

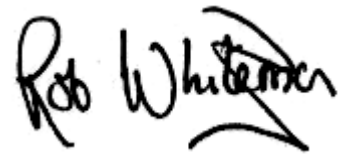
## Notice of Meeting

### ASSEMBLY

**Wednesday, 24 March 2010 - 7:00 pm**  
**Council Chamber, Town Hall, Barking**

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

**Chair:** Councillor W F L Barns  
**Deputy-Chair:** Councillor M McKenzie MBE



R. A. Whiteman  
Chief Executive

Date of publication: 15 March 2010

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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. **Acting Chief Executive**

The Divisional Director of Legal and Democratic Services (Monitoring Officer) will announce the recommendation of the Assembly Appointments Panel following an interview process which was carried out on 15 and 22 March 2010, to appoint the Acting Chief Executive, which will take effect from 17 May 2010. The Assembly will be asked to confirm the appointment.

4. **Minutes - To confirm as correct the minutes of the meeting held on 24 February 2010 (Pages 1 - 17)**
5. **Appointments**

6. **Council Constitution (Pages 19 - 45)**
7. **Proposed Borough-Wide Designated Public Places Order (Pages 47 - 59)**
8. **Health and Adult Services Select Committee: Dementia Services Scrutiny Review (Pages 61 - 62)**
9. **Living and Working Select Committee: Supported Housing for Older People Scrutiny Review (Pages 63 - 64)**
10. **Safer and Stronger Community Select Committee: Anti -Social Behaviour Scrutiny Review (Pages 65 - 66)**
11. **Annual Reports (Pages 67 - 109)**

Ceremonial Council  
Executive  
Development Control Board  
Licensing  
Personnel Board  
Scrutiny  
Standards Committee  
Local Strategic Partnership

**12. Motions**

No motions have been received.

**13. Leader's Question Time**

**14. General Question Time**

**15. Any other public items which the Chair decides are urgent**

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

**Private Business**

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

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

## ASSEMBLY

Wednesday, 24 February 2010  
(7:00 - 9:51 pm)

### PRESENT

Councillor W F L Barns (Chair)  
Councillor M McKenzie MBE (Deputy Chair)

Councillor J L Alexander	Councillor R W Bailey
Councillor R J Barnbrook	Councillor G J Bramley
Councillor R J A Buckley	Councillor E Carpenter
Councillor N S Connelly	Councillor J Davis
Councillor J R Denyer	Councillor C Doncaster
Councillor R W Doncaster	Councillor Mrs S A Doncaster
Councillor C J Fairbrass MBE	Councillor M A R Fani
Councillor Mrs K J Flint	Councillor N S S Gill
Councillor R Gill	Councillor D Hemmett
Councillor I S Jamu	Councillor T J Justice
Councillor Mrs C A Knight	Councillor Miss T A Lansdown
Councillor R C Little	Councillor M A McCarthy
Councillor J E McDermott	Councillor E O Obasohan
Councillor B Poulton	Councillor Mrs L A Reason
Councillor Mrs V Rush	Councillor L Rustem
Councillor L A Smith	Councillor Miss N E Smith
Councillor G M Vincent	Councillor L R Waker
Councillor P T Waker	Councillor J R White

### APOLOGIES FOR ABSENCE

Councillor A Agrawal	Councillor S Carroll
Councillor H J Collins	Councillor Mrs D Hunt
Councillor J K Jarvis	Councillor S Kallar MBE
Councillor Mrs P A Northover	Councillor W W Northover
Councillor Mrs J E Rawlinson	Councillor J Steed
Councillor D A Tuffs	Councillor Mrs P A Twomey
Councillor Mrs M M West	

#### 59. Former Councillor George Brooker

The Chair opened the meeting and said that before commencing the business of the evening he would like to hand over to Councillor Davis to make an announcement.

Councillor Davis advised the Assembly that former Councillor George Brooker and his wife had both been admitted to King George's Hospital.

#### 60. Declaration of Members' Interests

There were no declarations of interest

**61. Minutes (9 December 2009)**

The minutes of the ordinary meeting and special meeting were **agreed**.

**62. Death of former Councillors Douglas Waters and John Lawrence**

Chair noted with deep regret that two former Councillors had passed away – Douglas Waters and John Lawrence, and invited Cllr Fairbrass to present a tribute to them.

Cllr Fairbrass moved a tribute, saying that both were colleagues whom he had served with for many years.

John Lawrence had been a colleague in his ward, who very seldom missed a ward meeting. He had worked in Fords in the furnace area. John had worked very hard and had been an active trade unionist who never forgot his TU background. For many years he served as the Chair of the Housing Committee

Douglas Waters, Councillor Fairbrass went on to say, had been a true socialist and also a co-operative man through and through. It was only at the funeral that Councillor Fairbrass discovered that whilst serving in the Royal Engineers, Douglas had been at the liberation of Belsen which it seems had had a profound effect on his life. His respect for humanity was absolute. At his funeral, Councillor Fairbrass explained that it was obvious to see that his children had been brought up with respect for other people.

Councillor Fairbrass concluded by saying that both former colleagues had left a huge legacy behind them.

Councillors Davis and Justice passed their own tributes to both men.

The Chair then asked everyone to stand for a minute's silence as a mark of respect.

**63. Appointments**

There were none.

**64. Petition - S106 funds for improvements to access to the Dagenham and Redbridge FC ground**

The lead petitioner, Darren Rodwell, presented the terms of a petition opposing the decision of the Council to use a developer's contribution through Section 106 planning monies to resurface a pathway that runs through Dagenham and Redbridge Football Club and to instead use the money to upgrade and improve facilities in Pondfield Park for the benefit of the community as whole. His view was that the monies were ring fenced for that purpose.

Mr Rodwell explained that whilst the petitioners did not have a problem with the upgrade of the pathway, they did object to it being at the expense of necessary works to the park and the surrounding area such as new play equipment, CCTV

and a pelican crossing all of which had been agreed previously.

Mr Rodwell referred to the two parts of the park – the field part and the play area part – and said that the play area is what the majority of local people use. The Council claim that the works to the path are required to adhere to regulations including making it wheelchair accessible, but Mr Rodwell believed that people using wheelchairs would not be able to use the path because of the steepness of it. He further stated that the pathways on that side of the park are in such a state that they have been eroded away.

Mr Rodwell, speaking on behalf of the local Tenants' and Residents' Association, was also concerned that if they want play equipment, they still need to find £60,000 from the Big Lottery and other funders to get the money. He said that the Section 106 monies were to be there for the community and should be used for the community and not for the benefit of football away fans.

The Head of Leisure and Arts, referring to his report, explained that under the terms of the Section 106 Agreement the monies could only be used for environmental improvements to Pondfield Park. As the path lies within the park leading to the rear of the Football Club ground, is in a serious state of disrepair and is a risk to health and safety, it is the view of officers that if the works are not done there would be a real risk of an accident, which could lead to claims against the Council as the owners of the park and pathway.

The Head of Leisure and Arts stated that he was more than happy to meet with Mr Rodwell and the petitioners to discuss the grant issues that had been raised by Mr Rodwell this evening.

Councillor Buckley referred to the comment in the report about the foundations of the path being unstable and consequently why and who in the Council was responsible for creating what appears to be a serious health and safety hazard? He also asked whether there was any lighting along the path.

The Chief Executive responded that the fact that the pathway is now unstable did not mean it was badly constructed in the first place. It is common place, as in road construction, that over a period of time paths will deteriorate, hence the need to carry out the works as detailed.

The Head of Leisure and Arts explained that the path is not lit. It is primarily a park path which is used mainly in daylight hours.

Councillor Bailey asked Mr Rodwell whether his motive for bringing forward the petition was to try to undermine what he and other ward councillors are trying to do in this Council.

The Chair warned Councillor Bailey not to use the debate to play politics.

Councillor Bailey responded that in his view he was not the one playing politics and that if Mr Rodwell had raised this issue with him as a ward councillor he would have gladly looked into it for him. For the record, he is in favour of spending the Section 106 monies on the play area and providing amenities in the area rather than resurfacing the pathway.

Mr Rodwell stated that first and foremost he is the Chair of the Tenants' and Residents' Association for Reede Road and as an organisation they are very capable of representing and speaking up on behalf of their members. He was pleased to hear that Councillor Bailey supports the local community although it is a shame he is not seen more at the meetings.

Councillor Davis, speaking also as the local ward councillor for many years, questioned Councillor Bailey's commitment to the local community he is supposed to represent. Turning to the petition, Councillor Davis supported officers meeting with Mr Rodwell to see what could be done to provide the improvements being sought, as he agreed with the comment that in the main the path is used by supporters of visiting teams.

Councillor Fairbrass responded that on the contrary, the Football Club has been on the site for fifty two years and they have always allowed local residents to use the path through their car park to access the park. He had visited the site earlier in the day and confirmed that there is a gate and a series of steps leading to the path that is in Council ownership. It is not just for football fans. The coaches are there for about 3.5 hours every other Saturday and sometimes for mid-week games. This path is used by children and parents going to school, many of whom have prams that have to be carried up the steps. The nature of the location does not lend itself to use by the disabled and it is certainly not wheelchair accessible. If the Council were not to resurface the path then the only other option would be to close public access to it all together, which would disadvantage the many.

Concluding the debate, Councillor Little as the Cabinet Member for Culture and Sports, sought to clarify a number of issues. He explained that the path comes under the control of leisure and therefore any decision to close/remove it would have financial implications on the park budgets. Therefore rather than spending monies to take away a path that is well used he would prefer to see the budgets used to upgrade the path, which clearly provides access to the park for a large number of local residents. The Council therefore has a duty to do something about it.

He commended Mr Rodwell for raising this as part of his remit in the Tenants' and Residents' Association. As the ward councillor for the adjoining Eastbrook Ward Councillor Little said that it was interesting to note that on the petition there were only seven responses from people living in the nearby county roads (Essex etc). Of the other roads that bound the area of which there are a total of twenty four houses, only eight persons had signed the petition.

Having had a lengthy debate:

**Agreed** the recommendations in the report to the effect that that the improvement works to the pathway in Pondfield Park should be implemented and paid for by using the Section 106 developer contribution secured for environmental improvements.

It was also noted the intention of the Head of Leisure and Arts to write to every person who put their name and address on the petition explaining why this decision had been taken, including the legal requirements and the benefits to the

community as a whole.

## **65. Council Constitution**

Following consideration of a report from the Corporate Director of Resources:

### **Agreed that:**

- (1) for reasons of best practice, timeliness and to enable more detailed consideration, in future the responsibility for approving the Council's Annual Statement of Accounts at the end of each financial year should transfer from the Assembly to the Public Accounts and Audit Select Committee; and
- (2) the Constitution be amended accordingly.

## **66. Arrangements for Statutory Officers**

Following the appointment of Tracie Evans as the permanent Corporate Director of Finance and Commercial Services (minute 38 refers),

**Confirmed** the continuation on a permanent basis of her role as the Council's Section 151 Officer, and noted Jonathan Bunt as her nominated Deputy Section 151 Officer following his appointment to the post of Corporate Finance Controller.

The Chief Executive also reported on the proposed arrangements for covering his post when he leaves the Council in May to take up the position of Managing Director of the Improvement and Development Agency, in the light of which:

**Agreed** to delegate to the Assembly Appointments Panel, the selection of an Acting Chief Executive (Head of Paid Service) for ratification by Assembly on 24 March for the period commencing 17 May 2010 until a new permanent Chief Executive is in position.

## **67. Members' Allowances 2010/2011**

The Divisional Director of Legal and Democratic Services (DDLDS) presented the Annual Report of the Independent Remuneration Panel (IRP), in the absence of Derek Johnson, the Chair of the Panel, who was unable to attend the meeting

The Panel is made up of five independent people and meets annually to have regard to the recommendations for the coming year in setting the level of Members' allowances. They have decided to recommend for the second year running that there be no increase in Members' allowances in respect of both basic and special responsibility allowances.

They did, however, have regard to the work undertaken by the Independent Members of the Standards Committee, taking into account the changes brought about by new regulations in May 2008. In carrying out that review the Panel interviewed both the Independent Chair of the Standards Committee, and the Monitoring Officer, and had regard to the level of allowances paid by other authorities.

Councillor NN Gill in recognising the increased levels of work being undertaken by the Standards Committee fully supported the recommendation of the Panel to pay the Independent Members an allowance.

Councillor Bailey supported the recommendation to impose a continued freeze on all allowances which in his opinion should apply for the next five years.

**Agreed:**

1. To apply for a second year a freeze of all Members' allowances in 2010/11 to take account of the continuing difficult economic situation,
2. To pay the Chair and other Independent Members of the Standards Committee allowances of £1000 and £500 per annum respectively on the basis the costs can be contained within the overall budgets,

And in so doing to:

- (i) agree the new Members' Allowance Scheme for 2010/11 as set out in Appendix A to the report, to take effect from 9 May 2010 for the basic allowance, with all other allowances taking effect the day after the Annual Assembly which is scheduled for 19 May 2010, and
- (ii) incorporate the Scheme into the Council Constitution (Part F).

## **68. The Council's Budget 2010/11 to 2012/13**

The Corporate Director of Finance and Commercial Services (CDFCS) introduced the report by making a brief presentation covering:

- the background to a place survey carried out in 2009,
- the outcomes of that survey,
- Revenue Budget proposals for 2010/11,
- Council Tax,
- how the budget had been scrutinised, and
- the Alternative budget proposals (BNP)

Referring to the alternative budget proposals submitted by the British National Party (BNP) as presented as a supplementary report to the Council's budget, the CDFCS confirmed that as the Council's Section 151 Officer overall it was balanced and largely robust but she had previously made it known to the BNP Leader that there were areas within the budget that she would advise against implementing due to the severe service impact or erosion of base budgets.

Councillor Bramley, the Cabinet Member for Finance and Human Resources, introduced the budget proposals that were agreed by the Executive on 16 February 2010. In presenting the detail he thanked the CDFCS and her staff for their support during the budget preparation process.

Councillor Bramley stated that in freezing the Council Tax for an unprecedented second consecutive year this Labour administration has delivered on its promises



to the people of Barking and Dagenham. The budget is balanced and robust and provides for a sound base to move forward in the difficult financial times ahead.

It is recognised that the Council's reserves need replenishing and this budget commences that process. He spoke of his pride in the huge capital programme which commits the Council to investing a total of £394 million over the next three years.

This significant investment is only possible because of the careful financial approach taken by the Council over the past twelve months, and has enabled amongst other things the recommencement of a Council house building programme as well as major expenditure in the fabric of our school buildings, and in so doing creating new primary school places.

Councillor Bramley referred to the superb nationally recognised Apprentice Scheme, the introduction of the Youth Access card, the support given to reduce domestic violence, as well as the three stars achieved in Adult Care as examples of how well this Council is doing and therefore it was with great satisfaction that he was presenting the budget to this Assembly for approval this evening.

Councillor Liam Smith, in his capacity as the Leader of the Council, referring to the alternative, as he saw them, proposals for the BNP was pleased to see that the harebrained schemes dreamed up last year had now been dropped. That said this BNP budget, which followed five days after the publication of the Labour budget, merely takes their Labour proposals with a few add ons. He stated that it was not possible to keep tapping into reserves as the BNP suggests, but that what was needed was sustainable and robust budget planning for the next ten years, not the here and now that this alternative budget seeks to achieve.

He referred to the BNP suggestion of cutting back on the Building Schools for the Future Programme (BSF) and thereby putting at risk our children's future. He stated that their Capital Programme proposals included nothing to keep old people's homes open nor any financial provision for St. George's Day celebrations.

Turning to the Council budget proposals, he was pleased to additionally announce provision within the overall budget as presented for every pensioner to receive free leisure centre access. This will also include use of the Elderberry activities, which for some pensioners will mean a saving of up to £24 a week. In addition, every young person at secondary school who achieves 80% plus school attendance will have an additional £10 added to their Youth Access card to spend on a wide range of youth related activities.

In conclusion, he regarded this as one of the best budgets delivered by this Labour administration.

Councillor Bailey then presented the BNP alternative budget (which had been circulated to all Members on 23 February and tabled at the meeting) as an amendment to the Council budget. He interpreted the comments of the Section 151 Officer as that of a robust and balanced budget.

There then followed a series of statements from Councillor Bailey, which the Chair interjected on as being party political and not related to the BNP's budget

proposals.

Councillor Bailey continued that the alternative budget aimed to ensure that over the next five year period the cost of Council Tax in Barking & Dagenham will eventually be the lowest in London. The BNP proposed to set up Credit Unions, reduce the cost of meals on wheels, reverse the Council's decision to impose car parking charges for staff, as well as the 1% increase in fees and charges, create additional work experience placements, increase funding to support the Drugs and Alcohol Action Team, direct investment for an additional ten Police Officers in the Metropolitan Police and more investment to fund improvements in playgrounds and enforcement teams.

Accepting the proposed £14 million savings identified in the Council budget the BNP's additional investment proposals will amount to £5.1 million, which will be met through a range of saving proposals as set out in the report, and not by dipping into reserves.

Turning to the Capital Programme proposals Councillor Bailey fully supports the building of new Council housing in addition to which the BNP intends to set aside £4 million to purchase former Council properties. The Programme also includes £0.5 million to fund an expansion of shopping parades in the Borough, the Council having made a hash, in his view, of both Barking Town Centre and Dagenham Heathway.

Considerable sums will be made to bring services back in house. The BNP also proposes to work with and assist people who find themselves redundant as is likely in the coming months following the General Election. Linked to this, the BNP want to make it easier for businesses to set up in the Borough having seen lots of jobs lost at Fords and May and Bakers.

Councillor Bailey also hopes that buying in more Police Officers will help reduce crime in the Borough. In concluding his comments he said that his Party would not pander to ethnic minorities, as it is such divisive policies, in his view, that lead to trouble in the first place.

Councillor Bramley in responding to the alternative budget proposals of the BNP suggested it was plagiarism of the Labour budget, lacked any substance and detail particularly in relation to how the significant levels of savings required would be achieved, such as deleting the Equalities and Diversity Team where there is no reference to how many posts will go or how the cost of redundancy will be met.

He reiterated the comments of the Leader of the Council that cutting back on BSF puts at risk the whole programme and our children's future.

Referring to the BNP's proposal to spend £250k on outreach programmes, Councillor Bramley asked who they would be reaching out to, and with reference to the £150k on enforcement, he asked what they were proposing to enforce. He added that what was particularly striking was what is not in this alternative budget. He further asked whatever had happened to the caravan park or the special school? He concluded that the budget is a joke, pathetic and laughable.

Councillor McCarthy in acknowledging that the BNP had at least made the effort to submit an alternative budget, albeit divorced from reality, questioned why the Conservative Group had not seen fit to do the same?

