that line – see the relevant section later.

A Council mobile telephone ~~will be kept in the Mayor and Deputy Mayor's cars~~ **will be made available** for their **Council** use **by the Mayor and Deputy Mayor** when attending **Mayoral** functions for the purpose of, for example, contacting the driver when ready to leave.

Council computers and associated telephone lines

You may:

- use the telephone line but only for incoming calls and outgoing faxes;
- use the computer as much as possible to reduce the number of hard copies of documents; and
- use the computer for personal e-mails, and the Internet for personal as well as Council purposes, provided they are accessed through the Council system as installed by the I.T. system. This means that access should be by clicking on the Outlook icon, or the Internet Explorer icon. This provision is on the basis that such personal use is not excessive and would not place in doubt the integrity of the Member.

You should:

- take advantage of relevant training to advance computer skills;
- be aware that e-mail usage is monitored as part of the Council's security policy (consider e-mail as no more private than something which is mailed through the post);
- be aware that websites visited are also monitored (if you accidentally connect to a site containing sexually explicit or other offensive material, let the Information Technology staff know so they can block access. Most of these sites should already be blocked);
- call the Help Desk if you cannot resolve any technical difficulties, or Members' Services for any general advice;
- log off the computer when not in use for financial and safety reasons;
- take reasonable care not to allow family or friends access to any personal data about constituents or any confidential information;
- record details of any fax calls in case of later query; and
- note that details of any bills which are considered to be excessive will be brought to the attention of the Chief Executive who will liaise with the Member concerned as to usage. If necessary reimbursement will be asked for from the Member for any exceptional personal usage costs. (See the section on 'Breaches of this Guide' towards the end of the document).

You should not:

- **use your computer to access undesirable web sites. These include sites containing information of a pornographic, sexist and racist nature.**
- use the telephone line for outgoing calls; or
- expect to be granted access to computer based systems containing personal data.

EXTRACT FROM
PROTOCOL RE: MEMBER AND EMPLOYEE RELATIONS

WHAT MEMBERS CAN EXPECT OF EMPLOYEES

Members can expect employees:

- To do their job effectively and efficiently
- To strive to provide services which offer best value
- To behave in a manner which accords with the standards set by the Council
- To be helpful, respectful and courteous to Members
- To assist Members in carrying out their role as Members of the Council in connection with Council business (they cannot, however, assist with party political or campaigning activity, or with private business)
- To deal with Members' enquiries fairly and efficiently
- To be open and honest with Members. To tell the whole story, giving any bad news as well as the good.
- To keep Members well informed
- To work with all Members equally and fairly
- To act lawfully
- To give advice or recommendations based on reasoned options
- To ensure that Members have all the information necessary to make informed judgements **in a timely fashion and presented in a way which is easy to understand in accordance with Plain English guidance wherever practicable**
- To maintain confidentiality where it is proper for them to do so
- Not to canvass Members or otherwise seek to gain favour from them for personal or career advantage
- To have regard to social hours and generally to be sensible about contacting Members at potentially inconvenient times, unless in an emergency or otherwise agreed
- **Not to raise personal issues related to their employment with Members.**

WHAT EMPLOYEES CAN EXPECT OF MEMBERS

Employees can expect Members:

- To accept that employees are accountable to their Manager
- Not to become involved in the day to day management of the Council
- To fully consider advice and recommendations for the purpose of making informed judgements
- Not to ask employees to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job
- Not to exert influence or pressure, or request special treatment, because they are a Member
- Not to request unauthorised access to resources or information held by the Council
- Not to attempt to intervene in case management nor attempt to delve into the personal details of individuals and families
- To accept that employees act independently of political bias
- To treat employees in a reasonable manner **and with respect**
- To be open and honest with employees
- To act lawfully
- To maintain confidentiality when appropriate to do so
- To respect that employees have private lives and not to contact them outside normal working hours, or at home, unless in an emergency, or if the employee is officially working from home, or otherwise agreed.

FAMILIARITY, FRIENDSHIPS AND RELATIONSHIPS

Close personal familiarity, in the office or at meetings, between individual Members and employees should be avoided as this can damage working relationships and prove embarrassing to colleagues on both sides. In particular, it could bring into question an employee's ability to deal impartially with other Members, and vice-versa.

