

London Borough of Barking and Dagenham

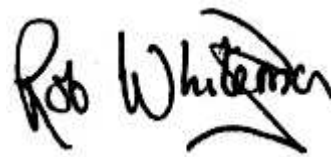
Notice of Meeting

ASSEMBLY

Wednesday, 5 December 2007 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor S S Gill
Deputy-Chair: Councillor J R White



R. A. Whiteman
Chief Executive

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AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 3 October 2007 (Pages 1 - 8)**
4. **Local Government Ombudsman - Annual Letter 2006/2007 (Pages 9 - 16)**

Tony Redmond, the Local Government Ombudsman, will present his annual letter for 2006/2007.
5. **Customer Service Presentation - Regeneration Department**

Presentation by Alan Lazell, Head of Skills, Learning and Enterprise.

- 6. Report of the Executive - Recent Business (Pages 17 - 24)**
- 7. Independent Members of the Standards Committee - Appointments and Terms of Office (Pages 25 - 26)**
- 8. Appointments**
- 9. Motions (Pages 27 - 28)**
- 10. Leader's Question Time**
- 11. General Question Time**
- 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 as amended).

- 14. NNDR Shared Service - Appendix A 1 (Pages 29 - 43)**
Concerns a financial matter (Paragraph 3).
- 15. Any confidential or exempt items which the Chair decides are urgent**

ASSEMBLY

Wednesday, 3 October 2007
(7:00 - 8:48 pm)

PRESENT

Councillor S S Gill (Chair)
Councillor J R White (Deputy Chair)

Councillor A Agrawal
Councillor R W Bailey
Councillor G J Bramley
Councillor Ms E Carpenter
Councillor J R Denyer
Councillor R W Doncaster
Councillor Mrs K J Flint
Councillor D Hemmett
Councillor J K Jarvis
Councillor J E McDermott
Councillor W W Northover
Councillor B Poulton
Councillor Mrs V Rush
Councillor L A Smith
Councillor D A Tuffs
Councillor L R Waker
Councillor Mrs M M West

Councillor J L Alexander
Councillor R J Barnbrook
Councillor R J Buckley
Councillor J Davis
Councillor Miss C L Doncaster
Councillor Mrs S A Doncaster
Councillor N S S Gill
Councillor I S Jamu
Councillor M A McCarthy
Councillor M E McKenzie
Councillor E O Obasohan
Councillor Mrs L A Reason
Councillor L Rustem
Councillor J Steed
Councillor G M Vincent
Councillor P T Waker

APOLOGIES FOR ABSENCE

Councillor Mrs S J Baillie
Councillor S Carroll
Councillor N Connelly
Councillor M A R Fani
Councillor S Kallar
Councillor Miss T A Lansdown
Councillor Mrs P A Northover
Councillor Miss N E Smith

Councillor W F L Barns
Councillor H J Collins
Councillor C J Fairbrass
Councillor Mrs D Hunt
Councillor Mrs C A Knight
Councillor R C Little
Councillor Mrs J E Rawlinson
Councillor Mrs P A Twomey

50. Declaration of Members' Interests

There were no declarations of interest.

51. Minutes (5 September 2007)

Agreed.

52. Petition: Asbestosis Victims' Memorial

Received a report on the action taken by the Council in response to a petition from the Barking and Dagenham Asbestos Victim Support Group requesting a memorial to

victims of asbestosis.

A number of Members spoke on the issue and it was also suggested that the location of the memorial should take into account the petitioners' wish for it to be in the area of the former Cape Asbestos Factory while also meeting the general desire for such a tribute to be sited in a location of fitting prominence.

Agreed to endorse the way forward agreed with petitioners' representatives to jointly commission a memorial to the victims of asbestosis at one of three potential sites in the Abbey ward.

53. Petition: Rippleside Cemetery

Received a report on the action taken by the Council in response to a petition entitled "Petition against the deterioration of Rippleside Cemetery".

The Corporate Director of Regeneration outlined the action plan agreed with petitioners' representatives to bring about the improvements being sought, a number of which have already been implemented, and the longer term arrangements for site monitoring and consultation with relatives.

Agreed to endorse the way forward agreed with petitioners' representatives.

54. 10th London Local Authorities Bill

Received a report on proposals to address environmental concerns of London Local Authorities that are to be promoted via a new London Local Authorities Bill. Noted the costs associated with supporting the Bill through the legislative process and the non-mandatory nature of any new powers.

Agreed to:

- (i) Support in principle the proposals contained within the 10th London Local Authorities Bill, as set out in the report; and
- (ii) The draft resolution as set out at Appendix I to these minutes.

The Divisional Director of Legal and Democratic Services also agreed to provide Members with further information relating to the decriminalising measures contained within the proposals.

55. Report of the Standards Committee - Changes to the Member and Employee Relations Protocol

Received a report on proposed changes to the Member and Employee Relations Protocol, which forms part of the Council's Constitution.

Agreed to adopt the revised Protocol as set out at Appendix A to the report.

56. Appointment of Monitoring Officer

Agreed to:

- (i) appoint Nina Clark, Divisional Director of Legal and Democratic Services, as the Council's Monitoring Officer; and
- (ii) note that Bill Murphy, Corporate Director of Resources, will deputise as the statutory Monitoring Officer in Ms. Clark's absence.

57. Customer Service Presentation - Resources Department

Received and noted a presentation from Bill Murphy, Corporate Director of Resources, on customer service issues relating to the Council's Information, Communication and Technology (ICT) service.

(Note: A copy of the presentation is available at <http://moderngov.barking-dagenham.gov.uk/ieListDocuments.asp?CId=179&MId=3124&Ver=4&J=4>)

58. Appointments

Agreed to appoint Councillor McCarthy onto the Barking & Dagenham Partnership Inclusion, Equalities and Diversity Sub-Group.