Councillor Justice felt that submitting an alternative budget was a pointless exercise as demonstrated by the BNP proposals. Putting aside the political intention behind the question that he refused to rise to, he said that he was genuinely not opposed to the Council's budget although he questioned the suggestion that a pensioner will on average save potentially up to £24 per week through the use of free leisure facilities, especially as most pensioners like himself can scarcely walk let alone pick up a racquet.

There then followed a general debate on the merits or otherwise of the alternative budget proposals with contributions from a number of Majority Group Members together with further comments from both Councillors Barnbrook and Bailey raising issues in relation to the Council's budget proposals which were responded to by Councillor Liam Smith.

The Chair then invited Councillor Bailey to sum up his Party's alternative budget. He said Labour has been the party of government for fourteen years and it is now time for change. The BNP budget is about change. He again interpreted the S151 Officer's comments as the budget being balanced and robust. He said it promises safer streets, lower Council Tax and more money in the pockets of the working man. It puts British businesses first and British people first.

The Chair then invited Councillor Bramley to sum up the Council's budget. Councillor Bramley firstly made reference to the question of compulsory redundancies that came up as a point in the budget debate – he explained that over two hundred people had applied for the Council's voluntary redundancy scheme, and that the Council was working closely with the Trade Unions to offer voluntary redundancy, redeployment and/or retraining where practical. Whilst no guarantees could be given, all efforts were being made to minimise the need for compulsory redundancies.

Turning to the budget, Councillor Bramley said that the choice was clear - significant cuts over five years under the BNP or expansion under Labour. The choice in May is that Labour will deliver, improving services in the Borough as it has for a long time, whilst the BNP will leap at the latest sound bite.

Councillor Little moved that the alternative budget be put to a recorded vote and this was supported by Councillors Liam Smith, R Gill and McCarthy.

The alternative budget was then put to the vote and was **lost** as follows:

For: Councillors Bailey, Barnbrook, Buckley, C Doncaster, S Doncaster, R Doncaster, Knight, Lansdown and Rustem

Against: Councillors Alexander, Barns, Bramley, Carpenter, Connelly, Davis, Denyer, Fairbrass, Flint, N Gill, R Gill, Hemmett, Jamu, Justice, Little, McCarthy, McDermott, McKenzie, Obasohan, Poulton, Reason, Rush, L Smith, N Smith, Vincent, L Waker, P. Waker and White

Abstain: None

Councillor McCarthy then moved that the Council budget be put to a recorded vote and this was supported by Councillors Liam Smith, Little and R Gill.

The Council budget was then put to the vote and was **agreed** as follows:

For: Councillors Alexander, Barns, Bramley, Carpenter, Davis, Denyer, Fairbrass, Fani, Flint, N Gill, R Gill, Hemmett, Jamu, Little, McCarthy, McDermott, McKenzie, Obasohan, Poulton, Reason, Rush, L Smith, N Smith, Vincent, L Waker, P Waker and White

Against: Councillors Bailey, Barnbrook, Buckley, C Doncaster, S Doncaster, R Doncaster, Knight, Lansdown, and Rustem

Abstain: Councillors Connelly and Justice

The Assembly therefore **agreed**:

(1) The Council Plan 2010/11 and the Medium Term Financial Strategy 2010/11 to 2012/13 which includes the:

- Capital Strategy;
- Reserves and Contingency Strategy;
- Budget options for 2010/11 and future years; and
- Investment decisions and assumptions.

(2) The Capital Programme for 2010/11 to 2013/14 and Prudential Indicators for the Authority

(3) The Revenue Budget for 2010/11 and the position on Reserves

(4) The Statutory Budget Determinations and Amount of Council Tax for London Borough of Barking and Dagenham which equates to a 0% Council Tax increase for 2010/11, representing a freeze in Council Tax levels for the second year in succession.

## **69. Treasury Management Annual Strategy and the Council's Prudential Indicators**

Received a report from the Corporate Director of Finance and Commercial Services setting out the Treasury Management Annual Investment Strategy Statement and the Council's Prudential Indicators.

### **Agreed:**

1. The Treasury Management Annual Investment Strategy as set out in Appendix 1 to the report;
2. An authorised borrowing limit of £200 million 2010/11; and
3. The Treasury indicators for 2010/11 through to 2012/13 as also set out in Appendix 1.

## **70. Motions**

### **M1. British History Month**

Moved by Councillor Rustem and seconded by Councillor Barnbrook.

"It is naturally important that all cultures should be recognised and not merged into a liberal-left-Marxist utopian melting pot that extinguishes all identities. It is also important that all cultures are able to maintain a link with their relative histories as has been recently highlighted by Black History Month which was held throughout Barking and Dagenham in October.

It is understandable that people from different cultural and ethnic backgrounds are able to learn about who they are and where they have come from. Therefore, in the interests of fairness and equality which this Council boasts of trying to maintain, it is the view of the British National Party that Barking and Dagenham Council should take the lead and be the first to stage a British History Month which would be similar to Black History month which provided "music, food, exhibitions, workshops, speeches, dance, debates and cultural performances". British History Month should also be held throughout the borough and would be geared towards holding themed events which demonstrate an awareness of the "Inspirations from the past, Aspirations for the future". It would also only be fair that Barking and Dagenham should look to spend the same amount of money as was spent on Black History Month £5,197. This Council should also encourage the Primary Care Trust and the North East London Foundation Trust to contribute £1,000 each, just as these two organisations have done for the Black History Month."

Councillor White disagreed that a separate series of events should be organised as black history forms an essential part of British history, as does St George's Day, and the suggestion that the Council should be spending proportionate amounts of money on both was nonsense.

Councillor Alexander, in response to the BNP's suggestion of increasing understanding and pride in the heritage of the Borough, referred to the funding of over £800,000 for the Heritage Service including the Borough's heritage buildings such as Valence House and Eastbury Manor, which enabled local people to connect with their history and where they come from. She said the fact that the motion says it would only be fair to spend the same as on Black History Month, i.e. £5,197, meant the BNP thought the Council should be reducing funding. She concluded that as ever, the BNP do not research their motions and may now wish to withdraw it.

Councillor Fairbrass explained that Black History Month started so that people who had been forcibly removed from their homes could learn something about their history. As an example, he referred to the fact that the cities of Bristol and Liverpool were born on slave trade. He said that our history is all around us and suggested looking in the Borough archives to see information on, for example, the gunsite, the Battle of Britain Airfield, the trench in Central Park, the rivers, the Saxon rooms.

Councillor L Smith supported the sentiments expressed by Councillor Fairbrass

and accused Councillor Rustem of singling out black people. He said it was important for all young people from all backgrounds to be shown positive role models such as Jason Robinson, Dame Kelly Holmes and Lennox Lewis and that it was our duty to do this. Councillor Smith said that he himself is of mixed race, being part Irish and, consequently, he celebrates both St Patrick's and St George's Days. He concluded by saying that it is about being positive, not negative.

In making his closing remarks, Councillor Rustem said that it was a matter of balance. He said that the Labour Party does not recognise British history such as Rorke's Drift, where eleven Victoria Crosses were won, nor the industrial revolution and that this Labour Council is obsessed with British people not being entitled to an identity.

Before moving to the vote, Councillor L Smith, as Leader of the Council, suggested that with the agreement of all Members, and at the Chair's discretion, the normal Constitutional provisions for votes on motions to be taken by way of a roll call, be waived on the grounds of expediency on a one off basis this evening. This was supported unanimously, following which a vote was taken and the motion was **lost**.

## **M2 – Sukhwinder Singh**

Moved by Councillor Inder Singh Jamu, seconded by Councillor Liam Smith.

"This Council offers our sincerest condolences to the family of Sukhwinder Singh. Mr Singh was a hero who lost his life trying to prevent a crime, and the death of this brave builder from Barking is a tragic loss to our community."

Councillor Barnbrook stated that he was happy to support this motion and that he had gone to the Temple shortly after Sukhwinder Singh's death. He suggested that some a plaque of remembrance be erected and hoped that this Council now recognises that there is a problem with knife crime in this Borough. Councillor Barnbrook then referred to the complaint made to the Standards Committee about his comments on the alleged knife murders. The Chair declared him to be out of order.

Councillor N Gill stated that Sukhwinder Singh was a very strong young man, who took action in trying to prevent a crime. He said that the whole community offered its condolences to his family and that if nothing else, people can all learn a lesson from this about helping others.

Councillor R Gill echoed what had been said. He too knew Sukhwinder Singh to be an honest, hardworking, honourable man and stated that the Leader of the Council had taken up this issue and has made an offer that the renovation of Barking Park will be in honour of Sukhwinder Singh, something the Sikh community have welcomed.

Councillor Alexander spoke with great pride and humility about Sukhwinder Singh, saying that he was an ordinary young man, hard working and trying to do what he could for his family, so that they could enjoy the very best opportunities life can offer. He did not know the young lady who was mugged, but what has been learnt

is that he was the kind of man who did not need to know someone to offer help, all he knew was that someone needed help and he stepped up to the mark. Tragically he paid the ultimate price, losing his life and our heartfelt condolences go to his family and friends. An everyday hero, not wanting accolades or awards, he simply was helping a neighbour. He was a man whose sense of community took him beyond race, colour or creed, this was simply the place he lived, his home, and he died trying to right a wrong and make it a safe place to be.

Councillor Alexander went on to say that Barking and Dagenham is a good place to live, that the streets are largely safe, the people friendly, and the diverse communities growing ever closer, and that people like Sukhwinder Singh make this a great place.

She urged each and every citizen to get involved in the life of the community, to think about what they can do for each other not just for themselves. For most of us, she said that would not require bravery, just a little of our time to collect a prescription or some shopping for an elderly neighbour, help a child cross a busy road safely, or pick up litter rather than drop it. For others, who want to do more, she suggested that they might join one of the many voluntary organisations that enrich the life of the borough, volunteer to help others through the flourishing faith communities or consider becoming a Special Police Constable.

She referred to newspaper reports about the breakdown in society and the lack of community spirit but said this is not the Barking and Dagenham that she recognises; rather that it is full of people who care about their homes and their neighbours.

Concluding, she said she commended Sukhwinder Singh's bravery and that he was an exemplar of a borough that was not broken but was deeply caring. She commended the motion.

Councillor Justice expressed his total agreement with all the accolades, stating that a crime of this nature is an abomination, which had pulled apart a wonderful family, and that he is distraught for them. He said that his wish and hope was that sooner or later the judiciary of this country will revert to a punishment that befits the crime, that the thug does not deserve to return to society at all and that it was a disaster to allow these people, who deserve nothing from us, to roam free in our society.

Councillor Denyer fully supported the comments made by the previous speakers and said that people like Sukhwinder Singh need to be applauded. He agreed that we must do all we can to support his family.

In his closing statement, Councillor Jamu said that Sukhwinder Singh had become a household name and part of our borough's history through his outstanding sacrifice. Whilst his death is a loss to the entire community of this borough and cannot be compensated for in a monetary sense, all communities have been very generous in their contribution with about £14,000 being raised through Gurdwara Singh Sabha London East, North Street, Barking without any appeal. That money will be paid to his family in Punjab. The management of the local Gurdwara in Barking has played a pivotal role in completing all formalities in repatriating his body to his native village in Punjab.

On behalf of the Sikh Community and Barking and Dagenham, Councillor Jamu said that he recognised the services rendered for free by A G Butler, a local funeral company, and commended the professionalism of our police force in the handling of this sensitive situation.

He further stated that coverage in the worldwide press had been commendable, including India and Punjab.

The Management Committee of Golden Temple, Amritsar has recognised the bravery of Sukhwinder Singh and agreed to put up his portrait in the Sikh Museum, and is including financial help to his family and free education to his son up to University level.

In conclusion, Councillor Jamu said that knife crime is not just confined to the borough of Barking and Dagenham or the London Boroughs – it is countrywide and that the local community and the press must join hands and work together and pay our tributes to his departed soul.

The motion was put to the vote and was unanimously **agreed**.

### **M3. Fanshawe, Galleon and East Barking Day Care Centres**

Moved by Councillor Richard Barnbrook and seconded by Councillor Rustem:

“We note with concern the proposed closure of the Fanshawe, Galleon and East Barking Day Care Centres on 31st March, 2010. We further note that Day Centres provide essential back-up for families and carers of the elderly and assist in maintaining independent living within the community. We call on the Council to take over the running of these centres (wherever possible re-employing existing staff) or to guarantee equivalent services will be provided to the elderly within the local area.”

In accordance with the provisions of the Council Constitution, the Chair exercised his discretion in allowing Councillor Liam Smith to move the following amendment, which was seconded by Councillor Little:

“This Council will do all it can to keep Active Age centres open”

Councillor Liam Smith reminded the Assembly of his personal commitment to keep six Active Age centres after Age Concern threatened them with closure. He added that, where these other centres were concerned, he had already promised staff, users and their families that the Council would work closely with them to find a solution to the current problem. The aim, he explained, was to help clients continue to receive an appropriate service. Consequently he opposed the wording of the original motion as it undermined that promise.

Councillor Barnbrook explained that his reasons for submitting the motion was that having spoken to frontline workers at Age Concern, he was given to understand that following the decision to withdraw the contract with Age Concern, the centres



were due to close on 31 March 2010. He therefore wanted assurances that the Council would step in to keep them open.

The amendment was put to the vote and was unanimously **agreed**, thus becoming the substantive motion, which was then also **agreed**.

### **Extension of Meeting**

In accordance with paragraph 5.3 of Article 1 of Part B of the Council Constitution, it was unanimously **agreed** at this stage of the meeting (9.25 pm) to extend the meeting beyond 9.30 pm to enable the business of the meeting to be concluded.

### **M4. Protest against building a prison in Beam Park**

The Divisional Director of Legal and Democratic Services explained that due to changed circumstances that had occurred since the original motion had been presented, the Chair had exercised his discretion in accordance with the provisions of the Council Constitution, to allow for the motion (as circulated with the agenda papers) to be reworded at the end as follows:

Moved by Councillor Liam Smith and seconded by Councillor Little:

“This Council would like to thank the thousands of residents across Dagenham who have taken the time to sign the petition, join the Facebook group or join protests against building a prison in Beam Park. Because of the strength of the support and hard work, the decision to build the prison has been cancelled and we can look forward to ensuring a more positive future for the area.”

Councillor Bailey favoured the wording of the original motion as set out in the agenda as it recognised the people of the Borough acting together to oppose the prison. He said that whilst both the Leader of the Council and Jon Cruddas MP had claimed a victory, both the BNP and Conservatives had campaigned against the prison, which in any event had been put forward by this Labour Government. He said that this was not the way to do politics, as all people’s voices have to be listened to.

Councillor Fairbrass disagreed, saying the new wording sought to congratulate all parties.

Councillor Liam Smith emphasised that when he campaigned against the prison it was as a Londoner, not as a politician. He said that London has already got six prisons and that this was not about party politics as there was nothing to stop this Council opposing the Government, whatever party is in power. This was about what is best for Barking and Dagenham.

The reworded motion was put to the vote and unanimously **agreed**.

## **M5. St George's Day celebrations**

Moved by Councillor Mick McCarthy and seconded by Councillor Lee Waker:

"Following the success of last year's St George's Day celebrations – which were among the biggest in England – the Council agrees to put on even more events this year, and give our national saint's day the recognition it deserves."

The motion was put to the vote and unanimously **agreed**.

## **71. Leader's Question Time**

### **Question from Councillor Barnbrook:**

"Given that statistics from the Place Survey in 2009 reveal that 39.3% of residents felt that Anti Social Behaviour (ASB) was a problem in the area, (the third highest in London), and that only 29.7% agreed that the Police and the Council were successfully dealing with local concerns over ASB and crime issues, should we not redirect the intrusive and antisocial Smart Car which is currently directed at motorists who commit minor parking offences, such as when picking up medicine from a chemist, and direct its working towards hotspots for ASB and knife crime? Two examples are Marks Corner and Barking Town Centre, where a person nearly lost his life recently due to a stabbing, or is this Council more interested in picking up stealth tax as opposed to dealing with real crime?"

### **Response from the Leader of the Council**

"Cameras do not always prevent crimes and consequently the best way to tackle this issue is to ensure that there are more police officers on the streets."

## **72. General Question Time**

### **GQ1 Question from Councillor Barnbrook:**

"Could the Leader please confirm whether regrading/reduction of salaries of front-line Council staff has taken place within the last year and what the justification is for this?"

### **Response from Councillor Liam Smith:**

"There have only been regradings/reductions in salaries for a small number of front-line staff where this has formed part of a wider review of a whole service area to ensure value for money.

There are two main areas and three roles which have been affected.

The Council itself goes through a process of normal reviews and in order to ensure that any staff affected by this will be given pay protection if a review results in a reduction in pay. For the most part, the process of increments and pay awards narrows any gap over time.

The Council constantly looks to see how it can get better value for money and compares its costs with councils that face similar issues. In doing so sometimes means we do need to review services from time to time to ensure that our terms and conditions are comparable. The reality is that far more people will have gained from reviews than will have lost out.”

**GQ2 Question from Councillor Rustem:**

“In the last four years how many building approvals have been granted by the Council for the setting up of worship, religious studies and religious community facilities/activities?”

**Response from Councillor McCarthy:**

“One.”

**73. Rob Whiteman, Chief Executive**

The Chair announced that Mr Whiteman would be leaving the Council in May 2010 to take up a new post as the Managing Director of the Improvement and Development Agency. Although there would be other opportunities for Members to say farewell, this would be his last Assembly meeting due to other work commitments in April.

Councillors Liam Smith and Fairbrass, the current and former Leaders of the Council, paid tribute to Mr Whiteman, recognising his significant contribution in taking the Borough from a two star “fair” to a four star “excellent” authority.

Councillor Barns also personally thanked Mr Whiteman for his help and support to him as the Chair of the Assembly over the past year and for all the help he had given to Members of the Assembly generally.

Councillor Liam Smith wished Mr Whiteman and his family all the best for the future, a sentiment echoed by all Members present.

In response, Mr Whiteman stated that he regarded this as the best job he had ever had and that over the past five years or so he had established a great affinity with the Borough. In conclusion he said that in his new role he would always be happy to help the Borough in any way he can.