However, it is recognised that personal, family or business relationships or friendships will exist between some Members and employees. These should be made known by a Member to the Leader of the party group (or another Member of the group if so designated as the contact point), and by an employee to their Director - for their information. The Director will inform the Chief Executive and the Head of Human Resources.

Persons engaged in such friendships or relationships should take special care not to seek, or be seen, to influence their positions through their respective friend or partner. Name dropping to seek advantage is totally unacceptable. People should also go out of their way to ensure that colleagues are not placed in an awkward or embarrassing situation as a result of a friendship or relationship.

A Member involved in a relationship or otherwise associated with an employee should declare an interest if, on any occasion, they are involved in decision-making directly related to the employee concerned, or the service in which they work. Where appropriate, they should seek to avoid being a member of a related meeting.

Certain informal gestures in a formal work setting may be innocently made but could be perceived by the recipient to be unwelcome or embarrassing. Such gestures should always be avoided. Similarly, jokes or pranks should be avoided.

Members must be careful never to become engaged in any matter related to an individual officer's employment [except through formal meetings when these are relevant]. Any officer attempting to raise such issues with Members should be advised to take the matter up with their manager and/or their trade union representative, and the Member should take no part in any discussion.

Members should not invite or encourage employees to partake in unofficial social activities, irrespective of whether this is outside normal working hours. This could be perceived by the recipient to be unwelcome and may result in them feeling obliged to become involved.

Note - This Code of Conduct has been designed to help Members in their deliberations at the Development Control Board, and is not meant to replace any other provisions in relation to discipline and standards that appear in the law and in the Council's Constitution.

Members Code of Conduct for Planning Matters

Introduction

The Council is the Local Planning Authority for Barking and Dagenham. In due course, the London Thames Gateway Urban Development Corporation will take responsibility for planning matters relating to major applications in its area of operation.

The Council's planning decisions must be taken with regard to policies contained in its adopted Development Plan (UDP), any supplementary planning guidance and any other material planning considerations. These decisions are made by Committees of elected Members (the Development Control Boards) and also by officers under delegated powers.

The Council's current Development Plan is the Unitary Development Plan which was adopted in 1995. However, recent changes to planning legislation require the production of a new Development plan, known as a Local Development Framework (LDF). The LDF must conform to Government Guidance and the London Plan. Until the LDF is formally adopted by the Council, planning decisions must be taken in accordance with policies contained in the adopted UDP, but should also recognise other material considerations such as Interim planning guidance, Government guidance and the London Plan.

Planning decisions should be taken with regard to the Council's policies, unless material considerations justify a departure. While many minor applications are dealt with by officers under delegated authority, as provided for under the constitution and as a requirement of government performance standards for planning, major schemes and those raising substantial objections are determined by the Development Control Boards.

This Members Code of Conduct for Planning Matters sets out the rules and procedures for the Council's Development Control Boards when determining planning applications and enforcement actions and considering site specific policy issues both in the lead up to and at a Development Control Board meeting. Our Code reflects the Council's Members' Code of Conduct, the advice of Local Government Ombudsman, the Standards Board for England and the Code of Conduct for Staff.

The law relating to the planning process obliges Members [of Development Control Boards](#) to act in a quasi-judicial and independent manner. They are required to consider planning applications and enforcement matters and site specific policy issues solely on their own merits, in line with published relevant policy.

The key objectives of this Code are:

- to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge
- to ensure that the role of officers, developers and applicants/members of the public are understood

To ensure these objectives are maintained all Members of the Council are advised to be familiar with the Code. If there are any concerns or lack of clarity about a planning matter advice will be readily available from Officers. This will help avoid potential conflicts of interest, which may occur from time to time. If there should be any risk of unresolved conflicts with this Code Officers have been instructed to raise their concerns with of the Chair of the Development Control Board, who will be asked to take appropriate action, including giving specific advice to Members.

The Code

1. How to avoid a conflict of interest and still assist your constituents

1.1 In making their decisions Members of Development Control Boards are required to have a neutral position on any application. This means they cannot be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Adhering to the following rules will ensure that public confidence in the Development Control Board is maintained and also serve to minimise the prospect of non-planning related matters clouding the judgment of Members. This is a requirement of the law and this guidance is aimed to assist Members in complying with this complex area of legislation and case law. Officers are always available to assist individual Members on these matters.

