

Notice of Meeting

THE EXECUTIVE

Tuesday, 18 November 2008 - 5:00 pm
Council Chamber, Civic Centre, Dagenham

Members: Councillor C J Fairbrass MBE (Chair); Councillor L A Smith (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor S Carroll, Councillor H J Collins, Councillor R C Little, Councillor M A McCarthy, Councillor M E McKenzie and Councillor Mrs V Rush

7.11.08

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 14 October 2008 (Pages 1 - 4)

Business Items

Public Items 4 to 9 are business items. The Chair will move that these be agreed without discussion, unless any Member asks to raise a specific point.

4. Debt Write-Offs July - September 2008 (2nd Quarter) (Pages 5 - 12)

5. Conservation Area Appraisals: Abbey and Barking Town Centre and Abbey Road Riverside Conservation Area (Pages 13 - 19)

Appendices A - D to this report are included in the separate document 'Supplementary 1' and are available on the Council's website www.lbbd.gov.uk

6. **Pension Fund Annual Report (Pages 21 - 29)**
7. **Pension Fund Government Compliance Statement (Pages 31 - 41)**
8. **Draft Local List of Buildings of Special Architectural or Historic Interest in the London Borough of Barking and Dagenham (Pages 43 - 70)**
9. **Highway Reactive Maintenance Term Contract 2008-2011 (Pages 71 - 75)**

Discussion Items

10. **Sex Establishment Licensing Policy (Pages 77 - 104)**
11. **Air Quality Management Order (Pages 105 - 109)**
12. **Achieving Excellence 2008/09 (Pages 111 - 112)**

The Achieving Excellence performance information is included in the separate document 'Supplementary 1' and is available on the Council's website www.lbbd.gov.uk

13. **One Barking and Dagenham Programme (Pages 113 - 119)**
14. **Barking and Dagenham Council Plan (Pages 121 - 122)**

The draft Council Plan document is included in the separate document 'Supplementary 2' and is available on the Council's website www.lbbd.gov.uk

15. **Budget Monitoring 2008/09 (Apr - Sept 2008) (Pages 123 - 155)**
16. **Additional Pupil Places – Primary Schools (to follow)**
17. **Any other public items which the Chair decides are urgent**
18. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

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

Discussion Items

19. Contract for the Provision of a Support Service to Tenants of the Jack Petchey Foyer (to follow)

Concerns a contractual matter (paragraph 3)

20. Streamlining Senior Management Arrangements in Support of the 2009/10 Budget Strategy (to follow)

Concerns staffing matters (paragraph 1)

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

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THE EXECUTIVE

Tuesday, 14 October 2008
(7:00 - 8:00 pm)

Present: Councillor L A Smith (Deputy Chair in the Chair), Councillor J L Alexander and Councillor G J Bramley

Also Present: Councillor J E McDermott

Apologies: Councillor C J Fairbrass MBE, Councillor H J Collins, Councillor R C Little and Councillor Mrs V Rush

66. Declaration of Members' Interests

There were no declarations of interest.

67. Minutes - 30 September 2008

Agreed.

68. Budget Monitoring Report 2008/09

Received a report from the Corporate Director of Resources providing an update on the Council's revenue and capital position for the period April to August of the 2008/09 financial year.

The position for revenue expenditure indicates that current budget pressures exist across four departments amounting to £6.3million. Overall this reflects a £400k reduction from the position reported in July.

However the largest pressure continues to remain within the Children's Services department where significant budget pressures continue to arise from Looked after Children Placements and in meeting the Councils' Leaving Care responsibilities.

Agreed, in order to assist the Council to achieve all of its Community Priorities and as a matter of good financial practice, to:

- (i) note the current position of the Council's revenue and capital budget as at 31 August 2008;
- (ii) approve the action plan to reduce the forecasted overspend in 2008/09 for Looked after Children Placements and in meeting the Council's Leaving Care responsibilities, requiring in-year savings to be achieved across all service departments and a provision for a contribution from Corporate contingencies and balances;
- (iii) approve the following proposals within the Temporary Accommodation service being:
 - a) that in consultation with the Executive Portfolio Holder (Deputy

- Leader) the Corporate Directors of Customer Services and Resources urgently review the level of weekly management charges applicable to temporary accommodation lettings and set revised charges as necessary to protect the Council's financial position;
- b) that 28 days notice of any proposed increase in the weekly charges be given to all current occupants;
 - c) that a report on a "Working Families Policy " be brought to the Executive as soon as possible;
- (iv) note the position and projected out-turn for the Housing Revenue Account; and
- (v) note that where pressures and targets exist, Corporate Directors are required to identify and implement the necessary action plans to alleviate these budget pressures to ensure that the necessary balanced budget for the Council is achieved by year end.

69. More Choice in Lettings (MCIL) and Sheltered Housing Assessment

Received a report from the Corporate Director of Customer Services highlighting the need for further changes to the allocations policy due to the Council's commitment to continuous improvement through service improvement plans and from feedback and recommendations following the Audit Commission Inspection of Homelessness, Allocations and Lettings in February 2008.

Agreed, in order to assist the Council to achieve its Community Priorities of 'Promoting Equal Opportunities and Celebrating Diversity' and 'Improving Health, Housing and Social Care', to:

- (i) the amendments to the Allocations Policy to maximise MCIL and facilitate move on accommodation;
- (ii) the updating and streamlining of the sheltered housing assessment criteria;
- (iii) delegate authority to the Corporate Director of Customer Services in consultation with the Housing Portfolio Member to authorise the inclusion of sheltered housing stock in MCIL subject to satisfactory further consultation with that client group;
- (iv) delegate authority to the Corporate Director of Customer Services in consultation with the Executive Portfolio Holder (Deputy Leader) to authorise the inclusion of further supported accommodation following further consultation with Adult and Community Services,
- (v) to allow applicants who require smaller accommodation due to changes in circumstances the right to retain their waiting time;
- (vi) that special schemes client group be considered through MCIL; and
- (vii) that the effective date of homeless acceptances cases be amended to the date of homeless application case taken.

70. Places of Religious Worship and Associated Community Spaces Policy Scrutiny Panel - Final Report

Received a report from the Places of Religious Worship and Associated Community Facilities Policy Scrutiny Panel which considered a policy on support for premises of religious worship in the borough and how places of religious worship may be provided for in future regeneration schemes, as well as the availability of council resources to meet demand.

The Panel took into account evidence from a number of relevant religious organisations, and internal and external witnesses, considering the nature and scale of demand and reference was also made to relevant experience from elsewhere in the UK. The panel reviewed relevant planning and other policy guidance including that relating to race equality and social cohesion.

Councillor McDermott thanked officers for their hard work in assisting the Scrutiny Panel.

Agreed, in order to assist the Council achieve its Community Priority of 'Promoting Equal Opportunities and Celebrating Diversity', to **recommend** to the Assembly the adoption of the proposed policy.

The Executive thanked Councillor McDermott and the Scrutiny Panel for their work.

71. Improvements to Shopping Parades

Received a report from the Corporate Director of Regeneration concerning improvements to Shopping Parades around the borough. It is recognised that the shopping parades play an important function in providing local employment and also play a key role within the community.

The project aspires to assist with halting the local economic decline being experienced within these parades, to attract private sector investment into these areas, to deter anti social behaviour and to raise the level of local pride by residents.

Agreed, in order to assist the Council achieve its Community Priorities of 'Making Barking and Dagenham Cleaner, Greener and Safer', 'Raising General Pride in the Borough' and 'Regenerating the Local Economy', to:

- (i) the list of identified shopping parades in paragraph 3.1 of the report as the priorities for improvement,
- (ii) the undertaking of further feasibility studies around these identified shopping parades including consultation with residents and retailers to understand the needs and aspiration of parade users,
- (iii) the commissioning of urban designers to undertake a design strategy for the identified shopping parades, and
- (iv) the re-profiling of the allocated £500,000 in 2008/09 and 2009/10, to £200,000 in 2008/09 to undertake feasibility, consultation and design and

£800,000 for the implementation of the proposed project in 2009/10 subject to Capital Programme Management Office (CPMO) appraisal.

72. Private Business

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

73. Pre-tender Contract for Monitoring of Legionella Bacteria in Water Systems in Schools and Public buildings

Received a report from the Corporate Director of Regeneration requesting authority to seek tenders for a new term contract for water monitoring in non-housing Council owned properties, over (1) a full four year term, and (2) on the basis of a two year term with an option for the Council to extend the contract for a further two years.

Agreed in order to assist the Council to achieve its Community Priority of 'Making Barking and Dagenham Cleaner, Greener and Safer', to the procurement strategy for the Term Contract for Water Monitoring in schools, operational and public buildings 2009-2013 as detailed in the report.

74. Pre-tender Inclusion Report

Received a report from the Corporate Director of Children's Services concerning the procurement and delivery of the Inclusion Service. The service will provide inclusion services to support all early education and childcare settings in the borough and will focus on supporting the settings to meet their statutory duties under the Disability Discrimination Act 1985 through helping to ensure the provision of equality of access to the curriculum for all children including disabled children and those with special educational needs.

Agreed, in order to assist the Council to achieve its Community Priorities of "Better Education and Learning for All" and "Promoting Equal Opportunities and Celebrating Diversity", to approve the procurement of an Inclusion Service for a period of two years, with an option to extend for a further one year dependent upon funding and satisfactory performance on the terms detailed in this report.

75. * Disposal of Land - Inclusion of Further Surplus Properties for Disposal

Received a report from the Corporate Director of Regeneration concerning a number of Council owned sites which have been included in the Council's Land Disposal Programme for disposal and potential development.

Agreed, in order to assist the Council to achieve all of its Community Priorities, to the disposal of the properties detailed in the report subject to reconsideration being given to the Wellington Drive Garage Site and officers providing clarification regarding the status of Becontree Toilets.

EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

| | |
|---|------------------------|
| Title: Debt Write-Offs July - September 2008 (2nd Quarter) | For Information |
| <p>Summary:</p> <p>Barking and Dagenham Direct is made up of a number of service areas. Two of these (Income & Collection & Rents & Benefits sections), are linked to the billing, collection and recovery of the vast majority of debts that fall due to be paid to the Council for chargeable services and statutory levies such as Council Tax and Business Rates.</p> <p>The value and type of debts written off as uncollectible within these two sections, must be reported to the Executive on a quarterly basis in line with the Council's financial regulations. This is the second such report for the financial year 2008/9 and provides a summary of debts written off for Q2 i.e. July to September 2008 shown in table 3 of appendix A.</p> <p>Wards Affected: None.</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to note the debt write-offs for the 2nd quarter of 2008/09 as detailed in the report and that a number of these debts will be publicised in accordance with the policy agreed by Minute 69 (6 November 2007).</p> | |
| <p>Reason(s)</p> | |
| <p>As a matter of good financial practice and to accord with the Council's Financial Rules.</p> | |
| <p>Implications:</p> <p>Financial:</p> <p>All debts written off, will have been provided for within the Council's Bad Debt Provision and as such there should be no specific financial implications. However, there is the possibility that unforeseen and unplanned additional write offs occur, which lead to the value of debts written off in any year, exceeding the agreed bad debt provision.</p> <p>Where this is likely to happen, this quarterly report will act as an early warning system and will enable additional control measure to be agreed and taken, to either bring the situation back under control, or to make appropriate adjustments to the bad debt provision.</p> <p>Legal:</p> <p>As this report is likely to be a public report, there should not be any legal implication of publicising the details of individual debts. In addition, any lists publicised will be limited to those cases where prior to the debt being written off, the debt has been proven at Court as</p> | |

rightly and properly due.

Risk Management:

No specific implications save that of this report acting as an early warning system to any problems in the area of write offs.

Social Inclusion and Diversity: No specific implications.

Crime and Disorder: No specific implications.

Options Appraisal: Not applicable.

| | | |
|---|---|---|
| Contact Officer: Jackie Adams | Title: Group Manager (Rents and Benefits) | Contact Details: Tel: 020 8227 2507 Fax: 020 8227 2574 E-mail: Jackie.adams@lbbd.gov.uk |
|---|---|---|

1. Introduction and Background

1.1 The Income & Collection section and the Rents and Benefits Sections are responsible for the collection of the vast majority of debts falling due to the Council by way of statutory levies and chargeable services. Whilst measures are taken to collect all debts and levies due, it is invariably the case that some debts will remain unpaid, even after concerted efforts have been made to collect them.

1.2 In order that the Council can take proper account of debts that will actually be paid and also take account of debts that are unlikely to be paid, the writing off of uncollectible debts are carried out on a regular basis. This way the Council is able to take account of just those debts that it knows will be paid, whilst making some provision within its accounts for debts that are unlikely to be paid.

2. Policy for write off of irrecoverable debts & unclaimed credits

2.1 The processes and procedures in place for managing and recording debts written off are governed by the Council's write off policy. The purpose of the policy is to establish a framework to regulate the write off of irrecoverable debts and long standing unallocated and unclaimed credits.

2.2 Adherence to this policy will ensure that there is always consistency and probity adopted in the procedures of debt and credit write offs and that best practice is followed in:

- Debt collection and recovery
- Accountancy code of practice
- Audit controls

3. Authorisation to write off debts

3.1 Authority to write off debts and credits is delegated to the Chief Financial Officer by the Council's Constitution. Further delegation is made via the constitution and is specified below:

- Up to £2,000 (Group Managers / Business Unit Head)
- 2,000.001 to £10,000 (Head of Service)
- Over 10,000 Corporate (Corporate Director / Head of Corporate Finance)

3.2 These authorisation levels are strictly adhered to for all write offs.

4. Current Position

4.1 The net value of debts written off for the second quarter (Q2) of 2008/9 (i.e. June 2008 – September 2008) was £ 377,581.63 as shown in table 3 of appendix A.

5. Points to note from debt write off tables (Appendix A)

5.1 Council Tax and Business Rates are both statutory debts and for the most part, regular monthly write offs take place.

5.2 General Income debts relate to debts raised for chargeable services that the Council either provides as a statutory duty or as a service where no other providers are available to provide a similar service.

5.3 Home Care and Residential Care debts are also dealt with within the General Income section and are shown separately.

6. Publication of individual details of debts written off

6.1 A number of Authorities have begun to publicise the details (names, addresses etc.), of residents who have had debts written off. In the vast majority of cases, these debts have been written off where the debtor has absconded.

6.2 The Executive agreed in November 2007 (Minute 69, 6 November 2007) that a list showing the details of debtors, who have had debts written off, would be attached to this report. A list has been attached at Appendix C. The list has been limited to the top ten debts only

6.3 As outlined within recommendation 2 above, the Executive is asked to consider the publication of this list of debtors locally (e.g. within the Citizen, local newspapers etc.).

6.4 As was previously outlined within the 6th November 2007 Executive report, It was recommended that the following types of debt write offs are excluded from this publicised list:

- (a) Debts that have been written off following a corporate complaint being upheld
- (b) Debts that have been written off due to the debtor falling within one of the many vulnerable groups (e.g. elderly, disabled, infirm etc.)
- (c) Where the original debt was raised in error
- (d) Where debts have been written off, but no legal action has been taken to prove that the debt was legally and properly due
- (e) Where the debt has been written off following bankruptcy or insolvency action (the majority of these cases will be individually publicised)

- 6.5 The exclusion of the category of debts listed above will eliminate the possibility of any unnecessary and potentially costly legal challenges from debtors, who take issue with their details being publicised. It is intended that where the details or whereabouts of debtors become known following publication, those debtors will be pursued as far as is possible, to secure full payment of the debt.
- 6.6 The list provided at appendix B does not include any debts or debtors that fall within categories a-e above, so the list as it stands can be publicised after the removal of date of birth and national insurance number details.

7. Ongoing debt recovery and tracing work

- 7.1 It should be noted that debt recovery and tracing work is an ongoing activity within the Income & Collection and Rents & Benefits section. Some form of tracing work continues on debts even after the debt has been written off. In many cases, tracing and follow-up work can continue for up to a year after the debt has been written off (e.g. in the case of higher debts) and debtors have been known to resurface up to five years after a debt has been written off.
- 7.2 Where debtors are located after a long period of time, measures are taken to recover the debts and in some cases, the debt is written back on so that legal action can commence or be picked up from where it was left.

8. Consultees

- Joe Chesterton -Divisional Director of Corporate Finance
- Bola Odunsi - Head of Barking & Dagenham Direct
- Philip Walker - Group Manager (Rents & Benefits)
- Winston Brown – Legal Partner & Deputy Monitoring Officer

Background Papers Used in the Preparation of the Report:

- Report to Executive on 6/11/07 titled “Council Debt Write Offs” Minute 69, November 2007
- Policy for write off of irrecoverable debts and unclaimed credits
- Income & Collection tracing procedure

Debts written off 2006/7
Table 1

| Month | General Income Debts £ | Former Tenant Arrears £ | Home Care £ | Residential Care £ | Council Tax £ | NNDR £ | Total £ |
|---------|---------------------------------|----------------------------------|-------------------|--------------------------|---------------------|-----------|------------|
| 2006/07 | £209,571 | £698,423 | £32,234 | £98,608 | £1,965,030 | £82,256 | £3,086,122 |

Debts written off during 2007/8
Table 2

| Write Offs | Oracle | FTA | Home Care £ | Residential Care £ | Council Tax £ | NNDR £ | TOTAL £ |
|---------------|----------|----------|-------------------|--------------------------|---------------------|-----------|------------|
| 2007-8 Totals | £165,413 | £373,275 | - | £10,543 | £ 668,163 | £169,657 | £1,387,051 |

Debts written off 2008/09
Table 3

Debts Written Off during 2008/09 Quarter 1

| Write Offs | Oracle | FTA | Rents | Home Care | Residential Care | Council Tax | NDR | TOTAL |
|-------------------------|-------------------|-------------------|------------------|----------------|------------------|--------------------|-------------------|--------------------|
| Apr-08 | Under £2k | £476.87 | | £108.26 | £644.29 | £58,937.17 | | £81,415.38 |
| | Over £2k | £37,545.09 | | | | £2,507.91 | | £40,053.00 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £58,793.88 | £476.87 | £0.00 | £108.26 | £644.29 | £61,445.08 | £0.00 |
| May-08 | Under £2k | £12,861.66 | £72.12 | | £159.00 | £29,413.39 | | £42,506.17 |
| | Over £2k | | | | | £5,330.73 | | £5,330.73 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £12,861.66 | £72.12 | £0.00 | £0.00 | £159.00 | £34,744.12 | £0.00 |
| Jun-08 | Under £2k | | £2,472.94 | £81.94 | £347.18 | £28,852.60 | | £32,345.09 |
| | Over £2k | | | | | £11,709.69 | | £11,709.69 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £0.00 | £2,472.94 | £590.43 | £81.94 | £347.18 | £40,562.29 | £0.00 |
| Quarter 1 Totals | £71,655.54 | £3,021.93 | £590.43 | £190.20 | £1,150.47 | £136,751.49 | £0.00 | £213,360.06 |

Debts Written Off during 2008/09 Quarter 2

| Write Offs | Oracle | FTA | Rents | Home Care | Residential Care | Council Tax | NDR | TOTAL |
|-------------------------|--------------------|--------------------|--------------------|----------------|------------------|--------------------|-------------------|--------------------|
| Jul-08 | Under £2k | £6,073.39 | | £112.50 | | £27,522.81 | | £33,708.70 |
| | Over £2k | | £16,602.87 | | | £7,067.28 | | £23,670.15 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £6,073.39 | £16,602.87 | £0.00 | £112.50 | £0.00 | £34,590.09 | £0.00 |
| Aug-08 | Under £2k | £18,613.28 | £5,931.43 | £135.99 | | £21,880.04 | | £46,560.74 |
| | Over £2k | £16,618.43 | | | | £13,495.98 | | £30,114.41 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £35,231.71 | £5,931.43 | £0.00 | £135.99 | £0.00 | £35,376.02 | £0.00 |
| Sep-08 | Under £2k | £53,325.14 | £95,191.28 | £132.99 | | £39,752.50 | | £188,401.91 |
| | Over £2k | £6,788.57 | £48,337.15 | | | | | £55,125.72 |
| | Over £10k | | | | | | | £0.00 |
| | Total | £60,113.71 | £143,528.43 | £0.00 | £132.99 | £0.00 | £39,752.50 | £0.00 |
| Quarter 2 Totals | £101,418.81 | £166,062.73 | £0.00 | £381.48 | £0.00 | £109,718.61 | £0.00 | £377,581.63 |

| | | | | | | | | | |
|-------------------------------|------------------|------------------|--------------|--------------|----------------|------------------|----------|----------|------------------|
| 2008/09 Totals (Q1+Q2) | £ 173,074 | £ 169,085 | £ 590 | £ 572 | £ 1,150 | £ 246,470 | £ | - | £ 590,942 |
|-------------------------------|------------------|------------------|--------------|--------------|----------------|------------------|----------|----------|------------------|

Top 10 debts written off in Quarter 2

| Reference | Date of Invoice | Name | Address | Comment | Value |
|------------|-----------------|------------------------------|---|--|-----------|
| 61221218 | 18.5.06 | Foluso Aribigbola | 48 Alderman Ave, Barking | Salary overpayment – unable to trace | £5,752.32 |
| 70284742 | 14.06.07 | Mr Ian Butler | 48 Alderman Ave. Barking | All tracing unsuccessful | £5,228.68 |
| GI97006229 | 26.03.97 | Mr G L Bombata | 101 Kingswood Road, Goodmayes | Old debt that has been stuck in Recovery system, unable to collect | £4,530.88 |
| 71082622 | 7.8.06 | Mr Nnamudi Ezike | 50 Cape Close, Barking | Returned from Newylns bailiff unable to recover debt. | £4,380.39 |
| 71497895 | 21.3.07 | Mr Barry Kelly | 47 Alderman Ave, Barking | All tracing unsuccessful. | £4,170.35 |
| 71488202 | 23.3.07 | Mr James Patten | 17 Bentry Close, Dagenham | All tracing unsuccessful. | £4,036.12 |
| 71098589 | 8.12.03 | Mrs Tina Westley | 160 Ibscott Close Dagenham | Old Debt that has been stuck in Caseflow recovery system | £3,958.18 |
| GI23005473 | 10.6.02 | S Rayptayan | 12 Calverton Rd, East Ham | Went through all recovery action, debt now over 6 years old and uneconomical to pursue | £3,726.58 |
| 70802624 | 10.11.05 | Mr Anthony Terry | 69 Cobham House, St Margaret's, Barking | All tracing unsuccessful | £3,547.72 |
| 87300834 | 2.10.07 | Mr J Davies & Miss C Davies | 35 Elstow Rd, Dagenham | Charging Order property repossessed, no equity in property | £3,342.05 |
| 71318655 | 8.1.07 | Mr K Hewitt & Miss V Morrell | 6 Steadman House, Uvedale Road, Dagenham. | Returned from Newylns bailiff unable to recover debt. Put on write-off sheet for Mar'08 & delayed 90 days from 17 march'08 | £3,363.98 |

THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF REGENERATION

| | |
|--|---------------------|
| Title: Consultation Draft Abbey and Barking Town Centre Conservation Area Appraisal and Review of Conservation Area Boundary and Consultation Draft Abbey Road Riverside Conservation Area Appraisal | For Decision |
| <p>Summary</p> <p>In line with the Planning (Listed Buildings and Conservation Areas) Act 1990 conservation area appraisals have been prepared for the Abbey and Barking Town Centre and Abbey Road Riverside Conservation Areas for consultation. These are included as Appendices A and B in a separate document (supplementary 1) together with maps showing the conservation area boundaries as Appendices C and D. The Abbey and Barking Town Centre Conservation Area Appraisal includes a proposal to extend the conservation area to create a more cohesive and rational designation that more adequately protects the special historic and architectural interest and character of the town centre. The Abbey Road Riverside Conservation Area Appraisal focuses on a tightly defined area centring on the Malthouse and Granary. Both appraisals contain a detailed character analysis followed by management proposals which focus on maintaining or enhancing their special historic and architectural interest and character. Once the consultation feedback has been addressed it is intended to bring the final appraisals back to the Executive for final approval.</p> <p>Wards Affected: Abbey and Gascoigne</p> <p>Recommendation The Executive is asked to approve the draft Abbey and Barking Town Centre Conservation Area Appraisal and draft Abbey Road Riverside Conservation Area Appraisal for consultation</p> <p>Reason(s) To assist the Council to achieve its Community Priorities of “Raising General Pride in the Borough” and ‘Regenerating the Local Economy’.</p> <p>Implications</p> <p>Financial: The financial resources for developing and consulting on the conservation area appraisals can be met from within the existing Spatial Planning Budget. The Management Proposals set out in the appraisals have no direct capital or revenue implications for the Council. Where conservation or improvements to sites on developments within the conservation areas are considered necessary this may affect sale values and/or S106 income. Owners of historic buildings will be encouraged to seek Historic Building Repair Grant to assist with the cost of eligible repair work.</p> <p>Legal: Sections 69(1)and(2) and Section 71 and 72 of the Listed Buildings and Conservation Areas Act 1990 impose a number of duties on local authorities with regard to conservation areas:</p> | |

- To review the overall extent of designation and if appropriate designate additional areas
- From time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas and to consult the local community about these proposals
- In exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

Consequently the Council is current preparing Conservation Area Appraisals for each of its conservation areas in line with these responsibilities.

Within conservation areas, Conservation Area Consent is required from the local authority for certain types of work in a conservation area and failure to obtain this can lead to enforcement action.

Risk Management:

The main risk of not producing the appraisals is that the conservation areas could decline in quality. This is especially important at this time of major change and development. There is no risk identified in the Council approving the recommendations of this Executive Report. The regeneration agenda has been considered and the boundary review and appraisals are not intended to inform nor hinder beneficial development.

Social Inclusion and Diversity:

Conservation Areas play a key role in preserving or enhancing an area's heritage assets. Therefore they can help maintain and enhance local identity and foster civic pride amongst the whole community.

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. A conservation area that is well cared for can contribute to the local identity of an area and encourage a sense of pride in the local environment and therefore may reduce acts of vandalism.

Options Appraisal

There are three options to consider:

1. Not prepare conservation area appraisals. This report outlines the reasons for preparing conservation area appraisals. Without them it will not be possible to put in place measures to maintain or enhance their special character, and therefore important local heritage assets and their settings may be damaged or lost unnecessarily which will harm local identity and civic pride.
2. Prepare conservation area appraisal, but no extension to the Abbey and Barking Town Centre Conservation Area. The proposal to extend this conservation area is considered necessary to more adequately protect those areas and buildings of special historic and architectural interest within Barking Town Centre.
3. Prepare both appraisals and propose to extend Abbey and Barking Town Centre Conservation Area. This is the preferred option for the reasons given in this report.

| Contact Officer | Title: | Contact Details |
|------------------------|--------------------------------|--|
| Daniel Pope | Group Manager Spatial Planning | Tel: 020 8227 3929 Fax: 020 8227 5326 Minicom: 020 8227 3034 E-mail Daniel.pope@lbbd.gov.uk |

1. Introduction and Background

1.1 The Community Strategy under the priority 'Better Education and Learning for all' aims to raise general pride in the borough by celebrating the historical and cultural richness of Barking and Dagenham. Under the priority 'Regenerating the Local Economy' the Community Strategy aims to create an environmentally distinctive area with high standards of design and architecture that are well maintained and looked after. These conservation area appraisals are an important tool in ensuring that the character and appearance of areas and buildings of special historic and architectural interest is preserved or enhanced.

1.2 The Listed Buildings and Conservation Areas Act 1990 Act defines conservation as:¹

'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

There are 4 conservation areas in Barking and Dagenham, two in Barking Town Centre which are the focus of this report.

1.3 The Act imposes a number of duties on local authorities with regard to conservation areas:

- To review the overall extent of designation and if appropriate designate additional areas²
- From time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas and to consult the local community about these proposals³
- In exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas⁴

1.4 Consequently the Council is current preparing Conservation Area Appraisals for each of its conservation areas in line with these responsibilities.

1.5 Conservation Area Appraisals have a number of benefits in particular they are important in guiding the form and content of new development in partnership with the Local Development Framework and as educational and informative documents for the community. It is important in this respect to recognise that change is inevitable in most conservation areas, the challenge is to manage change in ways

¹ Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

that maintain and if possible reinforce an area's special qualities, and this is the key role of the appraisal.

- 1.6 Therefore the aim of these Conservation Area appraisals is to preserve and enhance their character and to provide a basis for making sustainable decisions about their future through the development of management proposals.
- 1.7 The format and content of these Conservation Area Appraisals follows the guidance provided by English Heritage in their publication:

'Guidance on the management of conservation areas' published in February 2006.

2 Policy Context

- 2.1 These Conservation Appraisal provides a firm basis on which applications for future development will be assessed within the Abbey and Barking Town Centre, and Abbey Road Riverside Conservation Areas, and therefore must be read in conjunction with Barking and Dagenham's Local Development Framework.
- 2.2 Policy CP2 in the pre-submission Core Strategy identifies that although the borough has a rich history relatively few heritage assets remain, and for that particular care will be taken to:
 - Protect and wherever possible enhance the borough's historic environment
 - Promote understanding of and respect for our local context
 - Reinforce local distinctiveness
 - Require development proposals and regeneration initiatives to be of a high quality that respects and reflects the borough's historic context and assets.
- 2.3 It emphasises that the borough's heritage assets will be used as an integral part of the borough's regeneration, and because today's developments will be tomorrow's heritage to use them in the bid to secure the highest standards of new design and architecture.
- 2.4 More detail on the implementation of CP2 is provided in the Council's borough-wide pre-submission borough wide development policies. Policy BP2 covers Conservation Areas and Listed Buildings, and BP3 Archaeology. BP2 emphasises that the Council will provide up to date character appraisals and management proposals for each of the Borough's four conservation areas for the reasons already given.
- 2.5 The Council is preparing a dedicated Action Plan for Barking Town Centre to guide the significant regeneration opportunities in this key part of the Thames Gateway over the next 10-15 years. At the same time Barking Town Centre is also home to a significant proportion of the borough's heritage, and for this reason contains two of the borough's four conservation areas. This heritage provides a rich context for these regeneration opportunities and the Conservation Area Appraisals will be very important in providing advice on how new developments can harness this potential and contribute to preserving or enhancing the character of these conservation areas. The London Thames Gateway Development Corporation (LTGDC) are responsible for determining major applications on Barking Town Centre and therefore the appraisal will also be a key tool for them.

- 2.6 The Barking Town Centre Area Action Plan Preferred Options Report includes a policy (BTC18) on Conservation Areas and Listed Buildings. This stresses that the Council will review the two conservation areas within the town centre and encourage developers to use the areas heritage assets to upgrade existing buildings within the conservation areas and use them as positive regeneration elements of their schemes.

3 Content of the Appraisals

- 3.1 Both appraisals begin by introducing the purpose of a Conservation Area Appraisal, then identify their special historic interest, a detailed character and spatial analysis then follows before management proposals for maintaining and enhancing the character or appearance of the areas are presented.

Draft Abbey and Barking Town Centre Conservation Area Appraisal

- 3.2 This appraisal proposes to extend the Abbey and Barking Town Centre Conservation Area. The character appraisal looks at the other parts of the town centre to be included. The proposal is to extend the boundary to encompass all of the frontage buildings along East Street and Station Parade up to its junction with Cambridge Road, along with the Town Hall and Broadway Theatre and parts of Linton and Ripple Road. This will create a more cohesive and rational designation that more adequately protects the special historic and architectural interest and character of the town centre. The appraisal lists the properties in the Proposed Conservation Area Extension and also identifies the numerous buildings and sites which make a neutral or negative contribution to the area and which offer potential for beneficial change and high quality new development that respect their context and enhance Barking Town Centre. This extension means that parts of proposed developments at London Road, Barking Station and the Lintons will come within the conservation area. However this should be seen as an opportunity for, rather than a threat to, these regeneration proposals and will not affect development potential. Therefore new development will need to respect the area's rich heritage and maintain or enhance the area's special character and therefore be influenced in their design and layout by the area's historic form and architecture. A draft of the appraisal is attached as Appendix A (see Supplementary 1).