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## THE ASSEMBLY

24 March 2010

### REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Council Constitution	For Decision
<p><b>Summary:</b></p> <p>Part B, Article 2 (The Assembly) paragraph 9, of the Council's Constitution authorises the Assembly to agree changes to the Constitution and associated rules, codes, protocols and schemes relating to the way in which the Council operates. It is standard practice that the Constitution is reviewed and submitted for approval to the Annual Assembly, however changes required due to emerging legislation, best practice or to uphold good decision making principles will be reported throughout the year, as necessary.</p> <p>Attached as Appendix A/B are schedules setting out the basis of the changes as they would appear in the Constitution. In summary these changes deal with/address:</p> <ul style="list-style-type: none"> <li>• The new Leader arrangements brought about by the decision taken by the Assembly on 9 December 2009 to adopt the new strengthened Leader model of governance which will take effect from 10 May 2010</li> <li>• *Voting provisions</li> <li>• New Petition Scheme drawn up in accordance with a national model referred to in statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009 including a proposed. It is understood that the Department of Communities and Local Government are presently considering whether to delay the introduction of a statutory Petition Scheme beyond the current 1 April 2010 deadline, in which case the proposed scheme set out in this report will be set aside for the time being for presentation before members at a later date. A verbal update will be provided at the meeting as to the latest position.</li> <li>• Provision for substitute members at meetings</li> <li>• Limit provisions for receipt of motions and questions</li> <li>• Changes to the size of membership of the Development Control Board</li> <li>• *Protocol re Communications for Council Members</li> <li>• *Amendment to the Conferences, Visits and Hospitality Rules</li> <li>• *Amendment to the suspension procedures</li> </ul> <p>Following Assembly approval the relevant pages containing the changes to take immediate effect as marked with an * will be updated on the Council's web site with all the other changes being made at a later date to come into effect from the commencement of the new Council in May 2010. Minor administrative changes which have been made under the authority of the Chief Executive in accordance with Part H, paragraph 2.1 of the Council Constitution will also be included.</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Recommendations:</b></p> <p>That the Assembly:</p>	

Agree the proposed changes to the Council Constitution as marked with \* to take immediate effect.

**Reason:**

To ensure that the Council's decision making accords with the principles of decision making as set out in Article 11 of the Council's Constitution.

**Implications:**

**Legal** –The Local Government Act 2000 requires Council's to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.

**Financial** – No specific implications

**Contractual** - No specific implications

**Risk Management** - Any delays in updating the Constitution puts at risk the normal functions and business of the Council being conducted in an effective, efficient and lawful manner.

**Staffing** - No specific implications

**Customer Impact** - No specific implications

**Safeguarding Children** - No specific implications

**Crime and Disorder** - No specific implications

**Property/Assets** - No specific implications

**Options appraisal** - Not applicable

**Contact Officer:**

John Dawe

**Title:**

Group Manager  
Democratic Services

**Contact Details:**

Tel: 020 8227 2135  
E-mail: john.dawe@lbbd.gov.uk

**Consultees:**

The following were consulted/informed on the content of this report:

Leader of the Council

Cabinet Members for Regeneration and Environment and Sustainability (re the proposed size of membership on the Development Control and Licensing and Regulatory Boards)

Chief Executive  
Divisional Director of Legal and Democratic Services  
Legal Partner Corporate, Employment and Litigation  
Corporate Complaints and Freedom of Information Manager

**Background papers used in the preparation of this report:** Council Constitution and statutory provisions set out in the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009.

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**THE COUNCIL'S CONSTITUTION  
SCHEDULE OF AMENDMENTS  
REQUIRING ASSEMBLY APPROVAL  
24 MARCH 2010**

**APPENDIX A**

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
<p><b>Part B (Articles- The Political Structure and Meetings)</b></p> <p><b>Article 1 (Member Meetings General)</b></p> <p><b>Article 2 (The Assembly)</b></p> <p><b>Article 4 (The Cabinet)</b></p>	<p><b>Note: Word changes are bolded</b></p> <p>Changes in the said articles as attached) to enable the new strengthened Leader arrangements to be implemented. In summary the changes deal with:</p> <ul style="list-style-type: none"> <li>• Term of office for the Leader of the Council</li> <li>• Appointment process of the Leader of the Council</li> <li>• Appointment process of the Deputy Leader and Cabinet Members</li> <li>• Allocation of Cabinet portfolios</li> <li>• Appointment of non Cabinet Members to support Cabinet Members with allocated portfolios</li> <li>• Provision for a Vote of No Confidence in the Leader of the Council</li> </ul>	<p>Statutory provisions to come into effect on 10 May 2010.</p>	<p>Agreed by the Assembly on 9/12/09</p>	<p>John Dawe</p>
<p><b>Article 1 (member meetings general)</b></p> <p><b>8. Voting</b></p>	<p>Revised wording and new numbering as follows:</p> <p><b>10. Voting</b></p> <p><b>10.1 Decision making is determined by an overall majority of the Members present at a meeting. However in the case of:</b></p> <ul style="list-style-type: none"> <li>• <b>The appointment of the Leader of the Council at</b></li> </ul>	<p>To manage the business of Council meetings</p>	<p>Yes</p>	<p>John Dawe</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>the Assembly, and</p> <ul style="list-style-type: none"> <li>• <b>A Vote of No Confidence in the Leader of the Council at the Assembly the procedures outlined in paragraphs 16 and 17 will apply.</b></li> </ul> <p><b>10.2 Voting will be by way of a show of hands or via any available automated voting system notwithstanding the provision set out in paragraph 10.5 below.</b></p> <p><b>10.3 The Chair or other persons presiding at a meeting will have the final decision as to which of the two described voting methods will be used.</b></p> <p>10.4 The Chair, or other person presiding at a meeting, will have the second and casting vote where the votes for and against a proposal are equal.</p> <p>10.5 Any Member may ask for a vote to be recorded before it is taken provided they have the support of three other Members. Individual votes will then be taken by way of a roll call and recorded in the minutes. In this situation Members will be asked to vote “for” or “against”; alternatively they may, if they wish, “abstain”</p> <p>10.6 Any individual Member may request that his/her vote or abstention be recorded in the minutes</p>			

<sup>1</sup> A petition is defined as “a formal document appealing to an authority for a right or benefit etc, especially one signed by a large number of people...” They are usually headed with a short statement (the ‘prayer’) setting out the petitioners’ request (“We the undersigned...” or similar), followed by the petitioners’ signatures and addresses. Although petitions would usually be expected to contain a large number of signatures, any document in this sort of format is still a petition, even one signed by just a few people. For the purposes of this procedure, a letter signed by more than one person from separate addresses should also be treated as a petition.

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EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
<p>Article 2- The Assembly</p> <p>16. Procedure for petitions</p>	<p>19. Procedure for Petitions</p> <p>19.1 The following procedure has been drawn up in accordance with the statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009</p> <p>19.2 Under this procedure anyone who lives, works, or studies in the local authority area, including under 18's can sign or organise a petition and trigger a response.</p> <p>19.3 The Council reserves the right to amend this procedure at any time including reviewing the fresh holds for the submission of a petition should provision be made in regulation allowing for e-petitioning.</p> <p>19.4 All petitions<sup>1</sup> should be addressed to the Chief Executive and sent to Room 104, Town Hall, 1 Town Square, IG11 7LU for the attention of Corporate Complaints and Freedom of Information Team.(CC and FOI). If another department or division receives a petition, CC and FOI should be alerted immediately and arrangements made for the petition to be re-directed to them.</p> <p>19.5 <b>The guidelines for submitting a petition are as follows:</b></p>	<p>Statutory provisions which provisionally due to be effective from 1 April 2010</p> <p><i>(subject to confirmation from the Dept of Communities and Local Government)</i></p>	<p>Yes</p>	<p>John Dawe</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>(i) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.</p> <p>(ii) the name and address and signature of any person supporting the petition</p> <p>(iii) contact details, including an address, for the petition organizer (lead petitioner). This is the person we will contact to explain how the Council will respond to the petition. If the petition does not identify a lead petitioner, the Council will contact signatories to the petition to agree who should act as the lead petitioner.</p> <p><b>19.6 On receipt, the CC and FOI Manager will:</b></p> <p>(i) check the number and, as far as possible, the validity of the households which have signed the petition and whether the petition constitutes a request for a service/ policy change or a complaint; and</p> <p>(ii) in liaison with the Divisional Director of Legal and Democratic Services, consider the validity of the petition including whether it is of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council or is otherwise considered improper or inappropriate.</p> <p><b>19.7 CC &amp; FOI will then process the petition as follows:</b></p> <p>(i) Send an acknowledgement to the lead petitioner, or alternatively</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>(ii) write to the lead petitioner explaining that the petition cannot be accepted (explaining the exemptions as per paragraph 19.11 below) and where possible suggest another route by which the matter can be progressed.</p> <p>19.8 If the petition contains signatures from less than 100 separate addressees<sup>2</sup> and constitutes a request for a service / policy change, CC &amp;FOI will refer it to the appropriate department and ask them to investigate the request and respond direct to the lead petitioner(s).</p> <p>19.9 If the petition contains signatures from less than 100 separate addressees and constitutes a complaint, CC and FOI will refer it to the appropriate department to be dealt with through the Corporate Complaints Procedure.</p> <p>19.10 All petitions sent to the Council which contain signatures from 100 or more separate addresses in the Borough will be referred by CC and FOI to the appropriate department with a copy to Democratic Services, on the basis that the relevant Chief Officer will report it to the next available Assembly meeting. In such cases the steps that shall be followed are:</p> <p>(1) Democratic Services will write to the lead petitioner inviting them to attend the next available meeting of the Assembly to present the terms of the petition.</p> <p>(2) The Leader of the Council, and the relevant Cabinet Lead Member and ward councillors, will be notified about the petition by CC &amp; FOI. If necessary the Chief</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>Officer will contact the lead petitioner to ascertain more information. The Chief Officer will then be responsible for keeping members informed of progress generally including briefing the Cabinet Lead Member in advance of the Assembly.</p> <p>(3) The lead petitioner will be asked to present the terms of the petition from the floor of the Chamber to the Assembly for a maximum of five minutes. The Cabinet Lead Member or the Lead Chief Officer or their representative may present information if relevant to do so. Members will then have the opportunity to ask any questions of either the lead petitioner or relevant officers and ask officers to present information, up to a maximum of ten minutes..</p> <p>(4) The Cabinet Lead Member will then be given the opportunity to respond and explain what will happen next with the petition.</p> <p>(5) At the end of the debate, the lead petitioner will be asked to retire to the public gallery accompanied by lead Chief Officer or their representative.</p> <p>19.11 Depending on the course of action adopted for a particular petition the lead Chief Officer will make arrangements to contact the lead petitioner, the Cabinet Lead Member and relevant ward and/or other councillors, to keep them informed of developments and an eventual outcome within a timescale not exceeding two months from the date of the Assembly meeting. In the event of exceptional circumstances preventing the notification of an outcome, then all parties should be notified of the progress and reasons</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>for delay.</p> <p>19.12 Following the Assembly the Chief Officer will contact colleagues in Marketing and Communications to make sure that, where appropriate, relevant publicity is undertaken using available mechanisms such as the Council's website.</p> <p>19.13 The following exclusions apply to petitions regardless of how many households have signed the petition:</p> <p>(1) Petitions regarding those matters which fall within the responsibility of any quasi-judicial Board (i.e. the Development Control Board, the Licensing and Regulatory Board). Separate arrangements apply to these meetings including steps to ensure that Councillors are kept informed.</p> <p>(2) In relation to petitions from Council staff, the Employee Joint Consultative Committee has agreed that the issues raised in such petitions be dealt with through the Council's Grievance Procedure or collectively through the Trade Unions. Any queries about this should be directed to Head of Human Resources.</p> <p>(3) Any petitions relating to the day-to-day operation of a particular school(s) will be referred to the relevant Governing Body of the school(s) concerned for action and a response.</p> <p>(4) Any petitions relating to issues which are outside the Council's direct control, i.e. matters governed by national or European legislation, including any contractual matters. Where such petitions are received the relevant</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>lead Chief Officer will write to the lead petitioner to explain why the petition cannot be considered and advise what alternative routes/actions can be followed up.</p> <p>(5) Any petitions which relate to any matter which is the subject of legal proceedings and/or in which the Council is in some other legal dispute with any party referred to within the body of a petition or party to it.</p> <p>(6) Any petitions considered by the Divisional Director of Legal and Democratic Services to be of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council or is otherwise considered improper or inappropriate.</p> <p><b>19.14 If a lead petitioner is not satisfied with the way the Council has dealt with their petition on the basis of the determinations set out in these provisions then the matter will be referred to the appropriate Select Committee as determined by the designated Scrutiny Officer, where Members will consider if the steps taken were an adequate response to the petition. If they consider it was not adequate then they may decide to refer it back to the Assembly for a further debate, the outcome of which will be the final decision on the matter.</b></p> <p><b>19.15 All petitions sent to the Council which contain signatures from 100 or more separate addresses in the Borough which requests a senior Council Officer to provide evidence and answer questions about services for which they have responsibility will be considered by the appropriate Select</b></p>			



EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>Committee as determined by the Authority's designated Scrutiny Officer. Typically a Senior Officer may be requested to explain progress on an issue, or to explain the advice given to Members when a particular decision was taken.</p> <p><b>19.16</b> For the purposes of this procedure a Senior Officer will be a Chief Officer and/or a Head of Service even if a different officer is named in a petition. It will be for the appropriate Select Committee Lead Member on advice of the designated Scrutiny Officer to decide which Senior Officer should be called to attend the meeting.</p> <p><b>19.17</b> On receipt the CC &amp;FOI Manager will:</p> <ul style="list-style-type: none"> <li>(i) check the number and, as far as possible, the validity of the households which have signed the petition,</li> <li>(ii) Send an acknowledgement to the lead petitioner, or alternatively</li> <li>(iii) write to the Lead Petitioner explaining that the petition cannot be accepted (as per either (i) above or because of the exemptions set out in paragraph 19.13, and therefore cannot be submitted to the appropriate Select Committee.</li> </ul> <p><b>19.18</b> The steps that shall be followed upon receipt of a valid petition are:</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>(1) the designated Scrutiny Officer shall copy the petition to the relevant Senior Officer identified in accordance with paragraph 19.16, advising them of the receipt of the petition and making the necessary arrangements for the submission of the petition to the appropriate Select Committee. This will include arranging for the relevant Senior Officer to submit a report if appropriate, and attend to present and be questioned.</p> <p>(2) The designated Scrutiny Officer will write to the lead petitioner inviting them to attend the next available meeting of the appropriate Select Committee to present the terms of the petition. In the case where the subject of the petition is likely to lead to the discussion of confidential information bound by Access to Information legislation, the reasons will be made public in accordance with the provisions of Part B Article 12 of the Constitution</p> <p>(3) The lead petitioner will have the opportunity of suggesting questions to the Lead Member of the Select Committee subject to providing at least three working days notice before the meeting of such questions to the designated Scrutiny Officer</p> <p>(4) At the meeting the lead petitioner will be asked to present the terms of the petition. The relevant Senior Officer may present information if relevant to do so. Members will then have the opportunity to ask any questions of either the lead petitioner or relevant Senior Officer including any questions presented in advance by the lead petitioner.</p>			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>(5) At the end of the questioning/debate, all parties, the public and the press will be asked to leave the room whilst the Select Committee considers its decision, with the exception of the designated Scrutiny Officer, the scrutiny officer and any other officers at the request of the Select Committee (excluding the Senior Officer the subject of the petition).</p> <p>(6) All parties will be asked back to hear the decision from the Lead Member of the Select Committee. Following the meeting a report of the outcome including, if appropriate, recommendations will be made to the Assembly for consideration.</p> <p>19.19 This Petition procedure is separately available on the Council's website and intranet, complete with contact details for the Corporate Complaints and FOI Team, Licensing, Development Control and Democratic Services including Scrutiny. The website will also include details in summary of all petitions received together with the responses. The contact details of lead petitioners are other persons who have signed a petition will not be placed on the website (www.....)</p> <p>Consequential changes to the Articles relating to the Select Committees and the Scheme of Delegation in Part C</p>			
<b>Article 1 (Member</b>	<p>Additional heading and new wording as follows:</p> <p><b>4. Appointment of Substitute Members</b></p>	To provide for more flexibility and ensure	Yes	John Dawe

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
meetings general)	<p>4.1 Subject to the following rules, any Member may act as a substitute for another Member (provided that they are from the same political group) at the Development Control and Licensing and Regulatory Boards</p> <p>4.2 Any named substitute will be required to have received the appropriate training before taking part in a meeting of either Boards.</p> <p>4.3 A Member who acts as a substitute has the same rights as an appointed Member for that one meeting only.</p> <p>4.4 Any absent Member must inform in writing by way of a letter or by email the relevant Democratic Services Officer (as named as the contact officer on the agenda for the meeting concerned) by 4pm on the day of the meeting or at least two hours before the scheduled start time for the meeting, of their non attendance, and who will act as their substitute. No substitutes will be accepted after these deadlines.</p> <p>4.5 At the start of any meeting for which a substitution has been arranged the DSO will announce apologies for the absent Member and that the named Member has been appointed to serve as their substitute.</p> <p>4.6 If the absent Member is subsequently able to attend a meeting for which a substitute has been appointed but arrives after the meeting has</p>	relevant constituted meetings are quorate. To take effect from the new Council in May 2010		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	<p>opened, the substitution will cease at the end of the item under discussion at the time and the formal Member of the committee will take their place.</p> <p>4.7 The substitute Member will be allowed to remain in the meeting and speak with the permission of the Chair but not vote.</p>			
<p><b>11. Leader's Question Time</b></p>	<p>Addition of new paragraph as follows:</p> <p><b>11.1 In order to manage the business of the meeting Leader questions will be limited to one per constituted political group and/or independent members, with the exception of any political groups having a minimum of (i) between five and nine Members and (ii) ten plus Members on the Council at the time of the meeting where the entitlement will be a maximum of two and three Leader's questions for each constituted political group respectively</b></p>	<p>To manage the business of the meeting. To take effect from the new Council in May 2010</p>	<p>Yes</p>	<p>Nina Clark</p>
<p><b>12. General Questions</b></p>	<p>Addition of new paragraph as follows:</p> <p><b>12.1 In order to manage the business of the meeting general questions will be limited to one per constituted political group and/or independent members, with the exception of any political groups having a minimum of (i) between five and nine Members and (ii) ten plus Members on the Council at the time of the meeting where the entitlement will be a maximum of two and three general questions for each constituted political</b></p>	<p>To manage the business of the meeting. To take effect from the new council in May 2010</p>	<p>Yes</p>	<p>Nina Clark</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	group respectively.			
<p><b>14.Procedure for Motions on issues directly affecting the Borough</b></p>	<p>Addition of new paragraphs as follows:</p> <p><b>14.1 In order to manage the business of the meeting motions will be limited to one per constituted political group and/or independent members, with the exception of any political groups having a minimum of (i) between five and nine Members and (ii) ten plus Members on the Council at the time of the meeting where the entitlement will be a maximum of two and three motions for each constituted political group respectively</b></p> <p><b>Such limits do not apply to either a motion calling for a vote of no confidence in the Leader of the Council, or any closure motions as detailed in Article 2 paragraph 15</b></p>	<p>To manage the business of the meeting. To take effect from the new Council in May 2010.</p>	<p>Yes</p>	<p>Nina Clark</p>
<p><b>Article 6A</b></p> <p><b>Development Control Board</b></p>	<p>Amendment to paragraph two as follows:</p> <p><b>2. Membership</b></p> <p><b>2.1 12 Members</b></p>	<p>Change in the number of serving Board Members to accord with the revised To bring membership of the</p>	<p>Yes</p>	<p>John Dawe</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
Article 6B Licensing and Regulatory Board	Amendment to paragraph two as follows:  <b>2. Membership</b> <b>2.1 12 Members</b>	Licensing and Regulatory Board to take effect from the new Council in May 2010		
Part D (Rules) Conferences, Visits and Hospitality rules	Amendment to paragraph two as follows:  <b>2. Membership</b> <b>2.1 12 Members</b>	To accord with the revised membership for the Development Control Board. To take effect from the new Council in May 2010.	Yes	John Dawe
Part D (Rules) Conferences, Visits and Hospitality rules	Additional heading and paragraph as follows:  <b>7. Staff Leaving Parties and similar</b> <b>7.1 Members of staff at all levels are expected to personally fund the whole cost of any retirements or other leaving events, save that upon request to their Corporate Director and the Divisional Director of Asset management and Capital Delivery, and subject to room availability, the Council will waive the room hire costs for any event held in any meeting room within the Council's administrative buildings.</b>	To provide clarity	Yes	Nina Clark
	Additional paragraph as follows:			