59. Leader's Question Time

Question from Councillor Bailey

"Is the Leader of the Council aware that the majority of the 100,000 people moving to Barking and Dagenham over the next ten years will be immigrants? Can I ask the Leader if he thinks this will improve community relations and community cohesion? Can I also ask the Leader if he is looking forward to the day when the white indigenous British people of Barking and Dagenham will be a minority and if so why he and the Labour Party thinks this will be a good thing?"

Response and Debate:

Councillor L Smith, Deputy Leader of the Council, responded in the absence of the Leader of the Council. He sought clarification of who Councillor Bailey believed to be the "indigenous population" and referred to the many new communities that had moved to and settled in the borough over the last 50 years. He pointed out that even the highest official forecast of population growth for the borough, by the Greater London Authority, projected an increase of just 23,000 over the next 10 year period and that much of this would be as a result of the Council's regeneration plans for the borough.

Councillor Smith made reference to the constant movement of people between communities as they seek to improve their standard of living and welcomed the Council's commitment to good community relations which he believed were achieved not as a result of the make-up of the local population but by the actions we take together to build a strong community.

In reply, Councillor Bailey stated that the white indigenous population are in the

minority in the neighbouring borough of Newham and that this borough is going the same way, to which Councillor Smith replied that he was unable to answer as he was still not clear what was meant by “indigenous population” of the borough.

Question from Councillor Steed

“Despite an initial instruction by the Chair at the July meeting of the Assembly, Executive Members in general, and the Leader of the Council in particular, continued to both make statements and interrupt other Members during question time without censure from the Chair. However opposition Members were quickly reprimanded and allowed no leeway whatsoever. As one of this Council’s much publicised mandates is promoting equality, would the (Deputy) Leader agree that surely then it should be seen to be leading by example?”

Response and Debate

Councillor Smith stated that in his opinion the Chair of Assembly had consistently, and very firmly, applied fairness in his control of the meetings since his appointment and he could recall several occasions where he had reminded Labour Members of constitutional limitations including the Leader of the Council himself. He did not, therefore, agree with Councillor Steed’s statement.

Councillor Bailey commented that Labour Members should be leading by example and Councillor Smith replied that as Councillor Bailey had been quiet during this discussion he had done just that.

The Chair confirmed that he has and would continue to treat all Members equally and without bias.

Question from Councillor Barnbrook

“Could the Leader of the Council explain to the Council, as his Executive Member for law and order (Councillor Rush) constantly pontificates on how well crime is falling in Barking and Dagenham, how a 12 year old male pupil of a secondary school in the borough can single handedly ring master 11 to 18 year old youths to run amok throughout the borough, with knives and now fire arms (youth caught on bus with gun).

Stabbings in my own Ward of Goresbrook are up 6 fold in the first half of this fiscal year. The problem has become so bad that parents are buying their children Kevlar body armour jackets in Jo Richardson school colours to wear as uniform (at a cost of £130).

So what is the Council going to do about this sick trend sweeping London and the UK? Are we to wait until one of our youth go the way of 11 year old Rhys Jones?”

Response and Debate

Councillor Smith began his response by extending the Council’s condolences to the family and friends of Rhys Jones. In response to Councillor Barnbrook’s question, Councillor Smith stated that knife crime had unfortunately always occurred in society and that he was not aware of a particular problem in this borough or, more specifically, at the Jo Richardson Community School and he referred to the fact that crime is falling in the borough as a result of the Council’s strong joint working with the police and other partners. Councillor Smith stated that he believed that the greatest responsibility in this whole issue rested with the

parents who should be questioning their children on their behaviour and whereabouts, and that this was a nationwide issue.

Councillor Barnbrook stated that he did not believe that Councillor Smith had responded to his actual question and asked him to do so. Councillor Smith referred to the official statistics that show that across the borough violent crime is falling, with reductions so far this year of 10%, while knife enabled crime has not increased six-fold but from two to nine incidents. Councillor Smith added that police intelligence does not suggest that there is any particular ringleader in these incidents and in terms of the alleged gun incident, this resulted from the Executive Portfolio Holder for Community Safety seeing and reporting a youth at a bus stop with an imitation 'ball bearing' gun, which resulted in an arrest. Councillor Smith added that a pupil taking a knife into any of the borough's schools would be permanently excluded.

60. General Question Time

Question from Councillor Denyer

"At the last Assembly, Councillor Barnbrook raised the issue of a constituent of his that had submitted forms to the Revenue and Benefits Department and that the Department had lost the forms. Whilst I appreciate that this Assembly cannot be involved in discussing individual constituency issues, I would like to ask the relevant lead Member what action he and the Revenues and Benefits Department have taken to address the situation generally?"

Response from Councillor Bramley

"Members will recall the Revenues and Benefits Customer Service presentation given by Bola Odunsi, Head of Barking and Dagenham Direct, at the last Assembly meeting. Questions were asked regarding security of correspondence and following on from that Councillor Barnbrook claimed that the Department had lost papers of one of his constituents. I gave an explanation of the use of the scanning and IT equipment and Mr Odunsi invited Councillor Barnbrook to provide him with the details of his particular case and he would investigate.

I can confirm that at close of business today no contact had been made by Councillor Barnbrook to Mr Odunsi, nor could Mr Odunsi find that any of his senior managers had been contacted by Councillor Barnbrook.

My question is straightforward. Has Councillor Barnbrook made up this situation - if so, Richard that is very, very naughty of you - or has he just not bothered to follow up the matter?