Draft Abbey Road Riverside Conservation Area Appraisal

- 3.3 The Abbey Road Riverside Conservation Area is located on the River Roding. The reason for the designation was that English Heritage considered there were a number of buildings that together were worthy of protection and that were of great historical importance to the former role of Barking as a leading fishing port. The Malthouse and the Granary are the remaining historic buildings in the conservation area and are associated with the fishing and brewing industries with Barking being a leading fishing port in the 19th century. The London Thames Gateway Development Corporation are bringing forward ideas to develop the riverside as a Cultural Industries Quarter (CIQ) as part of the Roding Valley Framework. The proposals aim to protect and enhance the sites heritage, provide new accommodation for local artists and small creative industries, new public spaces, community facilities, a mix of housing, and access to the waterfront. The Malthouse is already in use and bringing the Granary back into use is part of the next phase of development. The

conservation area appraisal will help make informed decisions about the development of the area and help ensure the proposals maintain or enhance the special character of the conservation area. A draft of the appraisal is attached as Appendix B (see Supplementary 1).

4 Consultation

- 4.1 Consultation will be carried out with a small number of targeted groups and will take the form of informal meetings and therefore will incur minimal cost. Affected properties will also be informed of the proposed extension to the Abbey and Barking Town Centre Conservation Area. The results of the consultation will be addressed in the final versions of the Conservation Area Appraisals and will be reported back to the Executive.

5 Consultees

The following were consulted in the preparation of this report

Lead Councillors:

Councillor Little (Portfolio Holder for Culture)

Councillor McCarthy (Portfolio Holder for Regeneration)

Ward Councillors:

Abbey Ward, Councillors Alexander, Bramley, Fani and Gascoigne Ward, Councillors Flint, McKenzie and Rush

Internal

Resources Department

Bill Murphy (Corporate Director Resources)

Alex Anderson (Group Manager Regeneration Finance)

Yinka Owa (Legal Partner)

Children's Services

Christine Pryor (Head of Integrated Family Services)

Michael Freeman (Group Manager Asset Management and Capital)

Customer Services

David Woods (Corporate Director of Customer Services)

Darren Henaghan (Head of Environmental and Enforcement Services)

Adult & Community Services

Anne Bristow (Corporate Director of Adult and Community Services)

Heather Wills (Head of Community Services, Libraries and Heritage)

Philip Baldwin (Group Manager Community Development)

Amy Gaimster (Group Manager Heritage Services)

Kirsty Bradburn (Group Manager Heritage Services)

Mark Watson (Heritage Officer)

Regeneration

Jennifer Dearing (Corporate Director Regeneration)

Andrew Hyder (Head of Asset Strategy and Capital Delivery)

Jeremy Grint (Head of Spatial Regeneration)
Andy Bere (Corporate Asset Manager)
Simon Farrow (Group Manager Parks and Leisure)
Colin Beever (Group Manager Property Services)
Tim Lewis (Group Manager Development and Building Control)
Andy Butler (Group Manager Area Regeneration)
David Higham (Group Manager Strategic Transportation)
Stephen Knell (Access Officer)
Dave Mansfield (Development Control Manager)
David Harley (Regeneration Manager)
Jennie Coombs (Regeneration Manager)
Hugo Wuyts (Regeneration Officer)

External Andrew Hargreaves (English Heritage)

Background Papers Used in the Preparation of the Report

- Barking Town Centre Area Action Plan Preferred Options Report (consultation draft 2008)
- Conservation Principles policies and guidance for the sustainable management of the historic environment English Heritage April 2008
- Pre-submission Core Strategy and Borough Wide Development Policies
- Executive Report Abbey and Barking Town Centre Conservation Area, 27 March 2007
- Design for London Heritage Scoping Study on Abbey and Barking Town Centre (draft), November 2007
- Guidance on conservation area appraisals by English Heritage 2006
- Guidance on the management of conservation areas by English Heritage 2006
- LBBD Heritage Strategy 2002
- LBBD Unitary Development Plan 1995
- Planning Policy Guidance Note 15 (PPG15): Planning and the historic environment published 14 September 1994
- Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 69, 70, 71, 72, and 74.

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THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

| | |
|--|---------------------|
| Title: Local Government Pension Scheme Annual Report | For Decision |
| <p>Summary:</p> <p>The purpose of this report is to approve the Annual Report of the London Borough of Barking and Dagenham Local Government Pension Scheme for 2007/08.</p> <p>The main purpose of the Annual Report is as follows:</p> <ol style="list-style-type: none"> 1. To provide an overview of the performance of the Pension Fund throughout the financial year; and 2. To detail the work carried out by the Pension Panel for 2007/08. <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to approve the Pension Fund Annual Report, as set out in this document.</p> | |
| <p>Reason(s)</p> <p>It is good practice for the results of the Pension Fund and the work of the Pension Fund Panel to be reported to the Executive on an annual basis.</p> | |
| <p>Implications:</p> <p>Financial: The report considers the performance of the Pension Fund, which has financial implications on the Council. However, there are no direct financial implications in approving this report.</p> <p>Legal: There are no legal issues arising from this report.</p> <p>Risk Management: The risk management considerations are built into the Pension Panel's terms of reference. There are no specific risks arising from this report.</p> <p>Social Inclusion and Diversity: 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: There are no specific implications insofar as this report is concerned.</p> | |

Options Appraisal:

There are no specific implications insofar as this report is concerned.

| | | |
|---|--|---|
| Contact Officer: Joe Chesterton | Title: Divisional Director of Corporate Finance | Contact Details: Tel: 020 8227 2932 E-mail: joe.chesterton@lbbd.gov.uk |
| Miriam Adams | Treasury & Pensions Manager | Tel: 020 8227 2722 E-mail: miriam.adams@lbbd.gov.uk |

1. Introduction

- 1.1 The London Borough of Barking and Dagenham Pension Fund is part of the Local Government Pension Scheme (LGPS). The statutory basis for the LGPS is contained in the Local Government Pension Scheme Regulations 1997. This legislation sets out who is eligible to join the scheme and the administrative arrangements for contributions, benefits and general administration.
- 1.2 The Local Government Pension Scheme (Amendment) (No. 3) regulations 2007 require administering authorities to publish an annual report. The Pension Fund Annual Report sets out an overview of the Fund, details performance for the financial year 2007/08, and details the work of the Pension Panel for the year. The Pension Panel is a member committee charged with the governance of the Pension Fund.
- 1.3 The Local Government Pension Scheme (Management and Investment of Funds) Regulations 1998 and various subsequent amendment regulations set out the way the monies in the fund are to be managed and invested. The Local Government Pension Scheme (Administration) Regulations 2008 sets out administration of the fund. It provides pensions and other retirement benefits for the Council's employees (other than teachers), and Scheduled and Admitted Bodies. The Pension Fund provides a guaranteed income that is protected against inflation for all scheme members that have retired from employment either from the Council, or from a scheduled or admitted body. The scheme is a "defined benefits" scheme, which means retirement benefits are related to the individual's final salary.
- 1.4 Staff and employers both contribute to the assets within the pension fund, in the form of employees and employers contributions. The Fund balance is invested in stocks and shares, fixed interest investments, and property, both in the United Kingdom and overseas. In 2007/08, these funds were managed by four external fund managers, Aberdeen Asset Management, Goldman Sachs Asset Management, Alliance Bernstein Institutional Investments and RREEF limited.

2. Pension Fund Overview

- 2.1 All Council's employees, except those covered by the Teachers Pension Scheme Regulations can join the Authority's Pension Scheme. The LGPS regulations also provide for specified bodies (employers) to be admitted in to the Fund. The Fund is financed from contributions from the Council, other employers, employees and by investment income and capital growth of the Fund's assets.
- 2.2 Details of employer organisations are as follows:

Administering Body

London Borough of Barking & Dagenham.

Scheduled Bodies

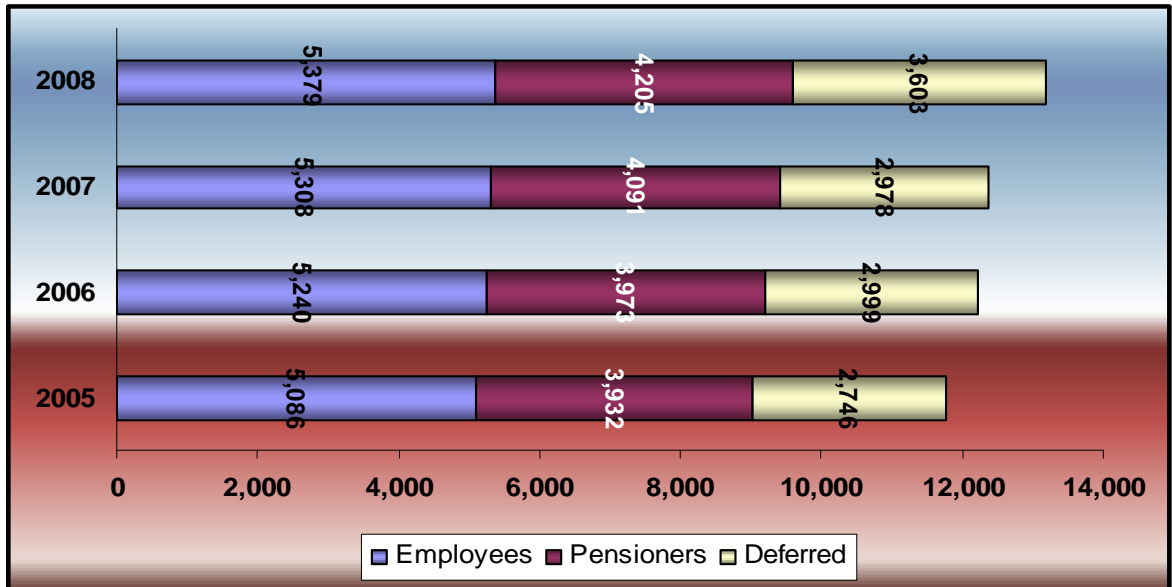
University of East London.

Admitted Bodies

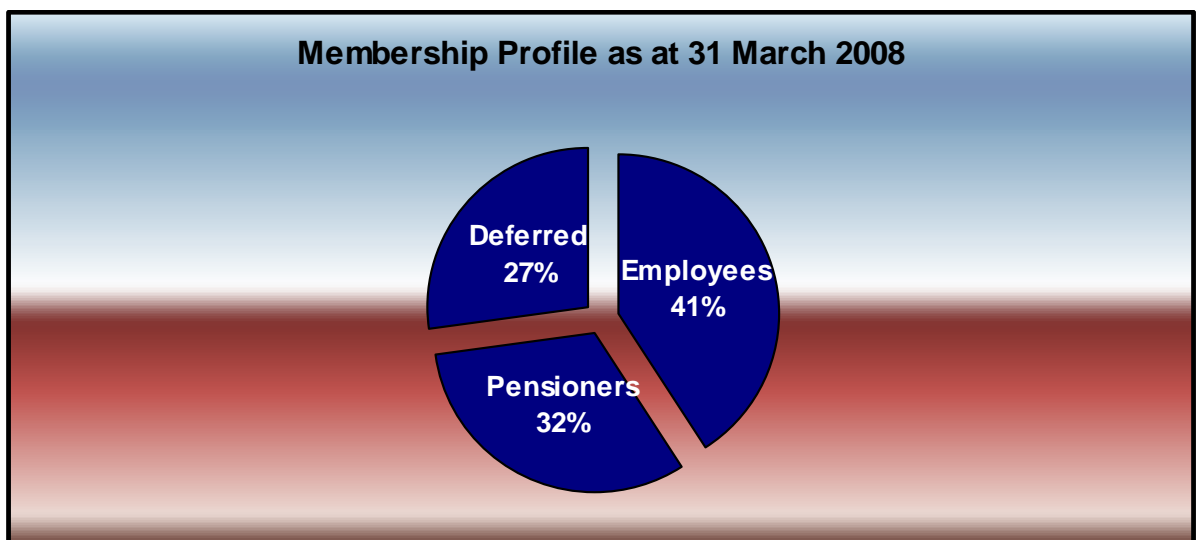
Barking College;
Barking College for Voluntary Services;

Age Concern Barking and Dagenham;
 Abbeyfield Barking Society;
 Disablement Association for Barking and Dagenham;
 Barking and Dagenham Citizen's Advice Bureau;
 London Riverside;
 Thames Accord; and
 East London E-Learning.

2.3 The chart below shows the membership of the fund over 4 years.



The chart below shows the membership profile of the fund as at 31 March 2008.



Active Members are those in employment with the Council or one of its Admitted or Scheduled Bodies making Contributions to the Pension Fund
Deferred Members are those who have left the Council or one of its Admitted or Scheduled Bodies, but have not yet become entitled to receive their pension from the scheme
Pensioners are those who receive a pension scheme from the Scheme (including spouses' and dependants' pension)

2.4 In 2007/08 employee contributions to the scheme were 6% of pensionable pay. From 1 April 2008, tiered contribution rates came into effect with contribution rates being set at pay band levels. Employer contribution rates are recommended by the actuary to ensure that assets in the Fund cover

liabilities over the long term. In 2007/08 the employer contribution rate for the London Borough of Barking and Dagenham was 16.2%.

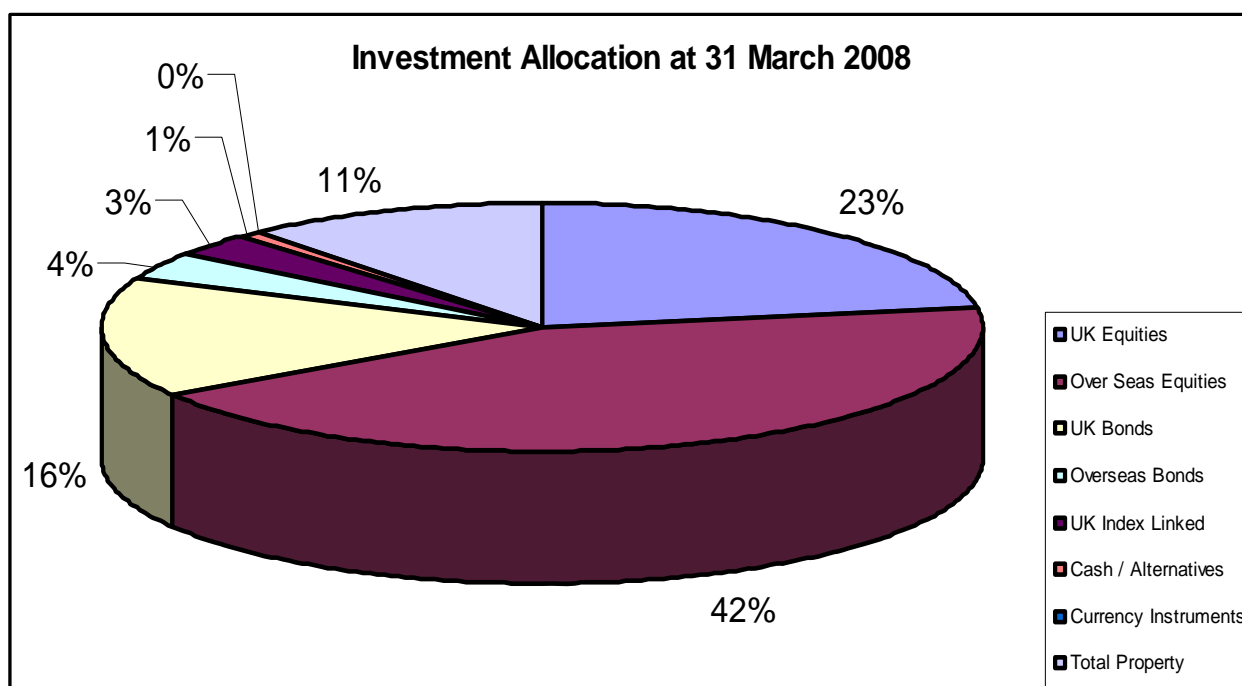
2.5 Management Structure of the Pension Fund

| | |
|-----------------------------------|---|
| Administering Authority | LB Barking & Dagenham |
| Administrator | Joe Chesterton, Chief Financial Officer |
| Pension Panel | Cllr Graham Bramley (Chairman) Cllr Evelyn Carpenter Cllr Shaun Carroll Cllr Alok Agrawal |
| Union Representative | John Fergie (GMB) |
| Investment Managers | Aberdeen Asset Management Alliance Bernstein Goldmans Sachs Asset Management RREEF Property Management |
| AVC Providers | Prudential |
| Independent Advisor | Valentine Furniss |
| Actuary/Investment Advisor | Hymans Robertson LLP |
| Custodian | State Street Bank & Trust Company |
| Auditor | PricewaterhouseCoopers LLP |
| Performance Measurement | WM Company |

3. Fund Investment and Performance

- 3.1 Throughout the year, performance of the Pension Fund is monitored. Information is obtained from the internal treasury management team, external fund managers, pension fund investment adviser and comparative benchmarking data is obtained from the WM Company. The Pension Panel use this information to scrutinise the performance on fund investments and Managers performance.

3.2 The Pension Fund investments are allocated over various Fund managers and over different investment types. This helps to diversify risk. The table below shows percentage of the fund managed by asset type as at 31 March 2008.



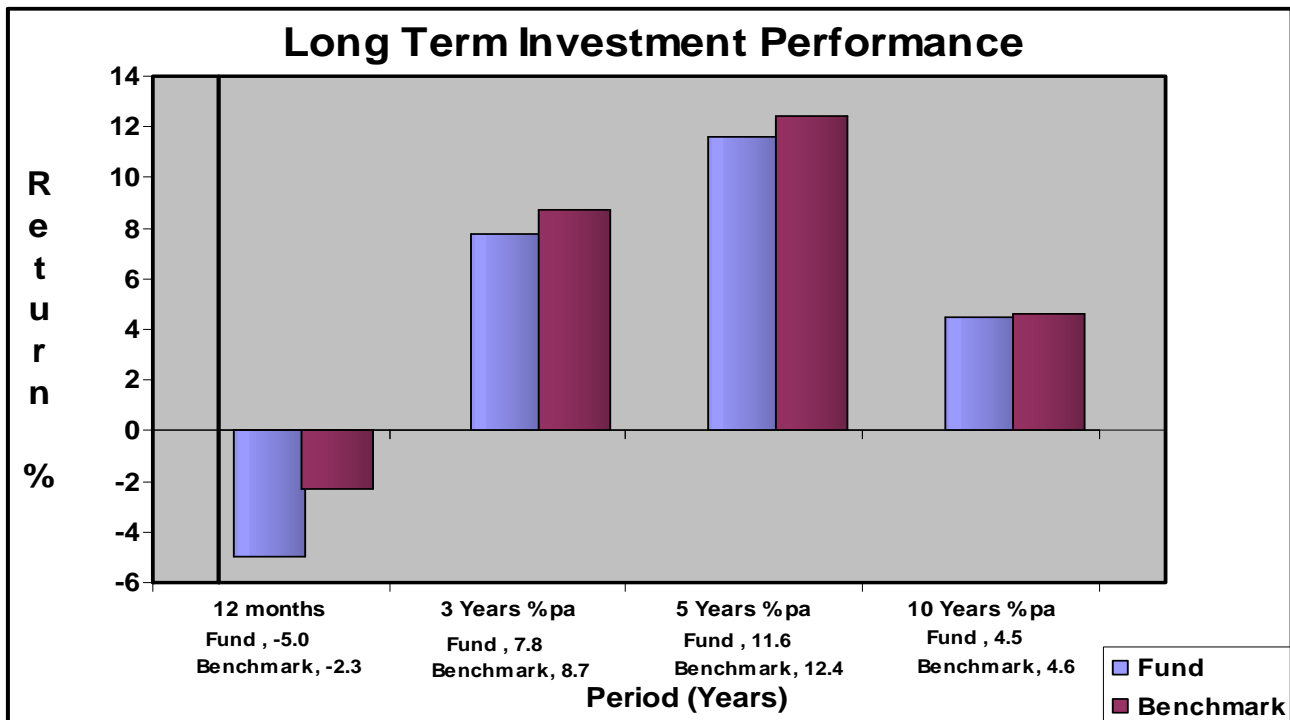
3.3 At the start of the financial year, global markets were buoyant. However due to the recent down turn economic conditions (the “credit crunch”), global markets overall as at 31st March 2008 produced negative returns. In April 2007, UK interest rates started the year at 5.25%, peaking at 5.75% in July 2007 and falling to 5.25% by March 2008.

3.4 The fund began the year with a fund market value of £530.4m and ended the year with a market value of £508.6m. This represents a Fund return of (5.0%) against a benchmark of (2.3%).

The fund performed below its benchmark by (2.8%), of this stock selection detracted (3.2%) to this return, while asset allocation provided an improvement of 0.4%.

Over a three year period from 1st April 2005 to 31st March 2008, the Fund also performed slightly below the benchmark. Benchmark returns over this period were 8.7% per annum, and the Fund achieved 7.8%.

3.5 These statistics indicate that performance on the Barking and Dagenham Pension Fund is below benchmark both for 2007/08 and over the last 3 years. Recent moves by the Pension Panel to review asset allocation on a quarterly basis, review fund manager mandate and review alternative asset classes has demonstrated the Pension Panel’s commitment to take necessary action to ensure that returns improve for the future.



4. Pension Fund Account 2007/08

- 4.1 The Fund market value at 31st March 2008 was £508.6m against a market value of £530.4m as at 31st March 2007, representing a decrease of £21.8m.
- 4.2 £20.5 m was received in employers' contributions while employee contributions were £7.89m. Transfers from other pension schemes amounted to £5.0m. A total of £17.4m was paid out as pensions, while £4.9m was paid out as lump sums, refunds and transfers of pensions out of the scheme amounted to £4.4m. Investment income was £14.4m in 2007/08. A copy of the pension fund accounts can be found on the council's website at www.lbbd.gov.uk

5. Actuarial Valuation and Solvency of the Fund

- 5.1 Legislation requires the Pension Fund to have an actuarial valuation undertaken every three years. The purpose of the valuation is for an independent assessment to be made of the health of the Fund – its funding level. The Fund actuary assesses the future growth in the value of the fund and the future liability to pay pensions to current and former employees.
- 5.2 The Fund actuary reported the triennial valuation as at the 31st March 2007. The funding level was 88% (compared to 87% at 31 March 2004). The aim of the report is to recommend employer contribution levels to ensure that assets in the fund cover liabilities over the long term. The common contribution rate for the next three years has been agreed at 18.7% of pensionable pay. The Council and admitted bodies have adopted the actuary's recommendation to implement this new employer contribution rate, and ensure that the deficit is recovered over a 16 year period.

6. Pension Fund Governance and Pension Panel Work

- 6.1 The Pensions Panel are charged with the governance of the London Borough of Barking and Dagenham Pension Fund. The Pensions Panel hold meetings on a quarterly basis, in addition to quarterly meetings with fund managers. The Pensions Panel is a member committee which is concerned with all aspects of the pension fund including aspects relating to the investment of the assets and liabilities of the Fund. The Panel's terms of reference are included in the Statement of Investment Principles. A copy of this document can be obtained on the Council's website www.lbbd.gov.uk.
- 6.2 In addition to the regular performance monitoring, the panel reviewed a number of key documents. These are detailed below:

Review of Available Alternative Asset Classes for Investment

The Pension Panel reviewed alternative classes available in the market for Pension Fund investment as well as the key risks involved in investing in them. This was with a view of ensuring that the fund was well diversified and that risk was effectively mitigated. Reports and presentations on various alternative asset classes were made by the Fund advisors and it was concluded that the current classes of investment were appropriate.

Review of Fund Manager Mandate, Strategy and Structure

This review encompassed the Fund's strategic asset allocation (Fund benchmark) and the structure of manager mandates. The current manager structure was put in place in August 2005 and it was agreed to keep this position under review pending future reports on investment performance.

Review of Fund Manager Auditor Reports

Each year the pension fund managers who hold quoted investments as well as the Pension Fund custodian State Street Bank, are subject to external audit and an annual audit report will be produced.

The purpose of the reports is to give the fund manager's clients confidence in the controls and procedures that managers operate. It is considered best practice to review the audit reports for these bodies on an annual basis. This was carried out in 2007/08 and no significant issues arose.

Annual Review of Additional Voluntary Contributions (AVCs)

Many pension fund members wish to make additional contributions to their pensions over and above the amounts ordinarily contributed from their salary. These additional amounts are invested on behalf of these individuals by external managers. The review concluded that the current provider is considered one of the most successful in the UK.

Review of the Triennial Actuarial Valuation Report

As noted in section 5, the triennial actuarial review took place as at the 31st March 2007. The findings of this were reported to the Pension Panel during 2007/08.

Review of the Funding Strategy Statement

The Council in its role as a Local Government Pension Scheme administering authority is required by law to prepare a "Funding Strategy Statement" (FSS)

which amongst other things, must be referred to by the Council's Actuary when preparing the triennial valuation.

A key purpose of the FSS is to assist Actuaries in carrying out their Pension Fund valuations and to establish a clear and transparent fund – specific strategy, which will identify how employer's pension liabilities are best met going forward. The Funding Strategy Statement was updated following the actuarial review, and approved by the Pension Panel and Executive.

Review of the Statement of Investment Principles SIP

The Pension panel reviewed and updated the Statement of Investment Principles during 2007/08.

Review of Myners Principles

The Myners review recommended that pension fund trustees voluntarily adopt, on a 'comply or explain' basis, a series of principles setting out best practice for investment decision making. The review was aimed at ensuring a high standard of governance over pension funds.

The Pension Panel considered the Myners Principles in respect of governance arrangements surrounding the London Borough of Barking and Dagenham Pension Fund for 2007/08. To comply with best practice the, Panel reviews compliance against the Myners Principles annually. In line with the legislative requirement, the Pension Panel issued a statement of compliance against the Myners Principles. A copy of this document can be found on the Council's website www.lbbd.gov.uk

Background Papers

Pension Panel Meeting Papers

Consultation

Nina Clark – Divisional Director of Legal & Democratic Services

John Hooton – Group Manager Resources & Technical Finance

Publication

This report will be made available through the A – Z listing (Finance) on the Council's website, and to all employers participating in the Pension Fund as well as Council Members on request as appropriate.

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THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

| | |
|--|----------------------------|
| <p>Title: Local Government Pension Scheme Governance Compliance Statement</p> | <p>For Decision</p> |
| <p>Summary:</p> <p>The purpose of this report is to approve the Local Government Pension Fund Governance Compliance Statement of the London Borough of Barking and Dagenham Pension Scheme for 2008/09.</p> <p>The main purpose of the Governance Compliance Statement is as follows:</p> <ol style="list-style-type: none"> 1. To meet the regulatory requirement that requires the administering authority to prepare and publish a Governance Compliance Statement. 2. To detail the extent to which the authority delegates its functions. 3. To detail the extent to which the Pension Fund complies against the Department for Communities and Local Government principles as set out in Appendix A. <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to approve the Governance Compliance Statement, as set out in this document.</p> | |
| <p>Reason(s)</p> <p>It is a new regulatory requirement for the Compliance Statement to be approved by the Executive.</p> | |
| <p>Implications:</p> <p>Financial: There are no financial issues arising from this report.</p> <p>Legal: There are no legal issues arising from this report.</p> <p>Risk Management: The risk management considerations are built into the Pension Panel's terms of reference. There are no specific risks arising from this report.</p> <p>Social Inclusion and Diversity: 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:

There are no specific implications insofar as this report is concerned.

Options Appraisal:

There are no specific implications insofar as this report is concerned.

| | | |
|---|--|---|
| Contact Officer: Joe Chesterton | Title: Divisional Director of Corporate Finance | Contact Details: Tel: 020 8227 2932 E-mail: joe.chesterton@lbbd.gov.uk |
| Miriam Adams | Treasury & Pensions Manager | Tel: 020 8227 2722 E-mail: miriam.adams@lbbd.gov.uk |

1. Governance Compliance Statement

1.1 Background

The Local Government Pension Scheme (Administration) Regulations 2008 came into effect from 1 April 2008 and brought forward the requirement contained in the previous rules of the scheme (regulation 73A of the Local Government Pension Scheme Regulations 1997) for administering authorities to prepare and publish a Governance Compliance Statement (“the Statement”).

The London Borough of Barking & Dagenham is an administering authority for the purposes of the Local Government Pension Scheme (“the LGPS”) and as such is required to produce a Statement in respect of the London Borough of Barking & Dagenham Pension Fund (“the Fund”).

2. Regulatory requirement

2.1 The requirement to publish a Statement is contained within regulation 31 of the Local Government Pension Scheme (Administration) Regulations 2008 and requires that a written Statement be produced by the administering authority setting out:

(a) Whether the authority delegates its function, or part of its function, in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the authority

(b) If it does so:

(i) The terms, structure and operational procedures of the delegation,

(ii) The frequency of any committee or sub-committee meetings,

(iii) Whether such a committee or sub-committee includes representatives of employing authorities (including authorities which are not Scheme employers) or members, and, if so, whether those representatives have voting rights;

(c) the extent to which a delegation, or the absence of a delegation, complies with guidance given by the Secretary of State and, to the extent it does not so comply, the reasons for not complying.

2.2 It is a requirement of the Regulations that the Statement be revised and re-published following any material changes in policy in relation to any of the matters set out above.

2.3 Further, the Statement is required to set out the extent to which the Fund complies with best practice guidance issued by Communities and Local Government (CLG). Draft guidance was originally issued in October 2007 and further draft guidance has subsequently been issued for comment in July 2008. The extent to which the Fund complies with the latest draft best practice guidance is set out in the table at the end of this Statement.