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
<p>Part E (Codes and protocols)</p> <p>Protocol re communications for Council Members</p>	<p>4. The Council does not allow Members acting in their role as a councillor (or anyone on their behalf) to independently arrange filming, photo shoots or media interviews. All such requests should in the first instance be referred to the Marketing and Communications Team who will, if deemed appropriate, make arrangements. Filming, video recordings, photography and media interviews are generally not allowed within Council buildings or on Council premises.</p>	<p>To provide clarity</p>	<p>Yes</p>	<p>Viv Cooling</p>
<p>Part H (Review, Suspension, Interpretation, Publicity and Breach)</p> <p>3.2 Suspension Procedures</p>	<p>Replace existing wording with the following paragraph:</p> <p>3.2.1 A motion with or without notice to suspend any provisions of Part B, Article 1 (Member Meetings General) and Article 2 (The Assembly), will only be allowed at the Assembly, if at least one half of the whole number of members of the Council are present (twenty six) and a majority of those present agree to the suspension. Suspension can only be for the duration of the Assembly meeting.</p> <p>3.2.2 The power to suspend cannot be used where the matter is subject to overriding legal provisions, or in relation to:</p> <p>(a) the methods of voting as set out in Article 1 paragraph 10, 16 and 17, or</p> <p>(b) the required meeting quorum</p>	<p>To support the operation of the business at the Assembly</p>	<p>Yes</p>	<p>Nina Clark</p>



EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED	CONTACT OFFICER
	3.2.3 The Chair of the Assembly will consult the Monitoring Officer before any vote is taken to suspend.			

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The Council's Constitution List of Amendments requiring Assembly Approval  
24 March 2010 (as bolded)

Article	Amendment
<p><b>Part B – Article 1</b> <b>Members Meetings General</b></p> <p><b>Terms of Office for the Leader of the Council</b></p>	<p><b>1. Terms of Office</b></p> <p>1.1 Chair and Deputy Chair and Lead and Deputy Lead positions and memberships of meetings are appointed for one year and are reviewed annually by the Assembly <b>with the exception of the Leader of the Council who is appointed for a four year fixed term.</b> In the event that the Chair and Deputy Chair or the Lead and/or Deputy Lead Member are not in attendance at a meeting, another Member will be elected from the other Members present to chair that meeting.</p>
<p><b>Part B – Article 2</b> <b>The Assembly</b></p> <p><b>Appointment process of the Leader of the Council</b></p>	<p><b>8. Annual Meeting of the Assembly</b></p> <p><b>8.2 Main Role</b></p> <p>8.2.1.2 elect:-</p> <p>(a) the Leader of the Council, who <b>in accordance with the voting procedure set out in paragraph 16 of this Article</b>, shall be the Chair of the Cabinet</p> <p><b>8.2.1.3 The duly elected Leader of the Council will appoint the following:</b></p> <p><b>(i) A deputy Leader of the Council who in their absence or following a vote of no confidence in the Leader of the Council (see paragraph 17) shall assume the full powers of the Leader</b></p>

	<p><b>8.2.1.4</b> The duly elected Leader of the Council may appoint at anytime:</p> <ul style="list-style-type: none"> <li>(ii) Further Members to serve on the Cabinet up to a maximum of ten (including the Leader and Deputy Leader of the Council)</li> <li>(iii) assign individual Members of the Cabinet portfolios in defined areas of Council activity</li> <li>(iv) In consultation with Cabinet Members as appropriate, other non Cabinet Members to support them in their portfolio work</li> </ul> <p><b>8.2.1.5</b> To report to the next available assembly for information upon all appointments referred to in (i) to (iv) above which take immediate effect.</p> <p><b>9. Ordinary Meetings</b></p> <p><b>9.1.5</b> to remove the Leader of the Council by way of a vote of no confidence in accordance with the procedures set down in paragraph 17.</p> <p><b>9.1.6</b> In the event that a vote of No Confidence in the Leader of the Council is agreed then a new Leader of the Council will be elected for the remainder of the term of the Office.</p>
<p><b>Part B – Article 2</b>  <b>The Assembly</b>  <b>Appointment process of the Leader of the Council (cont)</b></p>	<p><b>16. Appointment of the Leader of the Council</b></p> <p><b>16.1</b> The Monitoring Officer (MO) will invite nominations from the floor for the position of the Leader of the Council. Nominations will be permitted only from constituted political groups having ten or more members at the time of the meeting.</p>

16.2 The MO will record and read out in alphabetical order the names of the persons nominated

16.3 The MO will conduct the vote for the election of the Leader of the Council from amongst those nominated persons in accordance with the following procedure:

16.3.1 Each Member present will have one vote

16.3.1 The vote will be taken by way of a roll call and recorded in the Minutes. In this situation Members will be asked to vote “for or “against”; alternatively they may, if they wish, “abstain” .

16.3.2 The MO will call out the name of each nominated person in alphabetical order and invite Members to vote according to their preference.

16.3.3 At the conclusion of the vote the MO will announce the number of votes cast for each nominated person. If any one nominated person receives an overall majority of the votes cast they will be declared the winner and become the Leader of the Council.

16.3.4 If however no one nominated person receives an overall majority of the votes cast then the nominated person receiving the least number of votes will be eliminated.

16.3.5 The Chair will then invite further round(s) of voting as necessary in accordance with the procedures set out in paragraphs 16.3.1 to 16.3.3 above until one nominated person receives an overall majority for which any abstentions will not be counted.

**Part B – Article 2  
The Assembly**

**Provision for a Vote of No Confidence  
in the Leader of the Council**

**17. Vote of No Confidence in the Leader of the Council**

**17.1 Any motion of no-confidence in the Leader of the Council must be received by the Chief Executive not later than 4.00 p.m. on the Wednesday two weeks before the Meeting giving reasons and shall be signed by at least one half of the whole of the Council membership i.e. 26 Members.**

**17.2 The motion will be listed first on the agenda.**

**17.3 No amendments to a motion calling for a vote of no-confidence in the Leader of the Council will be allowed.**

**17.4 Voting will be by way of a show of hands or via any available automated voting system notwithstanding the provision set out in paragraph 17.7 below.**

**17.5 The Chair or other persons presiding at a meeting will have the final decision as to which of the two described voting methods will be used.**

**17.6 In order to carry the motion at least two thirds overall majority of those Members present at the Assembly will be required.**

**17.7 Any Member may ask for the vote to be recorded before it is taken provided they have the support of three other Members. Individual votes will then be taken by way of a roll call and recorded in the minutes. In this situation Members will be asked to vote “for” or “against”; alternatively they may, if they wish, “abstain”.**

**17.8 Any individual Member may request that his/her vote or abstention be recorded in the minutes.**

**17.9 In the event of the motion being carried the Deputy Leader of the Council will assume the full powers of the Leader of the Council until a new Leader of the Council is appointed by the Assembly.**

**Part B – Article 4  
The Cabinet**

**3. Membership**

**3.1 3-10 (including the Leader and Deputy Leader of the Council) as determined by the Leader of the Council.**

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**THE ASSEMBLY**

**24 MARCH 2010**

**REPORT OF THE CORPORATE DIRECTOR OF ADULT AND COMMUNITY SERVICES**

<b>Title: Proposed Borough Wide Designated Public Places Order</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>Following consideration by the Executive on 22 December extensive consultation has recently taken place on the introduction of a borough wide Designated Public Places Order (DPPO). Under the Criminal Justice and Police Act 2001, DPPOs allow police to confiscate alcohol in public places. DPPOs are not to be seen as a ban on public drinking, and should be used to address alcohol related disorder through proportionate use. Consultation from both the public and partners showed a majority support for a borough-wide DPPO. This report forms part of the legal process for agreeing a borough-wide DPPO.</p> <p>Survey results reveal that the perception of residents about drunk and rowdy behaviour being a problem in Barking and Dagenham is very high. The Council has powers under Section 13(2) of the Criminal Justice and Police Act 2001 which enables it to address this issue. The Act enables the Council to make areas where alcohol use is a problem a 'Designated Public Place', sometimes referred to as an 'alcohol control zone'. Following the designation, if a Constable or a Police Community Support Officer has reason to believe a person is consuming alcohol within the zone, s/he can require the person to stop consuming and surrender the alcohol. Failure to comply without reasonable excuse is an offence for which a person can be arrested and carries a £500 maximum fine.</p> <p>The London Borough of Barking and Dagenham has three Designated Public Places Orders (sometimes referred to as alcohol control zones) and requests have been made for a further five areas where this power would be useful in terms of tackling street drinking.</p> <p>Following consultation with partner agencies and the public it is being proposed that the Council adopts a borough wide Designated Public Places Order. The key reasons behind this proposal are:</p> <ol style="list-style-type: none"> <li>1. Having a number of separate DPPOs is confusing. The public have expressed confusion as to where they can drink alcohol in public and where this is a controlled activity. Having a number of DPPOs also makes it more complicated for the police who have to enforce these orders.</li> <li>2. Separate DPPOs could lead to displacement of the street drinking and associated disorder.</li> <li>3. Concerns about drunk and rowdy behaviour are borough wide, so this will help to address this concern at a borough wide level.</li> <li>4. The implementation of DPPOs has significant financial implications. Each DPPO costs around £3000, with a borough wide Order costing approximately £5,000. It will be more cost effective to introduce a borough-wide Order now when the total number of separate DPPOs is still relatively low.</li> </ol> <p>Response to the consultation very strongly supported the adoption of a borough wide DPPO.</p>	

Legislation requires that a decision to make a Designation must be carried out by a full Council, which for the purposes of the London Borough of Barking and Dagenham is the Assembly.

**Wards Affected:** All

**Recommendation(s)** That the Assembly agrees to use its powers under Section 13(2) of the Criminal Justice and Police Act 2001 to make the London Borough of Barking and Dagenham a Designated Public Place and asks officers to take the necessary steps to ensure that a borough wide Designated Public Place Order is implemented as quickly as possible.

**Reason(s)**

The designation of the whole borough as an 'alcohol control zone' will assist in dealing with alcohol related disorder and public perception around this issue. This is a key priority for residents and will assist in achieving the priority of a safer borough.

**Implications**

**Financial**

The proposals in this report do not raise any new ongoing capital or revenue financial implications for the Council. One-off costs will be covered within the Adult and Community Services existing budgets. The estimated cost of designating the whole borough as a 'Designated Public Place' is approximately £5,000. This total includes the cost of producing the consultation letters to all licensed premises within the area and delivering them and the cost of erecting suitable signs at key locations in the zone. The signage would be moved from within the existing zones to key points for entering the borough. This would include borough boundaries and transport points and key locations where intelligence informs us that street drinking occurs. Additional signage would also be required, but there are already over 100 signs in the three existing DPPOs, so only an additional 30 would be required. This money is available from within existing resources.

There is a small implied recurring cost for the renewal or refresh of signs from time to time, which is not significant within the overall anti-social behaviour programme budgets.

**Legal**

The legal implications of designating an area as an alcohol control zone are discussed in the body of this report, which has been prepared in consultation with the Council's Legal Practice.

**Contractual**

No specific implications.

**Risk Management**

There are a number of risks associated with the decision.

If the DPPO were not adopted:

- There is a risk of not having an effective approach to asb related to street drinking. Five additional orders are currently being requested to address alcohol-related disorder.
- There is a risk of not having a consistent approach to addressing this issue across the

- borough
- There is a risk in the public's dissatisfaction if relevant legislation is not used to address an issue of concern to them

If the DPPO is adopted:

- There is a risk that the community will perceive the powers as a 'ban' and that this will raise an expectation that public drinking is illegal. This could have a negative impact where this was the expectation and the community did not see a response they deemed relevant.
- There is a risk that the powers may be used inappropriately, eg where alcohol is confiscated from those who are not causing, or are unlikely to cause, public disorder and hence lead to dissatisfaction with the police.

### **Staffing**

No specific implications

### **Customer Impact**

Alcohol consumption in public places is a key concern for residents, and this proposal addresses this concern. Full consultation would be undertaken with the public and premises effected by the proposal and the results of this consultation considered prior to making a final decision on the implementation of a borough wide DPPO.

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

A number of equalities issues have been identified with the introduction of this new enforcement option. At the most basic level, all signage is pictorial to ensure that they can be understood by people who do not speak English as their first language or who have literacy or learning difficulties.

More importantly, data will be requested of the Metropolitan Police to enable the Council to review the enforcement of the zone and whether it impacts disproportionately on any equalities group. No reason can be identified at present that should imply a disproportionate effect on any one group.

Consultation has been undertaken so that we can also seek the views of residents and businesses about how this proposal will affect them. The results of this consultation show that the majority of respondents feel that this proposal is positive.

### **Safeguarding Children**

Anecdotally residents would suggest that street drinking is a 'youth' problem but evidence suggests that our street drinking population varies from young disorderly drinkers through to older street drinkers who congregate at venues across the borough to drink together. As such it is unlikely that the enforcement of such a zone will adversely impact on any particular age group.

Action to deal with the harmful effects of alcohol, of which this proposal is only one element, safeguards children. This proposal aims to encourage responsible drinking and reduce disorder, both of which should positively impact on children. The making of the Order should

be seen in the context of the Council's wider Licensing Policy where protecting children from harm is a key objective under the Licensing Act.

### **Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998, as amended by subsequent legislation, places a responsibility on local authorities to consider the implications of any proposals on crime, disorder, anti-social behaviour, drug/alcohol misuse or factors adversely affecting the environment.

Alcohol-related disorder has been identified as an issue for the Borough, and is raised as a consistent concern of local residents. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the associated detrimental effect this has on residents' feelings of safety.

The negative impact of street drinking has been identified in the recent Place Survey. The 2009 Place Survey showed that 45.5% of residents surveyed felt that drunk or rowdy behaviour in public places was a problem in the local area (an increase from 36% of respondents agreeing that it was a problem in 2007). This figure placed Barking and Dagenham as the 3<sup>rd</sup> worst borough in London for this indicator, and was the only anti-social behaviour related question within the Place Survey that got worse between 2007 and 2009. A borough wide DPPO would help us address this concern alongside other measures contained the Alcohol Strategy.

### **Property/Assets**

No specific implications.

### **Options appraisal**

In the development of this report it has been considered whether we should implement DPPOs in all the areas where we are receiving complaints of alcohol related disorder or, as this report suggests, designate the whole borough as an alcohol control zone. The designation of the whole borough is the preferred option for the reasons set out in the report. However, individuals DPPOs could be used in a targeted way, if this is the decision of the Assembly.

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<b>Report Author:</b> Katherine Gilcreest	<b>Title:</b> ASB Strategy Manager	<b>Contact Details:</b> Tel: 020 8227 2728 Fax: 020 8227 2630 E-mail: katherine.gilcreest@lbbd.gov.uk Minicom : 020 8227 2685

## **1. Background**

- 1.1 The Criminal Justice and Police Act 2001 (CJPA) gives local authorities the power to designate by order public areas where it is an offence to drink alcohol after being required by a police officer not to do. Where a Designated Public Places Order

(DPPO) is in effect the police have the power to require individuals to surrender any opened or sealed containers of alcohol. If they fail to comply with the request they can be arrested or given an on the spot fine. Once a DPPO is adopted, it remains permanently in force for the designated area.

- 1.2 A DPPO is not a ban on drinking in public, but is intended to give police extra powers to address alcohol related anti-social behaviour and disorder.
- 1.3 Barking and Dagenham have adopted a relatively cautious approach to the implementation of DPPOs. Many other boroughs have multiple DPPOs, or increasingly borough-wide orders with some success in reducing alcohol-related anti-social behaviour and disorder in public places.
- 1.4 The borough has three areas which are currently Designated Public Places. These are shown on the map, which is attached as Appendix 1 to this report. Also shown on this map are the further five areas where the Council is receiving sustained reports of street drinking.
- 1.5 On the 28 July 2009 a strategy meeting was held with the Metropolitan Police to look at what measures could be employed to reduce alcohol related disorder in the locations which were being suggested as further DPPOs. It was agreed at this meeting that a borough wide Designated Public Places Order (or 'alcohol control zone') would be an appropriate response to the issues.
- 1.6 The reasons for proposing a borough wide Designated Places Order are contained in Section 2.
- 1.7 The proposed Designated Public Place is fully described in the draft Notice (Appendix 2).

## **2. Reasons for Proposing a Borough Wide DPPO, Legal Process and Monitoring**

- 2.1 The 2009 Place Survey showed that 45.5% of residents surveyed felt that drunk or rowdy behaviour in public places was a problem in the local area (an increase from 36% of respondents agreeing that it was a problem in 2007). This figure placed Barking and Dagenham as the 3<sup>rd</sup> worst borough in London for this indicator, and was the only anti-social behaviour related question within the Place Survey that deteriorated between 2007 and 2009. This is clearly an issue which resonates with residents and which they wish to see addressed.
- 2.2 As can be seen from the map attached at Appendix 1, the introduction of DPPOs in all the areas from where complaints are received would result in eight DPPOs in total.
- 2.3 Whilst DPPOs are in themselves a deterrent there is a very real risk that a dispersed approach of this order would result in significant displacement to non-designated areas. Although there is no evidence that the existing DPPOs have resulted in any displacement this is a concern of residents, which having a borough wide DPPO would address.
- 2.4 The Drug and Alcohol Action Team (DAAT) support a borough wide Designated Public Places Order and have been consulted in the preparation of this report. The DAAT are of the opinion that, in terms of people with alcohol misuse problems who would choose

to drink on the street, a borough wide DPPO will be clearer in terms of what is required of them. The DAAT also agree with the Licensing Team that having a borough wide DDPO is clearer for the public as the boundaries for the DPPO are borough boundaries which are clearly marked in most places.