In any case, I would say to anyone at this meeting and all of our residents that if they have a problem with the revenues and benefits service then go straight to me and cut out the middle man, who might not do anything anyway."

In reply, Councillor Barnbrook stated that he had passed the relevant constituent's details to Andrea Catlin, Members' PA, a week or so ago and had asked her to forward them on to Mr Odunsi.

Question from Councillor White

“Given the recently reported statements of a Member of this Council, could the portfolio holder for Children’s Services inform us whether or not it is the policy of this Council to advocate, or tolerate, the use of violence against children?”

Response from Councillor Alexander

“The Council does not advocate, tolerate or support the use of violence against children. The Council is a key partner of the Barking and Dagenham Local Safeguarding Children Board which is the statutory body overseeing how agencies work together to safeguard children and young people in the borough.

Through the application of the London Child Protection Procedures the Board makes sure that policies and procedures are in place to protect children from harm. Furthermore, it is expected that all agencies represented on the Local Safeguarding Board comply with the London Child Protection Procedures.

These procedures state that physical abuse can include hitting and evidence of this would be regarded as an indicator of possible harm. This could generate a referral to the Council’s Children’s Services and/or the Police.

It is inappropriate for any members and officers of this Council to advocate, implicitly or explicitly, the use of physical punishment as means of disciplining children. Doing so would be in direct contravention of Children’s Rights and would undermine the duty this Council has to apply and comply with the London Child Protection Procedures.

As a member of the Local Safeguarding Children Board, the Council fully supports the application of the London Child Protection Procedures as the key mechanism for ensuring that children are protected from harm, maltreatment and abuse.”

Question from Councillor N Gill

“Would the Executive Member for Community Safety comment on the crime levels in Barking and Dagenham and explain how the borough has achieved these results, particularly in terms of residential burglary? “

Response from Councillor Rush

“Indeed I am pleased to respond to this question and to confirm that crime levels in the borough are falling. All crimes notified to police have fallen by 11% and the British Crime Survey comparator crimes against which we are measured in our Public Service Agreement have fallen this year by 12.7% (900 crimes), this compares very favourably with a reduction of 7.5% across the Met. Of particular note is our residential burglary figures which have fallen by 35.6% over the same period last year, that is nearly 300 less homes burgled than this time last year.

These figures demonstrate the strength of the Crime Reduction Partnership. The Partnership has developed an intelligence-led approach and all partners are showing their commitment to delivering against our crime reduction targets.

Burglary is being tackled from all angles, we are securing the homes of those

who have been victimised using the Safer Homes Van which this Labour Council funds and which is managed by our voluntary partner Victim Support. This makes sure that the houses are no longer insecure and those who have been victims of crime feel reassured as to their personal safety in their homes. We are giving our older citizens Memocams and working with them so that they understand the dangers of bogus callers. We have secured the windows of hundreds of ground floor flats to make them less vulnerable to burglary. Police through targeted patrols and Safer Neighbourhood Teams are focussing on our most at risk areas to deter burglars. In addition in partnership with police and probation we are targeting our most prolific offenders and working with Health to ensure that those who misuse drugs and alcohol are able to readily access appropriate support and treatment. All in all a true partnership approach, and the evidence in terms of crime reduction is clear.”

Question from Councillor Rustem

“A number of Councils up and down the country are holding home coming parades. It is a Great British tradition to welcome our troops home. We need the troops to know that we support them even if we do not agree with the war brought about by this Labour Government.

I have sought the advice of the British Legion at a national level and they support these home coming parades. As do members of the Military at a Senior Level.

Does the Council have any plans to hold a parade for troops returning from the war brought about by this Labour Government?”

Response from Councillor L Smith

“Yes, the Council will respond positively to any request for assistance with homecoming parades from either central government or the armed forces, as we did recently, albeit in very different and very sad circumstances, in relation to a request for assistance from the forces with arrangements for the funeral for Private Tony Rawson of the Royal Anglian Regiment who was killed in action whilst serving in Afghanistan.“

Question from Councillor Buckley (incorporating a second question from Councillor Mrs Knight with the agreement of the Chair)

“I am sure we all welcome the news that the Government have pledged our Borough with £500 Million to build Council Houses. Firstly can the Executive Member advise when these funds will be received and whether they will be paid to the Council as one direct payment or over a number of instalments? Furthermore will this money be used for the already planned development of the 20,000 homes that was rolled out earlier this year or will it be for a brand new development and on what timescale are we looking at in respect of building commencing? Following on from this, obviously nothing will be happening immediately and we still have a continuing problem with the increasing numbers on the waiting list to consider. I am aware that the Council have already piloted a scheme to redevelop a small number of homes to increase the number of bedrooms to assist with shortage of larger family homes. I know of some families that are on the waiting list and they have mentioned they would be more than happy to stay where they lived and enquired as to the possibility of having a loft conversion and by doing so their individual problem regarding the number of bedrooms would be solved. I

appreciate this is not a long term solution but would go some way in helping the housing problems in the short term for some of the families in the Borough and even though how slight, it would go some way to reduce the numbers on the waiting list. Can I ask whether the Council is exploring this avenue as a possible solution to assist some of the Boroughs' families?"

Response from Councillor Smith

Councillor Smith welcomed the question and stated that if it were only that simple he would want to install a loft conversion in every Council house in the borough but he referred to the rules and financial constraints that prevent the Council from pursuing this as a borough-wide solution. He confirmed that the Council is currently undertaking a programme of extensions and de-conversions to a number of existing properties in order to accommodate larger families and that officers are continually seeking to identify properties within the Council stock that could potentially be suitable for a loft conversion, to assist in meeting the existing housing need by alleviating overcrowding. He outlined the housing regeneration plans and advised that the Council's Decent Homes programme will not only bring about huge improvements to the Council's housing stock but will also mean that refurbished properties become exempt from being sold under Right to Buy legislation, a move that is very much welcomed as it will protect future Council housing. He also referred to the plans to build new Council housing in the borough which will provide new local homes for local people.