This Statement forms a suite of statements and policy decisions and should be considered alongside the following documents also applying to the Fund:

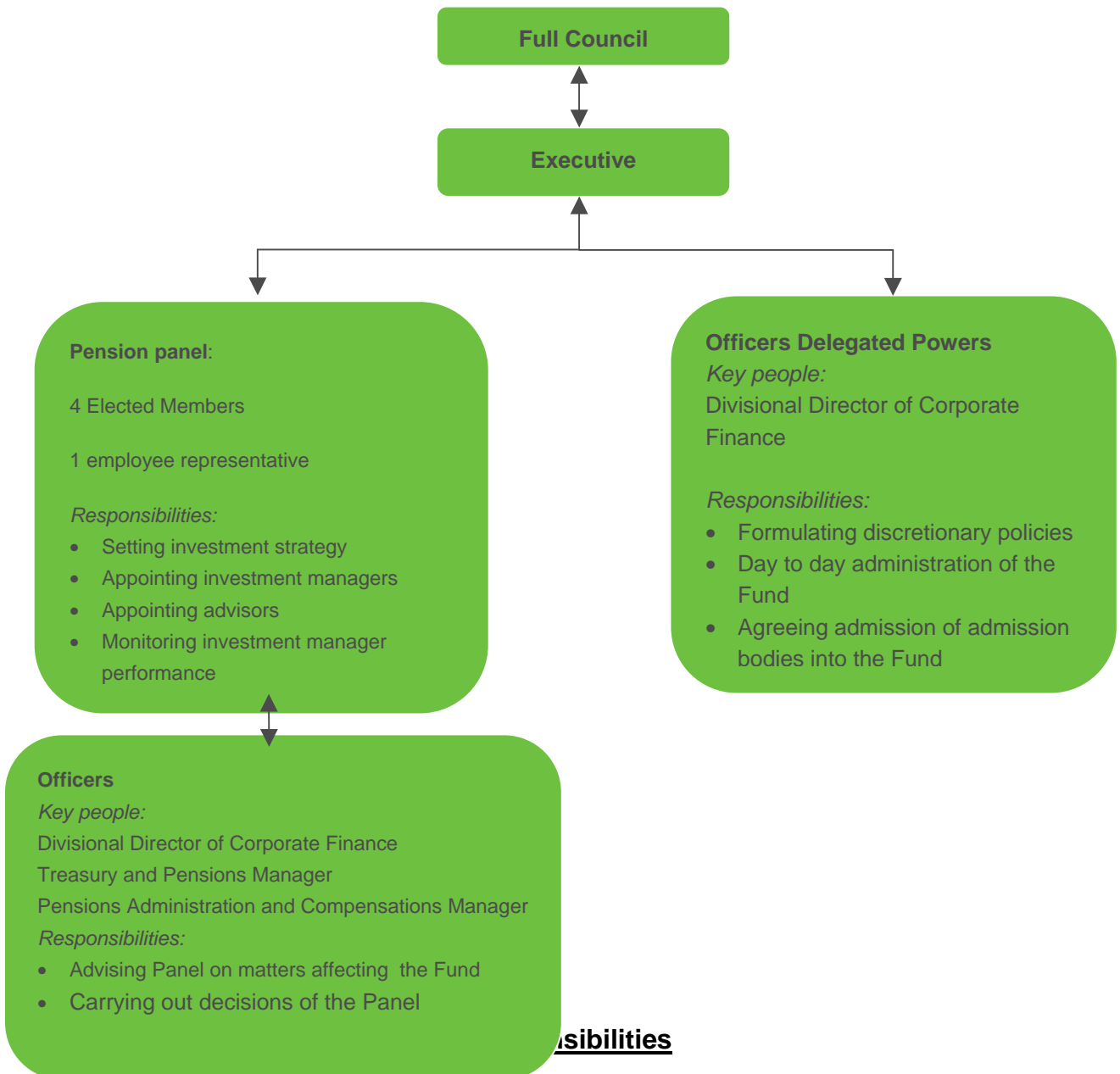
- Funding Strategy Statement

- Statement of Investment Principles
- Information Policy Statement

This statement was presented to the Pension Panel on 2nd September 2008 and it is requested that it be approved at this Executive meeting. The document becomes effective upon approval.

3. London Borough of Barking & Dagenham's governance structure

3.1 Under the terms of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and subsequent amendments, functions relating to local government pensions are not to be the responsibility of an authority's Executive. Rather, such matters should fall to be the responsibility of the full Council, who can delegate powers to the appropriate committee(s) or officer(s). Currently the governance structure associated with the Fund has been delegated by the Council to the Executive, which has put in place the following structure for dealing with matters associated with the management and administration of the Fund:



4.1 The delegated responsibilities of the Executive include:

- To determine the allocation of new money to the manager. Similarly, in the event that assets need to be realised in order to meet the Fund's liabilities, the Council will determine the source of this funding;
- To be responsible for any changes to the terms of the mandates of existing managers;
- To be responsible for the appointment and termination of managers;
- To be responsible for socially responsible investment, corporate governance and shareholder activism. The Executive in turn has delegated these tasks to the Fund's managers, who conduct the delegated tasks in line with the Council's policies; and
- To be responsible for the appointment and termination of AVC providers.

5. Pension Panel's delegated responsibilities and terms of reference

5.1 As part of the Constitution of the Council the pension panel terms of reference are as follows:

The Panel is responsible for monitoring all aspects relating to the investment of the assets of the Fund, specifically:

- The Panel will formally review the Fund's asset allocation at least annually, taking account of any changes in the profile of Fund liabilities and any guidance from the Panel regarding tolerance of risk. They will recommend changes in asset allocation to the Executive;
- The Panel will consider and monitor the Quarterly Reports produced by their Investment Manager. In addition to managers' portfolio and performance reporting, the Panel will also receive and review information from the managers on risk analysis, transaction costs, and details of corporate governance (including Socially Responsible Investments, voting activity and engagement with management);
- The Panel will formally review annually the investment manager's mandate, and adherence to its expected investment process and style. The Panel will ensure that the explicit written mandate of each of the Fund's managers is consistent with the Fund's overall objective and is appropriately defined in terms of performance target, risk parameters and timescale;
- The Panel will consider the need for any changes to the Fund's investment manager arrangements (e.g. replacement, addition, termination) at least annually;
- In the event of a proposed change of managers, the Panel will evaluate the credentials of potential managers;
- The Panel will consider the Fund's approach to social, ethical and environmental issues of investment, corporate governance and shareholder activism;
- The Panel will review the Fund's AVC arrangements annually. If they consider a change is appropriate, they will make recommendations to the Executive;
- The Panel will monitor the investment advice from their investment consultant and investment services obtained from other providers (e.g.

custodian) at least annually. The Panel consider a change if appropriate to appoint and terminate providers. The Panel will make recommendations to the Executive;

- The Panel will conduct and conclude the negotiation of formal agreements with managers, custodians and other investment service providers;
- The Panel will be responsible for the appointment of actuarial advisors to the Fund;
- The Panel will receive the triennial report setting out the result of the latest valuation of the Fund by the actuary to the Fund and ensure the results are made available to the full Council; and
- The Panel will carry out the functions required of the Fund relating to the LGPS under:
 - The Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007 and the Local Government Pension Scheme (Administration) Regulations 2008, and subsequent amendments and
 - The Local Government Pension Scheme (Management and Investment of Funds) Regulations 1998 and subsequent amendments.

5.2 In order to fulfil their roles, the members of the Panel will be provided with appropriate training, initially and on an ongoing basis.

The Panel is able to take such professional advice as it considers necessary;

The Panel will keep Minutes and other appropriate records of proceedings, circulate these Minutes to the Executive; and

The Panel may also carry out any additional tasks delegated to it by the Council.

6. Officer Delegation

6.1 A number of non investment functions relating to the administration of the Scheme are currently delegated to Officers of the Council. These include responsibility for:

- All matters relating to the overall financial arrangements of the Council, other than those reserved to Member meetings.
- All matters associated with the day today administration of the Fund on behalf of the Council.
- Interpretation and application of all new and amending legislation affecting the day to day administration of the Fund.
- Statutory compliance with overriding legislation.
- Considering all applications by non scheme employers to join the LGPS via an admission agreement.
- Agreeing all discretionary policies on behalf of the Council in its role as administering authority and employing authority, and any subsequent revisions to such policies.

No formal reporting of any such decisions is currently passed to the Panel for information or involvement.

7. Membership and representation

7.1 Make up of Panel

The Panel is made up of elected members. Employee representation is also achieved through the inclusion of a single union representative (GMB). There are currently no representatives from other scheme employers or admitted bodies. The Panel has a permanent independent observer in attendance and investment adviser.

Consideration will be given to changes to the Panel membership if felt to be appropriate.

7.2 Secondary committee or panel

The Fund does not currently have in place any secondary committee or advisory panel either to consider matters delegated by the Pension Panel or to provide advice to the Panel on specific items and widen representation amongst the stakeholders of the Fund.

7.3 Other Forum

The Fund currently does not have any established forum giving stakeholders the opportunity to feed into the decision making processes associated with the management and administration of the Fund. The results of each triennial valuation are presented to a meeting where all participating scheme employers are invited. Consideration may be given in the future to initiating an annual employer forum, possibly extending the invitation to cover all unions within local government.

7.4 Voting

Voting rights remain with Members, due to the fact that the Council retains legal responsibility for the Fund as the administering authority. The Chair has the casting vote. In practical terms decisions on the Fund are usually made by consensus.

8. Review against best practice guidance

- 8.1 This Statement will be kept under review on an annual basis by the Treasury & Pensions Manager to ensure it continues to comply with the requirements of the CLG best practice guidance. A statement of compliance against current best practice is included at Appendix A. Where areas of partial or non-compliance are identified these will be considered and an action plan agreed by the Panel and Officers to bring forward the necessary changes. In considering any changes to this Statement the Panel will consult with such stakeholders as it considers appropriate.

Background Papers

Pension Panel Meeting Papers

Consultation

Joe Chesterton – Divisional Director Corporate Finance
Nina Clark – Divisional Director of Legal & Democratic Services
John Hooton – Group Manager Accounting & Technical Finance

Publication

This report will be made available through the A – Z listing (Finance) on the Council’s website, and to all employers participating in the Pension Fund as well as Council Members on request as appropriate.

Compliance against CLG best practice principles

The following table sets out the extent to which the Fund currently complies with the best practice principles set out in draft guidance issued in July 2008, together with explanations where compliance is not fully met for any reasons.

| Best practice requirement | Level of compliance | Comments |
|---|----------------------------|--|
| Structure | | |
| a) The management of the administration of benefits and strategic management of fund assets clearly rests with the main committee established by the appointing council. | Full compliance | The Executive has delegated the management and administration of the Fund to the Pension Panel. |
| b) That representatives of participating LGPS employers, admitted bodies and scheme members (including pensioner and deferred members) are members of either the main or secondary committee established to underpin the work of the main committee. | Partial compliance | The Pension Panel includes representation from the General and Municipal Boilermakers Union (GMB), but does not currently have any direct representation from other unions or other scheme employers. The terms of reference of the Panel are subject to regular review and the issue of representation will be carefully considered in the future and changes made as necessary. |
| c) That where a secondary committee or panel has been established, the structure ensures effective communication across both levels. | Not applicable | No secondary committee or panel has been set up at present to consider issues relating to the management or administration of the Fund. |
| d) That where a secondary committee or panel has been established, at least one seat on the main committee is allocated for a member from the secondary committee or panel. | Not applicable | No secondary committee or panel has been set up at present to consider issues relating to the management or administration of the Fund. |
| Representation | | |
| a) That all key stakeholders are afforded the opportunity to be represented within the main or secondary committee structure. These include :- i) employing authorities (including non-scheme employers, e.g. admitted bodies); ii) scheme members (including deferred and pensioner scheme members), iii) where appropriate, independent professional observers, and iv) expert advisors (on an ad-hoc basis). | Partial compliance | There is no direct representation afforded to scheme employers and admitted bodies on the Panel. Currently only the GMB attend the Panel meetings in a capacity of employee representative. Expert advisors, and an independent adviser (investment advisors, etc) are invited to attend all Panel meetings. |
| b) That where lay members sit on a main or secondary committee, they are treated equally in terms of access to papers and meetings, | Full compliance | All members of the Panel are provided with equal access to all papers relevant to the Panel meeting in advance of the meeting. |

| Best practice requirement | Level of compliance | Comments |
|---|---------------------|--|
| training and are given full opportunity to contribute to the decision making process, with or without voting rights. | | meeting in advance of the meeting. All members of the Panel are given equal opportunity to contribute to the decision making Panel. All members are given equal access to relevant training on issues affecting the Fund. |
| Selection and role of lay members | | |
| a) That committee or panel members are made fully aware of the status, role and function they are required to perform on either a main or secondary committee. | Full compliance | The Panel regularly receive training on current issues from professional advisors and Fund Managers. Comprehensive training is given to new lay members who join the pension panel. |
| b) That at the start of any meeting, committee members are invited to declare any financial or pecuniary interest related to specific matters on the agenda | Full compliance | Such action is taken, in compliance with the formal Constitution and Standing Orders of the Borough Council. |
| Voting | | |
| a) The policy of individual administering authorities on voting rights is clear and transparent, including the justification for not extending voting rights to each body or group represented on main LGPS committees. | Full compliance | Each member of the Panel is made aware of their voting rights as part of the Panel. Justification for not extending voting rights to the GMB representative are based on the fact that it is the Borough Council that retains full responsibility for all decisions taken in relation to the Fund. |
| Training/Facility time/Expenses | | |
| a) That in relation to the way in which statutory and related decisions are taken by the administering authority, there is a clear policy on training, facility time and reimbursement of expenses in respect of members involved in the decision-making process. | Full compliance | Appropriate training is made available to all members of the Panel. The Council's policy on expenses applies in these instances, and there are no specific policies in place for the pension panel. |
| b) That where such a policy exists, it applies equally to all members of committees, sub-committees, advisory panels or any other form of secondary forum. | Full compliance | As above. |
| c) That the administering authority considers the adoption of annual training plans for committee members and maintains a log of all such training undertaken. | Full compliance | Training for pension panel members is part of the annual timetable. |
| Meetings (frequency/quorum) | | |
| a) That an administering authority's main committee or committees meet at least | Full compliance | The Pension Panel Meets on a quarterly basis. The Panel also meets with fund managers on a |

| Best practice requirement | Level of compliance | Comments |
|---|---------------------|--|
| quarterly. | compliance | quarterly basis. |
| b) That an administering authority's secondary committee or panel meet at least twice a year and is synchronised with the dates when the main committee sits. | Not applicable | No secondary committee or panel has been set up at present to consider issues relating to the management or administration of the Fund. |
| c) That an administering authority who does not include lay members in their formal governance arrangements, must provide a forum outside of those arrangements by which the interests of key stakeholders can be represented | Non-compliance | No such forum currently exists. Consideration will be given to introducing a regular employer forum, which may be extended to include union representation as well. |
| Access | | |
| a) That subject to any rules in the council's constitution, all members of main and secondary committees or panels have equal access to committee papers, documents and advice that falls to be considered at meetings of the main committee. | Full compliance | All members of the Panel have equal access to appropriate paper, documents and advice in advance of, or as part of, each meeting. |
| Scope | | |
| a) That administering authorities have taken steps to bring wider scheme issues within the scope of their governance arrangements | Full compliance | The pension panel timetable includes a regular update on current issues affecting pension funds. |
| Publicity | | |
| a) That administering authorities have published details of their governance arrangements in such a way that stakeholders with an interest in the way in which the scheme is governed, can express an interest in wanting to be part of those arrangements. | Full compliance | This Statement provides full details on how stakeholders can engage with the Borough Council in relation to the governance arrangements of the Fund. It is also published on the Council's website. The Fund has also produced a Communication Policy Statement, which sets out the way in which it communicates with stakeholders. |

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THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF REGENERATION

| | |
|--|---------------------|
| Title: Draft Local List of Buildings of Special Architectural or Historic Interest in the London Borough of Barking and Dagenham | For Decision |
| <p>Summary</p> <p>The Heritage Bill intends to introduce a duty for English Heritage to create and maintain a Historic Environment Record for Greater London. The Historic Environment Record must contain amongst other things details of structures and open spaces that are of local historic or architectural interest. It is therefore essential that the Council has an up to date list of buildings of special architectural or historic interest which can be incorporated into the Greater London Historic Environment Record.</p> <p>Although Barking and Dagenham has a rich history, little evidence of this remains. The borough has four conservation areas and a limited number of Listed Buildings. There are however a number of buildings which although not worthy of formal listing are of local historical or architectural interest and therefore which are important in helping define the character of the borough's built environment and provide links to its past. Barking and Dagenham is currently experiencing a rapid change as evidenced by the ambitious regenerations proposals underway. It is important that these schemes enhance the borough's character and local identity by taking into account local buildings of historical or architectural interest which are the most visible and tangible evidence of this.</p> <p>The national criteria for assessing whether a building is worthy of listing have been used to identify buildings worthy of local listing, the only difference being that their architectural and/or historic interest must be of local rather than national significance.</p> <p>The list attached as Appendix A, is a draft for consultation and comprises the 112 buildings which have been found to be of local architectural or historic interest. This is an update of the existing list and it is intended that it will be reviewed every five years when the Conservation Area Appraisals are reviewed. Locally Listed buildings do not enjoy statutory protection at the same time, in line with Planning Policy Guidance Note 15, the emerging Local Development Framework requires developers to take them into account in designing their schemes, and encourages them wherever possible to incorporate them into their proposals. If this is not possible they can in any event inform their replacement. The List will also provide a valuable record of the Borough's past and will be an education resource for the public as well as providing advice to owners on how to maintain their buildings so that their special interest is preserved or enhanced.</p> <p>Wards Affected: All wards</p> | |

Recommendation

The Executive is asked to approve the draft Local List of Buildings of Special Architectural or Historic Interest in the London Borough of Barking and Dagenham for consultation and authorise the Corporate Director of Regeneration to make any necessary non-material changes.

Reason(s)

To assist the Council to achieve its Community Priorities of "Raising General Pride in the Borough" and 'Regenerating the Local Economy'.

Implications**Financial:**

The financial resources for developing and consulting on the local list can be met from within existing Spatial Regeneration budgets.

Legal:

This is an update of the existing list. Planning Policy Guidance Note¹⁵ paragraph 6.16 states it is open to planning authorities to draw up lists of locally important buildings, and to formulate local plan policies for their protection, through normal development control procedures.

The Heritage Bill intends to introduce a duty for English Heritage to create and maintain a Historic Environment Record for Greater London. The Historic Environment Record must contain amongst other things details of structures and open spaces that are of local historic or architectural interest. It is therefore essential that the Council has an up to date list of Locally Listed Buildings which can be incorporated into the Greater London Historic Environment Record.

Risk Management:

The main risk of not updating the local list is that there would be no record of buildings of local architectural or historic interest and therefore they could be lost without any consideration given to their retention or any role they could play in informing the design of new development. This is especially important at this time of major change and development. There is no risk identified in the Council approving the recommendations of this Executive Report. The regeneration agenda has been considered and the boundary review of the Abbey and Barking Town Centre Conservation Area and appraisal compliment these proposals and has been done with input from the Area Regeneration Teams.

Social Inclusion and Diversity:

The local list is an important record of those buildings of local architectural or historic interest which are important to provide local identity and a distinctive built environment. Having knowledge of these buildings and taking them into account in development proposals will help maintain local identity and foster civic pride amongst the whole community.

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. A locally listed building that is well cared for can contribute to the local identity of an area and encourage a sense of pride in and respect for the local environment, and therefore may help reduce vandalism.

Options Appraisal

There are two options to consider:

1. Not update the local list. This report outlines the reasons for updating the local list. Without it will be more difficult to put in place measures to maintain or enhance buildings of local architectural or historic interest, and therefore locally important local heritage assets and their settings may be damaged or lost unnecessarily which will harm local identity and civic pride.
2. To update the list in line with the conservation area review. This will more adequately protect the locally important buildings throughout the borough and include those also within the Abbey and Barking Town Centre and Abbey Road Riverside Conservation Areas.

| Contact Officer | Title: | Contact Details |
|-----------------|--------------------------------|--|
| Daniel Pope | Group Manager Spatial Planning | Tel: 020 8227 3929 Fax: 020 8227 5326 Minicom: 020 8227 3034 E-mail Daniel.pope@lbbd.gov.uk |

1. Introduction and Background

- 1.1 The Community Strategy under the priority 'Better Education and Learning for all' aims to raise general pride in the borough by celebrating the historical and cultural richness of Barking and Dagenham. Under the priority 'Regenerating the Local Economy' the Community Strategy aims to create an environmentally distinctive area with high standards of design and architecture that are well maintained and looked after. Maintaining an up to date local list will help to ensure that buildings of local historic and architectural interest are preserved or enhanced.
- 1.2 The Heritage Bill intends to introduce a duty for English Heritage to create and maintain a Historic Environment Record for Greater London. The Historic Environment Record must contain amongst other things details of structures and open spaces that are of local historic or architectural interest. It is therefore essential that the Council has an up to date list of buildings of special architectural or historic interest which can be incorporated into the Greater London Historic Environment Record.
- 1.3 Although Barking and Dagenham has a rich history, little evidence of this remains. The borough has four conservation areas and a limited number of Listed Buildings. There are however a number of buildings which although not worthy of formal listing are of local historical or architectural interest and therefore which are important in helping define the character of the borough's built environment and provide links to its past. Barking and Dagenham is currently experiencing a rapid change as evidenced by the ambitious regenerations proposals underway. It is important that these schemes enhance the borough's character and local identity by taking into account local buildings of historical or architectural interest which are the most visible and tangible evidence of this. This will help residents identify with their local environment and foster civic pride and therefore help deliver the community priority of Raising Pride in the Borough.

2 Policy Context

- 2.1 The local list along with the Conservation Area Appraisals provides a firm basis on which applications for future development will be assessed. The local list will be a material consideration when determining planning applications. The local list and conservation area appraisals therefore must be read in conjunction with Barking and Dagenham's Local Development Framework.
- 2.2 Policy CP2 in the pre-submission Core Strategy identifies that although the borough has a rich history relatively few heritage assets remain, and for that reason particular care will be taken to:
- Protect and wherever possible enhance the borough's historic environment
 - Promote understanding of and respect for our local context
 - Reinforce local distinctiveness
 - Require development proposals and regeneration initiatives to be of a high quality that respects and reflects the borough's historic context and assets.
- 2.3 It emphasises that the borough's heritage assets will be used as an integral part of the borough's regeneration, and because today's developments will be tomorrow's heritage to use them in the bid to secure the highest standards of new design and architecture.
- 2.4 More detail on the implementation of CP2 is provided in the Council's Pre – Submission Borough-Wide Development Policies. Policy BP2 covers locally listed buildings. This identifies that the Council will produce a list of locally listed buildings and that their contribution will be taken into account when assessing planning applications, and that the list will be periodically reviewed and updated.

3 Content of the Local List

- 3.1 The national criteria for assessing whether a building is worthy of listing have been used to identify buildings worthy of local listing, the only difference being that their architectural and/or historic interest must be of local rather than national significance.
- 3.2 Government Circular 01/07 'Revisions to Principles for Selection of Listed Buildings' states the Secretary of State will use the following criteria when assessing whether a building is of special interest and therefore should be added to the statutory list:

Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There

should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.

With regard to these criteria the methodology for reviewing, approving and publishing the local list is explained below:

- i) Using the various local lists that existed an officer using the above criteria and with assistance from English Heritage assessed buildings for their local historic and/or architectural interest. This verified the inclusion of buildings on the existing list as well as identifying other buildings worthy of inclusion.
- ii) An initial draft list went to the Executive in March 2007 as an appendix to a draft Abbey and Barking Town Centre Conservation Area appraisal but has been updated since. Appendix A therefore is a definitive draft list of locally listing buildings.
- iii) Once the draft list has been approved key interested parties and freeholders/leaseholders of affected properties will be consulted
- iv) The final list will then come back to Executive for approval

3.3 The list attached as Appendix A comprises the 112 buildings which have been found to be of local architectural or historic interest. These buildings do not enjoy statutory protection at the same time, through the Local Development Framework developers will be required to take them into account in designing their schemes, and will be encouraged, wherever possible, to incorporate them into their proposals. If this is not possible they can in any event inform their replacement. The list will also provide a valuable record of the Borough's past and will be an education resource for the public as well as providing advice to owners on how to maintain their buildings so that their special interest is preserved or enhanced.

4 Consultation

4.1 Consultation will be carried out with a small number of targeted groups such as London Thames Gateway Development Corporation, English Heritage, English Partnerships, the Creekmouth Preservation Society, Chadwell Heath Historical Society, Dagenham Village Partnership, the Marks Gate Agenda 21 Group. This includes a number of informal meetings and therefore will incur minimal cost. All owners of the new buildings added to the local list in this update will also be consulted to anticipate the requirements of the Heritage Bill. These costs will be met from within existing Spatial Regeneration budgets. The results of the consultation will be addressed in the final versions of the local list and will be reported back to the Executive.

5 Consultees

The following were consulted in the preparation of this report

Lead Councillors:

Councillor Little (Portfolio Holder for Culture)

Councillor McCarthy (Portfolio Holder for Regeneration)

Ward Councillors:

Abbey Ward, Councillors Alexander, Bramley, Fani and
Gascoigne Ward, Councillors Flint, McKenzie and Rush

Internal**Resources Department**

Bill Murphy (Corporate Director Resources)

Alex Anderson (Group Manager Regeneration and Customer Services Finance)

Yinka Owa (Legal Partner)

Children's Services

Christine Pryor (Head of Integrated Family Services)

Michael Freeman (Group Manager Asset Management and Capital)

Customer Services

David Woods (Corporate Director of Customer Services)

Darren Henaghan (Head of Environmental and Enforcement Services)

Adult & Community Services

Anne Bristow (Corporate Director of Adult and Community Services)

Heather Wills (Head of Community Services, Libraries and Heritage)

Philip Baldwin (Group Manager Community Development)

Amy Gaimster (Group Manager Heritage Services)

Kirsty Bradburn (Group Manager Heritage Services)

Mark Watson (Heritage Officer)

Regeneration

Jennifer Dearing (Corporate Director Regeneration)

Andrew Hyder (Head of Asset Strategy and Capital Delivery)

Jeremy Grint (Head of Spatial Regeneration)

Andy Bere (Corporate Asset Manager)

Simon Farrow (Group Manager Parks and Leisure)

Colin Beever (Group Manager Property Services)

Tim Lewis (Group Manager Development and Building Control)

Andy Butler (Group Manager Area Regeneration)

David Higham (Group Manager Strategic Transportation)

Stephen Knell (Access Officer)

Dave Mansfield (Development Control Manager)

David Harley (Regeneration Manager)

Jennie Coombs (Regeneration Manager)

Hugo Wuyts (Regeneration Officer)

External Andrew Hargreaves (English Heritage)

Background Papers Used in the Preparation of the Report

- Executive Report Abbey and Barking Town Centre Conservation Area Appraisal and Review of Conservation Area Boundary, and Abbey Road Riverside Conservation Area Appraisal, 4 November 2008
- Executive Report Abbey and Barking Town Centre Conservation Area, 27 March 2007
- * Pre-submission Core Strategy and Borough Wide Development Policies

- *Barking Town Centre Area Action Plan Preferred Options Report (consultation draft 2008)
- *Design for London Heritage Scoping Study on Abbey and Barking Town Centre (draft), November 2007
- Planning Policy Guidance Note 15 (PPG15): Planning and the historic environment published 14 September 1994, Part 2 Identifying and Recording the Historic Environment, paragraph *6.16 National and Local Interest
- *The Heritage White Paper Heritage Protection for the 21st century published in March 2007
- *Department for Communities and Local Government Circular 01/07: Revisions to principles of selection for Listed Buildings, 8 March 2007
- *LBBD Heritage Strategy 2002
- *Unitary Development Plan 1995

Appendices

(available in the Members' Rooms in the Town Hall, Civic Centre, and Barking Central Library)

Appendix A- Consultation Draft Local List of Buildings of Special Architectural or Historic Interest in the London Borough of Barking and Dagenham

A paper copy of the above can be obtained from Francesca Cliff tel. 0208 227 3910 (direct line) and will shortly be available on the Councils website.

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Consultation Draft

Local List of Buildings of Special Architectural or Historic Interest revised list updated 16.09.08

| | Location | Name | Description | Notes |
|----|--------------------------|--|--|-----------------------|
| | Barking | | | |
| *1 | 1-11 East Street | No.1 HMJ Nail & Beauty Bar to no.11 Beauty Queens Cosmetics | Late Victorian/Edwardian terrace built 1906-7. May have been rebuilt 1928/9, redbrick with rich stone dressings, shaped gables, curved alternating with triangular, three storey terrace, good scale. | Photographed 19.12.07 |
| *2 | 13-27 East Street | No. 13 Barking Café to no.27 H.T Pawnbrokers includes Woolworths | Mid Victorian style terrace. May have been rebuilt 1928/9, - early 20th century, 2 storey, pilasters with a classical theme. | Photographed 6.5.08 |
| 3 | 33-35 East Street | No. 33 Sense International to 35 (vacant) | 3-storey house built 1822-1860, formerly known as Fawley House. The oldest secular building remaining in Barking Town Centre. Ground floor converted into two shops in late 19 th early 20th century. Good pilasters and corbels. | Photographed 19.12.07 |
| 4 | 41 East Street | McDonalds | Late Victorian/Edwardian building with prominent central gable. | Photographed 9.05.08 |
| 5 | 2a-4a East Street | Former Burtons building | Good corner building. Built 1931. Art deco style. Intricate stone detailing to floors. Includes elephant head capitals. Converted into flats above shop premises. | Photographed 2.11.07 |
| *6 | 54-66 East Street | no. 54 Stead and Simpson to no. 66 Game Station | Built in the early 1900's attractive terrace with elegant elliptical bow fronted facades | Photographed 2.11.07 |
| 7 | 2 Station Parade | Barclays Bank | Neo-Georgian style. Prominent corner building. Fine detailing | Photographed 2.11.07 |

| | | | | |
|------|-----------------------------------|---|---|----------------------|
| | | | around doorway. | |
| 8 | 4- 8 Station Parade | 4 Nationwide 8 Valet Dry Cleaning Specialists | Built in 1902. Three storey terrace with elaborate facades of red brick with decorative stone features. Eclectic style. | Photographed 2.11.07 |
| 9 | No. 2 Ripple Road Barking | Police Station | Fine Edwardian police Station built 1910 (date on rain hoppers). Mansard roof. Original window frames and dormers. Good brick and stone detailing. Prominent entrance with original lamp and railings. May be worthy of statutory listing status. | Photographed 2.11.07 |
| 10 | No. 6 Ripple Road, Barking | Former British Gas building (Barking gas or North Thames Gas now JD Sports) | Edwardian three storey red brick building with original box sash windows. Original pilasters with winged cherubs. Good chimneys. Elaborate cornice. May be worthy of statutory listing status. | Photographed 2.11.06 |
| 11 | Ripple Road, Barking | Westbury Centre | Very similar to the Northbury School. Prominent Three storey building. Officially opened (as Westbury School) in 1904. Currently being extended. | Photographed 4.11.04 |
| **12 | Ripple Road | Westbury Arms Public House (closed) | Built 1899 on the site of an earlier licensed house called the Hand and Bowl or Hand-in-Bowl. Building alterations are recorded in 1925 (from LBBB Barking Pubs Past and Present page 10); pub is quite distinctive in appearance and located at a prominent location junction of Gascoigne Road and Ripple Road. | To photograph |
| **13 | Ripple Road | Salvation Army building | Building at prominent location at junction of Ripple Rd and Movers | Photographed 3.6.08 |

| | | | | |
|------|-----------------------------------|--|--|----------------------|
| | | | Lane; late Modernism; brick building with mock stone detailing and tall arched windows; Crittal windows; 8 December 1934 on foundation stones. | |
| 14 | 2 Linton Road, Barking | Solution formerly @ Barking public house | Dates from 1894. Formerly Brewery Tap and James Fig. Originally formed part of Barking Brewery. | Photographed 8.11.07 |
| 15 | Linton Road, Barking | Baptist Tabernacle | Built in 1893 in Grecian Renaissance style. Brick with Bath stone dressing. Original doors and lights. Art Nouveau railings. May be worthy of statutory listing status. | Photographed 8.11.07 |
| **16 | 26 Linton Road | Badawa House | detached, double-fronted Edwardian Villa most likely associated with Tabernacle next door; Hazelwood name on front facade | Photographed 29.9.08 |
| **17 | 41 Linton Road | The Presbytery | Presbytery together with associated; retains some original features sash windows, slate roof & barge boards; terracotta copings to garden walls with makers mark visible (Late Browne & Co. Bridgewater Somerset); some extensions added to front and porch rebuilt. | Photographed 29.9.08 |
| **18 | Linton Road | St Mary and St Ethelburga church | Stained glass windows and First World War memorial from previous church that was on this site incorporated into replacement church; associated with Presbytery and school. | Photographed 29.9.08 |
| **19 | Linton Road/William Street | Catholic school | Constructed of brick and slate as is Presbytery; associated with Presbytery and church. | Photographed 29.9.08 |
| **20 | 16-18 Cambridge Road | former asylum seekers office | Semi-villas that appear on the 1862 OS First Survey, and therefore | Photographed 29.9.08 |

| | | | | |
|----|--|--------------------------------------|---|--|
| | | | amongst the oldest buildings in the town; in poor condition; owned by LBBB. | |
| 21 | 1 Town Square, Clockhouse Avenue, Barking | Barking Town Hall | Design selected in 1936 via competition. Foundations laid 1939, but work delayed due to outbreak of Second world War. Officially opened 1958. Includes Broadway Theatre. May be worthy of statutory listing status. | Photographed 2.11.07 |
| 22 | 2-4 North Street, Barking | Bull pub | Title deeds date to early 15th century. The oldest pub site in the Borough. Current building rebuilt 1925 with subsequent alterations. Attractive exterior including distinctive bull sculpture. Good corner building. | Photographed 9.5.08 |
| 23 | 10 North Street, Barking | No.10 Swift Auto Appliances (closed) | Beehive crest of Stratford Cooperative Society, of which it was formerly a branch. Nos 10-11 are dated 1900. | Photographed 2.11.07 |
| 24 | North Street, Barking | Red Lion pub | Current building built in 1899. Mentioned in 1609. Red brick first floor. Distinctive terracotta and yellow brick ground floor. Good ground floor fenestration. Details include wrought ironwork. Castellated top emphasising corner. Attractive corner building onto North Street. | Visited by EH and photographed 1.11.06 |
| 25 | North Street, Barking | Quaker Burial Ground | Established in 1672. Elizabeth Fry buried here. | Photographed 9.5.08 |
| 26 | North Street, Barking | Northbury School | Prominent three storey Board School, built 1897. Original windows and chimneys. Intricate roof line. Contemporary extension 2008. Good brick detail. | Visited by EH and photographed 18.7.07 |
| 27 | North Street, Barking | Jolly Fisherman | Built 1906 on the site of an earlier building. | Photograph 9.5.08 |

| | | | | |
|------|--------------------------------------|--|--|--|
| | | pub | | |
| 28 | Church Street, Barking | Britannia public house | Late 1900/early20th century pub with exuberant exterior details including 7 caryatides and distinctive corner turret; may be worthy of statutory listing status. | Visited by EH and photographed 1.11.06 |
| 29 | Northern Relief Road, Barking | pumping station | Erected in 1897 by South Essex Waterworks Company. | Photographed 4.11.04 |
| 30 | Northern Relief Road, Barking | House in grounds of Thames Water pumping station, | Erected in 1897 by South Essex Waterworks Company. | Photographed 4.11.04 |
| **31 | Northern Relief Road | Elim Christian Centre International Pentecostal Church | 1 April 1931 on foundation stone. Brick and concrete construction; six sided roof with copper pinnacle. | Photographed 5.6.08 |
| 32 | Gascoigne Road/Boundary Road | The Hope Pub | Circa 1900 building. Appears to be little changed apart from extension to the rear. Most of the original sash and stained glass windows in place, chimney stacks and pots, tiles at ground floor level, and wrought iron sign above the entrance. Emphasises corner. | Photographed 9.5.08 |
| 33 | Longbridge Road, Barking | Spotted Dog public house | Built 1870 some alterations to ground floor. Architectural features include black and white gable. | Visited by EH and photographed 1.11.06 |
| 34 | Longbridge Road, Barking | Royal Oak pub | Built 1898. | Photographed 5.11.04 |
| 35 | Longbridge Road, Barking | Lodge at entrance to Barking Park | Typical lodge house architecture. Brick built, tiled roof, porch and bay windows. Forms feature at main entrance to park. | Photographed 5.11.04 |
| **36 | Longbridge Road | The lido Barking Park | Opened 1931 closed in 1989; poolside buildings of later date; typical 30s | Photographed 3.06.08 |