- 2.5 The Police Licensing Team have been consulted in preparation of this report. They are of the opinion that having 8 separate DPPOs will cause difficulties in terms of enforcement. Police officers on the street will have to check maps to make sure that anyone who they want to stop consuming alcohol is actually within a DPPO, which is time consuming and reduces officer's confidence in enforcing the order. The Licensing Team are therefore of the opinion that a borough wide DPPO will be easier to enforce than the current arrangements and would be preferable to further separate DPPOs.
- 2.6 It will be simpler to communicate with the public where the DPPO is when it is borough wide and they can be clear as to their expectation in terms of enforcement activity.
- 2.7 In support of the effective implementation of the borough-wide DPPO it is proposed that a protocol be agreed between the Council and the MPS to provide guidance to police officers, PCSOs and the public as to how the powers in the Order should be used. In particular this should include
- an emphasis that the Order does not constitute a ban on drinking in public
  - those general conditions under which the powers in the Order, eg to confiscate alcohol, will be used
  - the importance of proportionality and necessity in the application of the powers
  - the rights of the public in respect of the application of the powers in the Order.
- 2.8 Over 700 DPPOs have been implemented across the country and they are a measure which is popular with the general public when used to address alcohol-related issues. Other measures can command a considerable amount of bureaucracy and can impact on officer time. The power to request a person stops drinking or the confiscation of alcohol does not involve any level of bureaucratic process.
- 2.9 The power to confiscate alcohol at a time when disorder is happening is perceived as a useful tool in terms of deterrent.
- 2.10 Evidence of alcohol related crime and disorder is required to implement DPPOs. A range of data from police and partners has been collected that gives evidence of alcohol-related crime and disorder across the borough. This is presented at Appendix 3.
- 2.11 Enforcement Activity in the Current DPPO Areas

Barking Town Centre – commenced on 20 December 2004  
During 2004 there were 124 street drinking incidents and 123 during 2005. During 2004, 40% of these reports resulted in a classified street drinking incident and during 2005 this increased to 56%. Between May and August 2009 the Police made 1,091 Alcohol Seizures within the DPPO in Barking Town Centre, an average of 273 per month.

Rainham Road North – commenced on 24 November 2008

During the 8 months between Dec 08 and Jul 09 there have been 22 street drinking incidents reported; this is an increase of 83% on the preceding 8 month period. During the 8 month period preceding the order 42% of these reports resulted in a classified street drinking incident and during the following eight months this decreased slightly to 41%.

- 2.12 The above figures show that the DPPO in the town centre has been more effective in dealing with alcohol related disorder than that in Rainham Road South. The Town Centre DPPO has been in place for some considerable time and therefore enforcement is embedded. It is also a clearly designated areas, being edged by the ring road around Barking; making the DPPO a clearly defined area.
- 2.13 The adoption of a borough wide DPPO would create the clarity around the boundaries of the DPPO.
- 2.14 The function of Designation of a Public Place under the Act is an activity which is excluded from the powers of an Executive by the Local Authorities (Function and Responsibilities) Regulations 2000.
- 2.15 This designation must be made by the Council as Assembly. It must resolve to make a specified area a Designated Public Place under the Act for which there is controlled alcohol consumption.
- 2.16 Once a problem has been identified, for which a Designated Public Places Order may be appropriate, the steps to create a Designated Public Place are as follows:-
  - (i) The Council must consult with the Police and Licensees of any licensed premises in the proposed Designated Public Place, or whom they may consider will be affected;
  - (ii) The Council must takes reasonable steps to consult with the owners or occupiers of any land identified which may be affected;
  - (iii) An advertisement carrying a Notice must be placed in a local newspaper, identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation with 28 days for representations;
  - (iv) The Order is made by the Assembly;
  - (v) Following the making of the Order by the Assembly a further Notice must be placed in a local newspaper identifying the place, setting out the effect and the date of commencement;
  - (vi) The Council must ensure that there are sufficient signs for the public to draw their attention to the place covered by the Order;
  - (vii) A copy of the Order must be sent to the Secretary of State and Police Commander for the area.
- 2.17 The effect of the Order is to give the Police the power to require a person in a Designated Public Place not to drink alcohol in that place where the Police Officer reasonably believes the person is, has, or intends to, drink alcohol. Further they must surrender up to the Police Officer any other alcohol containers in their possession. Failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse is an arrestable offence. A Police Support Officer can also exercise this power.

- 2.18 A person guilty of such an offence would be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale, which is currently £500.
- 2.19 It is not the case that the order creates an offence of drinking in a public place. It is an additional tool for the Police when enforcing order in the area which it covers, such that it is an offence not to dispose of or surrender the alcohol when asked to do so.
- 2.20 A copy of the draft Notice is to be found at Appendix 2 of this report.
- 2.21 It is expected that police will monitor use of the power, both in terms of geographical impact, but also in terms of those who are subject to the power, to include such factors as ethnicity and age.
- 2.22 In addition outcomes will be measured through monitoring associated crime and disorder data and targets including:
- NI 41 the perception of drunk and rowdy behaviour
  - NI21 Dealing with local concerns about anti-social behaviour and crime by the local Council and Police
  - CAD data for alcohol and public disorder call outs
  - Alcohol related ambulance data
  - Surveys through community communicators and other sources

### **3. Links to Corporate and other Plans and Strategies**

- 3.1 This proposal is linked to objectives in the Alcohol Strategy and Health and Wellbeing Strategy and is in line with the licensing objectives of the Council.

### **4. Consultation**

- 4.1 Consultation in the preparation of this report has taken place with the Licensing Team, the Police, and the Drug and Alcohol Action Team. These teams all support the introduction of a borough wide Designated Public Places Order for the reasons outlined in section 2 of this report.
- 4.2 In line with the Act in order to introduce a borough wide DPPO consultation has been undertaken with residents and licensees. This consultation consisted of articles in the press advising people that we were seeking their views through our website. We also arranged for Council call centre staff to direct residents to this consultation and take the views of people without access to the internet. We also wrote to all licensees asking them for their views.
- 4.3 The internet consultation took place between the 11 February 2010 and the 8 March 2010. 213 residents viewed the web site consultation between these dates. We received 52 responses via our website. 49 (94%) were in agreement with the proposal to designate the whole borough as a Designated Public Place.
- 4.4 The three responses which disagreed with this proposal gave reasons such as there being no need for additional controls and that people needed somewhere to drink. 2 of these three objections came from the same person.



4.5 Comments in support of the designation included comments such as:

“There's no reason for people to walk around and drink alcohol”

“It's a very thoughtful proposition to control violent and unruly behaviour and in the interest of safety of public at large”

“Yes, people who are drunk are threatening and abusive in their language”

“Drinking in public spaces is an antisocial intimidating job issue that exemplifies the breakdown of respect and lawfulness”

“It is a public nuisance”

“I don't see any reason for someone to be drinking alcohol other than a bar/pub or at home. I would welcome this proposal.”

4.6 We received 32 responses from Licensees. All of the responses we received were in favour of the proposal (100%).

4.7 Consultation has also been carried out with Community Communicators. 100% of these felt that a borough wide alcohol control zone would be beneficial in reducing antisocial behaviour and addressing the concerns of residents about alcohol consumption in public places.

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

Drug and Alcohol Action Team

Licensing Team

Environmental and Enforcement Services

Police

Cabinet Member for Safer Neighbourhoods and Communities

Legal Practice

Corporate Finance

## 5. **Background Papers Used in the Preparation of the Report:**

The Criminal Justice and Police Act 2001

Alcohol Strategy

Minutes from 28/7/09 ASB Standing Case Conference which proposed a Borough Wide DPPO

## 6. **List of appendices:**

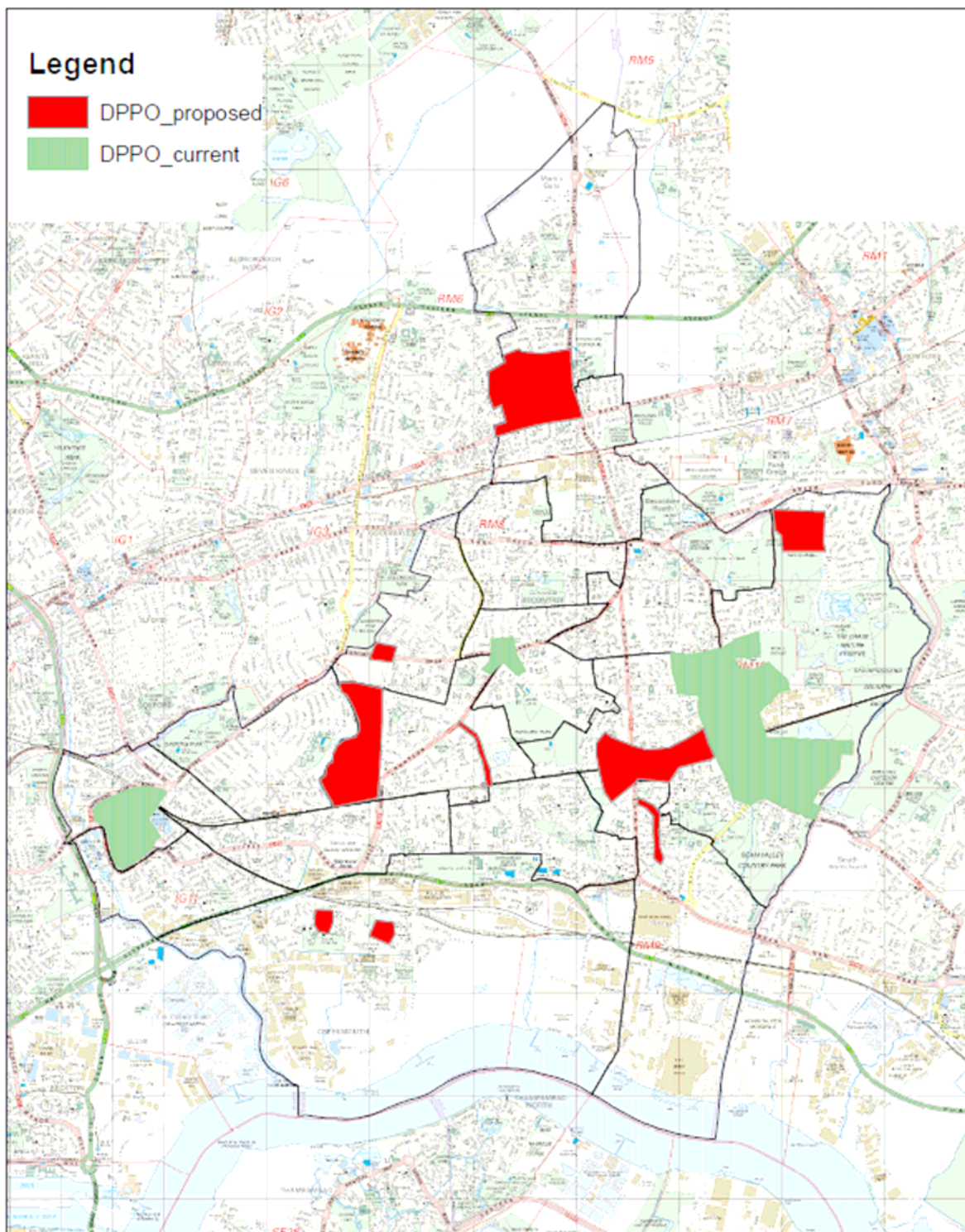
Appendix 1: Map of existing and proposed DPPOs

Appendix 2: Proposed Notice

Appendix 3: Alcohol related disorder data

Appendix 1- Map of Current and Proposed DPPOs

### London Borough of Barking and Dagenham Established and Proposed Designated Public Place Orders



produced by GIS and Information Team, Policy and Performance, Oct 2009

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NOTICE

**LONDON BOROUGH OF BARKING AND DAGENHAM  
DESIGNATION ORDER PURSUANT TO SECTION 13 OF THE  
CRIMINAL JUSTICE AND POLICE ACT 2001**

**The Local Authorities (Alcohol Consumption in Designated Public Places)  
Regulations 2001**

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES**

The Council of the London Borough of Barking and Dagenham proposes to make an Order pursuant to Section 13 of the Criminal Justice and Police Act 2001 (the "Act") designating all public places within the boundaries of the London Borough of Barking and Dagenham. This includes all those public places within the area shown edged red on the plan annexed thereto (a copy of the plan being available for inspection at the Town Hall Barking).

**DEFINITION OF PUBLIC PLACE**

"Public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (Section 16(1) of the said Act.)

**THE EFFECT OF THE ORDER**

The effect of such an Order is that the Police have the power to require a person, in such public place, not to drink alcohol in that place where the officer reasonably believes the person is, has or intends to do so, and to surrender any alcohol containers in the person's possession. Failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence. A person guilty of such an offence will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). (Section 12 of the said Act).

**EXCLUSIONS**

Excluded from the Order will be:-

- Any area which is within the cartilage of any licensed premises or registered club;
- Any place where the sale of alcohol has been authorised by virtue of an occasional license or permission;
- Any place where the Council has granted a permit pursuant to Section 115 (E) Highways Act 1980.

Any person wishing to make representations on the proposal should make them in writing to the Group Manager – Community Safety, 3<sup>rd</sup> Floor Roycraft House, 15 Linton Road, Barking, Essex IG11 8HE.

.....  
Chief Executive

Alcohol Related Disorder Data

Evidence suggests that Barking and Dagenham has one of the highest rates of alcohol-related Violent Crime and alcohol-related Sexual Offences per 1,000 population in the Country

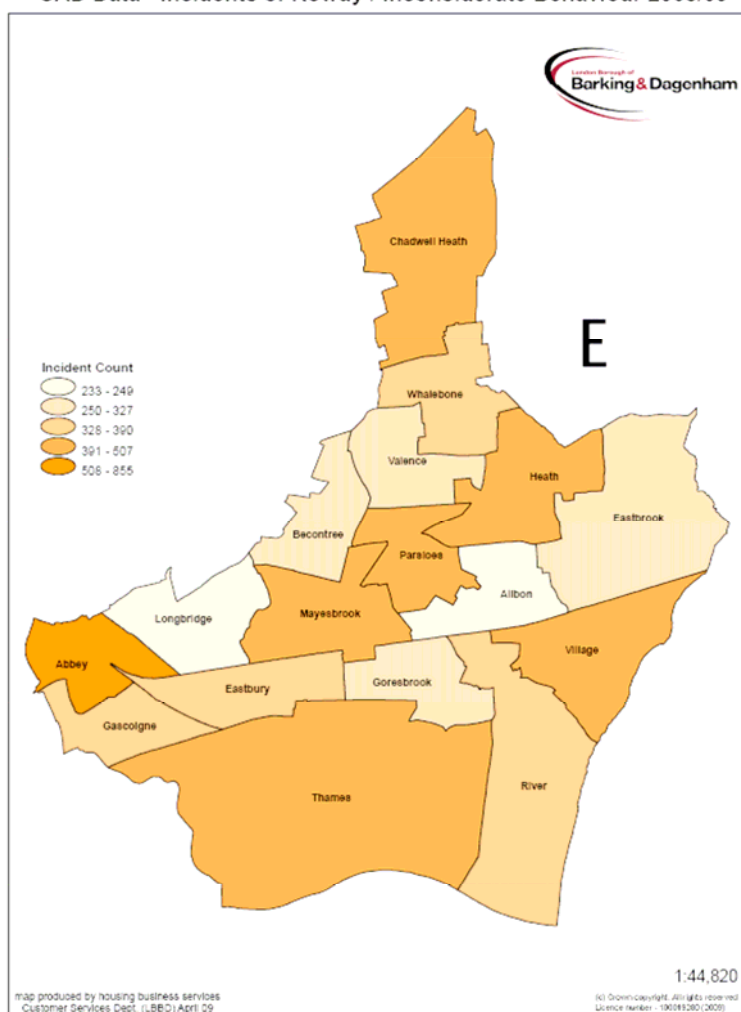
	Alcohol-related Violent Crime	Alcohol-related Sexual Offences
Barking and Dagenham	11.04	0.22
London Ave	8.51	0.15
National Ave	6.53	0.13

Barking and Dagenham are ranked 338th for Alcohol-related violent crime and 340th for sexual offences (out of 354 LA's in country)

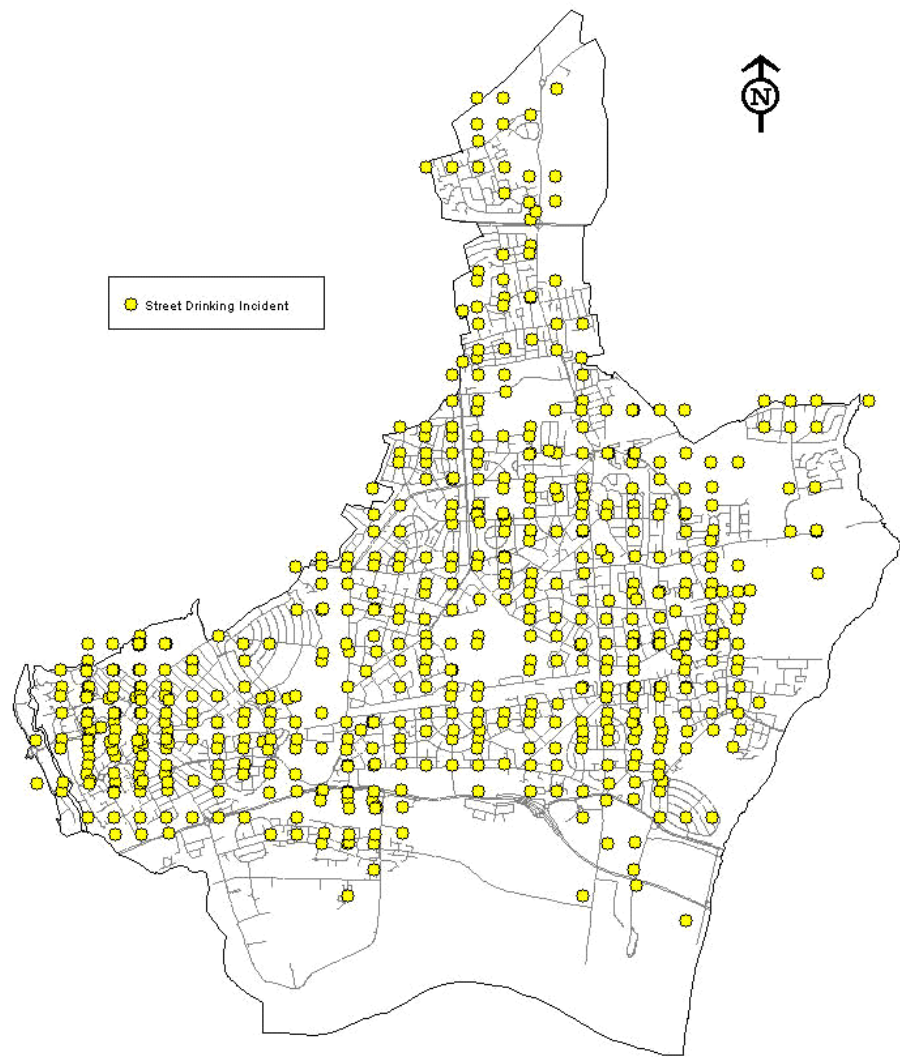
The number of offences of alcohol related violence has increased as a proportion of violent offences consistently since 2003

CAD Data - Incidents of Rowdy / Inconsiderate Behaviour 2008/09

Ward Name	Total
Abbey	855
Alibon	233
Becontree	315
Chadwell Heath	462
Eastbrook	290
Eastbury	390
Gascoigne	365
Goresbrook	327
Heath	437
Longbridge	249
Mayesbrook	419
Parsloes	454
River	365
Thames	446
Valence	293
Village	507
Whalebone	365
<b>Grand Total</b>	<b>6,772</b>



## Street Drinking Incidents Notified to Police Between 01/11/2008 and 31/10/2009



© Crown copyright. All rights reserved (Metropolitan Police Service)(PA01055C)(15/12/2009)

<b>METROPOLITAN POLICE</b> <small>Working together for a safer London</small>	<b>Author:</b> Jeff PATTESON - C086316	<b>Date:</b> 15/12/2009
BARKING AND DAGENHAM	BOROUGH INTELLIGENCE UNIT - ANALYSIS SECTION	

The above shows the even spread of reports made to police about street drinking. The only areas with no reports represent areas which do not have residential housing.