Question from Councillor Barnbrook

"I would like to have explain, so I can have a better understanding, how the Council can justify paying between £870 to £1,140 and more per calendar month (which works out to be £217 to £285 per week) housing benefit to private landlords, doesn't this seem a little steep with the Council's levels of 'pressures'? Especially when Council housing rents average £82 per week (£344 p/c/m). If this Council is subsidised by Regional Government for the purpose of Housing benefits, to what amount, and can the level of rent be capped locally?"

Response from Councillor Bramley

"As a result of Government policy to move away from using Bed & Breakfast hotels and hostels as a means of providing temporary accommodation for homeless applicants the Council, like many other London Boroughs, has procured properties through the private sector in order to provide good quality temporary accommodation.

The rents on such properties are higher because they reflect the market and also include management fees and administrative costs. As with other rents they attract housing benefit which the Council pays out but then recovers through the government's housing benefit subsidy scheme. "



The Commission for
Local Administration in England

20 June 2007

Mr Rob Whiteman
Chief Executive
London Borough of Barking & Dagenham
Civic Centre
Dagenham
Essex RM10 7BN

Tony Redmond
Local Government Ombudsman

Peter MacMahon
Deputy Ombudsman

Our ref: TR/FCE
(Please quote our reference when contacting us)

If telephoning please contact: Frank Edwards' Personal Assistant, Candy Farmer,
on 020 7217 4693. Or e-mail: c.farmer@lgo.org.uk

Dear Mr Whiteman

Annual Letter 2006/07

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year and to draw any lessons learned on your authority's performance and complaint-handling arrangements. I hope you find this letter a useful addition to other information you have on how people experience or perceive your services.

The format of the annual letter is slightly different to last year and is set out as a separate document attached. I would again very much welcome any comments you may have on the form and content of the letter.

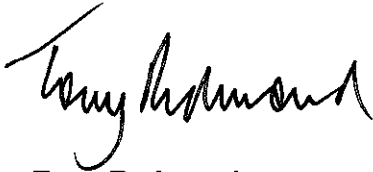
We will publish all the annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission, as we did last year. We will again wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it.

I was pleased to have the opportunity to present last year's Annual Letter and would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

10th Floor Millbank Tower
Millbank London SW1P 4QP
Tel 020 7217 4620 Fax 020 7217 4621
DX 2376 Victoria 1
www.lgo.org.uk

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tony Redmond". The signature is written in a cursive, flowing style.

Tony Redmond



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter**

The London Borough of Barking and Dagenham

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about the London Borough of Barking and Dagenham that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

In 2006/07 I received 85 complaints about your authority, almost identical to the number received in the previous year.

The distribution of complaints across the main service delivery areas remains broadly the same. Where there are differences the numbers involved are too small to draw any particular conclusions from. Concerns about housing still generate the largest group of complaints.

Decisions on complaints

During the year we made decisions on 90 complaints against your authority. We found no maladministration in 10 complaints and we exercised discretion to close a further 15 without requiring any action by the Council. I found that 12 were outside my jurisdiction.

Reports and settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I issued no reports on complaints against your authority last year. My office settled 12 complaints.

Two complaints were about housing repairs, involving delay in dealing with the consequences of a flood and in repairing a water heater. The Council agreed compensation totalling £620 and to carry out the outstanding works. In a third case affecting a leaseholder, the Council installed without consultation a security light which affected the complainant's amenity. I asked and the Council agreed to increase its proposed compensation from £100 to £200.

One complaint concerned the Council's failure to take adequate account of the history of noise nuisance at the complainant's neighbouring property. The Council agreed to consider action in respect of breach of tenancy in the event of a repeat of the noise nuisance, and promptly warned the neighbour of this in writing. The Council also introduced monthly case work meetings between officers dealing with neighbour disputes following the Police "tasking" model. I note that the Council was to review the results of this change in procedures and I would be grateful for your comments on the outcome of this.

Two complaints concerned local taxation. In one, owing to poor communication, the Council continued recovery action with bailiffs after the full balance had been paid. It also levied distress on the complainant's car without having given warning on the liability notice. The Council agreed to pay £250 compensation for the bailiffs visits in addition to £78 of costs which had not been refunded. It also agreed to revise the wording of its liability order notice. In the second, the Council took recovery action in respect of a Council tax debt of £174, which was in fact covered by an Individual Voluntary Arrangement (an IVA). The Council was not aware of the IVA but I nevertheless asked, and it agreed, to refund the £174. In a third case the Council had already agreed to write off £350 court costs in view of errors dealing with the complainant's account and make a further payment of £66.50. I felt that the Council's proposed settlement was reasonable and did not pursue the case further. I also considered a complaint about some minor delays in dealing with a housing benefit claim which the Council settled by paying compensation of £75.

One complaint concerned the Council's decision to exclude the complainant from direct contact with officers. There were failings in record keeping and no right of appeal was offered, though the complainant was not prevented from accessing Council services. The Council agreed to review its procedures as regards such exclusions and to consider the implementation of a new policy. I would be grateful for an update on what has happened as a result of the review.

Three complaints concerned highways matters. In one the Council had offered £500 compensation for errors in the way the complainant's car was removed and scrapped. I considered this a reasonable settlement. In a second case the Council's agents twice removed the complainant's car from his father's estate without good reason and the Council and its agents failed to deal properly with the subsequent complaints. The Council had already offered £400 compensation which the complainant accepted. I note that the agents no longer work for the Council. In the third case the Council failed to investigate properly a complaint against a parking attendant. The Council agreed to pay £100.