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| | | | outdoor lido no longer in use but retains original pool, fountains, pumping equipment and changing facilities. | |
| 37 | Longbridge Road, Barking | University of East London, Barking precinct | Built 1936. Symmetrical structure with two projecting wings. | Photographed 27.10.04 |
| 38 | The Broadway, Barking | The Three Lamps | Lamps were the place for union and suffragette meetings in the past; original location was nearer to where the theatre is now. | Photographed 9.5.08 |
| **39 | London Road | Barking Methodist Church | 1950s chapel building. Foundation stone says 8 January 1958. | Photographed 9.5.08 |
| 40 | Abbey Road, Barking | The Malthouse | Landmark building and part of historic view along the River Roding. Tall chimney and roof line stands out as a feature for various places in Barking. Malthouse built 1866. Long rectangular building red brick building fronting the River Roding with two storeys and a basement that lies below the high water level. Malthouse further extended in 1896 at right angles towards Abbey Road (Malthouse extension just demolished June 2008). An adjacent malt kiln and two storey high store built 1891 were located btm the Matlhouse and the Malthouse Extension (now demolished). Being refurbished as live/work units. | UDC; photographed 30.11.07 |
| 41 | 86-90 Abbey Road | The Icehouse | The information about the icehouses is limited and to be clarified. It is thought there were a number of ice houses on Fisher Street and that a large ice house | Exact location to be determined thought to be ground floor and basement of Barfoot Chemicals Ltd (being investigated) |

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| | | | <p>was constructed just to the south of the conservation area. Frogley refers to Samuel Hewett building the Ice House in 1840 and that it was burnt down in 1850 but soon rebuilt. Whilst the large icehouse is no longer present it is thought the basement is still there at Barffoots although there is some debate about whether this was an icehouse or not. The mins 12.6.95 re the designation of the CA refer to the icehouse adjoining the Granary and constructed in 1840 and was an important foundry in the late 18th century. Icehouses are shown at bottom end of Fisher Street/Abbey Road on the 1860 OS map and possible evidence of the remains of this building has been found at Wiggels scrap yard.</p> | <p>photographed 30.11.07 and 18.7.08</p> |
| 42 | Abbey Road | The Granary | <p>Constructed in 1866. This Victorian building is five storeys high with large central windows where goods would have been hoisted up and into the building for storage.</p> | <p>UDC; photographed 30.11.07</p> |
| 43 | River Road, Barking | Barking Flood Barrier | <p>Built 1979-1983. Landmark structure at mouth of River Roding. May be worthy of statutory listing status.</p> | <p>Photographed 4.11.04</p> |
| **44 | 62 River Road, Barking | Squibb Davis Demolition Ltd former schoolhouse | <p>Built by John Bennet Lawes in 1902 as Creekmouth village school.</p> | <p>Photographed 20.02.08</p> |
| **45 | River Road, Barking | Crooked Billet public house | <p>Replaces early Crooked Billet, an inn from 1700s that was on the other side of the road.</p> | <p>Photographed 20.2.08</p> |
| **46 | 42 River Road, | Algor Wharf | <p>Brick 1950s industrial</p> | <p>Visited on 20.2.08;</p> |

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| | Barking | | building with two tall silos with stepped gable and long windows prominent feature on River Road can be seen from Newham. | Photographed 16.5.08 |
| **47 | 8 River Road (to confirm) | | Tall brick chimney with small door at the base. Use not apparent as not an old structure or related to the nearby buildings. In grounds of W.S.S.C Ltd. | Visited on 20.2.08; Photographed 16.5.08 |
| **48 | Blake Avenue, Barking | St. Patrick's Church | Built 13 July 1940 (date on foundation stone), circular brick spire with green tile cross inset, interesting interior. Built 13 July 1940 by A.E. Wiseman (date on foundation stone). The Heritage of London Trust have visited the church and describe the tower as like a gun emplacement, that Mr. Wiseman's other work includes cinemas and that the church reflects the exuberance found in cinema architecture with the apse as originally designed. Valentine Walsh who was recommended from the Council for the Care of Churches for the restoration describes the reredos (painted screen behind the alter) <i>as consisting of a painted sky applied to a silver leaf, plaster ribbing with jewel lozenges and a veneered wooden fan light.</i> Info from Heritage for London Trust who have written to EH to statutorily list this church & awarded a grant to repair reredos. | Visited with EH and on photographed 16.4.07 |
| 49 | Upney Lane | Barking United | Built 2 March 1929 date on foundations stones | Photographed 12.6.08 |

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| | | Reformed Church | along with name of architect John. S. Broadbent ARIBA and builder H. Munson. Brick built church with attached hall in prominent location on Upney Lane. Oak carved pulpit in memory of Rev. F. Willings minister 1934-1941. Pulpit, oak chairs and table appear to be a set. Similar to Becontree style churches. | |
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| | Dagenham | | | |
| 50 | Broad Street, Dagenham | The Admiral Vernon | Built 1935. Handsome interwar Mock Tudor public house with features including first floor 'half timbering' and prominent brick Tudor chimneystacks. Buff terracotta ground floor. Copper clad oriel windows. | Photographed 8.8.06 |
| 51 | Lodge Avenue/Porters Avenue junction | The Roundhouse pub | Built in 1936. Built in an unusual circular style. One of a number of feature pubs which are part of layout of Becontree Estate. | Visited with EH on 16.4.07 |
| 52 | Dagenham Road, Dagenham | The Eastbrook pub | (1937-8) Built 1937-38. Interesting interior retaining original wood paneling to the walls; recently featured in local paper. | Photographed 8.8.06 |
| 53 | Oxlow Lane, Dagenham | The Beacon pub | (c 1937) mock Tudor public house. | Photographed 8.8.06 |
| **54 | Oxlow Lane, Dagenham | Catholic Church of the Holy Family Oxlow Lane | Part of Becontree Estate 1930s style churches; red brick church. | |
| 55 | Wood Lane, Dagenham | The Cherry Tree pub | (1933) mock Tudor public house. Thought to have George Jack artwork; Williams as the architect. | Photographed 8.8.06 |
| 56 | Burnside Rd/Haydons Road junction, Dagenham | St. Thomas's | Part of Becontree Estate 1930s style churches; first Church of England church built on | Photographed 8.8.06 |

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| | | | Becontree, built 1926 to replace temporary building, red brick, turrets on either side of west front, no tower, three gables on each side. | |
| 57 | 187 Burnside Road, Dagenham | St Thomas's vicarage | Red brick building similar style and detailing to church; stone above doorway is dated 1926; architect Blomfield and Driver. | Photographed 8.8.06 |
| 58 | Burnside Road, Dagenham | Catholic church St. Vincent's | Part of Becontree Estate 1930s style churches; built before St Thomas', together with St. Thomas's makes a feature at this junction. | Photographed 27.10.04 |
| 59 | Wood Lane, Dagenham | St. Elizabeth's church | Part of Becontree Estate 1930s style churches; built 1932; architect Sir Charles Nicholson redbrick with Gothic and classical elements, no tower but a small bell cote stands above northern entrance door. | Photographed 27.10.04 |
| 60 | Lodge Ave/Bromhall Rd junction, Dagenham | St. Cedds | temporary building which in 1963 was demolished and replaced by modern church on adjoining site; copper roof and spire. | Photographed 16.5.08 |
| 61 | Vincent Road/Urswick Road, Dagenham | St Alban's Church | Part of Becontree Estate 1930s style churches; built 1930; unusual stone Gothic style 30s building. | Photographed 8.8.06 |
| 62 | Goresbrook Road, Dagenham | St Martin's Church | Part of Becontree Estate 1930s style churches; built 1930-32; red brick building with low roof and fleche. | To photograph |
| 63 | Rogers Road, | St. George, Dagenham or St George Becontree | Part of Becontree Estate built 1935 succeeded temporary building on 1929; architects Milner & Craze; yellow brick with copper roof; built on a tight budget; small bell-tower in Italian style and cross in brick on exterior east wall. | Photographed 16.5.08 |

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| 64 | Warrington Road, Dagenham | St. Peters | Part of Becontree Estate temporary church built 1931 although foundation stone says 19.04.58; architect E. Meredith; small chapel which is quite attractive with hall attached wooden spire; quite run down in appearance wooden spire falling off; made redundant as church in 1997 but now used a gospel hall. | Photographed 20.2.08 |
| 65 | Green Lane, Dagenham | No.884 | Formerly home farm of the Valence estate. Rebuilt 1846. Brick built but now with white painted render, retains two chimney stacks with chimney pots, sash windows. | LBBD; photographed 20.2.08 |
| *66 | Green Lane, Dagenham | No. 805-807 Green Lane | Former farm workers cottages with gardens; two storey brick probably associated with former Valence estate farm house opposite; slate roof remains on one porch but roof and windows have been replaced. | Photographed 16.5.08 |
| **67 | 667 Green Lane (The Broadway sign on parade opposite) | Royal Dora Superstore | Former Burtons building inhouse style; art deco detailing in stone; Burtons name prominent on both facades; good corner building (not so decorative as Barking Store); facade above shop retains original features; doorway off Greenside retains original detailing of shopfront with polished stone surround with mirrored glass strip above with London, Cardiff and Liverpool (the location of the branches) written on the glass; Burtons names engraved into | Photographed 16.5.08 |

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| | | | plinth- <i>This stone was laid by Raymond Montague Burton 1937; This stone was laid by Stanley Howard Burton 1937; This stone was laid by Arnold James Burton 1937.</i> | |
| **68 | 176 Green Lane | Elim Church Pentacost | Early 20 th century former picture house and later cinema with classical style entrance clad in faience but painted over; pediment with twin urns; auditorium parallel with road; exit doorways onto Waldegrave Road where façade is in mock Georgian style with white key stones at centre of windows. | Photographed 16.5.08 |
| 69 | Bennetts Castle Lane, Dagenham | Nos 89-121 | Terrace of two storey cottage-style houses, built before 1894. | Photographed 20.2.08 |
| **70 | 5 and 6 Temple Gardens, Dagenham | | Pair of characterful brick farm workers cottages little changed with adjacent former stable block. | Photographed 20.2.08 |
| 71 | Heathway, Dagenham | No.334 | Formerly Pettits farmhouse. Rebuilt around 1870. | Photographed 20.2.08 |
| 72 | Halbutt Street, Dagenham | Nos 25-31 | 19 th century labourers cottages which predate the Becontree Estate; roof and windows replaced. | Photographed 20.2.08 |
| 73 | Raydons Road, Dagenham | Nos 28-30 Raydons House /Dhami House | Formerly Raydons Farm. A late 18th century rebuilding of a farmhouse recorded in 1653. One of two chimney stacks retained but the property is much altered with extensions to the rear & side, new windows & white painted render. | Private;Photographed 20.2.08 |
| 74 | Dagenham Road, Rush Green | Farmhouse Tavern | Former farmhouse built during the 19th century. | Photographed 28.10.04 |
| **75 | Shafter Road, Dagenham | The Railway Hotel Public | Handsome 30s building 3 storeys backing onto | Photographed 20.2.08 |

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| | | House | railway line. | |
| **76 | Wood Lane, Dagenham | The Three Travellers | Victorian red brick pub with original features; one gable, bay windows, feature corner window, chimneys. Prominent location at Wood Lane/Whalebone Lane South junction. | Photographed 20.2.08 |
| **77 | Wood Lane, Dagenham | The Ship and Anchor | 1930s pub in prominent location at Wood Lane/Whalebone Lane junction. | Photographed 20.2.08 |
| **78 | 1-4 Whalebone Lane South | Cinema Parade | Art deco style parade of shops that define road junction; retain Crittal windows. | Photographed 16.5.08 |
| **79 | 1-3 Whalebone Lane South | Speedy Hire | Art nouveau style building with oval shaped windows on first floor highlighted with coloured tiles and terracotta balustrade; terracotta pilasters and coping. | Photographed 3.6.08 |
| **80 | The Broadway (opposite 1-3 Whalebone Lane South above) | Beacontree Heath Methodist Church | Modern style brick and rendered panels rooflights and central glazed geometric dome. | Photographed 16.5.08 |
| **81 | Parsloes Avenue | Kingsley Hall | Described in Open House 2006 leaflet as <i>designed in 1925/6, the Children's House has been in continuous use for children's work since it was opened by Ishbel MacDonald in 1932. Charles Cowles Voysey 1931.</i> | Photographed 16.5.08 |
| **82 | Hedgemans Road | Barking Library | 30's style public building built as part of Becontree; symmetrical building with central entrance and adjoining wings (no longer in use as library). | Photographed 16.5.08 |
| | Chadwell Heath | | | |
| **83 | Outside Warren School Whalebone Lane North | | Victorian stench post (one of two) cast iron with some decorative elements. | Photographed 20.2.08 |

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| 84 | Hainault Gore, Chadwell Heath | Nos 1-3 | Victorian brick built house. Newer neighbouring properties probably built in the garden of the house. | Photographed 20.2.08 |
| **85 | 472 Whalebone Lane North, Chadwell Heath | Glencairn Cottage | Early 19 century. Two storeys. Three windows. Flat pitched hipped slated roof with brick chimney stacks and chimney pots retained. Attractive veranda with timber detailing. Retains front and back gardens with pollarded London Planes lining the front; timber fence replaces original boundary; similar in style to Stoneford Cottage on Rainham Road South with its garden and pollarded trees at the front which is Grade II listed. | Photographed 20.2.08 |
| *86 | 10 Whalebone Grove, Chadwell Heath (off Whalebone Lane North) | | Victorian brick villa with distinctive Gothic style arches with moulded figures and distinctive pattern imprinted onto front façade. Reincluded. | Photographed 11.11.94; photographed again 20.2.08 painted white since. |
| **87 | 94-96 Mill Lane | Hope Villas | Pair of brick built villas with stone detailing; one of two pairs adjacent to one another (second pair too altered to be included). | Photographed 16.5.08 |
| **88 | Mill Lane, Chadwell Heath (opposite no. 112) | United Reformed Church | Date 1911 and T.S Lello architect on foundation stone. Brick built with stone detailing. | Photographed 20.2.08 |
| 89 | Mill Lane, Chadwell Heath | House on corner of Mill Lane and Whalebone Lane North | Built in early 1890s, home of the artist Henry Gillard Glindoni (1852-1913). | Photographed 13.10.04 |
| 90 | High Road Chadwell Heath | No. 243/245 High Road (formerly Wallace Lodge) | Large brick Victorian house with characteristic pointed gable and front and rear gardens; some original features but there | Photographed 20.2.08 |

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| | | | appears to have been alterations one of the gables and associated window and secondary entrance; associated stable block turned into offices. | |
| 91 | High Road, Chadwell Heath | White Horse pub | Rebuilt by 1899. Mentioned in 1602. The oldest Dagenham pub site. | Photographed 13.10.04 |
| 92 | Eric Road, Chadwell Heath | St Chad's Church | Opened as a chapel-of-ease to Dagenham parish church in 1886. Chadwell Heath became a separate parish in 1895. Red brick building. | Photographed 13.10.04 |
| 93 | High Road Chadwell Heath | Baptist church | Built 1905. Brick built with sandstone detailing. 11 May 1905 date on foundation stones with name of architect Fred. C. Faunch and builder Hammond and Miles Builders. | Photographed 3.6.08 |
| **94 | Japan Road, Chadwell Heath | | Former community centre and Victorian school; characterful building with tiled roof; building extended not long after being built. Pleasant setting by St Chads Park. Potential for reuse but in need of urgent structural attention. Also included by Asset Management on a list of vacant properties to be sold off. | Photographed 16.5.08 |
| 95 | High Road, Chadwell Heath | The Coopers Arms public house | Good corner building at junction of High Road and Station Road. Original building dates from 1830 present building dates from 1900. | Photographed 3.6.08 |
| **96 | Station Road, Chadwell Heath | | Victorian stench pipe cast iron with decorative elements; made by W. Williams of Southwark no 118920 at base; located just outside Eva | Photographed 16.5.08 |

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| | | | Hart pub car park right on borough boundary. | |
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| | Marks Gate | | | |
| **97 | 1-15 Padnall Road | Ethel Cottages | Former farm workers cottages; predate the adjacent 50s estate; two storey brick terrace; hipped roof; whilst some properties have been altered the terrace is intact. | Photographed 16.5.08 |
| **98 | Rose Lane (next to 370) | The Harrow Public House | Early 20 century building; two storeys brick and render; later additions to rear and front facades. | Photographed 16.5.08 |
| **99 | Rose Lane (btn 131 and 195) | St Marks Church | 1960s single storey building with copper roof. | Photographed 16.5.08 |
| **100 | At Warren Farm, Whalebone Lane North | Manor of Marks | in 18 the century Marks Gate was a hamlet on edge of the forest beside the manor house; name of family who lived there Mark derived from <i>mearc</i> or forest boundary; it was two storey timber framed manor house in the form of a quadrangle with central gatehouse, moat and drawbridge two embattled brick towers, built circa 1465, demolished in 1808; Warren Farm Barn, parts of moat and some foundations in farmyard are all that remain | Photographed 30.8.08 |
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| | Dagenham Village | | | |
| **101 | Church Street, Dagenham | Dagenham Old National School | Built as Church School in 1835. Still in use as parish office. | Photographed 16.8.06 |
| **102 | Crown Street, Dagenham | Petrone House | Former bank; Bankers Georgian style with Mansard roof. | Photographed 8.11.07 |
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| | Collier Row | | | |
| 103 | Collier Row | The Oaks | Built 1847-48 | LBBB sold recently |

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| | Road, Collier Row | | The site is currently occupied by the Oaks Centre, a former primary school. The oldest part of the building comprises the original schoolroom and teacher's house, they apparently date from the 1840's. The building is shown on nineteenth century maps as a National School. The tile roof and red brick walls contribute to building which has undoubted rustic charm as well as historic interest. It makes a positive contribution to the appearance of this part of the Metropolitan Greenbelt. | for redevelopment but permission refused interest has been expressed in possible use as childrens club/crèche but no planning application was received; was considered by EH for statutory listing in 2007 but not included; visited with EH and photographed 30.3.07 |
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| | Train Stations | | | |
| 104 | Station Road, Chadwell Heath | Chadwell Heath Station | Victorian brick building 1860s. Building in LB Redbridge but canopy overhanging pavement is in LBBB. | Photographed 13.10.04 |
| 105 | Chequers Lane, Dagenham | Dagenham Dock Station | Victorian station with recent contemporary alterations. | Photographed 4.11.04 |
| 106 | Upney Lane, Barking | Upney Station | Typical 30s style station building. | Photographed 5.11.04 |
| 107 | Gale Street, Dagenham | Becontree Station | Typical 30s style station building. | Photographed 20.10.04 |
| 108 | The Heathway Dagenham | Dagenham Heathway | Typical 30s style station building. | Photographed 20.10.04 |
| 109 | Rainham Road South, Dagenham | Dagenham East Station | Typical 30s style station building. | Photographed 20.2.08 |
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| | Chapels | | | |
| 110 | Ripple Road, Barking | Rippleside Cemetery Chapel | Built 13 July 1940. Victorian style chapel building with Tudor style entrance porch, built in Kentish Ragstone, tile roof, fine detailing in the stonework, ornate metal | Photographed 5.11.04; visited with EH 16.4.07 |

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| | | | hinges on the timber doors, stain glass windows; extensive open space urban area with impressive collection of graves and tombstones associated with local families and history. May be worthy of statutory listing. | |
| 111 | Off Dagenham Road, Dagenham | Eastbrookend Cemetery Chapel | Distinctive brick building with spire, patterned brickwork, tiled roof. | Photographed 28.10.04 |
| 112 | Whalebone Lane North | Chadwell Heath Cemetery Chapel | Circa 1935 brick building, interesting interior with 30s style sunburst at alter, decorative copper frieze above alter, newer windows possible following bomb damage. | Visited with EH and photographed 16.4.07 |
| | Demolished | | | |
| 113 | Rainham Road South | former station | Former station then was Stationmasters house at Dagenham East station | Demolished no trace of this, photographed October 1977 (picture was in listed buildings box file, confirmed by site visit 20.8.08) |
| 114 | 4 and 6 Chadwell Heath Lane | | Double fronted Victorian house | Demolished and built upon, photographed in February 1978 (picture was in listed buildings box file, confirmed from maps and aerial 12.2.08) |
| **115 | Martins Corner Wood Lane | Robin Hood Public House | Mock Tudor style pub one of a number of similar style pubs built on the Becontree estate | Demolished in the last couple of years. Its demolition has prompted the inclusion of the other pubs such as the Cherry Tree so they don't suffer a similar fate. |
| ***116 | 339 The Heathway | | No information about this other than was on 1995 list. | Demolished and built upon (confirmed by site visit 20.8.08) |
| ***117 | 470 Whalebone Lane North | | Victorian double fronted house; was on 95 list | Demolished and built upon, photographed on 11.11.94, two houses 470 and 470a replace it (picture was in listed buildings |

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| | | | | box file, confirmed by site visit 20.8.08) |
| ***118 | 430 Whalebone Lane North | Stables to rear of 430 | Could be Paulatim House circa 1830 a brown house with a stableyard in the rear refereed to in British History on line has having an octagonal stone structure in the garden a well-house in use until 1925 containing a pump operated by windmill enclosed in its timber superstructure but there is no trace of this now. | Demolished about 2007, photographed in August 1977 house and stables being built upon as flats (picture was in listed buildings box file, confirmed by site visit 20.2.08) |
| ***119 | Goresbrook Road Dagenham | St John the Divine Church | Built 1936. Neo-Byzantine brick building with impressive interior. | Demolished some years ago |
| 120 | North Street, Barking | Nos 82-84 | Plaque inscribed "St Johns Market 1894". | Building no longer there |
| ***121 | Broadway, Dagenham | Nos 1-5 | Dates back before 1862. | Buildings no longer there |
| ***122 | Longbridge Road | Odeon Cinema | Opened in 1935. Modern art deco style. | Demolished 2000 and redeveloped as flats |
| ***123 | Abbey Road Barking | Fishing Smack pub | Present building is a 1980s enlargement of 1901 rebuilding. | Demolished 2006 (picture was in listed buildings box file, there are pictures of the older pub in the Frogleys books about Barking) |
| 124 | Abbey Road | Malthouse Extension | Built 1896 as extension to the Malthouse itself built in 1866. | Demolished June 2008 |

Updated 2.10.08

NB total 112 (total before review was 42) if including those that have been demolished takes total up to 124. The local list has been reviewed as part of the preparation of conservation area appraisals. The methodology is explained in the executive report. This list is the definitive list compiled from a number of earlier lists. One list dated 1995 has recently been found in a box of old photographs of buildings presumably that were in the process of being considered for listing some of which have since been lost. An initial draft list went to the Executive in March 2007 as an appendix to a draft Abbey and Barking Town Centre Conservation Area appraisal and has been updated since. The current list is a draft and may be added to yet. This work has been undertaken with the guidance of English Heritage.

* indicates re-added from earlier list (1995);

** indicates newly added (ie since draft went to exec in March 07);

*** was on 1995 list but has since been demolished.

EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

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| Title: Highway Reactive Maintenance Term Contract 2008-2011 | For Decision |
| <p>Summary:</p> <p>The Highway Reactive Maintenance Term Contract needs to be re-tendered. The reactive maintenance services being procured fall within the scope of the services and terms of the Framework Agreement that the Council has entered into with four contractors and it is proposed that these four Contractors are offered the opportunity to tender for the works. The work consists of small patching and reactive repairs to the highway. Most repairs require a response within 24 hours however some will require an emergency response of 2 hours. We intend to enter into a contract with one contractor. By indicating the scale of the work they will ensure that they have resources and a local presence available to meet the deadlines. If we try to arrange contracts with more than one contractor without any commitment to value they will either decline or significantly increase their rates to minimise risk of low work levels. The successful Contractor will maintain a presence in the borough and employ local people wherever possible. It is recommended that the contract duration is for 3 years with a possible extension up to year subject to the Framework requirements being met</p> <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to agree:</p> <ol style="list-style-type: none"> 1. The procurement strategy outlined in this report for the procurement of Highway Reactive Maintenance services. 2. That the procurement be open to the four highway and civil engineering contractors who are part of the Council's highways construction framework agreement 3. That the contract to be awarded following the procurement exercise: <ol style="list-style-type: none"> a). run for three years with a possible extension up to one year b). be awarded to a single contractor c). will be awarded to the bidder that submits the most economically advantageous tender, which will be evaluated on the basis of an 80% price/20% quality assessment. 4. In accordance with Contract Rule 3.6, whether Members require to be further involved with, or be consulted on the procurement and award of the contract. | |

Reason(s)

The awarding of the contract will help the Council achieve the community priority of Making Barking and Dagenham Cleaner, Greener and Safer. The appointment of a contractor will enable emergency response to highway issues raised by the community.

Implications:**Financial:**

This value of the contract will be in the order of £650,000 per annum and will be funded from the Highway Reactive Maintenance Budget. Services are under review with regard to budget pressures and outcome requirements therefore this value may change to reflect current requirements

The current budget available is £688,960, any changes from the service review will need to be contained within the available budget.

Legal:

This report outlines the procurement strategy for the procurement of highway reactive maintenance services. It is proposed that the procurement be conducted within the terms of an existing framework agreement procured by the Council. The procurement of the services and the framework agreement must be in accordance with any applicable European Union and national Procurement Rules and with the Council's Contract Rules.

In approving the strategy, Members need to be satisfied that the strategy being pursued is compliant with the terms of the framework agreement, the Council's Community Strategy and the Directorate's Corporate Plan. Further that the criteria being applied for the selection and award of the contract is appropriate for the procurement.

The Legal Partners advise that the procurement should be undertaken upon the advice of Legal Services.

If not awarded the Council will not be able to meet its legal responsibility under Section 41 of the Highways Act 1980 to maintain the Highways allowing free and safe passage for all users

Risk Management:

Not appointing contractor – will lead to a failure by the Council to carry out emergency repairs on the Public Highway

Social Inclusion and Diversity:

No Specific Implications

Crime and Disorder:

No Specific Implications

Options Appraisal:

Option 1 – Asking for tenders for individual or groups of repairs – rejected because of the need to meet emergency response times

Option 2 – Awarding the contract to two or more contractors – rejected because of the likelihood of increased costs and the need to meet emergency response times.

Option 3 – Direct Services Organisation (DSO) carry out all works – rejected because the DSO is currently too small an organisation to cope with all the work and do not have the facilities to expand. External contractors will be able to increase/decrease their workforce more readily to reflect changing demand

Option 4 – Offer chance to tender to four contractors in Framework agreement and award work exclusively to one contractor – This is the favoured option

All options are discussed in more detail in the report

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| Contact Officer: Paul Sidaway | Title: Manager for Reactive Maintenance | Contact Details: Tel: 020 8227 2615 Fax: 020 8227 2654 E-mail: paul.sidaway@lbbd.gov.uk |
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1. Introduction and Background

1.1 Highway Reactive Maintenance has been carried out by Bardon Contracting South East (formerly Foster Yeoman Contracting) since May 2003 following competitive tender. In the past the contract has been offered to Contractors who were on the Governments Construction line list having demonstrated that they were experienced and capable of carrying out this type of work. The London Borough of Barking & Dagenham has recently entered into a framework agreement for highway services with four contractors who will undertake all construction work for the Council

The Framework Agreements have now been in place since summer 2008 and will be operative for a four year period. The tendering of this contract is within the remit of the Framework Agreements that were established in accordance with EU procurement rules.

2. Current Position

2.1 The contract with Bardon Contracting has been extended from the completion date of July 2008 in order that a new contract could be put in place from Framework contractors.

2.2 Contractors on the Framework Agreement are Bardon Construction, Balfour Beatty, Conways and Tarmac and these contractors will be the only firms invited to submit a tender

3. Report Detail

3.1 This report has considered several options to get the best Reactive Maintenance Service.

3.1.1 Option 1

Works of a similar type and close together to be packaged and put out for the framework contractors to tender in the hope of getting lower prices because of economies of scale. This option was rejected because the nature of reactive repairs is such that they are often urgent and require action within two hours or 24 hours. They cannot wait until a tender is awarded for each piece of work or bundle. Delays in repair are likely to result in increased insurance claims and payouts that will almost certainly negate any advantage gained by having lower costs. Substantive reduction in costs cannot be guaranteed unless packages are extremely large

3.1.2 Option 2

Award the contract to two contractors and share the work out.