The perception of people that drunk and rowdy behaviour is a problem in the borough is the only crime and disorder related perception indicator that has got worse

Question	2006/07 result	Provisional Place Survey result 08/09
Perceptions of people being drunk or rowdy behaviour as being a problem	36%	45.4%

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## ASSEMBLY

24 MARCH 2010

## REPORT OF THE HEALTH AND ADULT SERVICES SELECT COMMITTEE

<b>Title: Dementia Services Scrutiny – Final Report</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>The final report of the Health and Adult Services Select Committee (HASSC) which concludes the in-depth review of Dementia services provided and support given to carers in the borough, has been circulated to all Councillors under separate cover (as part of the papers for the 16 March Executive).</p> <p>In accordance with the Council's Constitution, Part C, Section E, paragraph 9, a final report setting out the Select Committee's findings and recommendations was agreed by the Health and Adult Services Select Committee on 10 March 2010 and was submitted to the Executive on 16 March 2010 for information and comment.</p> <p>Once the report has been adopted by the Assembly, the Health and Adult Services Select Committee will ask commissioners and service providers to respond to the recommendations and provide an implementation action plan. A report setting out the progress of the implementation plan will be presented to the Health and Adult Services Select Committee after six months for monitoring purposes.</p>	
<p><b>Recommendation:</b></p> <p>In order to assist the Council achieve its Community Priority of "A healthy Borough, where health inequalities are reduced with greater knowledge of lifestyle impacts on health", the Assembly is recommended to adopt the Health and Adult Services Select Committee's recommendations as set out in the report.</p>	
<p><b>Implications:</b></p> <p><b>Financial:</b></p> <p>Any financial requirements resulting from the recommendations in this report will be met from either existing Council budgets and or Partner budgets. Options for external funding will also be investigated wherever possible.</p>	
<p><b>Legal:</b></p> <p>There are no legal implications for the Council associated with this report.</p>	
<p><b>Risk Management:</b></p> <p>None</p> <p><b>Staffing:</b></p> <p>None</p>	

<p><b>Customer Impact:</b></p> <p>None</p> <p><b>Safeguarding Children:</b></p> <p>None</p> <p><b>Crime and Disorder:</b></p> <p>None</p> <p><b>Property/Assets:</b></p> <p>None.</p> <p><b>Options Appraisal:</b></p> <p>N/A</p>		
<p><b>Contact Officer for further details:</b> Pat Brown</p> <p><b>Lead Member:</b> Councillor Evelyn Carpenter</p>	<p><b>Title:</b> Senior Scrutiny Officer, London Borough of Barking and Dagenham</p>	<p><b>Contact Details:</b> Tel: 020 8227 3271 Fax: 020 8227 3698 E-mail: <a href="mailto:pat.brown@lbbd.gov.uk">pat.brown@lbbd.gov.uk</a></p>
<p><b>Scrutiny Champion:</b> Bill Murphy</p>	<p><b>Title:</b> Corporate Director of Resources</p>	<p><b>Contact Details:</b> Tel: 020 8227 2138 E-mail: <a href="mailto:bill.murphy@lbbd.gov.uk">bill.murphy@lbbd.gov.uk</a></p>



## ASSEMBLY

24 MARCH 2010

## REPORT OF THE LIVING AND WORKING SELECT COMMITTEE

<b>Title: Supported Housing for Older People Scrutiny</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>The final report of the Living and Working Select Committee (LWSC) which concludes the in-depth review into older people's housing in the borough, has been circulated to all Councillors under separate cover (as part of the papers for the 16 March Executive).</p> <p>In accordance with the Council's Constitution, Part C, Section F, paragraph 7, a final report setting out the Select Committee's findings and recommendations was agreed by the Living and Working Select Committee on 10 March 2010 and was submitted to the Executive on 16 March 2010 for information and comment.</p> <p>If the report and its recommendations are agreed by the Assembly, the LWSC will ask the relevant departments and organisations to respond to the recommendations and an action plan of implementation will be drawn up. After six months a progress report will be presented to the LWSC for monitoring purposes.</p> <p><b>Wards Affected:</b> ALL</p>	
<p><b>Recommendation(s)</b></p> <p>The Assembly is asked to agree the Living and Working Select Committee's final report.</p>	
<p><b>Reason(s)</b></p> <p>To assist the Council in achieving its Community Priorities of a 'fair and respectful', and 'healthy' Borough. The outcomes of the review are also intended to complement the development of the Council's draft Older People's Strategy.</p>	
<p><b>Implications</b></p> <p><b>Financial:</b></p> <p>Any financial requirements resulting from the recommendations in this report will be met from either existing Council budgets and or Partner budgets. Options for external funding will also be investigated wherever possible. If agreed recommendations cannot be met from existing budgets, appropriate approvals will be sought from council processes for the relevant financial resource.</p> <p><b>Legal:</b></p> <p>There are no legal implications for the Council associated with this report.</p> <p><b>Risk Management:</b></p> <p>None</p>	

**Staffing:**

None

**Customer Impact:**

None

**Safeguarding Children:**

None

**Crime and Disorder:**

None

**Property/Assets:**

Recommendations from this report will be included within the action plan as part of the Annual Property Asset Management Plan (PAM Plan) update. They will also feed into the current review of operational assets being undertaken as part of the PAM Plan review.

Any investment or disposal required as a result of this report will be fed through the appropriate processes in line with the comments contained within the Finance section of this report.

**Options Appraisal:**

N/A

<b>Report Author:</b> Glen Oldfield  Councillor G Vincent	<b>Title:</b> Overview and Scrutiny Officer  Lead Member, Living and Working Select Committee	<b>Contact Details:</b> Tel: 020 8227 5796 E-mail: <a href="mailto:glen.oldfield@lbbd.gov.uk">glen.oldfield@lbbd.gov.uk</a>
<b>Scrutiny Champion:</b> Anne Bristow	<b>Title:</b> Corporate Director of Adult and Community Services	<b>Contact Details:</b> Tel: 020 8227 2300 E-mail: <a href="mailto:anne.bristow@lbbd.gov.uk">anne.bristow@lbbd.gov.uk</a>

**THE ASSEMBLY**

**24 MARCH 2010**

**REPORT OF THE SAFER AND STRONGER COMMUNITY SELECT COMMITTEE**

<p><b>Title:</b> Anti-Social Behaviour Perpetrated By And Against Young People In The Borough</p>	<p><b>For Comment</b></p>
<p><b>Summary:</b>  The final report of the Safer and Stronger Community Select Committee (SSCSC) which concludes the in-depth review of anti-social behaviour perpetrated by and against young people in the borough, has been circulated to all Councillors under separate cover (as part of the papers for the 16 March Executive).</p> <p>In accordance with the Council's Constitution, Part C, Section H, paragraph 7, the draft final report setting out the Committee's findings and recommendations was agreed by the SSCSC on 17 February 2010 and was submitted to the Executive on 16 March for information and comments. Any comments from the Executive will be reported to the Assembly.</p> <p>Once the report has been adopted by the Assembly, the SSCSC will ask the relevant departments and organisations to respond to the recommendations. A report setting out the progress against the recommendations will be presented to the SSCSC after six months for monitoring purposes.</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Recommendation</b>  In order to assist the Council to achieve its Community Priority to provide 'a safer borough where the problems of anti-social behaviour have been tackled and all young people have a positive role to play in the community', the Assembly is recommended to agree the Safer and Stronger Community Select Committee's recommendations as set out in its report.</p>	
<p><b>Implications</b>  <b>Financial:</b>  Any financial requirements resulting from the recommendations in this report will be met from either existing Council budgets and or Partner budgets. Options for external funding will also be investigated wherever possible.</p> <p><b>Legal:</b>  The Legal Practice works to ensure that the Local Authority meets its obligations under the Crime &amp; Disorder Act 1998, Police &amp; Justice Act 2006 and other relevant legislation. The Crime and Disorder Act 1998 established a specific legal responsibility on the Council to work with other Public Services and consider the crime and disorder implications of its functions. Further legislation such as for example the Children Act 2004 and the introduction of Local Safeguarding Boards strengthens the joined up multi agency approach to addressing and resolving through constructive engagement issues around young persons and the communities concerns about anti social behaviour. As an example of this partnership working the Legal Practice team works with partner agencies,</p>	

Community Safety and Tenancy Services Teams to consider the whole range of legal options open to the Local Authority such as legislation under the Crime & Disorder Act 1998 & the Housing Act 1996 to deal with anti social behaviour within the borough by working with young people but if need be utilising Acceptable Behaviour Orders, Anti-Social Behaviour Orders and Injunctions.

A major contribution to tackling a contributory element of anti-social behaviour is the rigorous enforcement of the law to prevent the sale and consumption of alcohol to under age persons and the effective dialogue to educate on the health, welfare and future prospects of drug and alcohol abuse. Working together with the Police test purchases are routinely carried out to ensure retailers are conducting their businesses responsibly. Any failures are reported and are likely to lead to criminal sanctions and a Review of the Personal and Premises Licence under the Licensing Act 2003.

**Risk Management:**

None

**Staffing:**

None

**Customer Impact:**

None

**Safeguarding Children:**

None

**Crime and Disorder:**

None

**Property/Assets:**

None.

**Options Appraisal:**

N/A

<p><b>Contact Officer:</b> Paramjit Nijher</p> <p><b>Lead Member:</b> Councillor John White</p>	<p><b>Title:</b> Senior Scrutiny Officer</p>	<p><b>Contact Details:</b> Tel: 020 8227 5069 E-mail: <a href="mailto:Paramjit.nijher@lbbd.gov.uk">Paramjit.nijher@lbbd.gov.uk</a></p>
<p><b>Scrutiny Champion:</b> Helen Jenner</p>	<p><b>Title:</b> Corporate Director of Children's Services</p>	<p><b>Contact Details:</b> Tel: 020 8227 5800 E-mail: <a href="mailto:helen.jenner@lbbd.gov.uk">helen.jenner@lbbd.gov.uk</a></p>

**THE ANNUAL ASSEMBLY**

24 MARCH 2010

**REPORT OF THE CEREMONIAL COUNCIL**

<b>Title: Annual Report of the Ceremonial Council 2009/10</b>		<b>For Information</b>
<p><b>Summary</b></p> <p>There have been two meetings of the Ceremonial Council this year to deal with the following:</p> <ul style="list-style-type: none"> <li>• Annual meeting on 13 May 2009: <ul style="list-style-type: none"> <li>➤ Appointment of Mayor – Councillor Fairbrass</li> <li>➤ Appointment of Deputy Mayor – Councillor Obasohan</li> <li>➤ Appointment of Mayor’s Chaplain – Reverend Canon Gordon Tarry</li> <li>➤ Presentation of the Sydney Russell Memorial Award to Mrs Win Chapman</li> </ul> </li> <li>• Meeting on 9 December 2009 to agree to the award of the Freedom of the Borough to Councillor Mohammed Abdul Rehman Fani, Mr Roger Luxton OBE, Sir Paul Grant, The Royal Anglian Regiment, Miss Vera Reynolds and Sir Trevor Brooking CBE. A formal ceremony to make the awards was conducted on 27 January 2010 at the Broadway Theatre</li> </ul>		
<p><b>Contacts:</b> Councillor Fairbrass</p> <p>Janet Allen</p>	<p><b>Title:</b> The Mayor</p> <p>Mayoral &amp; Civic Support Officer</p>	<p><b>Contact Details:</b> Tel: 020 8227 2121</p> <p>Tel: 020 8227 2121 Fax: 020 8227 2162 E-mail: janet.allen@lbbd.gov.uk</p>

**Consultees:**

Bill Murphy, Corporate Director of Resources  
Nina Clark, Divisional Director of Legal and Democratic Services

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

Agendas and minutes of the Ceremonial Council meetings 2009/10

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# THE ASSEMBLY

24 MARCH 2010

## REPORT OF THE EXECUTIVE

Title: Annual Report of the Executive 2009 / 2010	For Information
<p data-bbox="150 488 300 521"><b>Summary</b></p> <p data-bbox="150 562 1422 629">This report summarises the Executive's role and gives a flavour of the major issues it has dealt with over the last municipal year.</p> <p data-bbox="150 669 619 703">The Executive is responsible for:</p> <ul data-bbox="150 743 1433 1151" style="list-style-type: none"><li data-bbox="150 743 1362 777">• Developing key policies and budget proposals for the Assembly's agreement;</li><li data-bbox="150 817 1362 884">• Making decisions about Council strategies, services, finances and resources, based on the policies set by the Assembly;</li><li data-bbox="150 925 1426 992">• Ensuring all Council departments work well together in delivering services to local people; and,</li><li data-bbox="150 1032 1433 1151">• Ensuring the Council works well with external partners and other local organisations, such as the Police, Health Services, education providers, business and the third sector, for the benefit of the community.</li></ul> <p data-bbox="150 1191 1437 1294">Between 16 June 2009 and 16 March 2010 there have been 16 meetings of the Executive, which dealt with some 92 reports, of which 18 reports involved contracts with a value in excess of £400,000.</p> <p data-bbox="150 1335 1299 1368">Some of the key decisions taken by the Executive during the year have included:</p> <ul data-bbox="150 1408 1437 2072" style="list-style-type: none"><li data-bbox="150 1408 1406 1592">• Increased provision of school pupil places in the Borough to meet the increasing demand; including additional resource provision at Roding Primary and Cambell and Thames View Infant Schools. The Executive also authorised the change of status for Dagenham Park School to become a voluntary controlled Church of England school with effect from 1 January 2010;</li><li data-bbox="150 1632 1437 1736">• A rolling programme of new Council housing building and the Housing Investment Programme which is aimed at providing 85 new family homes under Phases 1 and 2 of the programme;</li><li data-bbox="150 1776 1437 1960">• Approval of a number of strategies and plans associated with the regeneration and development of the Borough; including the proposals for the Master Plan for Thames View and the Barking Riverside Housing Investment Company and Community Development Trust, developments in Barking Town Centre and Skills Centre in Barking;</li><li data-bbox="150 2000 1401 2072">• The introduction of a Youth Access Card to enable young people to have easier access to services and advice;</li></ul>	

- Accelerated the Highways Improvement Programme;
- The formulation of the Council’s budget for 2010/11, which has enabled Council Tax to be frozen for the second year in succession.

Other reports considered by the Executive have included:

- The Council’s Pandemic Flu Preparations;
- The transformation of adult social care provision in the Borough as part of the ‘Putting People First’ national agenda and the Council’s response to Green Paper “Shaping the Future of Care Together”;
- Monthly budget monitoring reports which have resulted in a range of measures being introduced to overcome extraordinary pressures on spending during the year;

The Executive has continued to receive regular reports on a range of high-level performance information from across the Council. It looked at the improvements achieved, progress made against previous actions that it had agreed and key areas for future focus, including those delivered in association with the Council’s Partners via the Local Area Agreement.

The Executive also put forward proposals for revised executive arrangements for the Council in response to new legislation and, following public consultation, these proposals were adopted in full by the Assembly for implementation in May 2010.