One complaint was about the way an admissions appeal panel dealt with the complainant's appeal against the Council's refusal of a place at the school of her choice. It was not clear how the panel had made its decision, the clerk's notes did not contain full information and the panel took account of an irrelevant consideration. The Council agreed to settle the complaint by offering a rehearing.

Finally I considered one complaint about the Council's failure, over a period of nearly three years, to provide the complainant's child with all the therapies identified in his statement of special educational needs. The Council had already agreed to review the way it monitors provision required by a statement. It settled the complaint by paying the complainant nearly £18,000; this being what it would have cost the Council, had it made the therapies available.

The Council paid compensation totalling nearly £20,000 as a result of the settlements I reached but the large part of this was accounted for by this last complaint.

Your Council's complaints procedure and handling of complaints

My office referred 41 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 45% of all decisions this is well above the national average.

Four premature complaints were resubmitted to me during the period. I decided not to pursue three of these and one is not yet decided.

I am aware that the Council has recently instituted a substantial change to its complaints procedure with the effect that there will now be one main point of contact for complaints from stage 2 onwards. Complaint coordinators will be ward based and I understand it is intended that the new system will help to keep councillors better informed of complaints in their area.

This is evidence of the seriousness that the Council attaches to its complaints system. The number of re-submitted complaints and the action I take also suggests that the Council has an effective complaints system. I have noted above instances where the Council had identified an appropriate settlement prior to my involvement. The high number of cases I refer back to the Council as premature may indicate that the Council's own effective complaints procedure is not sufficiently well known. I would welcome the Council's comments on this and on how the new system is working.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

The Council's average time to respond to my enquires was little changed at 22.4 days compared with the previous year's 21.4 days, and well within my target of 28 days. I am grateful to the Council for its continuing and successful efforts to respond promptly to my office.

I am also grateful for the constructive and effective liaison between our offices. The Council's responses to my office are typically detailed and clearly presented, and backed by helpful supporting materials. The Council generally adopts a very positive approach towards my proposals for settling complaints and for considering improvements in its procedures as a result of the issues raised.

I was pleased to have the opportunity to present my 2005/06 annual letter to the Council last December. Please let me know if you would like me to make a similar presentation of this annual letter.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Tony Redmond
Local Government Ombudsman
10th Floor
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Millbank
LONDON SW1P 4QP**

June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	1	3	6	5	38	19	1	7	0	5	85
2005 / 2006	1	5	2	9	37	18	0	5	0	9	86
2004 / 2005	5	11	5	6	54	15	2	2	1	2	103

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	M1 reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	12	0	0	10	15	12	41	49	90
2005 / 2006	0	19	0	0	14	19	7	33	59	92
2004 / 2005	0	10	0	0	19	22	7	49	58	107

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2006 to 31/03/2007

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	20	22.4
2005 / 2006	23	21.4
2004 / 2005	37	26.5

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

THE ASSEMBLY

5 DECEMBER 2007

REPORT OF THE EXECUTIVE

Title: The Executive - Recent Business		For Decision
<p>Summary</p> <p>At its meeting on 6 November 2007, the Executive considered a report from the Corporate Director of Customer Services on proposals relating to the entering into of a Partnership Agreement with Havering Council for the delivery of a National Non-Domestic Rates (NNDR) shared service. A copy of the report is attached (Note: the appendix to the report is included in the private and confidential section of the agenda due to the commercially sensitive nature of the contents).</p> <p>Recommendation</p> <p>The Executive recommends the Assembly to agree:</p> <p>(a) To the entering into of a Partnership Agreement with the London Borough of Havering in respect of the delivery of a NNDR shared service;</p> <p>(b) To the allocation of appropriate financial resources and the procurement of external support as required, as detailed in the report and accompanying Business Case, and</p> <p>(c) To authorise the Corporate Director of Customer Services, in consultation with the Divisional Director of Corporate Finance and the Divisional Director of Legal and Democratic Services, to agree the final details of the Partnership Agreement.</p>		
<p>Contact: Alan Dawson</p>	<p>Democratic Services Team Manager</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:

Minutes and public reports for the Executive meeting held on 6 November 2007.

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THE EXECUTIVE

6 NOVEMBER 2007

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: National Non-Domestic Rates Shared Service Initiative in Partnership with the London Borough of Havering	For Decision
Recommendation(s) The Executive is asked to: <ol style="list-style-type: none"> 1. Support the principles of entering into a Partnership agreement with the London Borough of Havering for the delivery of an NNDR shared service, including the allocation of appropriate financial resources and the procurement of external support as required, as detailed in the report and accompanying Business Case; and 2. Recommend the Assembly to agree to the entering into of a partnership arrangement with the London Borough of Havering in respect of the delivery of a NNDR Shared Service Initiative and authorise the Director of Customer Services to agree to the details of the agreement. 	
Reason(s) To assist in achieving the Council Priorities of “Delivering Outstanding Customer Service and “Improving Performance Across The Board”.	
Summary: This report outlines the proposals for entering into a Joint Partnership arrangement with the London Borough of Havering Council for the billing, administration, collection and recovery of Business Rates from commercial properties in both Boroughs. The objective of moving towards the creation of a shared service is to maximise the use of shared resources, knowledge and experience that will create a more robust and resilient service, generate economies of scale, reduce operational service costs and make efficiency savings. It will also link in with the Audit Commission strategy on Best Value services and the shared services agenda. Barking & Dagenham have opted to be the lead authority in the development of this partnership and have agreed to host the National Non-Domestic Rates (NNDR) joint team at the current location in 90 Stour Road and undertake the management of all the day to day processing work . Havering has agreed as part of their contribution to the partnership to host all the ICT Computer facilities at Romford Town Hall and provide system support and maintenance to the joint team. They will also be providing other ancillary services such as Post Opening, Scanning & Indexing and Printing for all NNDR related documentation. It is intended that a legal partnership agreement will be entered into which will detail exactly how the shared service arrangement will operate and identify roles and responsibilities for both parties. It will also include a governance model to determine how the joint team operation	

will be jointly managed and monitored on a regular basis and provide details of how the financial model will work in respect of costs to be borne by each party.