This option was rejected because of the need to meet response times as detailed in paragraph 3.1.1. The consequences of delay in the works will be as detailed above

3.1.3 Option3

DSO to carry out all works. Rejected because the DSO has been significantly reduced in size in recent years and are not capable of doing the volume of work. They are geared up for small scale rapid response works, a role they carry out very successfully. There is limited opportunity to expand with the current redevelopment of Frizlands Depot and the costs involved in finding a new yard and storage facilities for materials would be prohibitive.

3.1.4 Option 4

This option involves offering all four contractors the opportunity to tender for the works and awarding the contract to one contractor after careful analysis of their prices and the response to Quality questions in the contract. The contract would run for three years with a possible extension up to one year.

This is the favoured option because there will be benefits of economy of scale, local awareness and a reasonable guarantee of work load to the contractor enabling them to plan local availability.

4. Implications

4.1 The Council is seeking added value from its Framework contractors. By engaging a single contractor via the Framework there is the opportunity to develop innovative methods of working and utilise new construction materials.

4.2 Tenders will be assessed against financial criteria making up 80% of the assessment plus a quality assessment amount to 20% of the score. Approval of the Framework contractors was based primarily on quality and performance assessment (80% of the assessment) and therefore the Council is confident that performance will be achieved and greater focus can therefore be given to economic responses to this tendering exercise.

4.3 Budgets are constantly under review and it is a fundamental element of the Framework Agreement that the contractors are invited throughout the contract to provide support and information to increase efficiency and value for money. All four contractors have agreed to this approach.

4.4 If the contractor fails to undertake works or perform in accordance to requirements, the contract facilitates the use of a replacement contractor with any additional costs be passed back to the original contractor. In the unlikely event that this occurs, the contractor considered to be second from the tendering assessment will be engaged to undertake works

5. Consultees

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

Councillor McKenzie – Lead Member for Street Scene and Sustainability

Darren Henaghan – Head of Environmental and Enforcement Services

Gary Ellison – Group Manager

Dave Dare – Engineering Manager

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THE EXECUTIVE

18 November 2008

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

| | |
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| Title: Sex Establishment Licensing Policy | For Decision |
| <p>Summary:</p> <p>The Council adopted legislation in 1982 allowing it to licence sex establishments (sex shops and cinemas and premises such as lap-dancing clubs) but as the borough had no active sex shops did not adopt a policy on licensing. More recently the council received three applications for sex shops and therefore needs to adopt a policy to guide the Licensing and Regulatory Board in making consistent and transparent decisions. Without the policy the Council has limited grounds for refusal of a licence, these falling into three categories; the fitness of the applicant (a matter advised on by the Police), the fitness of the premises proposed, and the nature of the locality in which the business is situated.</p> <p>The proposed policy addresses the question of what is a suitable locality for a sex establishment and issues of equality and human rights.</p> <p>The opportunity has been taken to refresh the standard licence conditions taking into account experience of licensing sex establishments.</p> <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is recommended to agree the adoption of the Sex Establishment policy and the revised standard licence conditions as set out in Appendices A and C respectively to the report.</p> | |
| <p>Reason(s)</p> <p>To assist the Council to achieve its Community Priorities of Developing Rights and Responsibilities with the Local Community and Raising General Pride in the Borough.</p> | |
| <p>Implications:</p> <p>Financial: No specific implications</p> <p>Legal:</p> <p>Incorrect or inconsistent decisions open the Council to the risk of appeal or judicial review. This policy is designed to enable consistency of decision.</p> <p>Risk Management:</p> <p>There are two main risks. Legal challenge and reputation. Legal challenge will be minimised by having a policy context to guide decisions giving consistency and by the provision of legal advice to the Licensing and Regulatory Board. Reputational risk is</p> | |

addressed by ensuring that all decisions are consistent with an agreed policy.

Social Inclusion and Diversity:

In accordance with the Race Relations (Amendment) Act 2000, the Council has introduced a Policy Proofing process to assess the impacts of all new and revised policies in terms of race equality, gender, disability, sexuality, faith, age and community cohesion. Set out here a summary of the implications.

The main impact is on the potential perceived or actual of harassment of women or men from clients of the establishment. Adopting a policy will enable decisions to be made about the licensing of sex establishments and take into account the equalities issues.

Crime and Disorder:

No specific implications

Options Appraisal:

There are two options available, do nothing or adopt a policy on what the council considers to be a suitable locality. The first option reflects the current situation. Each application is judged on its own merits without reference to any overall policy. Members making the decisions are uncertain and vulnerable to criticism of inconsistency.

Option two is to adopt a policy that sets out a framework of guidance for the making of the decisions about licensing the sex establishment. Individual applications will still have to be judged on their merits. However a policy will enable decisions to be based on a published baseline. Consistency of decision is good for business as unnecessary applications will not be made, good for efficiency as this will potentially limit applications and therefore officer time, and good for residents who know what they can expect.

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| Contact Officer: Darren Henaghan | Title: Head of Environmental and Enforcement Services | Contact Details: Tel: 020 8227 5660 Fax: 020 8227 E-mail: Darren.henaghan@lbbd.gov.uk |
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1. Introduction and Background

- 1.1. In 1982 the Council adopted the provisions within the Local Government (Miscellaneous Provisions) Act 1982 allowing it to licence sex establishments. At that time this was limited to sex shops and sex cinemas. The GLC (General Powers) Act 1986, also adopted by the Council, extended the definition to sex establishment to include “sex encounter” establishments. These include strip clubs and lap dancing premises. The Council has also agreed regulations that form the basis of conditions to be applied to sex establishments. These can be found at appendix C.
- 1.2. A sex shop is a premise where the substantial part of the business is the sale of sex articles (separately defined in the Act) and therefore requiring licensing. There is a separate requirement that a shop selling R18 videos should be licensed regardless of the substantial part of the remainder of the business. This means that normal shops can sell items that would otherwise be regarded as the preserve of a sex

shop if they form a minor part of the business. This has come to the fore in recent years with sex toys being sold in chemist shops and other “family” retail premises.

- 1.3. The expectation in law is that a licence will be granted and the Council has limited discretion over refusal. There are three grounds for refusal. Firstly that the person applying is not suitable to carry on the business or is a “front person” for someone else who is unsuitable. Information on suitability would normally be provided by the Police and includes relevant criminal convictions. Secondly the premises in which the establishment will trade are not suitable for the purpose to which they will be put. Thirdly that the locality in which the establishment will be situated is not suitable for a business of this type. It is the last category which allows the most discretion and is the main focus of the proposed policy.
- 1.4. A Council is permitted to adopt a policy indicating what it considers to be a suitable locality for the location of sex establishments. A policy can also specify the number of establishments that would be acceptable in a given locality. The policy does not include an acceptable number of establishments. This is because case law has shown that without a significant body of evidence that determines the character of each possible locality, any decision is likely to be successfully overturned on appeal. The policy therefore describes detailed criteria that will need to be used to decide applications to grant or vary licences.

2. Current Position

- 2.1. There are currently two licensed sex establishments in the borough, one retail premises in Becontree Ward and one wholesale premise in Thames Ward. These shops have shown that the Council will benefit from describing in detail the Policy it will apply to deciding future applications for new or substantially altered sex shops.

3. Report Detail

- 3.1. In response to requests from the Lead Member for Licensing, and in consultation with the chair and vice-chair of the Licensing and Regulatory Board and the Lead Member for Equality matters a policy on the licensing of sex establishments has been drafted and is attached at Appendix A.
- 3.2. The draft policy seeks to lay out the matters to be considered in making a decision about the appropriateness of the locality for a new or substantially altered sex establishment. The Act allows a local authority to set a number of such establishments that would be acceptable, but this approach has not been adopted as it was felt that specifying an acceptable number would in effect guarantee that number would exist. Instead the policy proposes that the council will take into account the character of the area, the proximity to places where children and young persons may congregate and the potential impact on crime and disorder.
- 3.3. Setting firm guidelines for judging applications will remove the concern that is felt locally when an application is received. In particular the identified equalities issues around gender and fear of harassment in the vicinity around sex establishments is addressed leading to a more secure population.
- 3.4. Experience of the administration of licensing of sex establishments has shown that the standard licence conditions (Regulations) adopted in 1982 are not sufficiently

extensive to meet the needs of today. There is no reference to Sex Encounter Establishments nor do they take account of modern trading practices.

4. Consultation

- 4.1. A targeted consultation exercise was carried out. This involved the local sex shops and certain equalities groups identified by the Head of Community Services, Libraries and Heritage. Response to the consultation was limited coming from the Faith Equalities Group, one other member of the faith community and one business operating in the borough. The results of the consultation are attached at appendix B.
- 4.2. As a result of the consultation alterations have been made to the draft policy, particularly around the status as a guide to decision making and the ability of the council to make decisions.

5. Consultees

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

Councillor McKenzie –Lead Member Street Scene and Sustainability
Councillor L Waker – Chair of Licensing and Regulatory Board
Councillor Agrawal – Vice Chair of Licensing and Regulatory Board
Councillor Cllr Rush – Lead Member for Safer Neighbourhoods and Communities
Councillor Carpenter – Member with Equalities Responsibilities
David Woods – Corporate Director of Housing Services
Heather Wills – Head of Community Services, Libraries and Heritage
Yinka Owa – Legal Partner

Background Papers Used in the Preparation of the Report:

Publications used in the preparation of this report.

- Local Government (Miscellaneous Provisions) Act 1982
- Greater London (General Powers) Act 1986
- Local Authority Licensing and Registration (Publisher Sweet and Maxwell)
- Licensing policies from the following authorities:
 - Reading Borough Council
 - City of Derby
 - London Borough of Bromley
 - Basingstoke and Deane District Council

Minutes of the General Purposes Committee: 27 October 1982

London Borough of Barking and Dagenham

Policy for determining the Licensing of Sex Establishments.

- 1 The Local Government (Miscellaneous Provisions) Act 1982 amended by the Greater London Council (General Powers) Act 1986 and the London Local authorities Act 2007 enables local authorities to adopt provisions to licence sex establishments, including sex shops, sex cinemas, sex encounter establishments and hostess bars. This policy details the matters that will be taken into consideration in determining a licence having regard to the proposed location.
- 2 These powers are adoptable by the local authority and the London Borough of Barking and Dagenham has adopted the powers.
- 3 The Act allows a local authority to refuse a licence by reference to matters such as criminal convictions of applicants. It also enables a local authority to refuse to grant or renew a licence by reference to the number of sex establishments which the local authority considers appropriate for the locality of the premises which is subject to the application and the character of the locality.
- 4 This document outlines a policy which will guide the Council when considering applications for the grant or variation of licences, having due regard to the law and its interpretation by the courts. The policy is intended to guide the decision making process and will take into consideration all relevant factors in determining an application. Each case will be decided on its merits.
- 5 Individuals, limited companies and firms may apply for licences
- 6 Licences are generally issued on an annual basis but can be issued for a shorter term if deemed appropriate.

Matters to be taken into account in making a decision with regard to the licensing of a sex establishment

7 Crime and Disorder

- 7.1 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on crime and disorder in their area and do all they can to prevent it. This policy will have regard to the likely impact of a sex establishment licence on related crime and disorder in the borough.

8 The Human Rights Act 1998

- 8.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Council will have particular regard to the following provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law:
- Article 8 that everyone has the right to respect for his home and private life;
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It has been held by the courts that a licence is a person's possession.

9 Disability Discrimination

9.1 The Disability Discrimination Act 1995 and subsequent amendments ensure that disabled persons are not discriminated against on the grounds of their disability for among other things access to goods, facilities and services. Therefore licensees are expected to comply with the Act by making changes to the way they provide services and, making reasonable adjustments to their premises to overcome any physical barriers to access.

9.2 This policy will have regard to the likely impact of licensing of sex establishments on disability discrimination particularly when considering the operation and management of premises.

10. The Gender Equality Duty

10.1 The Equality Act 2006 requires local authorities to promote gender equality. The Council has a general duty to eliminate unlawful discrimination and harassment, and to promote equality of opportunity between men and women.

10.2 This policy will have regard to the likely impact of licensing of sex establishments on unlawful discrimination and harassment of men and women.

11 Duty to promote Well Being

11.1 The Local Government Act 2000 gives to local authorities a duty to promote economic, social and environmental well being of local communities.

11.2 This policy will have regard to the likely impact of sex establishments on the well being of those within the community.

12 Impact

12.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of grant causing adverse impacts, particularly on local residents. The Council will take the following general matters into account:

- Type of activity
- Duration of proposed licence
- Proposed hours of operation
- Layout and condition of the premises
- The use to which premises in the vicinity are put
- The character of the locality in which the premises are situated.

- 12.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:
- Crime and disorder
 - Cumulative impact of licensed sex establishments in the area including hours of operation
 - The Council's duty to eliminate unlawful discrimination and harassment
 - The character of the locality in which the premises is situated.

12.3 In considering all applications for renewal the Council will take into account:

- Levels of recorded crime in the area
- Past demonstrable adverse impacts for the activity
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

13 Fit and Proper Person

13.1 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:

- Previous knowledge and experience of the applicant
- Any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other local authority
- And any report about the applicant and management of the premises received from the statutory objectors

14 Consideration of New Applications

14.1 The Council is mindful of its power to determine that no sex establishment should be located in a particular locality.

14.2 For new applications the Council will apply hours of operation consistent with its adopted regulations with no trading permitted on Sundays and public holidays. In considering the location of new applications the Council will take into account:

- Proximity to residential and shopping areas, places of worship, schools, pre-school facilities, youth centres and other places to which children and young people may expect reasonable access.
- Proximity to areas with high levels of recorded crime
- Cumulative effect of existing related licensed activities in the vicinity
- Current use of land and surrounding developments.

The Council does not consider that local shopping parades or local centres as defined in the Unitary Development Plan and the emerging Local Development Framework are appropriate locations for a sex establishment.

15 Renewal or Variation of Existing Licence

15.1 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed, the Council shall give due weight to the fact that the licence was granted the previous year and for a number of years before that as appropriate. However the Council will take into account:

- Levels of recorded crime in the area
- Evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate adverse impacts
- Whether the licensee has been the subject of enforcement action including prosecution or simple caution due to the breach of a licence condition
- Whether the premises are compliant with licence conditions at the time of renewal.

15.2 Where an application is made to vary a licence in terms of the activity, hours of operation, intensification of use or conditions as previously licensed (whether on renewal or not), the Council will take into account the criteria as set out in the preceding three paragraphs.

16 Suitability of premises

16.1 All licensees are required to ensure that the premises

- Comply with all health and safety law
- Are not a source of nuisance to residents in the vicinity
- Are not a source of litter and detritus in the area arising from the premises

17 Proposed operation and management

17.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety requirements

17.2 The Council expects that the management of licensed premises will work with statutory agencies such as the Police and the Council in order to create and maintain a safe environment both within the premises and in their immediate environs.

18 Consultation

18.1 The Council will consult local residents in relation for application for grant or variation of the terms or conditions of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.

18.2 Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated and to display a similar notice on or near the premises for 21 days beginning with the date of application, whilst the period for receiving objections from interested parties is 28 days.

18.3 The Council will consult with all relevant services within the Council and the Fire authority to ensure that all relevant information is available when considering an application. The Council will not issue a licence unless the premises have the appropriate planning approval.

18.4 Councillors will be notified immediately in writing of all applications for grant, transfer or renewal of a licence, or for variation to conditions that are within their ward or near to the ward boundary. In considering any application for the grant, renewal or transfer of a licence the Council is required to consult with the chief officer of police and any objections received from members of the public in response to public advertisement of the application.

19 Other Policies

19.1 The Council may identify and apply other requirements from time to time subject to consultation and proper notice.

19.2 The grant of a licence for a sex establishment does not remove the responsibility of an applicant or premises operator to comply with planning, building control and other relevant legislation including health and safety requirements.

19.3 Authorised officers of the Council will carry out routine inspections of sex establishments at an appropriate frequency to ensure that licensing conditions are being complied with and always following complaint from the public.

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APPENDIX B

Review of Consultation – Sex Establishment Policy

| Consultee | Comment | Response |
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| <p>Nigel Schultz – Barking and Dagenham Faith Forum</p> | <p>Thank you for they way in which you have consulted the Faith Forum in relation to the above licensing.</p> <p>I have read through the documentation which appears to be very clear and transparent. We thank you for the work you have done.</p> <p>As Chair of the Forum, I have been contacted from a number of Faith Groups who have not been happy about the opening of Sex Shops in our Borough. Considering the density of population in the Borough, and the guidelines given I can not think of a suitable place for a Sex Shop, and I know that there will always be objections to such establishments.</p> <p>You have indicated that consultation should be carried out when a request is made. May I suggest that consultation be made in a 1,000 Meter radius, and that the majority decision of that consultation be the governing factor regarding planning permission and no other.</p> <p>From a Faith perspective, I know that many Faith's find the these establishments unacceptable. The material in these buildings is becoming increasingly worse. The Muslim Faith, expect people to be covered up. The Christian and Jewish Faith respect highly the place of sex within marriage and certainly not with in sex shops.</p> <p>My greatest concern with the increase in human trafficking and the</p> | <ul style="list-style-type: none"> The draft policy proposes 'appropriate' consultation. A radius of 1000 metres encompasses a very wide area which would present a logistical problem to complete. The question of whether a licence should be granted or not is a matter for the Council based on the merits of the application and whether it is agreed that the locality is suitable or not. Any suggestion that a decision had been taken based on the weight of public opinion is likely to receive a robust challenge that based on previous decisions of the courts would be likely to fail. |

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| | <p>exploitation of children and people who have been caught in trafficking is that images of these people may be viewed in our borough and in shops licensed by our council. I would expect that if shops are to be licensed then all material should be vetted and inspected before the place is opened to be sure that all material is legitimate. This will mean that the licensing officers will need to have a clear understanding of how the material has been made or obtained. I wonder if this can be done?</p> <p>In this present climate, when church's are struggling to find places where they can meet for worship and there is not enough places or room for our communities to worship, and when shops can not be changed into places of worship but can be used as sex shops then we shall receive more complaints from the public.</p> | |
| <ul style="list-style-type: none"> • The policy is aimed at establishing what the Council considers an appropriate locality without specifically describing areas of the borough. • Rather than specifying a maximum number that is considered appropriate the policy is aimed at specifying the character of the localities that are acceptable. | <p>On a quick look, it appears that some legal options available to the council are missing (Outright discretionary refusal is legally allowed Para 12(3) of Section 3, 3d of the "Law in England and Wales Section 2 of Local Govt (Miscellaneous Provisions) Act 1982" if the council feels it is 'not in keeping with the character of the relevant locality.') and Section 12(3)c allows a maximum limit to be set which raises the question why that hasn't been included or highlighted? I have in mind last year's application in Becontree Avenue which is near residents homes and was greatly to their distress. I am also concerned that there is no mention of spot checks from whichever department monitors the keeping of license conditions. A check only when the license is due for renewal and 'things can be tidied up ready for the visit' doesn't seem to respect residents concerns. If strict conditions are set but never checked, what is the point in having conditions at all? It might even open up the council to charges of</p> | <p>Rev. Steven Hanna, St Elisabeth's Church, Wood Lane</p> |

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| | negligence. Something also then on spot checks I feel would be valuable. | |
| <p>Darker Enterprises Ltd Unit C, 26 Thames Road, Barking, IG11 0JA</p> <p>Owner of the Private Shop, Becontree Avenue</p> | <p><u>Existing Statement of LBB</u></p> <p style="text-align: center;"><u>Licensing</u></p> <p>Sex establishment Sex Establishments are required to be licensed under the Local Government (Miscellaneous Provisions) Act 1982. A sex establishment can either be a Sex Shop or a Sex Cinema.</p> <p>A sex shop is a premises used for business which consists to a significant degree of selling sex articles. A sex cinema is any premises used to a significant degree for showing of films which are concerned primarily with, or relate to, or are intended to stimulate sexual activity.</p> <p>The law defines the way in which an application is made, which include advertising notice of the application in the local press and displaying a notice outside the premises for a specific time period to give passers by the opportunity to comment by a statutory closing date.</p> <p>When considering an application for a sex establishment licence we may only* use the following criteria:</p> <ul style="list-style-type: none"> • The suitability of the Applicant • Whether the person applying is a 'front' person for someone else • The location and situation of the premises in relation to other premises in the area • Whether the number of sex establishments in that locality is equal to, or exceeds the number which we consider appropriate for the area | <ul style="list-style-type: none"> • The Policy is clear in the opening paragraphs that it provides guidance to members and is not prescriptive, as each application must be judged on its own merits. • Paragraph 3 has been altered following legal advice. • Paragraphs 7, 9, 10, 11 & 12 are statements of the Council's responsibilities in law. • The comment on consultation is noted. The policy advises that "The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received." • There is no commitment to a specific course of action. This is at direct variance to the request of the Faith forum. • The matter of the hearing is dealt with in a separate procedure adopted by the Licensing and Regulatory Board |

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| | <p style="text-align: center;">General Comments on Proposals</p> <p style="text-align: center;"><u>Policy v. Guidelines</u></p> <p>We note that the documentation refers to 'policy' throughout. Although Para 4 refers to the fact that 'The policy is intended to guide the decision-making process.....', we consider that there is a risk that members (and the public) might regard the points laid down as being binding whatever the circumstances. It is important that this distinction is emphasised to ensure that the discretion of the Committee is not fettered. This will only be effective if the members realise that the suggestions are, in fact, guidelines rather than policy. A fixed policy (or even mis-interpreted guidelines) would unreasonably fetter the decision making body and be contrary to the intentions of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA). This could well form the basis of an application for Judicial Review from a dissatisfied applicant. We would submit that the risk of misinterpretation would be reduced if the word 'guidelines' were used instead of 'policy'.</p> <p>Any decision to have a fixed policy has a number of implications and is likely to be contrary to the intentions of the LGMPA as well as producing a conflict with 'natural justice'. Furthermore, Section 12 (3) (c) makes it clear that the situation 'at the time the application is made' is a determining factor.</p> <p>We also feel it important that there should be a reference in the document emphasising the fact that we are dealing with perfectly legal</p> | <p>* Our emphasis</p> <p>for the management of meetings. This policy does not address the issue of hearings.</p> <ul style="list-style-type: none"> • Conditions. The Council has adopted standard conditions for sex shops and in the past additional conditions have been imposed by the Licensing and Regulatory Board in a manner proposed by the consultee. Throughout the comment there are quotations from the reports of officers within other local authorities to their respective licensing committees. As statements there is no issue but deal with specific applications which will in themselves have been judged on their own merits. |
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| | <p>products.</p> <p>Specific Comments</p> <p><u>Para 3</u> It is incorrect to say that 'The Act imposes a duty on a local authority to refuse a licence by reference to matters such as criminal convictions of applicants'. Refusal on grounds of convictions falls within the discretionary powers given under sections 12(2) & (3) of the LGMPA.</p> <p><u>Para 7 - Crime & Disorder</u> The bald statement 'this policy will have regard to the <u>likely</u> impact of a sex establishment licence on related crime and disorder in the borough' may cause misunderstanding. Parliament has decided that sex establishments are lawful. It is difficult to see how the grant of a licence can reasonably be judged to have an impact across the borough. This comes dangerously close to seeking to establish the whole borough as the relevant locality. Such a practice would probably fall within the Court of Appeal judgement condemning decisions of this type.</p> <p><u>Para 9 Disability Discrimination</u> Comments on this will be covered later in the reference to conditions.</p> <p><u>Paras 10 & 11 Gender Equality & Duty to promote Well Being</u> Sections 10.2 and 11.2 also mention 'likely impact'. This introduces a risk that objectors may seek to refer to, and councillors might feel they can take into account, matters that lie outside the grounds upon which</p> | |
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| | <p>any refusal can be based.</p> <p><u>Para 12 Impact</u> Some of this seems to be a reiteration of previous statements but goes even further by referring to 'potential' as well as 'likely' impact.</p> <p><u>Para 13 Location</u> Again the terms used are so wide ranging as to permit any matter, whether falling within the grounds laid down in the LGMPA or not, to be taken into consideration. For example, there are not many uses for land that do not fall into the categories of residential, industrial or commercial nature.</p> <p><u>Para 15 Suitability of Premises</u> Again, comments on this will be covered later in the reference to conditions.</p> <p><u>Para 17 Consultation Progress.</u> The Act lays down a procedure for inviting objections to an application. The requirements, also laid out in your document, are to place a notice on the premises and to place an advertisement in a local paper inviting objections. This is the only method authorised by the Act. A copy is also required to be sent to the police.</p> <p>It is difficult to see what legal authority the Council has to incur expenditure for the consultation proposed in the document. If Parliament has decided an appropriate method by statute, it is not normally permissible for a local authority to gainsay it.</p> <p><u>Determining and Granting an Application.</u></p> | |
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There are no direct references to this important aspect of the whole matter of applications under the LGMPA. In dealing with the hearing of an application, it is important that the decision-making body and members of the public, are aware of its proper role.

It is important that it is made clear that the conduct of the hearing is not an adversarial one as between two opposing parties. It is quite clear from the High Court that this matter is not to be treated as a contest between two parties and that any attempt to do so could mislead the Committee as to its role in the application. The main judgement in this matter is that of Mr Justice Forbes, Regina v. Metropolitan Borough of Sefton and others, ex-parte Quietlynn Ltd. 22 February 1985. We understand that this is reported in the Local Government Law Reviews. We would, however, particularly draw your attention to the following extracts.

- 'There is, as I have ventured to suggest already, as there is no lis inter partes, no reason to think that objectors should be afforded any further rights than those set out in the paragraph'.
- 'If objectors are to be allowed to be heard at the hearing required by paragraph 10(19), there is a danger that the committee may be drawn into considering that its task is to decide between the relative merits of the case put forward by the applicant and the objections advanced by the objectors'.
- 'The danger that the statutory hearing may be effectively denied an applicant if objectors are heard at the same time seems to me to be a forceful reason for not giving objectors a hearing contemporaneously with that afforded to the applicant'.
- 'If objectors must be heard, and there is nothing in the paragraph which confers on them any right to a hearing, then to hear them

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| | <p>before the applicant's statutory hearing but with the applicant present to note the objections made (but to take no other part in the proceedings) would at least preserve the requirements of natural justice.</p> <ul style="list-style-type: none"> • "that if the objectors are heard on the same occasion as the hearing afforded to the applicant (and this is a course which should rarely, if ever, be adopted without the consent of the applicant) the chairman can ensure that the proceedings are conducted as a hearing of the applicant's case for grant, renewal or transfer of the licence and not as an adversarial contest between the opposing views of the applicant and of the objectors". <p>The proposal should refer to the procedure as an integral part of the guidelines and clarify matters concerning limitations on representation by objectors. It is quite clear that not only must they be limited to points made in their original objection but that within those, they should not go beyond the grounds for refusal laid down in the Act.</p> <p><u>Conditions</u></p> <p>There is a glaring omission from the proposal. There is no reference to the effect of conditions nor to the proper approach to consideration.</p> <p>Consider the following extracts from other Local Authority reports:-</p> <p>London Borough of Greenwich – <i>The applicant is not required to persuade the Committee to grant the Licence; rather; if Members decide to refuse the licence, they would have to be persuaded that there were sufficient grounds for refusal.</i></p> <p>Cambridge City Council - <i>The prime decision for the Committee to take is whether or not to grant Members are obliged to grant</i></p> |
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| | <p><i>the application unless they are satisfied that there are good reasons why it should be refused. Before deciding to refuse a licence, Members should consider whether grounds for refusal can be met instead by the imposition of conditions. They also need to be satisfied that any grounds are sufficiently serious to justify refusal i.e. that refusal of the application is a proportionate response.</i></p> <p>There is a presumption that an application will be granted unless the grounds for refusal are fully applicable. Furthermore, it is incumbent on the decision-making body to consider whether any matters of concern can be met by the application of conditions. In the case of existing shops, the appropriate weight must be given as to whether any problems have actually arisen during the period of the licence. (This is referred to in Para 12.3). For example, in a situation where there are families or children passing by, there should be recognition that this is often met by the application of appropriate conditions regarding appearance and entry layouts rather than refusal.</p> <p>Any concerns regarding a number of the earlier points under the headings of Disability Discrimination, Impact and Suitability of Premises are usually addressed by the imposition of appropriate conditions rather than refusal.</p> <p><u>Relevant Locality</u> This is an important aspect of the approach adopted under the LGMPA. There are no suggestions as to the way in which this will be considered.</p> <p>The LGMPA is particularly unhelpful in this matter. The definition of 'relevant locality' merely refers to the locality in which premises are</p> |
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situated. This begs the question as to which of two alternatives are applicable. Firstly, should the localities be predefined so that it is known into which locality any application falls, or should it be considered after an application has been made on the basis adopted by the London Borough of Newham (see below) as the area affected by the application.

“It is important that the Council do not deem the whole of the Borough to be one locality and set a total for the whole Borough (e.g. Nil) as this could lead to a successful appeal against the Councils decision to refuse a licence. Therefore upon determining an application, the Council should consider the relevant locality in the Borough which may be affected by the application and decide on an appropriate number of sex encounter establishments which may be suitable for that one particular locality.”

London Borough of Newham - Development Control & Licensing Sub-Committee: 6th May 2003 (Officers' Report Para 4)

A further potential problem is that if localities are pre-defined, locating close to the boundaries may not enable potential problems over the boundary to be taken into account.

Some have advocated, the drawing of a circle (radius unknown) centred on the applicant premises. However, there can often be premises/activities within a boundary that may appear to be potential problems but because of geographical features, or other factors, would remain unaffected by the presence of a sex shop whilst others, further away may be more affected. Once again, attempting to apply a fixed standard is likely to result in anomalies.

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| | <p>One suggested proposal has been wards. However, the Local Government Commission for England in reviews of ward boundaries has stated, 'We are required by law to review the electoral arrangements of every principal local authority in England. Our aim is to ensure that the <i>number of electors represented by each councillor in an area is as nearly as possible the same</i> (our emphasis),.....'. This means that if wards were to be adopted, they would, by definition, contain a large number of residences. Furthermore, the illogicality of adopting this can be seen when considering a situation where an application is made for a property very close to the edge of a ward.</p> <p>The character of every locality based on wards is likely to be mixed so that it would be difficult to apply this criteria to distinguish between areas when considering sex establishment licence applications.</p> <p><u>Refusal of an Application.</u> The provision of the grounds for refusal is not sufficient to meet the statutory requirements. The Act provides for the provision of reasons. The courts have held that this means more than a reiteration of the grounds. We would suggest that they must also include a statement explaining why any problems could not be met by applying appropriate conditions rather than refusal.</p> <p><u>Enforcement.</u> We are aware that the vagueness of the definition for the requirement for a licence contained in the Act means that enforcement can be uncertain. We endorse the need to try to ensure that sex articles are made available to those who want them through properly conducted and controlled premises. We would welcome an inclusion of an intention to respond to complaints with speedy visits to unlicensed</p> |
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| | <p>premises. Insufficient numbers of licenced premises leads to a very real greater risk of a proliferation of unlicenced premises.</p> <p>We also endorse the intention to check compliance with conditions in licenced premises (Para 18.3).</p> <p>Darker Enterprises Ltd May 2008</p> | |
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APPENDIX C

Regulations Prescribing Standard Conditions Applicable to Licences for Sex Establishments

The Council of the London Borough of Barking and Dagenham in exercise of the powers conferred upon them by Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Greater London Council (General Powers) Act 1986 and the London Local Authorities Act 2007 and of all other powers enabling them in that behalf, hereby make the following regulations:-

Title

1. These regulations may be cited as "The Barking and Dagenham Sex Establishment Regulations 200x" and shall come into operation on the xxxx day of xxxx 200x.