<b>Contact:</b> Councillor Liam Smith	Leader of the Council	Tel: 020 8595 7994 E-mail: <a href="mailto:leader@lbbd.gov.uk">leader@lbbd.gov.uk</a>
Tina Robinson	Senior Democratic Services Officer	Tel: 020 8227 3285 Fax: 020 8227 3698 Minicom: 020 8227 5755 E-mail: <a href="mailto:tina.robinson@lbbd.gov.uk">tina.robinson@lbbd.gov.uk</a>

**Consultees:**

The following were consulted in the preparation of this report:

- Councillor Liam Smith, Leader of the Council.
- Nina Clark, Divisional Director of Legal and Democratic Services
- Alan Dawson, Team Manager, Democratic Services

**Background papers used in the preparation of this report:**

Agendas and Minutes of Executive meetings 2009/10



**THE ASSEMBLY**

**24 MARCH 2010**

**REPORT OF THE DEVELOPMENT CONTROL BOARD**

<b>Title: Annual Report of the Development Control Board 2009/2010</b>	<b>For Information</b>								
<b>Summary</b>									
<p>The Development Control Board (DCB) has responsibility for exercising all of the authority's responsibilities as the Local Planning Authority.</p> <p>Over the past year the DCB has received 80 new planning applications, the outcome against each is summarised as follows-</p>									
<table border="1"><thead><tr><th><b>No. of decisions in line with officers' recommendations</b></th><th><b>No. of decisions against officers' recommendation</b></th><th><b>No. of deferred decisions</b></th><th><b>No. of applications withdrawn</b></th></tr></thead><tbody><tr><td>69</td><td>6</td><td>1</td><td>4</td></tr></tbody></table>		<b>No. of decisions in line with officers' recommendations</b>	<b>No. of decisions against officers' recommendation</b>	<b>No. of deferred decisions</b>	<b>No. of applications withdrawn</b>	69	6	1	4
<b>No. of decisions in line with officers' recommendations</b>	<b>No. of decisions against officers' recommendation</b>	<b>No. of deferred decisions</b>	<b>No. of applications withdrawn</b>						
69	6	1	4						
<p>In respect of the 6 decisions made by the Board which were not in line with officers' recommendations, so far 4 appeals have been lodged.</p> <p>Over the said period 29 town planning appeals were lodged with the Planning Inspectorate. Four town planning appeals were allowed, 19 were dismissed and none were withdrawn.</p> <p>In addition to planning applications, the DCB received reports regarding:</p> <ol style="list-style-type: none"><li>1. The 'Revocation of a Tree Preservation Order' (TPO) - DCB was advised that the TPO for the Trees at Western Avenue should be revoked because the elm trees which the order was intended to protect became diseased and were felled in 1975. The TPO was protecting trees to the rear of the properties which the Borough arboriculturalist identified as having no intrinsic value and the TPO was preventing the occupants of the properties from keeping their gardens in good order.</li><li>2. 'Improving Permitted Development' informing Members of a consultation document from Communities and Local Government regarding extending non-domestic permitted development rights. This is proposing that the number of minor applications that require full planning permission be substantially reduced making the process swifter and more effective.</li><li>3. 'Development Control Board Public Guidance' A public guidance document produced to help inform residents and interested parties as to how the Development Control Board works.</li></ol> <p>The DCB made appropriate responses to planning application consultations to be determined by the London Thames Gateway Development Corporation in particular the</p>									

Board strongly objected to the planning application proposals at Vicarage Field Shopping Centre Station Parade, Barking.

N.B. At the time of writing this report there is one scheduled DCB meeting taking place before the Assembly on 24 March 2010.

<b>Contact Officer:</b>	<b>Title:</b>	<b>Contact Details:</b>
Councillor M McKenzie	Chair of the Development Control Board	Tel: 020 8227 2116
Sola Odusina	Senior Democratic Services Officer	Tel: 020 8227 3103 Fax: 020 8227 E-mail: sola.odusina@lbbd.gov.uk

**Consultees:**

- Councillor M Mckenzie, Chair of Development Control Board
- Dave Mansfield, The Development Management Manager
- Paul Feild, Senior Lawyer Property Planning and Regeneration

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

- Agendas and minutes of Development Control Board meetings 2009/10

# THE ASSEMBLY

24 MARCH 2010

## REPORT OF THE LICENSING AND REGULATORY BOARD

<b>Title: Annual Report of the Licensing and Regulatory Board 2009 / 2010</b>	<b>For Information</b>
---	------------------------

### Summary

The Licensing and Regulatory Board has responsibility to exercise all of the Authority's licensing and regulatory duties, functions and powers set out under various legislation including; Section 101 of the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1982, the London Local Authorities Act 1990, the Licensing Act 2003 and the Gambling Act 2005. The Board considers all matters for which valid representations have been made, for example, objections by the Metropolitan Police or local residents. Applications where no valid representations have been received are dealt with by the Corporate Director of Customer Services under delegated authority.

Applications submitted under the Licensing Act 2003 included premises licences for pubs, off licences and restaurants. In making its decisions, the Board has had regard to the following statutory licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- The protection of public safety

Over the past ten months, a total of 26 reports have been presented to the Board as follows:

<b>New Premises Applications</b>	<b>Applications for review of licence</b>	<b>Applications for variation of licence</b>	<b>Applications for transfer of licence</b>	<b>Temporary Event Notices</b>
5	17	1	2	1

#### ➤ **New Premises Licence Applications**

- Of the five new premises licence applications considered, three were granted subject to conditions, one was refused and one was withdrawn.

#### ➤ **Reviews**

- One of the review applications was withdrawn.
- Six licences were amended to include conditions.
- Five licences were suspended for three months and one for one month as well as them being amended to include conditions.
- Three licences were revoked.
- The hours relating to one licence were reduced, the Designated Premises Supervisor removed and the licence suspended for 6 weeks.

- **Application for the variation of a licence**
  - The application was withdrawn.
- **Application for the transfer of a licence**
  - Both applications were refused.
- **Temporary Event Notice**
  - This notice was refused.

<b>Contact:</b>	<b>Title:</b>	<b>Contact Details:</b>
Councillor Lee Waker	Chair of the Board	Tel: 020 8227 2116 E-mail: <a href="mailto:lee.waker@lbbd.gov.uk">lee.waker@lbbd.gov.uk</a>
Masuma Ahmed	Democratic Services Officer	Tel: 020 8227 2756 E-mail: <a href="mailto:masuma.ahmed@lbbd.gov.uk">masuma.ahmed@lbbd.gov.uk</a>

**Consultees:**

- Councillor Lee Waker, Chair of Licensing and Regulatory Board
- Nina Clark, Divisional Director, Legal and Democratic Services.
- Rob Williams, Group Manager, Environment and Trading Standards
- Sajida Majid, Licensing Officer

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

- Minutes of Licensing and Regulatory Board meetings 2009/ 2010

# THE ASSEMBLY

24 MARCH 2010

## REPORT OF THE PERSONNEL BOARD

<b>Title: Annual Report of the Personnel Board 2009/ 2010</b>		<b>For Information</b>
<b>Summary</b> <p>The Personnel Board has responsibility for determining appeals from staff below JNC in respect of:</p> <ul style="list-style-type: none"><li>➤ Dismissal on the grounds of redundancy, gross misconduct, capability and sickness absence, and</li><li>➤ Final written warnings on the grounds of misconduct</li></ul> <p>Boards are made up of a minimum of three Members involving normally the Chair and Deputy Chair plus one Member drawn from a pool of Members appointed by the Assembly.</p> <p>Over the past ten months the Board has met to consider a total of five appeals against dismissal. Of these, four appeals were dismissed and one was upheld. At the time of writing this report, a further four appeals against dismissal have been scheduled for March/ April 2010.</p>		
<b>Contact Officer:</b>	<b>Title:</b>	<b>Contact Details:</b>
Councillor L Reason	Chair of the Personnel Board	Tel: 020 8227 2116 E-mail : <a href="mailto:linda.reason@lbbd.gov.uk">linda.reason@lbbd.gov.uk</a>
Masuma Ahmed	Democratic Services	Tel: 020 8227 2756 E-mail: <a href="mailto:masuma.ahmed@lbbd.gov.uk">masuma.ahmed@lbbd.gov.uk</a>

### Consultees

- Councillor L Reason, Chair of the Personnel Board
- Nina Clark, Divisional Director, Legal and Democratic Services
- Michelle Coleman, Human Resources Manager

### Background Papers Used in preparation of the Report:

- Agendas and Minutes of Personnel Board meetings 2009/ 2010

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## ASSEMBLY

24 MARCH 2010

<b>Title: Scrutiny Annual Report 2009-10</b>		<b>For Information</b>
<b>Summary:</b>  The Scrutiny function provides an annual report to Assembly setting out its work over the past municipal year and providing an update on key issues for the next municipal year. This report is contained within Appendix 1.		
<b>Contact:</b>  Clair Bantin	<b>Title:</b>  Scrutiny Manager	<b>Contact Details:</b>  Tel: 020 8227 2995 E-mail: <a href="mailto:clair.bantin@lbbd.gov.uk">clair.bantin@lbbd.gov.uk</a>

### Consultees:

- Nina Clark, Divisional Director of Legal and Democratic Services
- Winston Brown, Legal Partner

### Background Papers used in the preparation of the report:

- Agendas and Minutes of the Children's Services Select Committee 2009-10
- Agendas and Minutes of the Living and Working Select Committee 2009-10
- Agendas and Minutes of the Safer and Stronger Community Select Committee 2009-10
- Agendas and Minutes of the Health and Adult Services Select Committee 2009-10
- Agendas and Minutes of the Public Accounts and Audit Select Committee 2009-10

### 1 Introduction

- 1.1 Overview and Scrutiny is a process by which Members investigate and examine the services provided the Council and its partners, on behalf of the public.
- 1.2 2009 -2010 was an exciting year for Scrutiny in Barking and Dagenham. New arrangements were introduced in April 2009, resulting in an improved committee structure; namely, four themed committees and one overarching committee with responsibility for financial scrutiny and statutory audit functions. The five committees are as follows:
- Safer & Stronger Community Select Committee
  - Health and Adult Services Select Committee
  - Children's Services Select Committee
  - Living and Working Select Committee
  - Public Accounts and Audit Select Committee

Each Select Committee is supported by a 'Scrutiny Champion'; a senior officer who provides advice and guidance as appropriate.

- 1.3 A key role for Scrutiny is to oversee the decisions made by those responsible for providing public services and, where necessary, to question and challenge these decisions. Scrutiny Members take the lead on monitoring the work of the Executive and the Local Strategic Partnership (LSP). Further details of holding decision-makers to account can be found in section 2.
- 1.4 Each Select committee is responsible for producing and maintaining its own work programme, enabling Members to focus their energy on the most important topics for the community. As well as holding the LSP to account, the four themed Select Committee have each undertaken an in-depth review of an important local issue falling within their remit. Details of in-depth reviews and outcomes can be found in section 3.
- 1.5 The work of the Public Accounts and Audit Select Committee (PAASC) is somewhat different from the other Select Committees. The Committee is responsible for carrying out a number of statutory audit monitoring functions, as well as taking overall responsibility for finance and governance scrutiny. More details of the Committee's work this year can be found in section 4.
- 1.6 All of Scrutiny's work is carried out on behalf of local residents and public involvement is a very important aspect of this. Section 5 sets out efforts that have been made during the course of the year to give members of the public a chance to feed into Scrutiny reviews and make topic suggestions.



- 1.7 Finally, section 6 looks forward to Scrutiny in the 2010-11 municipal year, both in terms of national developments and local priorities.

## **2 Holding the Executive and partners to account**

### 2.1 Monitoring Local Area Agreement targets

Each themed Select Committee's specific remit is aligned to one or more of our Local Strategic Partnership's workstreams, allowing for seamless monitoring of progress against Local Area Agreement (LAA) targets and general scrutiny of the borough partnership. The Select Committees monitor progress against LAA targets on an exceptions basis every six months. The first wave of updates was presented to the Committees in July 2009 and the second wave in February / March 2010.

### 2.2 GP Services Scrutiny Review - monitoring

At its meeting in September 2009, the Health and Adult Services Select Committee (HAASC) reviewed progress against the recommendations arising from the GP Services Scrutiny Panel. Members were pleased to note that existing GPs have extended their hours, and that GP appointments are now available seven days a week at Barking Hospital. A further update report was presented to the HASSC in March 2010.

### 2.3 Disease Linked to Asbestos in Barking & Dagenham

In September 2009, the HASSC received a report on diseases linked to asbestos and the steps taken to combat such diseases. Members noted that the British Lung Foundation, supported by NHS Barking and Dagenham, is running a Obstructive Pulmonary Disease (COPD) awareness campaign in the borough.

### 2.4 Development of Libraries

The Safer and Stronger Community Select Committee (SSCSC) received an update from the Group Manager of Libraries in October 2009. This set out of the results of an extensive public consultation conducted between April and June 2009 about how library services in Barking and Dagenham should be developed.

### 2.5 Thames View Primary School

The Corporate Director of Children's Services answered concerns raised by the Children's Services Select Committee (CSSC) regarding the capacity of Thames View Infant School in relation to the September 2010 intake. The response was considered at the Committee's November 2009 meeting.

## 2.6 Energy Savings Informal Scrutiny Review - monitoring

In November 2009 the Living and Working Select Committee (LWSC) received an update from the Climate Change Manager on the progress of the recommendations from an informal scrutiny review on Energy Savings undertaken in November 2008. The Committee applauded the various recommendations put forward by the Energy Savings Panel, and expressed the view that these actions will reduce energy usage.

## 2.7 Bailiff Services Informal Scrutiny Review - monitoring

In November 2009 the Council Tax Manager updated the LWSC on the progress made in implementing recommendations arising from the Bailiffs Services Informal Scrutiny Review. The Committee noted that the strategy for collecting council tax is focused on avoiding expensive court proceedings by being more flexible with the ways customers can pay. One of the Council's main objectives is to achieve a greater take-up of customers paying by direct debit.

## 2.8 Provision for excluded young people

The CSSC received a presentation about exclusion provision from representatives of Dagenham Park School and the borough's Pupil Referral Unit in November 2009. Members were pleased to note that the number of exclusions within the borough has reduced, although there was still work to be done. The Committee was impressed to note that an innovative 'day six' model is used in the borough, requiring the Council to provide alternative arrangements for full time education for young people by the sixth day of their exclusion from school.

## 2.9 Personalisation Programme

In December 2009, the HASSC received an update from the Programme Director of Personalisation on the Personalisation Programme being introduced in Adult Social Care Services. Once fully implemented, the programme will provide people with more choices and control over the services they receive and how they pay for them. The Personalisation agenda is challenging, and the delivery of the programme will require the Council and its partners to work together in new ways.

## 2.10 Winter Planning 2009/2010

The HASSC received a report from the Assistant Director, Practice Based Commissioning, NHS Barking and Dagenham (NHSBD) on the planned increase in community beds to alleviate acute bed pressures at Queen's and King George Hospitals during the winter of 2009/2010. The HASSC noted that NHSBD had commissioned additional beds for January, February and March 2010, including nursing home beds for early discharge from hospital.

#### 2.11 Facilities and Activities for Children and Young People Scrutiny Review - monitoring

The Head of Integrated Family Services attended the January 2010 CSSC meeting to provide an update on the recommendations arising from the 2009 review of youth facilities. Members were satisfied with the progress made.

#### 2.12 Domestic Violence

In February 2010 the Interim Domestic Violence and Hate Crime Manager updated the SSCSC on support provided to victims of domestic violence.

#### 2.13 Briefing on Literacy and Numeracy

In March 2010 the CSSC received a presentation about literacy and numeracy levels amongst children attending primary school in the borough and the strategies in place to raise attainment in these areas.

*In addition to the Scrutiny structures in place in LBB, three Councillors representing Barking and Dagenham are also involved in cross-borough health scrutiny work. Members sit on both the Pan-London Joint Health Overview and Scrutiny Committee (JHOSC) and the Outer North East London JHOSC. The Outer North East London JHOSC is made up of Members from Barking and Dagenham, Havering, Redbridge and Waltham Forest.*

#### 2.14 Stroke and Major Trauma Services

The Pan-London JHOSC submitted its final report in response to consultation proposals on delivering quality stroke and major trauma services in London. A response was received in October 2009. The agreed reconfiguration of services is now being implemented.

#### 2.15 Health for North East London Consultation

While the Health for London consultation was being undertaken, it was recognised that North East London would need to deliver higher quality hospital services. This resulted in a Health for North East London consultation taking place between December 2009 and March 2010. A final report from the JHOSC will be available in April 2010.

### **3 In-depth reviews**

During the course of in-depth reviews, Members formally gather evidence from service users, officer responsible for service delivery, expert witnesses and other key stakeholders. They also undertake site visits to witness service provision *in situ* and to engage in informal

consultation with local residents. In addition, background research is undertaken to understand what is taking place in other boroughs and national best practice. Finally, a report is produced containing key recommendations for addressing concerns and improving services to better meet residents' needs. The following section provides a brief summary of the reviews carried out over the past year.

### 3.1 Supported Housing for Older People

Members of the LWSC chose to investigate whether Barking and Dagenham has a portfolio of older people's accommodation capable of managing the upsurge of older people living in the borough. The purpose of the review was to ensure that the housing stock is diverse, of excellent quality and reflects the needs of an ageing population with higher expectations than their forebears.

The review looked closely at the predicted population trends and the provision available to meet future demand. Each housing type was considered in detail and newer models of older people's housing were explored. The Committee looked at ways in which older people can be supported to remain at home and discussed the possibilities of assistive technology.

The Committee visited several sites in the borough to see first-hand the difference in quality between various council-owned schemes. Members also went to Brighton and Hove to see their award-winning extra care development and visited Havering for a tour of a telecare adapted Smart Flat.

Nine recommendations were made, based on the findings from formal evidence-gathering sessions, site visits and public consultation. Members were to see accommodation that is not fit-for-purpose decommissioned, improved housing solutions for people with learning disabilities and those suffering with dementia, and more options available to older people in general. It is hoped that this scrutiny review will contribute to LBBD's new Older People Strategy and help toward 'future-proofing' the borough. Progress in implementing these recommendations is due to be monitored by the LWSC in autumn 2010.

### 3.2 Safeguarding and Child Protection

Members of the CSSC decided to focus their in-depth review work on arrangements for safeguarding children and young people in the borough. The review topic was selected in the light of the recent Baby Peter case in LB Haringey, as Members felt it was necessary to ensure that child protection processes were as robust as possible.

Evidence was collected from a range of stakeholders, including representatives from schools, the police, children's social care and the

Local Safeguarding Children's Board (LSCB), in six formal committee meetings over the course of the year. Members also undertook a number of site visits to meet with and question officers working in Family Group Conferencing, Crisis Intervention and Youth Offending, as well as visiting police officers working on the Public Protection Desk. In addition, Members took evidence from young people themselves.

Overall, Members were impressed with the reports they received from those making child protection referrals. Schools reported that their concerns were met with a swift and appropriate response from Children's Social Care. It was felt that cross-borough information sharing and links between health providers and other partners could be strengthened. Also, a need for greater transparency in bodies such as the Corporate Parenting Group was identified.

Towards the planned end of the evidence-gathering phase, an incident took place within the borough, which triggered a serious case review (SCR). Members took the decision to postpone the formal conclusion of the Safeguarding review until the results of the SCR are available.

### 3.3 The Provision of Local Dementia Services

In July 2009 Members of the HASSC decided to carry out an in-depth review of local dementia services, in response to the high incidence of the condition and relative lack of information available to patients and carers. The Government also recognised the need for improved services and published the National Dementia Strategy in February 2009, which set out minimum standards expected from health and social care providers in dealing with this issue. There is a requirement to fully implement the strategy within five years.