Having completed the feasibility and evaluation stage of the project this report is seeking approval to adopt this challenging new initiative and proceed to the project implementation and delivery stage with a view to having the new joint venture up and running by 1st April 2008.

Wards Affected: None

Implications:

Financial:

A detailed analysis of the set up costs and future operating costs of the new joint team are contained within the Business case document which has been attached as Appendix 1 to this report (**Note:** Due to the commercial nature of the information, this appendix is included within the private and confidential section of the agenda).

This project does create overall savings over a five year period and the revenue savings of the NNDR service will be realised from year 1. There are £140k (£70k for each authority) of implementation costs identified to set up the joint team and the associated infrastructure. Barking & Dagenham's contribution of £70k will be made from existing revenue budgets within Revenues & Benefits using additional income from court costs and overpayment income.

Legal:

A legal partnership agreement will be required between both authorities to formally document how the partnership will be constituted and work on an operational day to day basis.

In line with the provisions of the Constitution, approval will also be required from the Assembly to enter into a joint partnership arrangement with another local authority.

Risk Management:

There are risks associated with undertaking a joint venture such as this. The business model arrangement that is proposed reflects an equitable sharing of the risks between the 2 authorities, with Havering taking on the System related risks as well as document and record management aspects of the service, whilst LBBd has responsibility for operational service delivery and those associated risks. This model plays to the historical strengths of the 2 teams, thereby mitigating risk of failure.

This project is being managed to PRINCE2 standards (project management methodology), and a comprehensive risk register has been produced which is updated regularly and reviewed periodically by the project board.

Social Inclusion and Diversity:

No specific implications

Crime and Disorder:

No specific implications

Contact Officer:

Bola Odunsi

Title:

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1. Introduction and Background

- 1.1 This report outlines the work done to date on a joint project between this Council (LBBD) and the London Borough of Havering (LBH) to examine the feasibility of setting up a joint NNDR team for the administration, collection and recovery of Business Rates for the two boroughs.
- 1.2 The key objective for both Councils involved is to achieve and maintain BVPI Top quartile collection performance in excess of 99.5% without increasing costs.
- 1.3 The new shared service project initiative is focused on delivering this objective by utilising shared resources, knowledge and expertise in the two authorities more effectively and will deliver significant economies of scale that will reduce costs, deliver savings and provide a better value for money service overall.
- 1.4 This is a voluntary agreement in principle to pursue the shared service ideal, which will link in with the Audit Commission strategy on Best value services and also meet some of the recommendations in the report published by Sir David Varney titled "Service Transformation: A better service for citizens and businesses , a better deal for the taxpayer"
- 1.5 The feasibility stage has now reached its conclusion and this report seeks to outline the benefits of this new innovative approach and seek approval to adopt the recommendations and proceed with the implementation and delivery stage of the project

2. Current Position

- 2.1 Both LBBD and LBH have separate NNDR teams who administer the billing, collection and recovery of Business Rates from the respective commercial properties in each Borough. LBH has approximately 5,800 properties and Barking & Dagenham 4,200 properties.
- 2.2 The two teams comprise of the following staff members:

<u>Barking & Dagenham</u>	<u>Havering</u>
1 x Service Manager	1 x Service Manager
1 x Team Leader	1x Senior Revenues Officer
1 x Senior Revenues Officer	1 x Revenues Officer
1 x Enforcement Officer	1 x Bailiff
1 x Revenues Officer	1 x Debt Collector
1.5 x Inspector	1x Inspector
6.5 FTE's	6 FTE's

- 2.3 Collection Rates for each authority at the 31st March 2007 were as follows:

Barking & Dagenham = 99.7%
Havering = 99.2%

3. Report Detail

- 3.1 This report now details the work that has been undertaken in the feasibility study and the outcomes that can be achieved by developing a new joint team shared service approach.
- 3.2 Firstly , a due diligence and discovery process was undertaken to examine how each of the teams worked , resources deployed including ICT requirements ,the volume of work undertaken , the policies and procedures in place and identification of the true cost of the current service provision in each Council.
- 3.3 From an initial analysis of the information obtained, it was evident that significant economies of scale could be achieved by establishing a joint team which also had the capability of providing a more resilient service with shared knowledge and expertise coming together in the one team.
- 3.4 In discussions between the two parties, it was agreed that LBBD would become the lead authority on this project and consult with the relevant stakeholders in formulating proposals for a joint NNDR team approach to be developed and a project manager was engaged on behalf of the two authorities to undertake this assignment.
- 3.5 The concept of creating a joint NNDR team in partnership with another Council has already been successfully implemented at Wellingborough B.C. with Northampton B.C but this would be the first such model in London. Consequently, a meeting was convened with representatives of this established Business Rate consortium to discuss the practical implications of setting up a joint venture of this nature and to gain valuable information on how to positively take the project forward.
- 3.6 The model being proposed for Barking & Dagenham (LBBD) and Havering (LBH) is based on a true partnership agreement being formed between the two authorities (not a contractual one) and a governance model being agreed to give equal and fair representation to both parties in managing and monitoring performance. LBBD being the lead authority will provide the accommodation to host the staff in the joint team at 90 Stour Road, Dagenham, while Havering will provide all ICT support. Barking and Dagenham will undertake all the processing and administration work required in the Back Office, and will manage the service delivery and performance on behalf of both Councils on a day to day basis. Front office operations (Telephone calls and Personal callers to the offices) will continue to be dealt with at each authority initially and a review undertaken later on to see if any further efficiencies can be gained.
- 3.7 It has been agreed that Havering will host all the ICT computer system requirements and provide support and maintenance at Havering to the joint team located at Dagenham. This will be achieved by the provision of a link using the London Public Sector Network environment (or similar) to give access to the computer systems used in the delivery of the service. Under the proposed Shared Service, Havering will also lead on scanning and indexing of all documents. All Business Rates post will be delivered to Havering and scanned & indexed on to the document management systems. Havering will also provide services for the printing and dispatch of documents for the joint service.