Interpretation

2. (1) The Interpretation Act 1978 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.
(2) In these Regulations unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:-
(3) "the Council", means the Council of the London Borough of Barking and Dagenham;
(4) "sex article", "sex cinema", "sex establishment", "sex shop", "sex encounter establishment" shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 12 of the Greater London Council (General Powers) Act 1986
(5) "supply" in relation to the supply of goods, includes supply by way of sale, lease, hire, or hire purchase.
(6) "Approval of the Council" or "Consent of the Council" means approval or consent of the Council in writing.
(7) "Approved", "accepted" or "permitted" means approved, accepted or permitted by the Council in writing.
(8) "Approved arrangements" means the arrangement of the premises, fitting, installations and all other things in connection therewith as approved by the Council.
3. The sub-headings inserted in these Regulations are inserted for the purposes of convenience only and shall not affect in any way the meaning or construction thereof.

General

4. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.
5. The business shall be carried on only in the name style or title specified in the licence and at the address mentioned therein.
6. All documents, notices and advertisements issued by or on behalf of the business shall bear the trade name, style or title and address specified in the licence together with an indication that the person is licensed by the Council.
7. Without the express written consent of the Council the licensee shall not in the conduct of the business employ any person:-
 - (a) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing Authority;
 - (b) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing Authority;
8. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
9. A new licence application must be made for any change of use to include any further categories of; a sex cinema, a sex shop, a sex encounter establishment.

Times of Opening

9. The Sex Establishment shall not be open otherwise than on the days and at the times specified in the Licence. The premises shall not be open at all on a Sunday or a public holiday.

Conduct and Management

10. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any such new persons are to be furnished within 14 days of a request in writing from the Council.
11. The licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public.

12. A daily register shall be maintained at the sex establishment in which shall be recorded the name and address of all persons employed at the establishment. The register is to be completed each day the premises are open for business and is to be kept available for inspection by the Police and authorised officers of the Council and shall be so retained for six months after completion.
13. The licensee shall retain control over all portions of the Sex Establishment and shall not let, licence or part with possession of any part of the Sex Establishment.
14. The licensee shall maintain good order in the Sex Establishment.
15. No part of the Sex Establishment shall be used by prostitutes for the purposes of solicitation or of otherwise exercising their calling.
16. The licensee shall ensure that no employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
17. The licensee shall not supply, offer to supply, agree to supply, expose for supply, or possess for supply, products likely to forfeiture under Section 3 of the Obscene Publications Act 1959 or Section 5 of the Protection of Children Act 1978 or likely to be condemned under Schedule 3 to the Customs and Excise Management Act 1979 by virtue of Section 42 of The Customs Consolidation Act 1876.
18. The licence holder shall not conduct the business in a manner which is detrimental to the interests of consumers, whether those interests are economic interests or interests in respect of health, safety or other matters or is in any manner unfair to consumers.
19. During the hours that the Sex Establishment is open for business every person engaged about the business shall wear a badge of a type approved by the Council indicating his name and position.
20. The sex establishment shall be used only for the purposes specified in the licence. No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. This includes a change from one class of sex establishment (e.g. a sex shop) to another class of sex establishment (e.g. a sex encounter establishment).
21. Neither the interior nor the exterior arrangements of the sex establishment shall be altered without the prior written approval of the Council.
22. No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods supplied at the establishment, shall be displayed within the shop.
23. No part of a sex shop shall be used as a Sex Cinema.
24. The licensee shall not distribute any unsolicited goods or publicity.

25. A record shall be kept of mail order transactions in such form as agreed by the Council.

Goods Available

26. All sex articles and other things exposed or offered for supply within the sex establishment shall be clearly marked to show to persons who are inside the premises the respective prices to be charged.
27. All goods exposed or offered for supply, shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the premises.

External Appearance

28. The following written matter and no other shall be clearly visible from outside the sex establishment:-
- (1) The name, style or title as specified in the licence.
 - (2) The words "Licensed Sex Establishment "Licensed Sex Shop" or the words "Licensed Sex Encounter Establishment" in letters not more than 3 inches in height.
 - (3) The hours of opening.
 - (4) The street number.
 - (5) A notice at the entrance to the establishment headed "WARNING" and stating "PERSONS PASSING BEYOND THIS POINT WILL FIND MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER INDECENT. NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE" or in the case of a Sex Encounter Establishment "WARNING" and stating "PERSONS PASSING BEYOND THIS POINT WILL FIND ACTIVITIES THAT MAY OFFEND. NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE." This notice shall be placed on the second door of the entrance as detailed in paragraph 42 below.
 - (6) Any other matter required by law and/or conditions stated on the licence.
29. The interior of the sex establishment shall not at any time be visible from outside.
30. No illuminated signs to be used externally on the premises.
31. The external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
33. No advertising of products or contact details to be on the external part of the premises including any website address or be visible from the outside.

State and Condition

33. The sex establishments shall be maintained in good repair and condition and all parts shall be kept in a clean and wholesome state.
34. The licensee shall make provision in the means of access both to and within the establishment for the needs of members of the public visiting the establishment who are disabled.

Safety

35. The licensee shall take all reasonable precautions for the safety of the public and employees.
36. The licensee shall comply with any fire prevention and safety measures that may be required of him by the Council or the Fire Authority.
37. The establishment shall be provided with fire appliances suitable to the fire risks of the establishment and such fire appliances shall be maintained in proper working order and shall be available for instant use.

Display of Licence

38. The licence and a copy of these regulations shall be conspicuously displayed on a part of the sex establishment as specified by the Council.

Supplemental

39. The licensee shall forthwith notify the Council of his ceasing to carry on the business of a sex establishment.
40. The licence is not transferable by the licensee.
41. The licence shall expire annually on the 31st December of the year of issue.
42. (For Sex Shops) A double door entry system must be in place with the second door (internal) having an electronic buzzer entry system.
43. A digital CCTV system to be installed to cover the inside of the premises, with one camera focused on the entry door.
44. All recordings must be kept for a minimum of 31 days or longer if requested after an incident.
45. Recordings to be made available upon request by an authorised officer of the Council and or a Police Officer.
46. Photographic proof of age must be requested for anyone who appeared under the age of 21 to ensure that they were over 18.

47. A refusal book must be kept and details logged for any refusal of entry for underage, giving time, date and description of person refused.

49. The Council may amend or alter these regulations without prior consultation with the licensee.

THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

| | |
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| Title: Air Quality Management Order | For Decision |
| <p>Summary:</p> <p>To implement air quality management it is necessary for the Council to make an Order. This report asks for the making of an Air Quality Management Order and extends the pollutants and the boundaries agreed by the Executive in February 2002, as the recent assessment and modelling of air quality indicates that air quality targets are likely to be exceeded in parts of the borough.</p> <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to recommend the Assembly to:</p> <ol style="list-style-type: none"> 1. approve the Air Quality Management Order as attached at Appendix A; and 2. agree to the use of the power to issue Fixed Penalty Notices under Section 42 of the Road Traffic Act 1988 in respect of heavily polluting passenger vehicles on our borough's roads. | |
| <p>Reason(s)</p> <p>To assist the Council to achieve its Community Priority of "Developing Rights and Responsibilities with the Local Community" by complying with the obligations in Part IV of the Environment Act 1995.</p> | |
| <p>Implications:</p> <p>Financial: The declaration itself will require no additional funding. However once the area is declared a further review and assessment of the air quality within the AQMA will need to be carried out and this will require the services of an external environmental consultancy. The costs are in the region of £10,000 which will be included as part of a land and air quality capital bid. Furthermore, following the declaration, the council have a legal duty to produce an air quality action plan within 12-18 months of the council designating the AQMA that will require financial resources.</p> <p>Legal: The legal requirements and implications for the implementation of the Council's Air Quality Management Scheme and the making of its Air Quality Management Order are contained within this report.</p> <p>Risk Management: No specific implications</p> <p>Social Inclusion and Diversity: No specific implications</p> | |

Crime and Disorder: No specific implications

Options Appraisal:

Because air pollution is influenced by prevailing wind and topography, it would be unreasonable to target the sources (e.g. major roads A13) of the air pollution rather than the areas affected by the air pollution. Therefore it is appropriate to have action plans which can address the borough as a whole.

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| Contact Officer: Ann Mark | Title: Team Leader – Environmental Protection | Contact Details: Tel: 020 8227 3843 Fax: 020 8227 5699 E-mail: ann.mark@lbbd.gov.uk |
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1. Introduction and Background

- 1.1 On 26th February 2002 the Executive approved a proposal for the declaration of an air quality management area covering residences adjacent to the A13.
- 1.2 All local authorities are required by the Environment Act 1995 to review and assess air quality in their area, both for the present and for future years.
- 1.3 In areas where the air quality objective is not anticipated to be met, Local Authorities are required to establish Air Quality Management Areas to improve air quality.

2. Current Position

- 2.1 A detailed assessment of Nitrogen Dioxide focusing on busy junctions and densely populated areas has recently been carried out for the London Borough of Barking and Dagenham. This study involved further monitoring and computer modelling which showed that the annual mean objective for nitrogen dioxide might be exceeded at busy road junctions in the borough.
- 2.2 The London Atmospheric Emissions Inventory 2004 Modelling of particulate matter (PM₁₀) identifies the potential for exceedence. Further study will be carried out to determine the extent.
- 2.3 There is a statutory requirement for local authorities to designate an Air Quality Management Area if the Government objective for a pollutant of concern is exceeded, or is likely to be exceeded.
- 2.4 For this decision to be implemented it is necessary for the Council to make an Order declaring the Air Quality Management Area.

3. Report Detail

- 3.1 There is no formal guidance on the format of an Order. Research has been carried out canvassing the views of other authorities and the Greater London Authority on the wording and format that should be adopted. A draft Order is attached at

Appendix A following the format proposed. This order has pollutants not mentioned in February 2002 and the boundaries will be changed to include the whole Borough.

- 3.2 Air Quality Management is an evolving process and it is likely that the boundaries of areas will change from time to time as further research is carried out. It is therefore likely that this process of declaration of Air Quality Management Orders will be repeated over a period of time.
- 3.3 The Environment Act 1995 provides the framework for local air quality management across England and Wales. The provisions in Part IV of the 1995 Act are largely enabling and give local authorities the flexibility to take forward local policies to suit local needs.

4 Implications

- 4.1 Air Quality Management Area is a significant step in securing future air quality improvements across the borough and demonstrates clear commitment to control air pollution.
- 4.2 The Council, in common with all the London Boroughs and many others nationally, will have to designate an Air Quality Management Area (AQMA). This needs to be by an Order of the Council, which may be subsequently varied or revoked if appropriate. The AQMA will be the focus of a specific action plan to improve air quality.
- 4.3 A decision on the boundaries of the AQMA rests with the Council; however the boundaries have been explained and justified to the Department for Environment, Food and Rural Affairs (DEFRA).
- 4.4 The Environmental Protection Team have carried out vehicle emission testing in partnership with Barking and Dagenham police's RECLAIM initiative. This was a campaign to help raise awareness of the issues related to vehicle emissions. Once the AQMA order comes into effect the Council will have the power to issue Fixed Penalty Notices (under the Road Traffic Act 1988, section 42 currently £60) to reduce the number of heavily polluting passenger vehicles on our borough's roads.
- 4.5 The vehicle emission testing costs were covered by a successful Transport for London bid of £13,000. The testing equipment needs to be hired and police assistance is required as police have the powers to stop vehicles. Working in partnership with the police reduced the cost and increased the number of times the testing was carried out: August 2007 (Rainham Road South outside Gold's Gym), October 2007 (Rainham Road South/Beam Way) and November 2007 (Whalebone Lane North/ Rose Lane) and February 2008 (Movers Lane) and September 2008 (Abbey Road). The campaign was publicised by several articles in the press. Approximately 150 vehicles were tested overall with a failure rate of around 10%. Further bids will be submitted to fund future testing.
- 4.6 Establishing an AQMA across the borough will inform traffic management schemes, in addition to environmental improvements and enforcement. For example where appropriate a road may be diverted.

5. Consultees

5.1 In accordance with schedule 11 of the Environment Act 1995 the findings of the detailed assessment 2006 have been consulted on with all statutory consultees.

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

Internal:

Councillor McKenzie Lead Member for Street Scene & Sustainability,
David Woods Corporate Director Customer Services,
Darren Henaghan Head of Environmental & Enforcement Services
Yinka Owa Corporate Legal partner,
Borough's staff

External:

Environment Agency,
GLA,
DEFRA,
TfL and neighbouring boroughs including Bexley and Greenwich. List of local organisations on the Council's LDF database and Borough's residents.

Background Papers Used in the Preparation of the Report:

- Air Quality and Action Plan progress Report for London Borough of Barking & Dagenham Council (revised 2008)
- Air Quality Review & Assessment: Detailed Assessment 2008
- The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, 17 July 2007
- Cleaning London's Air. The Mayors Air Quality Strategy, September 2002
- Defra Policy Guidance LAQM PG (03)
- 26th February 2002 the Executive Minute number 66

THE LONDON BOROUGH OF BARKING AND DAGENHAM

ENVIRONMENT ACT 1995 SECTION 83(1)

ORDER DESIGNATING AN AIR QUALITY MANAGEMENT AREA

The London Borough of Barking and Dagenham ("the Council") of the Civic Centre, Wood Lane, Dagenham is satisfied that as a result of its Detailed Assessment of nitrogen dioxide (NO₂) dated 2008 concentrations that the air quality objective for nitrogen dioxide (NO₂ annual mean) was not achieved by 31st December 2005 (being the relevant period prescribed by the Air Quality (England) Regulations 2000 ("the Regulations)).

The Council is satisfied that as a result of further study of London Atmospheric Emissions Inventory 2004 Modelling of particulate matter (PM₁₀) concentrations that the air quality objective for particulate matter (PM₁₀ annual mean) was not achieved by 31st December 2004 (being the relevant period prescribed by the Air Quality (England) Regulations 2000 ("the Regulations)).

The Council, in exercise of the powers conferred upon it by the Environment Act 1995 Section 83(1) hereby make the following Order.

1. The whole borough of the said Council is to be designated as an Air Quality Management Area in relation to a breach of nitrogen dioxide (annual mean and hourly mean) objectives as specified in the Regulations;
2. The whole borough of the said Council is to be designated as an Air Quality Management Area in relation to a breach of particles (annual mean) objectives as specified in the Regulations;
3. The Order reference M/008949/AAM01027 may be cited as the London Borough of Barking and Dagenham Air Quality Management Order 2008;
4. This will come into operation on 16th December 2008. This Order shall remain in force until it is varied or revoked by subsequent order; and
5. The London Borough of Barking & Dagenham Order (1) 2002 is hereby revoked

Dated the

The Common Seal of the Mayor and Burgesses of the London Borough of Barking and Dagenham was hereunto affixed in the presence of:

Being an officer of the Council of the said London Borough duly authorised to attest the Common Seal thereof

Minute Number:
Sealing Register

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THE EXECUTIVE

18 November 2008

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

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| Title: Achieving Excellence 2008/09 | For Decision |
| <p>Summary</p> <p>This is the first of a new style Achieving Excellence report marking the transition to a more challenging and improvement focused performance management framework.</p> <p>The purpose of this report is to summarise the performance of the Council to date for the year 2008-9. This enables us to assess how well we are delivering our services (either ourselves or through our partners), whether we are meeting the plans that we have set and what we need to change or adjust in order to improve these services. Our performance management process captures information that enables us to account for what we are doing and to make an assessment about its effectiveness.</p> <p>This report is split into four sections:</p> <ol style="list-style-type: none"> 1. A position overview - a 4Ps format (Pounds, Performance, People, Plans) 2. An Improvement Action Plan (5 parts one per Dept) – arising from a series of Performance Challenge sessions, one per Department, held in October [Due to unforeseen circumstances 2 of the 5 sessions had to be re-arranged and are taking place on Nov 19 – Children’s Services and Nov 20 – Customer Services]. These plans will be monitored and a summary of progress reported in the next AcE Report (due End of February). 3. Progress against the LBD Council Plan 0809 – the Council has identified 28 actions, grouped under our six community priorities and a corporate category. 4. The Council’s Direction of Travel Statement compiled for the CPA process – this provides evidence of the Council’s improving outcomes and how progress will be sustained <p>It is noted that this is a new style report reflecting changes to the performance reporting process. The revised process is shown on page 3, the key points are:</p> <ul style="list-style-type: none"> • Three processes (Balanced Scorecard, Achieving Excellence Report and Performance Boards) have been streamlined into one process that is held three times a year. This is in addition to Departmental performance processes that focus on key statutory data and running effective services. • There is a wider range of evidence gathered and a greater focus on analysis. The switch this year to a different set of National Indicators has caused problems nationally with setting targets and reviewing performance. The Council is working on the changes to the evidence collection, targets and comparators required to produce meaningful performance data for future reporting. The new LAA targets will be a part of this process. • The Service Planning process is being re-designed both to streamline it and to ensure it better supports the performance management process. • A closer co-ordination of financial, council and service planning. This will be fully in | |

place for 09/10. (see page 5 of the report).

It is recognised that while good progress has been made, there are improvements to be made to the performance process, in part to reflect changes in the regulatory regime but also changing council needs. Further work is required on:

- Developing a more consistent and co-ordinated analysis of customer/citizen experience of our services
- Embedding the new National Indicator set with targets and comparators
- Re-adjusting the Performance Framework rationale to reflect the new CAA regime, which puts a greater focus on us to select our community priorities and deliver on these rather than the 'score-everything' approach of CPA

Wards Affected: None

Recommendation(s)

The Executive is recommended to:

- Consider the report and provide feedback on further improvements they would like to see to the Performance Framework
- Agree the Actions as set out in the attached report

Reason(s)

The purpose of this report is to summarise the performance of the Council to date for the year 2008-9.

Implications

Financial: - Financial decisions are considered through other channels. This report may inform future decisions.

Legal: - No specific implications.

Risk Management: - No specific implications.

Social Inclusion and Diversity: - This report is an important part of the performance management framework in terms of monitoring our service delivery to all citizens of the borough.

Crime and Disorder: - No specific implications.

Options Appraisal: - Not applicable.

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| Contact Officer: Guy Swindle | Title: Head of Policy, Partnerships, Performance & Communications | Contact Details: Tel: 020 8227 2094 E-mail: guy.swindle@lbbd.gov.uk |
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Consultees

Joe Chesterton – Divisional Director of Finance
Winston Brown - Legal Partner

THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES AND THE CORPORATE DIRECTOR OF RESOURCES

| | |
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| Title: 'One Barking and Dagenham' Programme | For Decision |
| <p>Summary:</p> <p>This report formally asks the Executive to endorse the broad principles for the One Barking & Dagenham Programme and outlines the key elements of that programme.</p> <p>Specifically, the report seeks members' approval of a new set of values that will drive the next stage of the council's improvement programme – designed to further improve services to local residents.</p> <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is recommended to agree the programme vision and values of One B&D and note the progress made to date.</p> | |
| <p>Reason(s)</p> <p>The One B&D programme will deliver the priority projects that will improve customer services and provide greater value for money to the residents of the borough.</p> | |
| <p>Implications:</p> <p>Financial:</p> <p>The programme brings together a range of capital and revenue budgets into a single programme framework, seeking to ensure that this funding is effectively deployed to deliver the business benefits. Where additional capital funding is required, this will only be used on a “business case basis” – being released when a sound financial case has been agreed that demonstrates a payback profile that is consistent with the medium term financial strategy.</p> <p>Legal:</p> <p>The delivery of many of the projects will require the procurement of specialist support, specifically in terms of IT and accommodation. Where this is required, existing framework agreements will be used, or procurements will take place within the existing governance of the council.</p> <p>Risk Management:</p> <p>This is a large complex programme that involves the roll-out of some large IT applications, major improvements to accommodation as well as seeking to drive a</p> | |

cultural change throughout the council, with interrelationships between many of those elements.

A programme risk register is being maintained and will form part of the Programme Blueprint that outlines the key elements of the programme.

A programme office has been set-up by bringing together existing programmes. This programme office will be responsible for ensuring there is effective risk management in all elements of the programme.

Social Inclusion and Diversity:

This is a significant programme of change, the main driver of which is improved customer service. To achieve this we need to ensure we have a better understanding of the customers we serve, hence enabling us to more effectively target resources.

In addition, through this programme will be deliver improved business intelligence which should assist the council is having a better understanding of the impact of its actions on residents of the borough.

Crime and Disorder:

While no specific projects have a crime and disorder focus, the improvements in business intelligence should assist staff and partners working in this area.

Options Appraisal:

Each element/project needs to go through an appraisal.

| | | |
|--|---|--|
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1. One B&D Vision

1.1. One B&D is a transformational change programme to move our Council from good to great and achieve real customer service excellence. It is about how we deliver on our priorities to become customer focussed across the whole organisation – from the front-line to the Chief Executive and elected Members. After a period of consultation, the following vision for the programme is being proposed:-

“One B&D is about delivering excellent services by working together;

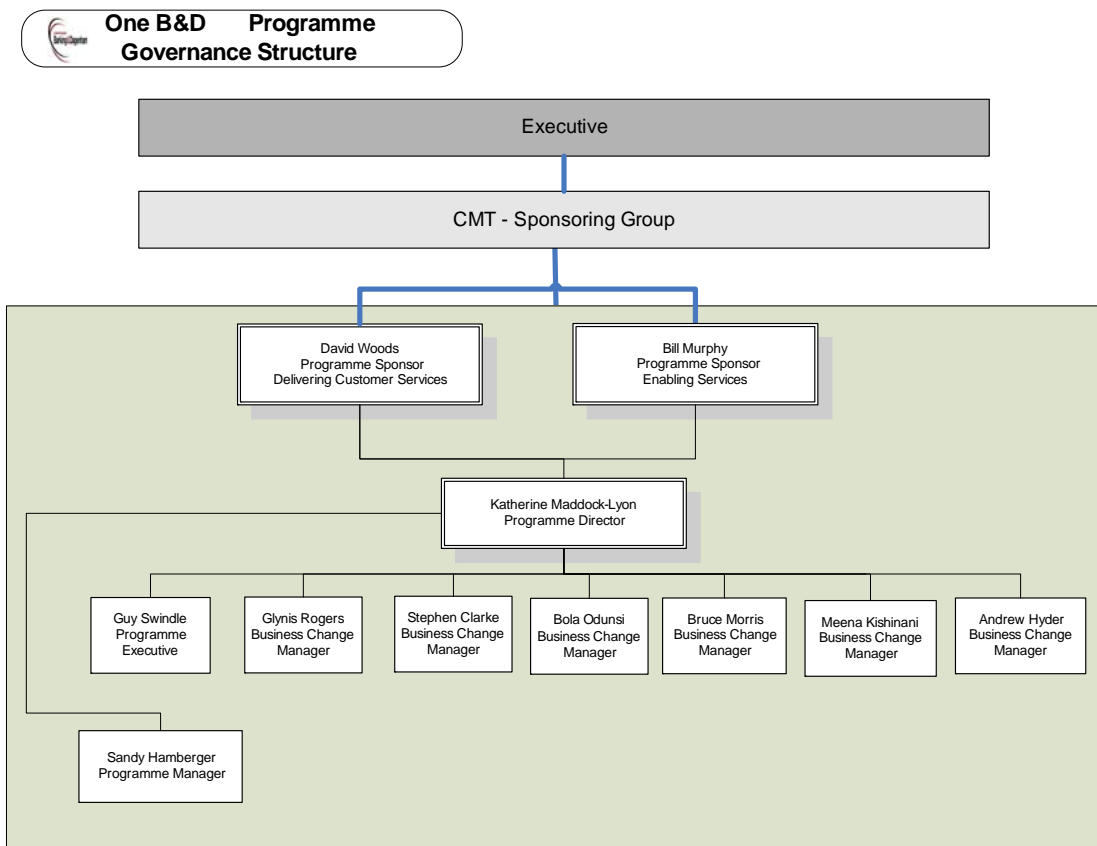
- as one seamless team, with our partners,
- creating a supportive work environment
- where everyone can deliver, with the right tools,
.....for our residents”

1.2 The context for this is important. Public services are improving in Barking & Dagenham - across a range of indicators – from education and health to crime and social care or environment and leisure – our partnership’s services are improving.

- 1.3 We are proud that through initiatives such as Tell Us and Done in One we have introduced systems to listen to residents and staff alike, been voted the most friendly and polite staff in London, and acknowledged good performance through staff recognition and appraisal schemes. However, we also know that while we have improved, other boroughs are improving as well, and we are not as good, in all areas, as we could be.
- 1.4 One B&D is also about making better use of modern ways of working to support customer focussed business processes – making most use of best practice in customer service management, technology and flexible working to drive up the customer experience from good to excellent
- 1.5 One B&D will deliver significant outcomes and benefits. Initial high level outcomes include;
- Barking & Dagenham having a clear brand that our residents associate with quality services – they will be proud to be served by us
 - Better understanding of priorities and a clear golden thread to what we do – so that we don't do things that add no value
 - Better understanding of our residents and businesses so that we provide services that add value, are more accessible and meet the needs of the whole community
 - Significant shift in customer satisfaction with our services – we will aim to get things right first time
 - Increased staff satisfaction and confidence – staff will be proud to work at Barking & Dagenham
 - Better workforce planning so that we are focussed on being proactive and need to be less reactive
 - Increased service performance - our services will be judged as excellent through inspection and benchmarking
 - Services will provide good value for money – we will not waste tax payers money
- 1.6 To deliver improvement, clear priorities will need to be agreed, that focus on what our customers want and need, that are sustainable through the delivery of training and well equipped staff and that can be funded. This means not everything can happen at once, which is why we are initially looking at a three-year time frame for the programme.
- 1.7 While big interventions are needed in some areas (e.g. accommodation, IT), for these investments to be effective we need to also ensure we get the simple things right. This happens when all staff know their key objectives, receive the right training, are well managed, incentivised and motivated, ensuring effective two-way communication to improve services, and taking responsibility for putting things right. This is simple in terms of ambition, but complex to achieve in so large an organisation
- 1.8 In order to achieve One B&D, the Council has observed and reflected on the experiences of Councils that have experienced a transformation. Key to the transformation of other organisations has been a number of factors, and all of these mainstream the principles of IIP:

- A vision for the future that, with our partners, is ambitious for our residents and businesses
- Support for our Members in their role as place shapers and community leaders
- An organisational culture that is business focussed (hard nosed) but supportive, developmental, and customer focussed (warm hearted) and committed to continuous improvement
- A passion and pride for delivering excellent customer service
- Customer insight driving service design and planning so that we meet the needs of the whole community and mainstream E&D
- A strong emphasis on communication to staff at all levels
- Clear roles and responsibilities for staff working on the programme
- Understanding how the change will affect our staff and what will be better for staff
- Staff engagement and staff development
- Commitment to innovation, that balances risk appropriately for the organisation
- Transformational leadership style that ensures we co-design services with customers and staff – being responsive to those who experience the effects and outcomes of service delivery every day
- Builds on our successes and challenges appropriately
- Continued but smarter focus on performance management

2. One B&D governance



- 2.1. Key to programme delivery is having effective governance arrangements in place, which will change as the programme matures.
- 2.2. The learning from the One B&D start-up project, Excellent Customer Services and Modern Ways of Working programme boards, together with the feedback from

member workshops, the staff briefing event and e-mail free day, highlighted the immense opportunities, reduced duplication and minimal processes from aligning three of the Programmes.

- 2.3. The One B&D Board, Modern Ways of Working Board and the Excellent Customer Services Board have come together under the One B&D Programme, which will lead and co-ordinate transformational change activity across the Council's infrastructure.
- 2.4. The new revised B&D programme board will have the advantage of ensuring representation for all departments as Business Change Managers – and will reduce the overlapping commitments of a number of board members currently sitting on average of two of the three boards. Escalation from projects will be clearer e.g. Housing Modernisation Programme (HMP) reports currently to Excellent Customer services but has escalation issues for Modern Ways of Working and learning for One B&D. Project managers for workstreams will be represented as appropriate on the programme board.
- 2.5. While this is a programme in which all executive members will be key stakeholders, in terms of the key projects, the key portfolio holders for this programme are:-
 - Executive Member for IT and Customer Services
 - Executive Members for Resources
 - Deputy Leader – Housing element
- 2.6. One B&D will become the overarching transformational programme that supports other programmes and project portfolios across the council, including those that contribute to the delivery of our LAA targets. However, the programme will not attempt to programme manage all change across the Council – but it will underpin the values for all change and will provide the enabling internal infrastructure for change. In effect, it will provide a form of organisational discipline to ensure consistency and clarity of purpose and ensure a focus on priorities via a programme management approach.
- 2.7. The programmes will need to be flexible to ensure that cross over areas such as Putting People First continue to report to the driving board – in this case Strong, Safe, Active and Healthy PB (SSAH) whilst ensuring that the blueprint for One B&D supports and facilitates where appropriate e.g. at the initial customer contact, and for assessment application. The programme structure must accept that some things cannot fit into only one box, and that we need to be flexible, as what differentiates a programme from a project is the need to be flexible to change for large scale transformation as political and local contexts change. This is particularly true for One B&D.
- 2.8. The reasons for this move are to ensure better co-ordination of activity and a simpler message for all Staff and Partners about our absolute commitment to providing the highest standard of services possible to our residents and our determination to structure ourselves accordingly to achieve this.
- 2.9. It is anticipated that the Executive will require regular updates on the programme as it progresses - ensuring benefits are achieved in line with corporate priorities. In the

main, this will happen via the “termly” achieving excellence report as well as the normal briefing mechanism that are in place.

2.10. The programme has the following main work-streams:-

- Accommodation
- ICT modernisation
- Service and Business Process Improvement
- Organisational Development

3. One B&D Values



3.1. Values which change and communicate behaviours and competencies will be a crucial element for the success of One B&D. Ultimately this will shape and inform the culture of the organisation.

3.2. Work undertaken with a range of stakeholders; members, staff, IIP health check and surveys has highlighted the following agreed values.

- Putting our Customers First
- Working Together
- Taking Responsibility
- Treating each other fairly and respectfully
- Achieving Excellence

3.3. These values have been communicated to Members and staff over the last 3 months. This was a main theme of the One B&D week in the first week of September and the briefing to the Executive in September. The values have developed as a result of this feedback.