1.2 As their role is quasi-judicial, Members of the Development Control Boards must not be involved in the support of, or the opposition to planning applications or enforcement actions. This could be considered as “pre-judging” an application for permission or an enforcement action that may be considered by the Board. Similarly, Members of the Development Control Boards should not allow themselves to be influenced by members of the public and developers who might approach them and they should not be influenced by party politics or the views of other Members.

If Members of the Development Control Boards do have particularly strong views on a particular planning matter they should seek advice from the Solicitor to the Council and Monitoring Officer, the Director of Regeneration and Environment or the Head of Planning and Transportation in order to minimise any risk to themselves.

1.3 As decision-makers Members of the Development Control Boards, Members should neither be seen to be pre-judging the application, or to be influenced by those with whom they have a special relationship such as fellow Members, at any stage prior to determination. Members of Development Control Boards should similarly avoid making public statements as to their support of, or opposition to, any application. This could be considered to be pre-judging the proposal and as such, could bring into question whether Members are acting independently on the merits of the case.

1.4 If Members of Development Control Boards should receive lobbying material relating to potential applications, they should not respond and should forward it to the Council’s Development Control Manager. If such a Member is approached by an individual or an organisation in relation to a particular planning application on the agenda of an upcoming meeting, the Member should explain that they are unable to personally comment on the application but that the person or organisation may:

- Where the application is not yet on the agenda, write to the Planning Officer responsible for the particular application/enforcement action who will take into account any material planning considerations raised in the representations when preparing the report for the Development Control Board;
- Contact the Democratic Support Officer to request to speak at the meeting;
- Contact an alternative Councillor who is not a member of the Development Control Boards.

It is recommended that they may a written note of any approach made to them.

- 1.5** If a Development Control Board Member decides to become involved in organising the support of or opposition to a planning application, then that Member should accordingly declare an interest at the beginning of the meeting (see “*When to declare an Interest*” below) and remove themselves from the room when the Development Control Board is determining the item in question. By becoming involved in a planning application prior to the meeting other than to read the Planning Officer’s report and to attend a Site Visit accompanied by the Planning Officers, the Member risks forfeiting his or her right to take part in the discussion or vote on that particular item.
- 1.6** If Members [of Development Control Boards](#) are under any doubt as to whether they have expressed a view on a planning matter before going to the meeting, they should seek advice from the Solicitor to the Council and Monitoring Officer in advance of the meeting.
- 1.7** Ward Councillors who wish to make representations to the Development Control Boards should in particular note 1.2 and 1.3 on influencing other Members, 3.2 on Declarations of Interest and 6.3 and 6.4. If any doubt exists in a Member’s mind about possible personal or prejudicial interests they should seek advice from the Solicitor to the Council and Monitoring Officer in advance of the meeting.

2. When to declare an interest?

- 2.1** As outlined in the Council’s Members’ Code of Conduct, Members’ interests are broken down into two distinct categories: personal interests and prejudicial interests, the latter being the more serious interest. A Member may have a personal interest, but that interest may not be a prejudicial interest which would preclude them from participating in a discussion and voting on a particular item.

2.2 Personal Interest

In general terms, if a Member is aware that he/she or one or more of their relatives or friends has an interest (directly or indirectly, for example, through an organisation of which they are a member, or a company of which they are a director) in any matter before a Development Control Board and if the decision to be taken by the Members may be regarded as potentially affecting the well-being or financial position of that Member or one or more of their relatives or friends, then such a ‘personal interest’ must be declared before the matter is discussed, or as soon as it comes apparent to that member.

2.3 Prejudicial Interest

A Member with a 'personal interest' also has a 'prejudicial interest' in a matter if the interest is one, which **a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest.** In practice, it is more often than not, that a personal interest will be perceived by the public to be a prejudicial interest.

2.4 The Members' Code of Conduct sets out a number of exceptions to the above rule where a Member may regard them as not having a prejudicial interest, despite having a personal interest. Members are advised to be familiar with these provisions.

2.5 A common potential prejudicial interest arises where the Member resides near a development which is the subject of a planning application. While it is for the Member to judge, a useful rule of thumb is "will my enjoyment of my property be affected either positively or negatively by this application?" If the answer is in the affirmative, the Member should declare an interest and exclude themselves from discussion and voting on that item.

2.6 If any doubt exists in a Member's mind, they are advised to seek advice from the Solicitor to the Council and Monitoring Officer in advance of the meeting. In the final analysis, the duty to declare and the decision as to whether an interest should be disclosed rests with the Member, not with officers.