- 3.8 The Business case which is attached as Appendix 1 to this report has identified the staffing structure required for a joint team operation and the relevant set up costs involved in taking this project forward and the potential savings that can be gained from adopting this shared service approach in the longer term.
- 3.9 The Partnership agreement that will be developed between both authorities will contain a proposed governance model and financial model and detail the specific arrangements under which the shared service partnership will operate.
- 3.10 It is therefore considered that in order to deliver a more cost effective and resilient NNDR service in both Councils, the opportunity to engage in a shared service partnership agreement is a ground-breaking way of providing this and will also make some significant efficiency savings in the process.

4. Implications

4.1 Financial

- 4.1.1 Appendix 1 to this report sets out the detailed business case for change, showing the period of change; financial cost of change; and the financial advantages to the Borough of successfully implementing this Shared Service. The full year, full effect savings as detailed in the business case are expected to be in the region of £131,000 per annum. With the cost of change applying in 2007/8 and the project “break even” point applying from year three, total savings over the five year period are £393,000. Although cumulatively the project does not “break even” until year 3 (2010/11) because of the cost of change outlay in 2007/8; for LBBD we are able to fund our proportion of the cost of change from within service budgets in 2007/8 so the revenue savings of the joint NNDR service will be realised from year 1.
- 4.1.2 There are £140k (£70k for each authority) of implementation costs identified to set up the joint team and the associated infrastructure. Barking & Dagenham’s contribution of £70k will be made from existing revenue budgets within Revenues & Benefits using additional income from court costs and overpayment income. In 2007/8, the division has over-achieved on the projected income levels for these two income streams, and can therefore seize the opportunity to reinvest this towards making the shared services agenda a reality for the division.
- 4.1.3 The partnership agreement document will identify and allow for each authority to retain all Government grant income received and all Court costs income due to the individual authority. It will also specify the proportionate cost to be shared by each authority as a percentage of total net cost of the shared service. The exact format of the sharing of savings is to be finalised as we begin the implementation of the project, but may be based upon the relative proportion of NNDR properties of each partner

4.2 Legal

The implications will be that a Partnership agreement will need to be drawn up between the two Councils specifying the terms under which the NNDR Shared service will operate and this will need to identify the respective roles and responsibilities within the Partnership. A copy of an existing agreement between two other Councils has been obtained to help formulate the specific needs of LBBD & LBH.

4.3 Risk Management

- 4.3.1 A number of risks have been identified within such a high profile and challenging project. All of the risks identified have been logged and will be carefully considered as part of the Project management methodology that will be used to take this initiative forward and monitored on a regular basis.
- 4.3.2 One major risk to this project is the creation of suitable computer links via the LPSN and efficient response times guaranteed which has not been tried and tested before in either of the Boroughs. To mitigate the level of risk, the initial approach will be for LBBB staff to use the RSA tokens to access the Havering systems from LBBB. This is a tried & tested solution currently used by both LBBB & Havering staff for remote working in their respective authorities.
- 4.3.3 Other risks identified are fairly low level in comparison and no greater than normal day to day business risks that are encountered in any environment. These will also be managed as part of the project implementation.

4.4 Human Resources

The norm for this kind of partnership will be to propose that the permanent NNDR staff at LBH be transferred across to LBBB under a TUPE agreement and become the employees of LBBB from the date the joint operation goes live. However, LB Havering do not have any permanent staff currently in post within their NNDR team, so there are no staff to TUPE across. Recruitment of staff to any vacant posts in the new team structure will be undertaken in the normal way for existing LBBB staff, but their contracts will reflect that they are undertaking the delivery of services on behalf of both authorities.

5. Consultees

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

- Cllr Graham Bramley – Portfolio Holder – Revenues & Benefits
- Cllr Mick McCarthy – Portfolio Holder – Customer Services, ICT & E-Gov
- Joe Chesterton - Divisional Director, Corporate Finance
- Sarah Bryant – Head of ICT & e-Government
- Christine Shepherd – Head of HR
- Patrick Clackett – Head of Strategic Finance & Audit
- Peter Hindmarsh – Corporate Monitoring Unit
- Robin Hanton – Group Manager, Legal Services
- Alex Anderson – Group Manager, Finance (Customer Services & Regeneration)
- David Robbins – Group Manager (Procurement)

Background Papers Used in the Preparation of the Report:

Business Case document prepared by the Institute of Revenues Rating and Valuation (IRRV) and completed as a key outcome of the NNDR Feasibility study, is attached as Appendix 1 to this report.