3.4. In addition to the communication of the values set there are a number of activities that need to happen to embed the values and drive the One B&D transformation programme

- Identify and mainstream the behaviours and attitudes that we need to change; and keep those that support the values
- Develop excellent transformational leadership and business management skills and behaviour through a new programme for the leadership team (CMT and Heads of service) and for GMs through using the existing IL₂ programme
- Develop professional customer service skills for front line staff in the first instance through our recent corporate membership of the Institute of Customer Services (ICS). In 2008/9 we plan to pilot the training for 25 staff across a number of areas including B&D Direct, housing estate officers, enforcement staff, benefits assessors and BLC library staff. Directors will be encouraged to support the programme in 2009 by taking on ICS training and being coached by front-line staff that excel in their ICS training.
- Work with members to revamp their development programme to align it to the values.
- Identify and review all areas of activity that underpin and impact on organisational culture (e.g. staff and team awards, communication methods and appraisal) and make any necessary changes, ensuring that we have listened to staff feedback
- Carry out BPR pilots to develop capacity and provide early learning on what changes are needed
- Design and implement measures to track and measure change resulting from the project

4. Defining what we mean by success - Business benefits and outcomes

- 4.1. In starting out on a new programme, it is important to define the key benefits that the programme will achieve. It is a three year programme that is targeted to deliver:-
- Improved satisfaction with council services – by 2% per year
 - Staff satisfaction - increase by 3% as measured by staff survey by 2010
 - Reduction in avoidable contact (baseline needed before target set)
 - Service standards for all services published
 - 80% call resolution at first point of contact
 - Maximise the utilisation of existing buildings
 - Revenue savings of £2m per year from 2010 onwards through better ways of working to support the overall drive for greater efficiency
 - Reduction in Town Hall and Civic Centre carbon footprint - 10%

5. Consultees

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

Executive Members
 Portfolio holders
 CMT
 One B and D Programme Board

Background Papers Used in the Preparation of the Report:

- CMT 9 July report

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THE EXECUTIVE

18 NOVEMBER 2008

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

| | |
|---|---------------------|
| Title: Barking & Dagenham Council Plan 2008-2010 | For Decision |
| <p>Summary:</p> <p>The Council Plan sets out the Council's vision, values and priorities, and identifies the links with the Community Plan. This Council Plan runs from 2008-2010, and after this time it is intended that, in line with the medium-term financial planning of the Council, that the Plan will cover a three year term, with annual updates reporting back on the progress of the Council Improvement Priorities.</p> <p>The twenty-eight Council Improvement Priorities are the actions identified by the Departments as being the top priorities of the Council over the next year.</p> <p>The draft Council Plan 2008-2010 is included with this agenda as a separate document (Supplementary 2)</p> <p>Wards Affected: All</p> | |
| <p>Recommendation(s)</p> <p>The Executive is asked to comment on the draft Council Plan 2008-2010 and, subject to any amendments agreed at this meeting, to recommend its adoption by the Assembly.</p> | |
| <p>Reason(s): To assist the Council to achieve all of its Community and Council Priorities.</p> | |
| <p>Implications:</p> <p>Financial: No specific implications. Money to produce the Council Plan has been set aside in the Performance and Innovation team budget. Provision for all those resources required to deliver both the Council Plan and Service Plans are included in the Council's Medium Term Financial Strategy.</p> <p>Legal: Comments on the requirement for a Council Plan and its purpose are set out in the Options Appraisal section. There are no specific legal implications arising from this report.</p> <p>Risk Management: No specific implications</p> <p>Social Inclusion and Diversity: The Council Plan has undergone an Equalities Impact Assessment (EIA), and there is a forward plan for undertaking an EIA on each of the Council Improvement Priorities</p> <p>Crime and Disorder: No specific implications</p> | |

Options Appraisal:

1. To produce a Council Plan (that has been endorsed by the Executive).
2. To not have a Council Plan.

There is no requirement for the Council to have a Council Plan (the Best Value Performance Plan (BVPP), which provides performance information for the year 2007/08, is already on the internet). However, the Council Plan is the top-level strategic document for the Council, and sets out its vision, values, and priorities. The Plan also makes links between the Council's priorities, and those of the Community Plan. The Council Plan sets the direction for the Council, and informs the Service Planning process, as well as individual staff appraisals.

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|--|--|---|
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Consultees

The following were consulted in the preparation of this report:

Rob Whiteman - Chief Executive
The Corporate Management Team
Joe Chesterton - Divisional Director of Finance
Melanie Field - Legal Partner

Background Papers Used in the Preparation of the Report:

None

THE EXECUTIVE

18 November 2008

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

| Title: Budget Monitoring 2008/09 (Apr - Sept 2008) | For Decision |
|---|--------------|
| <p>Summary:</p> <p>The report updates the Executive on the Council's revenue and capital position for the period April to September of the 2008/09 financial year.</p> <p>The current forecast across the Council in respect of its revenue budget has identified projected in-year pressures amounting to £4.5million. The main areas of pressure are currently within the Adult & Community Services (£440k), Children's Services (£3.9m) and Customer Services (£754k) departments. Overall the September position reflects a £1.8m reduction from the position reported in August.</p> <p>The largest pressure continues to remain within the Children's Services department, where significant budget pressures exist from Looked after Children Placements and in meeting the Councils' Leaving Care responsibilities. In order to deliver a balanced budget by the year end, an action plan was agreed at the Executive meeting on the 14th October 2008 requiring in-year savings to be achieved across all service departments and a provision for a contribution from Corporate contingencies and balances.</p> <p>All departments are now addressing both their own pressures and the approved action plan so that they produce the necessary balanced budget by the year end. The outcomes and progress of these action plans will be monitored and reported to both the Resource Monitoring panels and the Executive through the regular budget monitoring meetings and reports.</p> <p>For the Housing Revenue Account the forecast is that the year end working balance will be £2.4million compared with the budget projection of £3million.</p> <p>In regard to the Capital programme, the current working budget is £106.9million. Directors have been and are continuing to review the delivery of individual capital schemes to ensure maximum spend is achieved by the year end, and to this end there a number of re-profiling and budget virement requests for individual schemes contained within this report, which if approved by Members will change the working budget to £90.1million.</p> <p>Wards Affected: This is a regular budget monitoring report of the Council's resource position and applies to all wards.</p> | |
| <p>Recommendations</p> <p>The Executive is asked to:</p> <ol style="list-style-type: none"> 1. note the current position of the Council's revenue and capital budget as at 30th September 2008 (Appendix A and C and Sections 3 and 5 of the report); 2. note the position and projected out-turn for the Housing Revenue Account (Appendix B and Section 4 of the report); | |

3. note that where pressures and targets exist, Directors are required to identify and implement the necessary action plans to alleviate these budget pressures to ensure that the necessary balanced budget for the Council is achieved by year end (section 3 of the report);
4. agree the re-profiling of individual capital schemes as identified in Appendix D;
5. note the prudential indicators for April to September 2008 (section 6 of the report and Appendix E); and
6. note the second quarter financial health indicators (section 7 of the report and Appendix F).

Reason

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

Implications:

Financial:

The overall revenue budget for September 2008 is indicating budget pressures totalling £4.5million. Where pressures and targets exist Directors are required to identify and implement the necessary action plans to alleviate these pressures. The working capital programme is now reported at £90.1 million.

Legal:

There are no legal implications regarding this report.

Risk Management:

The risk to the Council is that budgets are overspent and that this reduces the Council's overall resource position. Where there is an indication that a budget may overspend by the year end the relevant Director will be required to review the Departmental budget position to achieve a balanced position by the year end. This may involve the need to produce a formal action plan to ensure delivery of this position for approval and monitoring by the Resource Monitoring Panel and the Executive.

Similarly, if there are underspends this may mean a lower level of service or capital investment not being fully delivered. Specific procedures and sanctions are in place through the Resource Monitoring Panels, Capital Programme Management Office (CPMO), Corporate Management Team and the Executive.

Social Inclusion and Diversity:

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:

There are no specific implications insofar as this report is concerned.

Options Appraisal:

There are no specific implications insofar as this report is concerned.

| | | |
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1. Introduction and Background

- 1.1 It is important that the Council regularly monitors its revenue and capital budgets to ensure good financial management. It is now practise within the Council for this monitoring to occur on a regular monthly basis, which helps members to be constantly updated on the Council's overall financial position and to enable the Executive to make relevant decisions as necessary on the direction of both the revenue and capital budgets.
- 1.2 The report is based upon the core information contained in the Oracle general ledger system supplemented by detailed examinations of budgets between the budget holders and the relevant Finance teams to take account of commitments and projected end of year positions. In addition, for capital monitoring there is the extensive work carried out by the Capital Programme Management Office (CPMO).
- 1.3 The monthly Resource Monitoring Panels, chaired by the lead member for finance, and attended by Directors and Heads of Service, monitors the detail of individual departments' revenue and capital budgets alongside relevant performance data and this also enhances and forms the basis of this report.

2. Current Position

2.1 Overview for Revenue Budget

- 2.1.1 The current forecast across the Council in respect of its revenue budget has identified the following position:

| <u>Department/Service</u> | <u>September</u> <u>Position</u> <u>£'000</u> | <u>Targeted</u> <u>Outturn</u> <u>£'000</u> |
|--|---|---|
| Adult & Community Services | 440 | (600) |
| Children's Services | 3,932 | 3,932 |
| Customer Services | 754 | (600) |
| Regeneration | (251) | (300) |
| Resources | (400) | (400) |
| | 4,475 | 2,032 |
| Use of Corporate Contingencies and Balances | (2,032) | (2,032) |
| Total | 2,443 | 0 |

The largest pressure is within the Children's Services department where significant budget pressures exist from Looked after Children Placements, and in meeting the Councils' Leaving Care responsibilities. On the basis of existing commitments and projections to the end of the financial year, the forecast overspend in this area is £4.5million.

- 2.1.2 In order to deliver a Council balanced budget by the year end, an action plan was agreed at the Executive meeting on the 14th October requiring in-year savings to be achieved across all service departments as well as a provision for a contribution from Corporate contingencies and balances. The agreed in-year savings contributions, and the revised departmental budget targets, are as follows:

| <u>Department/Service</u> | <u>In-Year Contribution</u> £'000 | <u>Targeted Outturn</u> £'000 |
|--|--|--------------------------------------|
| Adult & Community Services | 600 | (600) |
| Children's Services | 600 | 3,932 |
| Customer Services | 600 | (600) |
| Regeneration | 300 | (300) |
| Resources | 400 | (400) |
| Funding from Corporate contingencies and balances | 2,032 | (2,032) |
| Total | 4,532 | 0 |

- 2.1.3 Details of each department's current financial position are provided in Section 3 of this report. In those areas where budget pressures have been highlighted, continual work is being undertaken by Corporate Directors and their management teams to ensure their targeted outturn is produced for the year end. To this end, Corporate Directors are identifying and delivering action plans to address and rectify these pressure areas and these plans will be actively monitored by the various Resource Monitoring Panels.

3. Service Position

3.1 General

- 3.1.1 Details of each Department's current financial position and the work being undertaken by Corporate Directors and their management teams, to ensure a balanced budget is produced for the year end, are provided in this section of the report.

3.2 Adult and Community Services Department

- 3.2.1 The department is currently projecting a £440k overspend position, which reflects a £160k reduction from the August position as a result of management actions taken in the last month. As a result of the Executive decision in October requiring an in-year contribution to support the Looked after Children Placements pressure, the department is now targeted to underspend by £600k in 2008/09.

There continues to still be some issues and pressures facing the Department at this time, but the Executive is reminded that the Department and its Management Team have a track record of dealing with issues and pressures throughout the year to deliver the required budget. The current projected overspend of £440k is primarily as a result of delays in the Older Persons Home Care Modernisation programme and the Passenger Transport Service.

- 3.2.2 The department's 2008/09 budget reflects a total of £3.35million of savings which includes the outstanding £900k of savings from last years Older Persons Modernisation Programme in the Home Support Service.

The Corporate Director and the management team have implemented several actions to ensure the targeted budget is achieved for the year end. These include reduction in the use of agency staff, overtime and vacancy management, tighter demand management of care budgets, exploration of partnering opportunities, utilisation of grants for existing services and part year effect of home support savings.

3.2.3 **Adult Care Services**

This service area primarily relates to Older Persons Residential and Home support provided by the councils remaining in-house services. It also includes the Passenger Transport Service. The net budget for this area is £7.1million. The budget pressures of £440k being experienced in this area are mainly due to the savings issues regarding the Older Persons Modernisation Programme and also some pressures within the Passenger Transport Service.

3.2.4 **Adult Commissioning Services**

This service area represents the Social Work and Care Management budgets in the department, together with services commissioned from the Independent and Private Sector. Service areas include Older Persons, Physical Disability, Learning Disability and Mental Health. The net budget for the area is £44.5million and is by far the largest area (70%) in cash terms in the department. The department has set itself some challenging targets in this area particularly around procurement and commissioning gains/savings. Interface issues with the local Hospitals and the PCT regarding Delayed Transfers of Care are acute in this area, and are carefully managed.

The Executive will recall pressures in previous years' regarding external care packages in this area that led to a review of the FACS eligibility criteria. It is envisaged that robust monitoring and gate-keeping will again be required in this area to contain demand within budgets in 2008/09.

3.2.5 **Community Safety and Preventive Services**

This service area includes CCTV, Community Safety & Parks Police, Substance Misuse, Neighbourhood Management and the Youth Offending Team. The total net budgets are in the region of £4million for this area. Minor pressures are being experienced in the Community Safety area at present.

3.2.6 Community Services and Libraries

This service area covers Heritage and Libraries, the Lifelong Learning Centre, Community Development and Halls, Community Cohesion and Equalities and Diversity. Net budgets are in the region of £7.6million and currently the budgets in this area are cost neutral.

3.2.7 Other Services, Central Budgets, Recharges, and Government Grants

The Adult and Community Services Department receive government grants, and incur recharges for departmental and divisional support. All grants will be used in support of existing service areas. Central budgets and recharges within the department are on target.

3.3 Children's Services Department

- 3.3.1 As previously reported, the budget pressures experienced in 2007/08 from Looked after Children Placements and in meeting the Councils' Leaving Care responsibilities are continuing into 2008/09. On the basis of existing commitments and assessing the future profile for each of the 357 looked after children, the forecast is for an overspend on these budgets of £4.5m which is similar to that forecasted in August.

It is now clear that the pressures from Looked after Children Placements will not be able to be mitigated in 2008/09, and as a result the Executive agreed at its meeting on the 14th October an action plan requiring in-year savings to be achieved across all service departments and a provision for a contribution from Corporate contingencies and balances. The Children's department is targeted to contribute £600k to the Looked after Children Placements pressure in 2008/09.

- 3.3.2 As a result of the in-year savings target, elsewhere within Children's Services spending is now planned to underspend by £600k. Management actions to deliver this underspend include maximising grant funding, vacancy management, reviewing internal spend targets and pursuing third party income.

3.3.3 Schools

The carry-forward revenue balances for schools were £6million at 31st March 2008. All schools with balances are being asked to demonstrate why they are holding balances, with the Scheme for Financing Schools allowing for clawback where schools have no plans for balances in excess of DCSF thresholds, which are 8% for primary and special schools and 5% for secondary schools. All schools with deficits are required to have a recovery plan and this is being actively managed by the Schools Support team in Corporate Finance.

3.3.4 Quality and School Improvement

The Quality and School Improvement budget is projected to overspend by a net £533k due to pressures relating to transport (£500k), Admissions and Access (£103k) and Morline House (£100k), which are partially offset by savings from vacancies in the school inspection and Assets areas. The division will maximize the use of grants to assist with the departmental financial position.

3.3.5 **Shared Services and Engagement**

Much of the work of the Shared Services and Engagement division is either funded from SureStart Grant or from the Dedicated Schools Grant (DSG), with only around £1million funded from the General Fund. This division has some savings targets to deliver, as well as absorbing some of the Integrated Family Services work from a now disbanded division. There are not anticipated to be any major variances at this stage.

3.3.6 **Safeguarding and Rights**

The main budget issue for the Safeguarding & Rights service is that of the cost of Looked after Children placements and Leaving Care costs. On the basis of existing commitments the current forecast is for an overspend on these budgets of £4.5million.

The contributing factors for this projected overspend include:

- Reducing numbers of in-house foster carers;
- Significant improvements in the education of looked after children;
- Increasing statutory responsibilities for young people leaving care between the ages of 18 and 21;
- Growing numbers of children continuing to attract payments for Special Guardianship and Adoption allowances;
- Growth in the overall numbers of children in the borough;
- Lower capacity in Children's Social Care;
- Increased complexity of cases referred to Safeguarding & Rights;
- Respite Care packages for disabled children;
- Policy change in moving to approved numbers for foster care placements.

Extensive work has been done in analysing the activity that is producing these costs, with a view to identifying financial forecasts that are more sensitive to the care plans for individual children, taking account of future demand, but also to assess the likely effectiveness of any measures to prevent children having to go into care or to keep costs reasonable when this is not avoidable.

3.3.7 **Children's Policy Trust and Commissioning**

At present, there are concerns about cost pressures being experienced by the catering service, whose costs are predominantly charged to the Dedicated Schools Grant. The division also has a small pressure in the Youth Service (£30k) but is maximizing the use of grants and is planning to keep vacancies across the division which will result in an underspend of £120k to assist with the departmental financial position.

3.3.8 **Other**

Most of the costs here are for capital charges, on-going pension costs, central recharges and the costs of the Director of Children's Services. Any savings in this area will be used to contribute to the departmental financial position.

3.4 **Customer Services Department**

3.4.1 The current forecast of the 2008/09 revenue budgets for the Customer Services Department has highlighted a number of pressures which may result in an overspend of £754k. As a result of the Executive decision in October requiring an in-year contribution to support the Looked after Children Placements pressure, the department is now targeted to underspend by £600k in 2008/09. The Corporate Director and the management team have implemented several actions to ensure the targeted budget is achieved for the year end. These include holding vacant posts, reducing agency spend, implementing changes in the Private Sector leasing service, examining alternative funding arrangements in fleet management and securing additional income.

3.4.2 **Environmental and Enforcement Services**

The Environmental and Enforcement Section is highlighting an overspend of £51k due to forecasted overspends within the Refuse Collection service and the Vehicle Fleet service. There are however general underspends within other areas of the service which will mitigate these overspends. The Environment and Enforcement Division's financial/operational resources are continually being stretched due to the need to employ temporary staff to cover vacant posts. This is required to maintain high quality front line services. Whilst these pressures will continue throughout the year management's proactive approach and corrective actions should enable them to contain these pressures within existing budgets.

3.4.3 **General Housing**

The current review of the General Housing budget is indicating an overspend of £637k. The Housing Advice and Temporary Accommodation service is projecting an overspend of £619k due to the projected reduction in Private Sector Leasing (PSL) in line with the Council's homelessness strategy. The PSL reduction strategy means that the Council will collect a lower level of weekly administration fees thus reducing the income. Management is reviewing the current position and is taking action to contain the overspend including revising the projection to reflect a slower reduction in PSLs than originally targeted and reviewing the administration charge to ensure that administration costs are fully recovered. A proposal to introduce a Working Families policy is underway and a report is currently being produced detailing the mechanism which will seek the Executive approval for implementation. The Private Sector Housing service is projected to overspend by £18k due to higher agency costs.

3.4.4 **Barking & Dagenham Direct**

The Service is currently projecting a breakeven position. Management has reduced and renegotiated agency rates to reduce costs to assist containing ongoing pressures within the One Stop Shops and Emergency out of Hours Service.

Discretionary Housing Payment continues to be at risk due to the economic downturn where more people require financial assistance with housing costs and spend is currently estimated at £160,000 against a budget of £85,000.

3.4.5 **Customer Strategy**

This service is projecting a small overspend of £66k mainly in employee expenses.

3.5 **Regeneration Department**

3.5.1 The September position for the Regeneration Department is forecasting an underspend of £251k. This position reflects actions taken in the department to meet its revised underspend target of £300k which has arisen as a result of the Executive decision in October requiring an in-year contribution to support the Looked after Children Placements pressure. The Corporate Director and the management team have implemented several actions to ensure the targeted budget is achieved for the year end. These include holding vacant posts, tight controls on expenditure, maximising grant funding, exploration of partnering opportunities and generating additional income.

The current key issues for the department are:

- the creation of the Capital Programme Unit which, by drawing in staff and budgets from across the council, will require a re-structuring and the identification of savings;
- provision of free swims for under-18s – working in partnership with the PCT;
- delivery of the land disposal programme to support the capital programme and generate budgeted revenue income from transaction fees.

3.5.2 **Directorate and PPP**

The current projection is for an underspend of £100k mainly from holding posts vacant in order to assist with the departmental financial position.

3.5.3 **Housing Strategy & Property**

The main pressure for this division relates to potential delays in the delivery of the land disposal programme which will result in a loss of budgeted income in respect of transaction fees.

Other pressures include the loss of commercial rental income due to the economic slowdown and changes in Government regulations on payments for NNDR on empty properties. The current projection indicates potential overspend of £642k.

3.5.4 **Spatial Regeneration**

The current projection is for an underspend of £553k. The main pressure in this area is on income generation in the Local Land Charge service (£215k) and Planning (£92k) as a result of the slow down in the housing market. The division has identified some additional income (including LHC income of £300k) which will generate compensating savings as well as underspends in its supplies and service budgets. The LHC income remains a medium risk as it relies on the preferred bidder being able to raise the necessary loans in the current economic climate by March 2009. The deferral of a number of planned recruitment will also reduce the projected employee spend by £400k.

3.5.5 **Leisure, Arts and Olympics**

The current projection is for a small underspend of £86k.

Potential service issues in the near future include:

- Finalisation of the Leisure Centre Value for Money review scheduled for June 2008;
- Introduction of free swimming for under 18's in partnership with PCT in September;
- Broadway Theatre – potential financial risk to the council in relation to finalisation of access and usage arrangements for Barking College which are not able to be quantified at this stage.

3.5.6 **Skills, Learning & Enterprise**

The current projection is for an underspend of £93k.

The main financial pressure in the division relates to a shortfall of income in relation to LSC funding and other unbudgeted operational costs. These costs are being off-set by utilisation of grant income and benefits of partnering opportunities.

3.5.7 **Asset Strategy & Capital Delivery**

The current projection is for an underspend of £61k mainly due to staff vacancies.

Potential service issues for the near future are around the delivery of the Capital Programme Unit. This involves the drawing together of significant numbers of staff and budgets from across the council to create a re-shaped structure to delivery both a more effective service and significant savings. Value for Money will form an integrated part of the process of creating the new function.

3.6 **Resources Department**

3.6.1 The department is currently forecasting an underspend of £400k, which reflects the departments revised underspend target of £400k which has arisen as a result of the Executive decision in October requiring all departments to support the Looked after Children Placements pressure.

The Department has identified some pressures including the continuing costs associated with the implementation of Single Status due to the Trade Union requests for reviewed job evaluations, costs associated with the preparation for the "Investors in People" assessment and additional energy costs of the Civic buildings. The Corporate Director and the management team have implemented several actions to ensure the targeted budget is achieved for the year end. These include curtailing the use of agency staff, holding back posts for recruitment and tight control and prioritisation of spend such as supplies and services.

Overall the Department is confident that it will achieve its targeted budget by the end of the financial year through disciplined and robust financial management combined with timely and effective management decisions.

3.6.2 **Policy, Performance, Partnerships & Communications**

The main pressures currently identified within the division relate to reduced levels of income in relation to the cessation of Standards Fund grant for the Corporate Web Team (£31k) and a reduction in the amount of income received for filming at locations within the Borough (£10K). The majority of this shortfall can be funded from existing budgets as there are currently a number of vacant posts.

3.6.3 **Legal & Democratic Services**

The current projection is for an overspend in this area due to additional energy costs in public buildings.

3.6.4 **ICT & e-Government**

The division currently has a number of vacant posts, several of which are at a senior level and are unlikely to be filled in the current financial year. In addition, supplies and services expenditure is under review and this is likely to produce a further curtailment in expenditure. As a result of these measures the division's budget is now projected to under spend by the end of the financial year which will contribute to the department's revised budget target.

3.6.5 Corporate & Strategic Finance

There are currently a significant number of vacant posts within the division for which a number of agency staff have been approved to ensure that the service continues to deliver its statutory functions. A major recruitment process took place in June 2008 to fill a number of these positions, however a number of these posts were unable to be filled owing to the lack of suitable candidates. The division is currently reviewing how to attract suitable applicants into the organisation. In the meantime the division has to rely on the use of agency staff which may result in a pressure on its budgets. Managers have implemented tight controls on hours worked by agency staff and will continue to monitor the staff levels in order to ensure that costs are contained within existing budgets.

3.6.6 Human Resources

The Division currently has a number of cost pressures including:

- The implementation of the Council's Single Status Strategy has been successful with the process set to be fully completed by the end of July 2008. However, there is still the need for some additional work (estimated at £80k) resulting from the legal challenges from the Trade Unions in respect of the "Knowledge and Experience Allowance";
- One-off costs in respect of the Statutory Equal Pay Review and the Administrative, Technical, Professional and Clerical (ATP & C) Staff Review. The cost of this work is estimated to be in the region of £45K;
- Cost pressures of around £30K in respect of the preparation for the Authority's "Investors in People (IIP)" assessment planned for October 2008.

The departmental management team are currently in the process of identifying the necessary funding sources to finance these costs.

3.6.7 Interest on Balances

A proportion of the Council's investments continues to be managed by two external investment managers, and the Council's Treasury Management Strategy has once again set stretching targets for these managers in 2008/09 which are being closely monitored by the Corporate Finance Division. An element of these investments may require the use of investment instruments such as gilts to be used which require tactical trades to be undertaken. Inevitably there are risks and rewards with the use of such investment instruments, and whilst the Council needs to continue to review the manager's performance it also needs to be aware that these potential risks/rewards do exist.

The position of interest on balances is also affected during the year by both performance and actual spend on the Capital Programme and the delivery of the Council's disposals programme. Any positive position arising in these areas may allow Council balances to increase, however, at the same time any weakening of this position may lead to reductions in investment income. Owing to the current economic position, interest rates on lending have risen recently and this is likely to result in the achievement of higher than expected investment income for 2008/09 for both externally managed investments and in-house funds. Any additional investment income arising in 2008/09 will be used to fund the balance of the Children's placement financial pressure, which currently requires potential funding of £2m from Corporate contingencies and balances as approved by the Executive on the 14th October 2008.

3.6.8 Corporate Management

There are currently no immediate issues identified within Corporate Management and it is projected that this budget will break even by the end of the financial year.

4. Housing Revenue Account (HRA)

- 4.1 The Housing Revenue Account balances in 2008/09 are forecast to reduce by £799k due to the revenue contribution of £255k towards the Housing Modernisation Programme (Capital) and other net overspends of £544k.

This revised projection compares to an original budgeted reduction of £255k.

Projected HRA Working Balance

| Description | £000 |
|---|--------------|
| Working Balance – 1 st April 2008 | 3,235 |
| Projected Surplus / (Deficit) Balance 2008/09 | (799) |
| Projected Working Balance – 31st March 2009 | 2,436 |

- 4.2 The income due from HRA tenants in respect of Housing Rents and service charges are currently forecast to overachieve by £497k. This additional income is due to higher rental income as a result of lower than budgeted Right to Buy (RTB) sales in 2008/09 and the transfer from reserves from the proportion of the 53rd week's rent relating to 2008/09 financial year.
- 4.3 Supervision and management costs are projected to overspend by £891k due to increased energy costs of £301k, increased grounds maintenance and premises costs of £410k, increased agency costs of £90k and increased estate management costs of £90k. Proactive budget management has helped to identify potential budget pressures earlier and will enable budget holders/service managers to take corrective actions to contain these pressures within existing resources.
- 4.4 RTB sales were estimated to be 200 in 2008/09 which would generate capital receipts of £17.6million. The current projection for RTB sales has reduced significantly in light of the economic downturn faced by consumers to 80 sales. This is estimated to generate capital receipts of £7.6million, equalling a projected shortfall in capital receipts of £10million. The revised projection will impact on the available capital receipts to the Council for investment in capital projects, reducing the retained capital receipts.

5. Capital Programme

- 5.1 As at the end of September, the working budget on the capital programme had increased to £106.9m against an original budget of £65m. Since the original budget was set, the programme has been updated for approved roll-overs from 2007/08 and a number of new schemes for 2008/09.

- 5.2 These new schemes fall into two categories:
- (a) Provisional schemes from the 2008/09 budget report that have now been successfully appraised by the Capital Programme Monitoring Office (CPMO); and
 - (b) Schemes which have attracted additional external funding, and whose budgets have been increased accordingly.
- 5.3 It is vitally important that projects and budgets are subject to robust scrutiny to ensure that timetables and milestones can be adhered to, and that budgets are realistic. As a result of work by Directors and sponsors, with support from corporate finance and CPMO, a number of schemes have been identified that need to be re-profiled. They total £16.8m and are included in Appendix D. If these re-profiles are approved, the working budget for the programme will be £90.1m.
- 5.4 The completion of capital projects on time and on budget not only supports the Council's drive to excellence through its Use of Resources score, but will also ensure that the benefits arising from our capital projects are realised for the community as a whole.

6. Prudential Indicators

- 6.1 The Assembly at its meeting on 27th February 2008 agreed the Council's Prudential indicators for 2008/09. The indicators are required to be set and regularly monitored by the Council to ensure capital investment plans of the authority are prudent, affordable and sustainable. The monitoring of these indicators take place on a quarterly basis, and the position at the end of the second quarter of the financial year i.e. April to September 2008, is presented at Appendix E.
- 6.2 The Prudential indicators as laid out in this report show the impact of capital investment decisions at the end of the second quarter of the financial year compared to those figures agreed at the beginning of 2008/09. These figures demonstrate that the capital programme has been put together taking into account the key principles of the CIPFA Prudential Code of prudence, affordability and sustainability.

7. Financial Health Indicators

- 7.1 The Audit Commission's Comprehensive Performance Assessment (CPA) introduced the requirement for the Council to undergo an assessment into its Use of Resources (UoR). The Council has a clear ambition to deliver excellent value for money services and to constantly improve and hence aspires to achieving Level 4 in its UoR assessment.
- 7.2 One of key themes within the UoR assessment is the need to evaluate the Council's position regarding its financial standing. A key line of Enquiry in achieving level 4 requires Members to monitor key financial health indicators and set challenging targets, for example, for income collection, level of variance form budget, prudential framework indicators, capital programme management etc. Whilst the council has a good track record of achieving these targets, it is appropriate that performance against these targets is presented to Executive on a regular basis.

Attached at Appendix F is a list of the Council's significant financial health indicators for the period ending 30th September 2008.