3. What to do when a prejudicial interest is declared?

3.1 A Member with a prejudicial interest must withdraw from the meeting as soon as it becomes apparent that the matter in which they have a prejudicial interest is being considered unless he/she has obtained a dispensation from the Council's Standards Committee. The Member must not participate in any discussion on the matter in the meeting or vote on or be present at the vote on that matter.

3.2 The rules relating to declarations of interest apply equally to Ward Councillors who may from time to time wish to attend a meeting of the Development Control Board and speak on a particular matter. Each Member who attends a meeting must make an assessment of whether they have an interest or not. If a Member has a prejudicial interest they must withdraw from the meeting room for the duration of the discussion on that item. This applies even if the Member was not intending to speak.

4. Decision-Making: Material Planning Considerations

4.1 Members of [Development Control Boards](#) should only consider the planning merits of an application as set out before the Development Control Board in determining whether or not to grant planning permission. Members are not to give weight to non-planning related matters that may be raised by members of the public.

- 4.2** Further, an applicant or objector may not raise any substantial new information at a meeting (including by way of correspondence, other documents, photographs or models) at the Development Control Board meeting without due notice or the consent of the Board. Any attempts by applicants or objectors (or their agents) to introduce such information in breach of this Code must not be taken into consideration by Members in arriving at their final decision.
- 4.3** Planning applications are considered with regard to the policies set out in the Unitary Development Plan, adopted in 1995 and subsequent Supplementary Planning Guidance. Applications must be determined in accordance with policy unless material considerations indicate otherwise. Material considerations include the site history, appeal decisions, Central and London Government Guidance. All these policies and factors must be weighed together before a decision at Development Control Board level is made.
- 4.4** If a decision of a Development Control Board appears to be made on other than planning grounds it could be open to legal challenge. If it is appealed, and a Planning Inspector or the Court decides the decision to be flawed, it may be overturned. This could have serious cost implications for the Council.
- 4.5** If the majority of Members on a Development Control Board make a decision which is contrary to the Planning Officer's recommendations, reasons for the decision need to be given. Officers will at this point outline to Members the implications of the decision they are making.

5. Site Visits Protocol

- 5.1** Members of [Development Control Boards](#) will not make any decisions or discuss the merits or otherwise of a case during the site visit but may seek clarification, particularly about the layout of the site, from the accompanying Planning Officers.
- 5.2** The Democratic Support Officer will record the time/date of the site visit, Members in attendance and any other relevant information.

6. Conduct at Meetings

- 6.1** Members of [Development Control Boards](#) who are not present throughout an entire item for whatever reason must refrain from participating in the discussion on that item and must not vote on it.
- 6.2** As this is a legal process it is vital that Members of [Development Control Boards](#) must be **seen** to act fairly – Members of [Development Control Boards](#) must not discuss, or appear to discuss, any matter with members of the public during the course of the meeting or in the lead up to it.
- 6.3** Members who are not members of the Development Control Boards may speak at a meeting with the agreement of the Chair. ~~Councillors~~ [Non-Development Control Board Members](#) should sit separately from the members of the Development Control Board and they should declare whether they have had any contact with the applicant/objector/property owner or their agents, and whether they are speaking on behalf of a third party, and if so, who.

- 6.4** Members who are not members of the Development Control Boards must not communicate with the Members in respect of any undetermined planning matter in any other manner than that described above in the lead up to or during the course of the meeting.
- 6.5** Use of political whips - Proceedings are quasi-judicial and can never be party political. Members can neither be whipped nor lobbied by other Members. Members are advised that any political group meeting prior to a Development Control Board meeting must not be used to decide how Members should vote on any one or more items. This is considered to be maladministration.
- 7. Breaching the Code**
- 7.1** Where a Member believes that another Member is in breach of the Code of Conduct, then they themselves have a duty to report this to the Solicitor to the Council (who is the Council's Monitoring Officer).
- 8. Training**
- 8.1** Members of the Development Control Boards should attend planning training organised by the Council and are strongly advised to do so.
- 8.2** Members are encouraged to attend any other specialised training sessions provided, since these will be designed to extend Members' knowledge of planning law, regulations procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist Members in carrying out their role properly and effectively.

(Contact Officer : The Council's Monitoring Officer - Tel. 020-8227 3108)

Standards Committee 8 September 2005
Assembly 2 November 2005