THE ASSEMBLY

5 DECEMBER 2007

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Independent Members of the Standards Committee – Appointments and Terms of Office	For Decision
<p>Summary</p> <p>Following interviews on 30 October 2007, the following candidates are recommended for appointment to the two independent member vacancies on the Standards Committee.</p> <p>Jennifer Spearman</p> <p>Jennifer was the Chair of Havering Standards Committee between 2002 and 2006, and has experience of carrying out local investigations. She was also a Justice of the Peace to the Newham Bench between 1987 and 2001 where she chaired both adult and juvenile courts. Jennifer is currently a part-time teacher and a schools examinations inspector.</p> <p>Frank Dignan</p> <p>Frank was formerly a community service officer for the Probation Service, a school governor and an independent member of a Schools Appeals Panel. He is a practising barrister, a senior law lecturer at Leeds Metropolitan University and an external examiner of law programmes for the University of Bolton.</p> <p>Both candidates meet the criteria for independent members and have signed declarations accordingly. This includes confirmation of their political impartiality.</p> <p>The Relevant Authorities (Standards Committee) Regulations 2001 do not state a limit for the length of time an independent member may stand, but guidance from the Standards Board for England is that the term of office should be long enough for an independent member to gain an understanding of the Committee, but not so long that they lose their independence.</p> <p>As no timeframe has previously been defined, it is proposed that Article 8 of Part B of the Constitution be amended as follows:</p> <p style="padding-left: 40px;">12.5 Independent members are appointed for a period of not more than four years and cannot be re-appointed to the Standards Committee until the expiry of at least two years.</p> <p>As this will be a new arrangement locally it is suggested that the four year term for the current independent member, Fiona Fairweather, commences from the date of her appointment as chair, 11 October 2006.</p>	

Recommendations

The Assembly is recommended to:

- (1) approve the appointment of Jennifer Spearman and Frank Dignan for the positions of independent members of the Standards Committee with effect from 1 January 2008 for a period of four years;
- (2) agree that the existing independent member's term of office will run to 10 October 2010; and
- (3) agree the inclusion of a new paragraph 12.5 in Article 8 of the Constitution, defining a timeframe for the independent members, as detailed in this report.

Contact Officer:	Title:	Contact Details:
Nina Clark	Divisional Director of Legal and Democratic Services	Tel: 020 8227 2114 Fax: 020 8227 2171 E-mail: nina.clark@lbbd.gov.uk

Background Papers Used in the Preparation of the Report:

Minutes of the Standards Committee – 6 September 2007 and 1 November 2007
The Relevant Authorities (Standards Committee) Regulations 2001

THE ASSEMBLY

5 DECEMBER 2007

Title: Motions	For Decision	
<p>The following motions have been received in accordance with paragraph 15 of Article 2, Part B of the Council's Constitution:</p> <p>1. Allocation of social housing</p> <p>To be moved by Councillor Robert Bailey</p> <p>"I move that Ken Livingstone's proposal to take complete charge over the allocation of social housing, built for key workers and low income earners, and allocate it as he sees fit, disregarding local housing waiting lists and local people would be a disaster for this borough. Not only would this policy lead to further break ups in families and increased strains on community relations and cohesion but it would ultimately mean the council has less power in the allocation of housing. At a time of increasing centralisation of powers by Livingstone at the expense of local councils the time is now to say no to his dictatorial tendencies and dictates. I hope this council will agree in passing this motion against this proposal and I urge this council to fight tooth and nail against any other interventions by Livingstone to take control over how council and social housing is allocated in this borough."</p> <p>2. London Riverside</p> <p>To be moved by Councillor Richard Barnbrook</p> <p>"In the wake of the recent 'near miss' tidal surge along the East Anglian coast, this Council resolves to reject and resist in its present form the proposed London Riverside section of the Thames Gateway Development. The land should instead be used for a mixture of a high-tech light industrial park, nature reserve, recreation facilities and an experimental flood-proof and car-free design 'Mini-Venice' built to accommodate local families and linked to Barking by ULTRA monorail link and London by the DLR."</p> <p>The deadline for proposed amendments to these motions is midday on Friday 30 November. For information, attached at Appendix A is the relevant extract from the Council's Constitution relating to the procedure for dealing with Motions.</p>		
<p>Recommendation</p> <p>The Assembly is asked to debate and vote on the above motions or any amendments put forward.</p>		
<p>Contact Officer: Valerie Dowdell</p>	<p>Title: Democratic Services Officer</p>	<p>Contact Details: Tel: 020 8227 2756 Fax: 020 8227 2171 Text phone: 020 8227 2685 Email: alan.dawson@lbbd.gov.uk</p>

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

15. Procedure for Motions on issues directly affecting the Borough

- 15.1 Motions must be delivered to the Chief Executive not later than 4.00 pm on the Wednesday two weeks before the meeting.
- 15.2 They will be listed on the agenda in the order in which they are received
- 15.3 Motions must be about matters for which the Council has a responsibility or which directly affect the borough.
- 15.4 Amendments to motions should be presented in writing to the Chief Executive not later than 12 noon on the Friday before the meeting. Amendments proposed after this time may only be considered with the consent of the Chair.
- 15.5 A Member may alter or withdraw their motion or amendment at any time.
- 15.6 Order/rules of debate:
 - 1 Except with the Chair's consent, the debate on each motion shall last no longer than 10 minutes and no speech shall exceed two minutes.
 - 2 The mover will move the motion and explain its purpose.
 - 3 The seconder will then second the motion.
 - 4 The Chair will then invite other Members to speak on the motion and put forward any amendments.
 - 5 Once all Members who wish to speak have done so, or the time limit has elapsed, the Chair will allow the mover a right of reply.
 - 6 At the end of the debate, any amendments will be voted on in the order in which they were proposed.
 - 7 If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments are moved.
 - 8 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
 9. If all amendments are lost, a vote will be taken on the original motion.

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