8. Consultees

8.1 The members and officers consulted on this report are:

Councillor Bramley- Lead Member Resources
Corporate Management Team
Group Managers – Corporate Finance
Capital Programme management Office (CPMO)

Background Papers Used in the Preparation of the Report:

- Oracle reports
- CPMO reports

BUDGET MONITORING REPORT - SEPTEMBER 2008

| SERVICES | 2008/09 | | | | | | | | |
|--|-----------------|-----------------|---------------------|-----------------|--------------------------------------|------------------|-------------------------|---------------------------------|---------------------------|
| | Original Budget | Working Budget | Year to Date Budget | Actual to Date | Year to Date Variance - over/(under) | Forecast Outturn | Variance - over/(under) | Action in place/to be taken (*) | Projected Outturn 2008/09 |
| | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 |
| Adult & Community Services | | | | | | | | | |
| Adult Care Services | 5,399 | 7,139 | 4,805 | 5,025 | 220 | 7,579 | 440 | } | |
| Adult Commissioning Services | 45,102 | 44,354 | 23,057 | 23,057 | 0 | 44,354 | 0 | } | |
| Community Safety & Preventative Services | 3,913 | 4,125 | 2,293 | 2,293 | 0 | 4,125 | 0 | } | 1,040 (600) |
| Community Services, Heritage & Libraries | 7,499 | 7,732 | 3,654 | 3,654 | 0 | 7,732 | 0 | } | |
| Other Services | 643 | 343 | 1,652 | 1,652 | 0 | 343 | 0 | } | |
| | 62,556 | 63,693 | 35,461 | 35,681 | 220 | 64,133 | 440 | | 1,040 (600) |
| Children's Services | | | | | | | | | |
| Schools | 123,673 | 130,813 | 65,406 | 66,170 | 764 | 130,813 | 0 | } | |
| Quality & School Improvement | 14,026 | 14,309 | 7,155 | 10,125 | 2,970 | 14,842 | 533 | } | |
| Shared Services & Engagement | 3,018 | 3,197 | 1,599 | 3,409 | 1,810 | 3,197 | 0 | } | 0 3,932 |
| Safeguarding & Rights Services | 30,885 | 31,039 | 15,520 | 19,749 | 4,229 | 35,302 | 4,263 | } | |
| Children's Policy & Trust Commissioning | 3,525 | 3,443 | 1,727 | 2,602 | 875 | 3,323 | (120) | } | |
| Other Services | 6,902 | 6,977 | 3,488 | 2,594 | (894) | 6,233 | (744) | } | |
| | 182,029 | 189,778 | 94,895 | 104,649 | 9,754 | 193,710 | 3,932 | | 0 3,932 |
| Customer Services | | | | | | | | | |
| Environment & Enforcement | 21,714 | 22,099 | 8,871 | 9,817 | 946 | 22,150 | 51 | } | |
| Barking & Dagenham Direct | 4,139 | 4,443 | 7,718 | 7,688 | (30) | 4,443 | 0 | } | 1,354 (600) |
| Customer Services Strategy | (75) | 0 | 0 | 144 | 144 | 66 | 66 | } | |
| Housing Services | 673 | 681 | 1,261 | 1,197 | (64) | 1,318 | 637 | } | |
| | 26,450 | 27,223 | 17,850 | 18,846 | 996 | 27,977 | 754 | | 1,354 (600) |
| Regeneration Department | | | | | | | | | |
| Asset Strategy & Capital Delivery | 228 | 246 | 1,380 | 754 | (626) | 185 | (61) | } | |
| Spatial Regeneration | 4,297 | 4,334 | 2,157 | 3,344 | 1,187 | 3,781 | (553) | } | |
| Skills, Learning & Enterprise | 1,700 | 1,735 | 867 | 2,712 | 1,845 | 1,642 | (93) | } | 49 (300) |
| Leisure, Arts & Olympics | 6,704 | 6,996 | 3,819 | 3,190 | (629) | 6,910 | (86) | } | |
| Housing Strategy Services | (1,051) | (1,072) | (536) | (194) | 342 | (430) | 642 | } | |
| Directorate, Policy & Strategic Services | (31) | (77) | (153) | (114) | 39 | (177) | (100) | } | |
| | 11,847 | 12,162 | 7,534 | 9,692 | 2,158 | 11,911 | (251) | | 49 (300) |
| Resources | | | | | | | | | |
| Chief Executive | 35 | 37 | 19 | 5 | (14) | 37 | 0 | } | |
| Director of Resources & Business Support | 130 | 283 | 142 | 182 | 40 | (117) | (400) | } | |
| Corporate Finance | (296) | (381) | (261) | (135) | 126 | (381) | 0 | } | |
| Human Resources | 51 | 79 | 39 | 562 | 523 | 79 | 0 | } | |
| ICT & eGovernment | 304 | 782 | 192 | 446 | 254 | 599 | (183) | } | 0 (400) |
| Partnerships, Policy, Performance & Communications | 639 | 367 | 306 | 339 | 33 | 388 | 21 | } | |
| Legal & Democratic Services | 883 | 955 | 487 | 1,396 | 909 | 1,117 | 162 | } | |
| Corporate Management | 4,986 | 4,559 | 2,189 | 2,142 | (47) | 4,559 | 0 | } | |
| General Finance | (15,668) | (25,560) | (14,963) | (15,373) | (410) | (25,560) | 0 | } | |
| | (8,936) | (18,879) | (11,850) | (10,436) | 1,414 | (19,279) | (400) | | 0 (400) |
| Contingency | 1,200 | 1,170 | 0 | 0 | 0 | 1,170 | 0 | } | 0 0 |
| Levies | 7,182 | 7,182 | 3,591 | 3,591 | 0 | 7,182 | 0 | } | 0 0 |
| TOTAL | 282,328 | 282,329 | 147,481 | 162,023 | 14,542 | 286,804 | 4,475 | | 2,443 2,032 |

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APPENDIX B

HOUSING REVENUE ACCOUNT - BUDGET MONITORING SUMMARY

Month September 2008

| <u>Housing Revenue Account</u> | <u>Original Budget</u> <u>£'000</u> | <u>Revised Budget</u> <u>£'000</u> | <u>Budget Sep-08</u> <u>£'000</u> | <u>Actual Sep-08</u> <u>£'000</u> | <u>Forecast</u> <u>£'000</u> | <u>Variance</u> <u>£'000</u> |
|--|--|---------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| NET RENT OF DWELLINGS | (73,317) | (73,317) | (36,659) | (36,959) | (73,748) | (431) |
| OTHER RENTS | (2,593) | (2,593) | (1,297) | (1,297) | (2,583) | 10 |
| OTHER CHARGES | (5,542) | (5,542) | (2,771) | (2,822) | (5,618) | (76) |
| CONTRIBUTIONS TOWARDS EXPENDITURE | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL INCOME | (81,452) | (81,452) | (40,727) | (41,078) | (81,949) | (497) |
| REPAIRS AND MAINTENANCE | 21,754 | 21,754 | 10,877 | 11,035 | 21,904 | 150 |
| SUPERVISION & MANAGEMENT | 25,549 | 25,549 | 12,775 | 12,995 | 26,440 | 891 |
| RENT, RATES AND OTHER CHARGES | 379 | 379 | 190 | 190 | 379 | 0 |
| NEGATIVE HRA SUBSIDY PAYABLE | 17,046 | 17,046 | 8,523 | 8,523 | 17,046 | 0 |
| HOUSING BENEFIT LIMITATION | 4,611 | 4,611 | 0 | 0 | 4,611 | 0 |
| DEPRECIATION & IMPAIRMENT OF FIXED ASSETS | 19,963 | 19,963 | 9,982 | 9,982 | 19,963 | 0 |
| CAPITAL EXPENDITURE FUNDED FROM REVENUE | 255 | 255 | 0 | 0 | 255 | 0 |
| HRA SHARE OF CDC COSTS | 792 | 792 | 396 | 396 | 792 | 0 |
| TOTAL EXPENDITURE | 90,349 | 90,349 | 42,743 | 43,121 | 91,390 | 1,041 |
| INTEREST EARNED | (1,660) | (1,660) | (830) | (830) | (1,660) | 0 |
| NET COST OF SERVICE | 7,237 | 7,237 | 1,186 | 1,213 | 7,781 | 544 |
| NET ADDITIONAL AMOUNT REQUIRED BY STATUTE TO BE DEBITED (OR CREDITED) TO THE HRA | (6,982) | (6,982) | (3,491) | (3,491) | (6,982) | 0 |
| MOVEMENT IN WORKING BALANCE | 255 | 255 | (2,305) | (2,278) | 799 | 544 |
| WORKING BALANCE B/F | (2,819) | (3,235) | | | (3,235) | 0 |
| WORKING BALANCE C/F | (2,564) | (2,980) | | | (2,436) | 544 |

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CAPITAL PROGRAMME 2008/2009
SUMMARY OF EXPENDITURE - SEPTEMBER 2008

| <u>Department</u> | <u>Original Budget (1)</u> | <u>Revised Budget (a)</u> | <u>Proposed Reprofile</u> | <u>Revised Budget After Reprofile (b)</u> | <u>Actual to date</u> | <u>Percentage Spend to Date</u> | <u>Projected Outturn</u> | <u>Projected Variation against Revised Budget (b)</u> | <u>Projected Outturn Variation against Original Budget</u> |
|---|----------------------------|---------------------------|---------------------------|---|-----------------------|---------------------------------|--------------------------|---|--|
| | <u>£'000</u> | <u>£'000</u> | <u>£'000</u> | <u>£'000</u> | <u>£'000</u> | <u>%</u> | <u>£'000</u> | <u>£'000</u> | <u>£'000</u> |
| Adult & Community Services | 3,661 | 3,799 | - | 3,799 | 364 | 10% | 4,290 | 491 | 629 |
| Children's Services | 4,982 | 12,689 | - | 12,689 | 4,902 | 39% | 12,690 | 1 | 7,708 |
| Customer Services | 5,683 | 13,710 | (500) | 13,210 | 3,377 | 25% | 12,431 | (779) | 6,748 |
| Regeneration | 47,007 | 72,276 | (14,585) | 57,691 | 17,323 | 24% | 57,708 | 17 | 10,701 |
| Resources | 3,675 | 4,402 | (1,740) | 2,662 | 1,412 | 32% | 2,743 | 81 | (932) |
| Total for Department Schemes | 65,008 | 106,876 | (16,825) | 90,051 | 27,378 | 26% | 89,862 | (189) | 24,854 |
| Accountable Body Schemes | | | | | | | | | |
| Regeneration | - | 11 | - | 11 | - | 0% | 11 | 0 | 11 |
| Total for Accountable Body Schemes | - | 11 | - | 11 | - | 0% | 11 | 0 | 11 |
| Total for all Schemes | 65,008 | 106,887 | (16,825) | 90,062 | 27,378 | 26% | 89,873 | (189) | 24,865 |

Note

(1) Excludes provisional schemes approved at Executive 19th February subject to achieving 'four green lights' from CPMO appraisal

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Capital programme 2008-09 Onwards Re-profiling of schemes

CUSTOMER SERVICES

Foundation Contact Centre

The Foundation Contact Centre scheme is being re-profiled to bring the budgets in line with the expected spend profile for the project. The latest projections are as follows:

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current profile | 1,070 | 0 | 1,070 |
| Proposed profile | 570 | 500 | 1,070 |

REGENERATION

The Housing Futures programme is being re-profiled to bring the budgets in line with the expected spend profile for the project. The latest projections are as follows:

| | 2008/09 | 2009/10 | 2010/11 | 2011/12 | Total |
|------------------|----------------|----------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 | £000 | £'000 |
| Current Profile | 39,249 | 40,454 | 10,550 | 11,047 | 101,300 |
| Proposed Profile | 31,005 | 53,866 | 9,670 | 6,759 | 101,300 |

The delays to the approval of the Housing Framework Contracts had the effect of delaying construction spend for the current financial year.

Greater certainty is now emerging from the main Housing Framework Contracts which provides increase confidence in delivering construction spend and Decent Home outputs. This alongside further exploration with the main contractors now provides the opportunity to accelerate the programme in a controlled and managed environment. It is on this basis that the reprofiling has been forecast at £31m.

PGSS Landscape Framework Plan: Heritage

The current capital programme shows £15,000 Council PGSS capital profiled for expenditure in 2008/09 for this Historic Landscape Characterisation.

Due to delays in securing the first stage approvals for English Heritage match funding and subsequent knock-on delays in finding a suitably qualified and available organisation to undertake the work, the main product of this project will not be delivered until 2009/10, therefore it is necessary to re-profile the majority of this budget from 2008/09 into 2009/10, as follows:

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current Profile | 15 | 0 | 15 |
| Proposed Profile | 1 | 14 | 15 |

Civic Centre Artwork

The current capital programme shows £169,000 capital receipts profiled for expenditure in 2008/09 for Civic Centre Artwork.

Consultants have recently been appointed following a thorough project review and will carry out design work in 2008/09 with physical delivery of improvements planned for 2009/10, therefore it is necessary to re-profile the majority of this budget from 2008/09 into 2009/10. **This is subject to a successful project appraisal.**

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current Profile | 169 | 0 | 169 |
| Proposed Profile | 30 | 139 | 169 |

Wind Turbines

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 |
| Current Profile | 200 | 0 | 200 |
| Proposed Profile | 0 | 200 | 200 |

There have been difficulties in identifying suitable projects and locations for wind turbines to achieve spend in 2008/09. A shortlist of projects is now identified for delivery in 2009/10. **This is subject to a successful project appraisal.**

New Dagenham Library & Customer First Centre

| | 2008/09 | 2009/10 | 2010/11 | Total |
|------------------|----------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 | £'000 |
| Current Profile | 3,039 | 1,649 | 1,488 | 6,176 |
| Proposed Profile | 2,539 | 2,149 | 1,488 | 6,176 |

Although the project is on schedule for completion by the agreed target date, precise spend profiles within the agreed programme mean that £500k of expenditure previously assumed in 2008/09 will now be spent in the next financial year.

Dagenham Dock Infrastructure

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 |
| Current Profile | 5 | 0 | 5 |
| Proposed Profile | 0 | 5 | 5 |

The under spend on external funding – **subject to project appraisal** – will be re-allocated to the Creekmouth/River Road Improvement project for spend in 2009/10.

LRL Corporate Signage

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 |
| Current Profile | 11 | 0 | 11 |
| Proposed Profile | 0 | 11 | 11 |

The under spend on external funding which – **subject to project appraisal** – will be re-allocated to the Creekmouth/River Road Improvement project for spend in 2009/10.

LEGI Business Centres

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 |
| Current Profile | 6,887 | 0 | 6,887 |
| Proposed Profile | 1,787 | 5,100 | 6,887 |

Slippage in development programme for both centres means that only £1,787,000 of the approved budget will be spent this year. It is proposed to roll forward £5,100,000 into 2009/10.

Barking Foyer Enterprise Project

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £'000 | £'000 | £'000 |
| Current Profile | 372 | 0 | 372 |
| Proposed Profile | 0 | 372 | 372 |

This is to be re-profiled as the start of the project is dependent on the Barking Foyer fit out. The expected completion for the fit-out is March/April 2009.

RESOURCES

Corporate Accommodation Strategy

The Corporate Accommodation scheme is being re-profiled to bring the budgets in line with the expected spend profile for the project. This scheme has been subject to a fundamental review, which was recently reported to Executive. The proposed profile is as follows:

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current profile | 2,083 | 0 | 2,083 |
| Proposed profile | 410 | 1,673 | 2,083 |

E-government Projects

These projects can only progress following agreement from London Connects. **London Connects** is a pan London organisation that improves and supports **London's** public services through collaborative use of technology.

Decisions are still pending on these projects, therefore it is proposed to move the sum of £15,000 from E-Gov (2334) to 2009/10 and £51,750 from Libraries-Egov (2466) to 2009/10.

E-government – Replacement System for Libraries

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current profile | 52 | 0 | 52 |
| Proposed profile | 0 | 52 | 52 |

E-government – 100% of Council Services delivered electronically

| | 2008/09 | 2009/10 | Total |
|------------------|----------------|----------------|--------------|
| | £000 | £000 | £000 |
| Current profile | 30 | 0 | 30 |
| Proposed profile | 15 | 15 | 30 |

The Prudential Code for Capital Investment in Local Authorities Prudential Indicators Second Quarter 2008/09

1. Introduction

- 1.1. The Prudential Code for Capital Investment commenced on the 1st April 2004. This system replaced the previously complex system of central Government control over council borrowing, although the Government has retained reserve powers of control which it may use in exceptional circumstances. The Code offers significantly greater freedom to authorities to make their own capital investment plans, whereas the previous system restricted authorities to credit approvals controlled by central government.
- 1.2. Within the regime, authorities must have regard to the *Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities*. **The principles behind this code are that capital investment plans made by the Council are prudent, affordable and sustainable.** The code identifies a range of indicators which must be considered by the Council when it makes its decisions about future capital programme and sets its budget.

2. The Prudential Indicators

- 2.1. The Prudential Code sets out the information that each Council must consider when making its decisions about future borrowing and investment. This takes the form of a series of "Prudential Indicators".
- 2.2. The Code is a formal statement of good practice that has been developed to apply to all authorities regardless of their local circumstances. For example, Barking and Dagenham was, until recently, a debt free authority - and as such the indicators in respect of borrowing would not have been relevant. However, spending on the capital programme did reduce interest on investments, which created a gap in the revenue budget, and this represented a sum that could otherwise have been spent reducing Council Tax levels, or being spent on other priorities. In 2008/09, the Council has borrowed to fund capital investment so this report also considers the implications of this.
- 2.3 From the 1st April 2005 onwards, the Council's "prudential indicators" have been reported as an appendix to the budget monitoring report to the Executive on a quarterly basis. The purpose of which is that members and senior officers are kept up to date with the financial implications of capital investment decisions.

3. **Capital Expenditure**

- 3.1 The first prudential indicator sets out **capital expenditure** both for the General Fund, and Housing Revenue Account Expenditure. These figures are shown in table 1:

Table 1: Capital Expenditure (Prudential Indicator)

| | 2008/09 | 2009/10 | 2010/11 |
|--------------|----------------|----------------|----------------|
| | £'000 | £'000 | £'000 |
| HRA | 41,128 | 41,254 | 10,550 |
| General Fund | 65,759 | 28,663 | 13,257 |
| Total | 106,887 | 69,917 | 23,807 |

- 3.2 Table 1 shows the current 3 year programme (2008/09 to 2010/11), and incorporates the changes that have been made since the original budget was agreed in February 2008.
- 3.3 The original budget for 2008/09 was £65m. Since this was set in February last year, £16.6m of external funding has been obtained, and £25.3m of schemes have been successfully appraised.
- 3.4 Major changes to the capital programme since last quarter's report are listed below:
- Northbury School and Eastbury School £5.9m
 - Local Enterprise Growth Initiative £3.9m
 - New Dagenham Library £2.5m

4. **Financing Costs**

- 4.1 The prudential code also requires Councils to have regard to the financing costs associated with its capital programme.
- 4.2 For an authority that has debt, the prudential indicator for its financing costs is calculated based on the interest and repayment of principle on borrowing. In the past this authority was without debt and indicator was based on the interest and investment income from its investments. This income contributes to the financing of the Council's revenue budget.
- 4.3 Now, although this authority still funds capital expenditure from capital receipts, the Council also funds capital expenditure from borrowing. As such, financing costs are both in respect of reduction in interest receipts and interest payable on loans.

- 4.4 The Minimum Revenue Provision (“repayment of principle”) will also need to be included financing costs. The HRA does not have to calculate MRP.
- 4.5 Table 2 shows the following:
- Estimated figures as at 30th September 2008 for the Council’s net revenue streams for both the General Fund and the Housing Revenue Account
 - Financing costs for these two funds.
 - The ratio of net revenue streams to financing costs, based on capital expenditure shown in Table 1.

Table 2: Financing Costs (Prudential Indicator)

| | 2008/09 | 2009/10 | 2010/11 |
|---------------------------------------|----------------|----------------|----------------|
| | £'000 | £'000 | £'000 |
| Net Revenue Stream | | | |
| HRA(Rent Income) | 81,082 | 81,082 | 81,082 |
| General Fund (net budget requirement) | 147,249 | 147,249 | 147,249 |
| Financing Costs | | | |
| HRA | 12,900 | 12,900 | 12,900 |
| General Fund | 1,226 | 2,687 | 8,376 |
| Ratio | | | |
| HRA | 15.9% | 15.9% | 15.9% |
| General Fund | 0.83% | 1.82% | 5.7% |

- 4.6 The net revenue streams for the HRA and the General Fund have not changed since the original budgets were set. Financing costs are in accordance with the current capital programme.
- 4.7 Financing costs in the General Fund relate to the fall in interest receipts that the Council has to suffer as a result of spending capital receipts on capital expenditure, and interest payable on loans.
- 4.8 Financing costs in the HRA relate principally to the Major Repairs Allowance, which is a government subsidy from the Department of Communities and Local Government (DCLG). This figure is fixed throughout the year.
- 4.9 Financing costs can also be shown with reference to their impact on Council Tax and Housing Rents. This shows the additional Council Tax burden for Band D from financing new capital schemes added to the programme. This is set out in Table 3.

Table 3: The Impact of financing costs for the capital programme on the Council Tax and Housing Rents (Prudential Indicator)

| | 2008/09 | 2009/10 | 2010/11 |
|---------------------------|---------|---------|---------|
| | £ | £ | £ |
| For Band D Council Tax | 24 | 52 | 163 |
| For average Housing Rents | 0 | 0 | 0 |

- 4.10 The table shows the impact of changes in the budgeted capital expenditure up to September 2008 on Council Tax at Band for the years 2008/09 to 2010/11.
- 4.11 As a consequence of the Government's policy on rent restructuring the capital programme has a minimal impact on future rents. There are now borrowing costs but the revenue contribution to capital expenditure is set according to the rent levels that are established by the rent restructuring regulations.

5. Capital Financing Requirement

- 5.1 The Prudential Code requires the Council to measure its underlying need to borrow for capital investment by calculating its **Capital Financing Requirement**.
- 5.2 The capital financing requirement identifies the level of capital assets on an authority's balance sheet, and compares this to the capital reserves to see how much of these assets have been "funded". The difference is the level of debt that the authority has to repay in the future, or the "capital financing requirement".

Table 4: Capital Financing Requirement (Prudential Indicator)

| | 2008/09 | 2009/10 | 2010/11 |
|--------------------------------------|---------------|---------------|----------------|
| Housing Revenue Account (HRA) | (21,355) | (21,355) | (21,355) |
| General Fund | 38,636 | 121,167 | 140,709 |
| Capital Financing Requirement | 17,281 | 99,812 | 119,354 |

- 5.3 The authority now needs to borrow to maintain the agreed capital programme. As such, the Council's CFR, or underlying need to borrow, is now positive. The CFR for 2009/10 and 2010/11 has increased compared to the budgeted level (by approximately £30m) as the current land disposals programme is under review, meaning there is a potential increase in the level of borrowing needed to fund the capital programme.

6. External Debt

- 6.1 Table 5 sets out the prudential indicators in borrowing limits. The Council is required to set two limits, an operational limit which should be kept to on a day to day basis (but could be exceeded for short term, "cashflow" purposes), and an authorised limit, which is the outer limit for borrowing in exceptional purposes. In the medium term local authorities only have the power to borrow for capital purposes.
- 6.2 The operational limit has been set at £50m to match the financing requirement for the capital programme. The authorised limit has been set at £150m to allow for these exceptional situations.
- 6.3 The Council has not exceeded the authorised limit up to 30th September 2008. No investment decisions have been made that suggest that this limit will be breached in future.

Table 5: Authorised Borrowing Limits (Prudential Indicator)

| | 2008/09 | 2009/10 | 2010/11 |
|---|----------------|----------------|----------------|
| Operational Limit on Borrowing | 50.0 | 70.0 | 85.0 |
| Margin for extraordinary financing issues | 150.0 | 150.0 | 150.0 |
| Authorised Limit | 150.0 | 150.0 | 150.0 |

7. Treasury Management Indicators of Prudence

- 7.1 The authority has an integrated treasury management strategy and has adopted the *CIPFA Code of Practice for Treasury Management in the Public Sector*. The *Prudential Code for Capital Finance in Local Authorities* supplements this by requiring council's to set and monitor specific indicators to demonstrate the prudence of its treasury management policies. The position against these indicators for 2008/09 is set out below:

a) Interest Rate Exposure

Indicator set:

The Council will not be exposed to any interest rate risk since all its borrowing will be at known overdraft rates and fixed rates.

30th September 2008:

In 2008/09 the Council set its upper limit on PWLB fixed interest loans as 4.5% while the upper limit on money market fixed interest loans was set at 4.25%. The Council does not currently have any exposure to variable interest rate investments or loans.

b) Maturity Structure of Borrowing

Indicator set:

The purpose of considering the maturity structure of borrowing is to ensure that all borrowing does not mature at one point in time and that the risk is spread. As the Council builds up a debt portfolio, the maturities will be phased to ensure that this is the case.

30th September 2008:

| | < 12 months | 12 < 24 months | 2 < 5 years | Over 10 years |
|---------------------------|-----------------------|--------------------------|-----------------------|----------------------|
| Total Debt Maturing (£'m) | 0 | 10 | 10 | 0 |
| % of Total Fixed Debt | 0% | 50% | 50% | 0 |
| % of Total Variable Debt | 0% | 0% | 0% | 0% |

(c) Total Principle Sums Invested

The overriding objective of the investment strategy is to ensure that funds are available on a daily basis to meet the Council's liabilities. The risk inherent in the maturity structure of the Council's investments is that it may be forced to realise an investment before it reaches final maturity and thus at a time when its value may be dependent on market conditions that cannot be known in advance.

30th September 2008:

The maturity structure of the Council's investments to the 30th September 2008 was such that it did not have to release any of its investments before they reached their maturity date.

8. Summary Assessment

- 8.1 The Prudential Indicators as laid out in this report show the impact of capital investment decisions in the second quarter of 2008/09.
- 8.2 These figures demonstrate that, while changes to the capital programme have had financial implications on the Council, they have been made having taken into account the key principles of the CIPFA Prudential Code of **prudence, affordability and sustainability**.

Key Financial Health Indicators to 30th September 2008**Revenue**

| Financial Monitoring | 2008/09 | | Current Budget | Projected Outturn | Quarter 2 | | Variance to 2008/09 | | Next Quarter | | Year end | |
|----------------------|---------------------|--------------|----------------|-------------------|---------------------|------------|---------------------|------------|-----------------|------------|------------|------------|
| | Variance Projection | Projection | | | Variance Projection | Projection | Variance Target | Target | Variance Target | Target | | |
| | £m | £m | £m | £m | £m | £m | £m | £m | £m | £m | £m | £m |
| Service Departments | 2.0 | 299.5 | 299.5 | 304.0 | 4.5 | 4.5 | 2.5 | 3.0 | 2.0 | 3.0 | 2.0 | 2.0 |
| Other Services | 0.0 | (17.2) | (17.2) | (17.2) | 0 | 0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total | 2.0 | 282.3 | 282.3 | 286.8 | 4.5 | 4.5 | 2.5 | 3.0 | 2.0 | 3.0 | 2.0 | 2.0 |

Narrative:

A number of departments of the council continue to report budgetary pressures. The largest pressure is within the Children's Services department where significant budget pressures totalling £4.5million continue to arise from Looked after Children Placements and in meeting the Councils' Leaving Care responsibilities. In order to deliver an overall Council balanced budget by the year end, an action plan was agreed at the Executive meeting on the 14th October requiring in-year savings to be achieved across all service departments (£2.5m) and a provision for a contribution from Corporate contingencies and balances (£2m). A number of action plans have already been implemented by departments to ensure that in-year saving targets are achieved and that the Council achieves its forecasted budget by the year end. Full details of the September position is included in Section 3 within the main text of this report.

| Income Collection | Target Collection Rate | Cash Equivalent | Actual Collection Rate | Cash Equivalent | Variance to Target Rate | Cash Equivalent | Next Quarter Target |
|-------------------|------------------------|-----------------|------------------------|-----------------|-------------------------|-----------------|---------------------|
| Council Tax* | 55.00% | £28.492m | 54.55% | £28.260m | (0.45%) | (£232k) | 81.30% |
| NDR* | 56.00% | £28.600m | 54.20% | £27.669m | (1.8%) | (£931k) | 79.00% |
| Ctax Arrears* | | | | | | | |
| • prior years | 10.00% | £920k | 12.60% | £1.160m | 2.6% | £240k | 16.00% |
| Rent Collection | 97.4% ** | £75.346m | 96.15% | £74.383m | (1.25%) | (£963k) | 97.40% |

Narrative:

Council Tax collection is behind target by 0.45%, but is up on last year's performance at this stage by 0.55%. A peer review has been undertaken. Its recommendations were the subject of a performance clinic in October and the recommendations will be implemented during the remainder of the year. NDR collection is below target by 1.8%. However, this needs to be seen in light of changed legislation bringing into collection rating for empty property. This increased the debit by 10% and is proving to be difficult to collect. The national economic downturn has also impacted on collection and a number of well known High Street companies have failed to make payments when due. Of the 32 London Boroughs 29 have reported collection downturns. Recovery activity continues and increased visiting is planned to maximise collection. The calculation for rent collection is based on the calculation for BVP166a, which is the indicator which was in use for all LA's, until 2008/09. This indicator is no longer a national indicator but we are using the same methodology for the Local Indicator. This shows that the current figure is slightly above the same point as in the last financial year.

* indicates targets under review ** Indicates full year collection rate

Key Financial Health Indicators to 30th September 2008

Investments

| | <u>Balance at</u> <u>30th</u> <u>September</u> <u>2008</u> | <u>Benchmark Return</u> | <u>Actual Return @ Q2</u> | <u>Variance at</u> <u>Q2</u> | <u>Projected</u> <u>Year End</u> <u>Variation</u> |
|---------------------------|---|-------------------------|---------------------------|---------------------------------|---|
| | <u>£m</u> | | | | <u>£'000</u> |
| Council in House team | 75.2 | 5.50% | 5.84% | 0.34% | 100 |
| External Fund Manager (1) | 22.5 | 5.50% | 5.52% | 0.02% | 50 |
| External Fund Manager (2) | 35.8 | 5.50% | 7.49% | 1.99% | 50 |

Narrative:
Investment performance throughout the year has been strong. This has been as a result of a range of factors. Interest rates have remained high for the first half of the year, leading to increased returns. The shortage in available credit as a result of the "credit crunch" has enabled lenders of funds (such as local authorities) to achieve rates significantly higher than the bank rate, further increasing returns. The Council invests all of its in-house funds in UK institutions, and has not been affected by the worldwide financial crisis (for example lending in Iceland). External funds are subject to rigid controls by fund managers and have not been affected in any way by the crisis. It is expected that the Council will at least achieve benchmark returns for 2008/09, and could be in a position to overachieve the benchmark by year end.

Capital

| <u>Capital Programme</u> | <u>Original</u> <u>Budget</u> | <u>Working</u> <u>Budget</u> | <u>Actual</u> <u>Spend @</u> <u>Q2</u> | <u>Projected</u> <u>Spend</u> | <u>Variance to Working Budget</u> |
|--------------------------|----------------------------------|---------------------------------|--|----------------------------------|-----------------------------------|
| Capital Spend | <u>£m</u> 65.0 | <u>£m</u> 106.9 | <u>£m</u> 27.4 | <u>£m</u> 89.9 | <u>£m</u> (17) (15.90%) |

Narrative:
The capital programme budget is currently £106.9m. Directors have been and are continuing to review the delivery of schemes and this report is requesting a number of re-profiles which, if approved, will see the working budget reduce to £90.1m, which is roughly in line with the projected expenditure level as shown above.

Key Financial Health Indicators to 30th September 2008

Capital

| <u>Prudential Indicators</u> | <u>Original Indicators @ 1/4/08</u> | | <u>Revised Indicators @ 30/9/08</u> | |
|---|--|----------------|-------------------------------------|----------------|
| | <u>2008/09</u> | <u>2009/10</u> | <u>2008/09</u> | <u>2010/11</u> |
| <u>Indicators</u> | | | | |
| <u>Capital</u> | | | | |
| Capital Expenditure (£'000) | £79,963 | £58,935 | £106,887 | £23,807 |
| Financing Costs | | | | |
| - Ratio of HRA Financing costs to Net Revenue Stream | 16.19% | 15.38% | 15.90% | 15.90% |
| - Ratio of General Fund Financing costs to Net Revenue Stream | (0.66%) | 3.12% | 0.83% | 5.70% |
| Impact on Band 'D' Council Tax | £58.33 | £139.02 | £24.00 | £163.00 |
| Impact on Average Housing Rent | £0 | £0 | £0 | £0 |
| Capital Financing Requirement (£'000) | £26,499 | £89,370 | £17,281 | £119,354 |
| <u>Treasury Management</u> | | | | |
| Operational Limit on Borrowing | £50m | £70m | £50m | £85m |
| Authorised Limit | £150m | £150m | £150m | £150m |
| <u>Narrative:</u> | The capital expenditure indicator is showing an increase in the capital programme budget as a result of schemes being successfully appraised through the CPMO process. The remaining capital indicators look at the affordability of the capital programme, and at this stage of the year, there are no signs that this affordability will be different from that which was projected at the beginning of the year. The Treasury indicators look at the level of borrowing required to finance capital expenditure. As at the end of quarter 2, the projection is in line with budget. | | | |

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