Members looked in detail at dementia services covering prevention, identification, early intervention and treatment, living well with dementia, care in hospital and end of life care. Representatives of the Department of Health, NHS Barking and Dagenham and the Third Sector were all invited to present evidence. In addition, Members visited residential nursing homes to meet with staff, carers and patients, as well as speaking to representatives from the Memory Clinic, the London Ambulance Service, Carers of Barking and Dagenham and a branch of the Alzheimer's Society. A site visit was also undertaken to LB Croydon to observe best practice elsewhere in London.

The Committee felt that there was excellent practice taking place in the borough, but that there was an important need for the services to be integrated. It was noted that early identification was crucial to enable long-term planning for patients and to allow them to remain in their homes for as long as possible. Members felt it was particularly important to continue to support carers of those suffering with dementia.

### 3.4 Anti-Social Behaviour Perpetrated By and Against Young People in the Borough

The SSCSC decided to focus its 2009/10 in-depth review on anti-social behaviour (ASB) relating to young people. The Committee wanted to know how young people became involved with ASB, to what extent young people and the wider community saw themselves as victims of ASB, and how the Council and partners, both statutory and non-statutory, were working together to address youth ASB,

The Committee looked at the current strategies in place to address youth ASB and gathered evidence from a wide range of services, including the ASB Team, Drugs Action and Alcohol Team, Youth Offending Services, Environmental and Enforcement Services, Housing Services, CCTV Services, Neighbourhood Management, Integrated Youth Support Services, Schools and the police. Members also visited a number of youth projects and activities to speak with staff and young people using the services. In addition, a consultation meeting was held in November 2009, where Members met with a group of young people who had been both perpetrators and victims of ASB to hear their views.

Sixteen recommendations were identified to assist in improving ASB and fear of ASB in the borough. The Committee was keen to stress that most Barking and Dagenham young people have no experience of ASB and are instead involved in an impressive array of positive and worthwhile leisure activities.

## 4 Public Accounts and Audit Select Committee

The PAASC carries out the Council's audit function, as well as monitoring how the Council's funds are spent across the organisation. The PAASC has not undertaken an in-depth review, as this committee is required to place a heavier emphasis than the four themed Select Committees on its duty to hold decision-makers to account, for example through items such as scrutiny of the council budget and the need to meet statutory audit monitoring requirements, as can be seen below.

### 4.1 Annual Governance Statement

In line with statutory requirements, all local authorities are required to publish an Annual Governance Statement. The purpose of the Statement is to produce an evidence based assurance that the organisation is operating in all its activities within a robust governance framework. At its meeting in June 2009, the PAASC noted and approved the Council's Annual Governance Statement following a number of amendments. The Committee also asked for further annual

reports from the Heads of Service on how they comply with the Council's Governance and control framework.

#### 4.2 Audit Commission

The PAASC received a progress report outlining the work planned or undertaken by the Audit Commission since April 2009.

#### 4.3 Statement of Accounts

At its meeting in June 2009, the PAASC reviewed the un-audited Statement of Accounts for 2008/09 which was later presented to the Assembly on 30 June 2009. Members noted that the Council's services throughout 2008/09 were maintained and delivered broadly in line with the budgets and that the Council maintained an adequate level of reserves. The Committee noted the key issues regarding 2008/09 budget revenue and expenditure.

#### 4.4 Section 106 (S106) Agreements

In July 2009, the PAASC received a briefing note from the Head of Regeneration and Economic Development on the current Section 106 (S106) process. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure. The Committee noted the process of the S106 agreement in the borough and the duties of the appointed case worker.

#### 4.5 Value for Money

The PAASC received a report from the Head of Community Cohesion and Equalities detailing the progress of the work of Value for Money Strategy Board (VfMSB). The VfMSB is one of five sub-boards that report to the One Barking and Dagenham Programme Board. Members noted the work plan and the current work in progress of the VfMSB, which is mainly tasked with driving transformational change in respect of value for money at Barking and Dagenham.

#### 4.6 ICT Audit

The PAASC received an update from the Head of ICT on the adequacy of the internal control system, mainly the usage of mobile phones, network infrastructure and security, development of the telecommunications strategy, security of IT equipment, software management and licensing procedures.

#### 4.7 Highway Audit

The PAASC received a report from the Corporate Director of Customer Services updating them on outstanding actions from the Highways Audit 2008/09. The Committee noted that the five priority recommendations identified in the July 2008 audit report were now completed and implemented.

#### 4.8 External Audit Fees

The PAASC received a report from the external auditors, the Audit Commission, setting out the proposed Annual Audit Fee charged for the audit work for the 2009/10 financial year. The fee, which reflects the audit element of the work will be reviewed and updated as necessary.

#### 4.9 Corporate Anti Fraud and Investigations

In September 2009, the PAASC received an update from the Corporate Director of Resources on activities and investigations undertaken by the Corporate Anti Fraud Investigations Team. Members noted and commended the current work undertaken around fraud awareness, Council Tax, Blue badges and disciplinary cases within the Council.

#### 4.10 Internal Audit Strategy and Terms of Reference

The PAASC received a report from the Corporate Director of Resources regarding Internal Audit's terms of reference and strategy. The Committee noted the number of duties that Internal Audit undertakes, in addition to its primary assurance role, and approved the terms of reference.

#### 4.11 Update on Risk Management Strategy and Timetable

The PAASC received a report from the Corporate Director of Resources outlining the risk reporting framework, ongoing strategic risks, the top ten risks faced by the Council and a suggested timetable for consideration of risk.

#### 4.12 Annual Governance Report

The PAASC received an update from the External Auditor regarding the Council's Statement of Accounts for 2008/09. Members noted the key changes made to the accounts and made a number of recommendations. A report on the final set of accounts was published on 30 September 2009.

#### 4.13 Risk Management

In November 2009 the PAASC received an update from the Group Manager of Corporate Programme on whether LBBB risk management was strong enough. The report identified an initial set of ten potential



risks and that work was underway to identify and implement actions to mitigate these risks.

#### 4.14 Value for Money Project

In November 2009, the PAASC received an update from the Head of Community Cohesion and Equalities regarding the work to develop a value for money strategy for LBB. It was noted that the Value for Money Strategy was being drafted and a further update will be provided to the Committee in six months' time.

### 5 Involving the Community

Scrutiny's foremost responsibility is to members of the public, whether through challenging decisions on behalf of service users or through detailed investigation of community concerns. It is therefore crucial that Scrutiny processes and outcomes reflect local residents' needs.

Select Committee meetings are open to the public and agendas and minutes are also publically available from our website. Members of the public with an interest in a specific in-depth review are often co-opted onto the investigating body for the duration of the review. Councillors also undertake extensive consultation with members of the public when gathering evidence for in-depth reviews.

In addition to this ongoing work, further efforts are made to ensure that local residents take up the opportunity to get involved in Scrutiny. Some of the work undertaken to achieve this during the last year is set out below. Further information about how to get involved and contact details can be found in Section 7.

#### 5.1 Updating Scrutiny's Online Presence

The section of the Council's website dedicated to Scrutiny has been thoroughly overhauled and updated. Following extensive benchmarking with other local authorities, a branded Scrutiny microsite was created and launched in November 2009.

As well as provided detailed information about Scrutiny responsibilities, remits and opportunities for public involvement, the microsite also has interactive features, allowing members of the public to submit suggestions for scrutiny reviews or to contribute to ongoing investigations without having to attend formal meetings.

The website can be viewed at [www.lbbd.gov.uk/scrutiny](http://www.lbbd.gov.uk/scrutiny)

#### 5.2 Information Leaflets

Engaging and accessible leaflets setting out a basic introduction to each Select Committee have been developed. These leaflets explain

Scrutiny's role, the remit of the specific Select Committee, how to get involved and where to go for further information. The leaflets are available for any member of the public attending a Select Committee meeting for the first time, and are also sent to witnesses who have been invited to give evidence at formal Committee meetings. They are also available in Barking Town Hall, Dagenham Civic Centre, and libraries and leisure centres throughout the borough.

### 5.3 Reflecting local residents' and partners' priorities in work programme planning

The four themed Select Committees choose in-depth review topics for at their first formal meeting of the municipal year. To inform this choice, each Committee receives a report summarising consultation with local residents and key partner organisations on their priority issues for the borough and where they believe Scrutiny can add the most value.

## 6 Scrutiny in 2010-11: national and local developments

6.1 The Local Democracy, Economic Development and Construction Bill provides greater opportunities for communities and individuals to get involved into the local decision-making process. Through this wide-ranging legislation, communities and local people will have new rights to voice their opinions on local services. They will also have more influence over local decisions and, where they choose, more opportunity to get directly involved in managing and shaping how local services are delivered. Some of these new rights will be managed and delivered through the Scrutiny process.

6.2 Locally, Scrutiny will continue to develop as the Select Committee structure enters its second year. We will continue to enhance and develop our ways of working, based on feedback received at the end of this first year.

## 7 Contact the Scrutiny Team

For further details about how Scrutiny works or to get involved please contact the Scrutiny Team using the following details:

Email: [Scrutiny@lbbd.gov.uk](mailto:Scrutiny@lbbd.gov.uk)

Tel: 020 8227 2995

Postal Address: Scrutiny Team, 4<sup>th</sup> Floor Roycraft House, Linton Road, Barking, IG11 8HE

Website: [www.lbbd.gov.uk/scrutiny](http://www.lbbd.gov.uk/scrutiny)

## THE ANNUAL ASSEMBLY

24 MARCH 2010

### REPORT OF THE STANDARDS COMMITTEE

<b>Title: Annual Report of the Standards Committee 2009/2010</b>	<b>For Information</b>
<p><b>The role and membership of the Standards Committee:</b></p> <p>The Standards Committee is responsible for promoting and maintaining high standards of conduct by all Members, statutory co-opted Members and employees of the Council to assist them in observing relevant Codes of Conduct.</p> <p>Terms of reference of the Standards Committee are attached at Appendix 1. Further information about the Members' Code of Conduct and the role of the Standards Committee can be found on the Council's website at <a href="http://www.lbbd.gov.uk/9-council/standards-committee/standards-committee.html">http://www.lbbd.gov.uk/9-council/standards-committee/standards-committee.html</a>. This site was developed during the last year.</p> <p>The Standards Committee is chaired by an Independent Member, Fiona Fairweather, who qualified as a solicitor and has worked as a law lecturer in the borough for nearly 25 years. She is now Dean of the Law School and a member of the University Management Team at the University of East London.</p> <p>As well as the Chair, the membership of the Standards Committee comprises four elected Members – Councillors Mrs Flint (who is the Deputy Chair), N Gill, Jamu and Mrs Northover – and four further Independent Members - Frank Dignan, Kevin Madden, Delbert Sandiford and Jennifer Spearman. Independent Members are appointed for a period of not more than four years and cannot be re-appointed to the Standards Committee until the expiry of at least two years.</p> <p>The roles and functions of the Standards Committee were changed by the Local Government and Public Involvement in Health Act 2007, which includes provision for complaints against elected Members to be assessed and dealt with locally, as opposed to them being sent to the Standards Board for England, as it was then known (now called Standards for England). The Standards Committee (England) Regulations 2008 came into force on 8 May 2008 and govern the assessment and review processes, investigations, hearings and appeals.</p> <p><b>Member complaints between May 2009 and March 2010:</b></p> <p>When reporting to Assembly on 13 May 2009, two of the thirteen complaints that had been received between June 2008 and April 2009 were under investigation. Following the investigations, one was found not to have breached the Code of Conduct and the other went to a hearing where the Code of Conduct was found to have been breached. The subject Member was granted leave by the Adjudication Panel for England to appeal against that decision and the Tribunal reached its decision on 18 February 2010, upholding the appeal.</p>	

In the last ten months (and up to the time of drafting this report) twelve formal complaints against Members of the Council have been received and assessed. Of these, eight were made by members of the public, one by an employee and three by other elected Members. The outcomes are as follows:

- Five were found not to amount to a breach of the Code of Conduct on the facts as alleged. On one of those matters, the complainant exercised the right to request a review. A review sub-committee, made up of different membership to that of the assessment sub-committee, upheld the assessment sub-committee's decision that there was no evidence of a breach of the Code of Conduct. One other matter is subject to review.
- Two were referred to the Monitoring Officer for other action, which consisted of each subject Member being asked to make a formal written apology to the complainant. In each case the sub-committee also suggested that the subject Members undertake additional training.
- Three were referred to the Monitoring Officer for investigation. One of the investigations has been completed and the matter has been referred for hearing on 26 March 2010. The investigations on the other two matters are ongoing.
- Two have been deferred by agreement with the complainant.

The figures indicate that the majority of complaints are made by members of the public. Any number of complaints is a cause of concern and numbers are quite high. The Committee would remind Members that they are generally held in high regard by members of the public and expectations of standards of behaviour are equally high.

#### **Nature of the complaints:**

Many of the complaints relate to alleged breaches of paragraph 3 (1) of the Code of Conduct for Members which requires members to 'treat others with respect' and paragraph 5 of the Code which provides that a Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. These are certainly the most common areas. The Guidance issued by Standards for England recognises that in conducting council business a certain level of robust political engagement is to be expected and will not infringe the Code. However, where conduct crosses the line into abusive forms of behaviour, the Code is likely to be engaged. The Standards Committee is tasked with making very careful and difficult decisions in relation to the complaints coming before them as to whether the Code of Conduct is engaged in any particular instance. The Committee is also particularly mindful, as is referred to in Standards for England Guidance, of the cost of dealing with complaints, and will only commit to an investigation where they consider that, on the face of it, the cost of doing so appears to be justified. Seemingly frivolous or tit for tat type complaints are generally not pursued. Where no action is decided, the complainants do have a right of review and that is an opportunity for them to submit further evidence.

Attached at Appendix 2 is a schedule of the various sub-committee meetings that have taken place during the last ten months, which shows how membership of the sub-committees is rotated.

The time taken at the various sub-committee meetings dealing with individual complaints varies considerably. From cases to date:

- assessments and reviews may take anything from ten minutes to an hour or two;
- consideration of Investigating Officer's reports, from forty minutes to an hour or two;

- we have completed one hearing where six hours was spent, though further time was taken in relation to the appeal.

None of the above times, however, include the preparation of documentation nor the time taken by the members of the sub-committees and relevant officers in reading that documentation and preparing for meetings. The overall workload for the Monitoring Officer and her staff has been quite high over the past year.

### **Annual review of policies and procedures:**

The Standards Committee also reviews, on an annual basis, all policies and procedures relating to ethical standards and various codes, policies and protocols.

- **The Members' Code of Conduct** - the Committee received a report updating them on the operation of the Code of Conduct generally and specifically in relation to the provision for complaints against elected Members to be locally investigated. A revised Members' Code of Conduct has been awaited from central government but Standards for England have recently advised that the proposed revisions will not be laid during this Parliamentary session.
- **The Members' Code of Conduct for Licensing and Regulatory Matters** – the Committee received and noted a report that there have been no breaches of this Code and that it remains fit for purpose. It was noted that the Council's Licensing Policy, in accordance with the Licensing Act 2003, is currently under review and on completion will be presented to the Assembly for approval and adoption.
- **The Members' Code of Conduct for Planning Matters** – the Committee received and noted a report that there have been no breaches of this Code and that it remains fit for purpose. It was noted that this Code is an issue in a current complaint.
- The Committee agreed to continue the use of the **Benefits Fraud Policy** without change for a further year and requested that officers provide a report to the Committee annually detailing the rate of success of investigations and prosecutions.
- **Anti-Fraud and Corruption Policy and Strategy** – the Committee noted a report and agreed the revised Strategy. The Committee further noted that specific action has been taken to increase awareness amongst staff and Members in strengthening pro-active anti-fraud measures.
- **Standards for Members of the Public (Volunteers) Undertaking Council Activities** – the Committee received and noted a report and agreed the continued use of these Standards.
- **The Whistle Blowing Policy and the Whistle Blowing Policy for Schools, a proposed Money Laundering Policy and the Rules for Conferences, Hospitality and Visits** are scheduled to be reviewed by the Standards Committee at its next meeting.

Deloitte and Touche (on behalf of internal audit) carried out an audit of ethical governance at the Council, reviewing the Codes of Conduct, policies and protocols. A report was received by the Committee which provided management with "Substantial assurance" regarding the system of internal control over Ethical Governance. The Committee very much welcomed the audit and the report, as it provided a valuable assessment of our current arrangements.

As part of its yearly work programme the Committee also received annual reports from the Monitoring Officer and the Head of Human Resources.

The Committee also had occasion to require a Member to attend a Standards Committee meeting to explain his failure to provide the Monitoring Officer with a signed statutory declaration which all Members had been required to complete. The Committee are quite alarmed that not all Members take this kind of thing as seriously as they ought to and that the Monitoring Officer often has to write round several times to obtain responses. The Committee will continue to name and shame and expect any Member to attend the Committee when they feel enough reasonable opportunities have been given.

### **Training:**

Following publication of the Standards Committee (Further Provisions)(England) Regulations 2009, the Standards Committee met to consider guidance issued by Standards for England on Dispensations and Joint Standards Committees.

A training session was also set up in January 2010 for the Committee to watch and then discuss the Standards for England Assessment training DVD.

The Chair of the Standards Committee will develop a Committee Learning Plan in conjunction with the Member Development Officer early in the new municipal year. This will identify any learning requirements for the Committee and create an action plan to meet these. Because of the forthcoming local election, it is expected that there will be some new Committee Members and the plan will incorporate their training needs. This plan will be reviewed quarterly to ensure that it is updated to incorporate any legislative or regulatory changes or subsequent membership changes to the Committee.

All Member training in relation to Standards has been provided through briefings at pre-Assembly Briefings and at all Member training sessions. In June 2009 Data Security was the topic of the pre-Assembly Briefing and this was followed up in November with a more detailed session on Data Protection for the Councillor role. Members' Interests and Lawful Decision Making was covered in the pre-Assembly Briefing held in June.

Independent Members of the Standards Committee are working closely with the Member Development Officer regarding training to be provided to all Members of the Council following the Council Elections on 6 May 2010. An introduction to the Code of Conduct will be provided by the Monitoring Officer at the Members' Induction event to be held on 12 May prior to new Councillors being asked to sign the Code. All Member training on Standards and Ethics is planned for 9 June 2010. This session is to be led by the Monitoring Officer with contributions from Independent Members of the Standards Committee and the Legal Practice.

<b>Contact Officer:</b>  Margaret Freeman	<b>Title:</b>  Senior Democratic Services Officer	<b>Contact Details:</b>  Tel: 020 8227 2134 Fax: 020 8227 2171 E-mail: <a href="mailto:margaret.freeman@lbbd.gov.uk">margaret.freeman@lbbd.gov.uk</a>
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**Consultees:**

The following were consulted in the preparation of this report

- Fiona Fairweather, Chair of the Standards Committee
- Nina Clark, Monitoring Officer/Divisional Director of Legal and Democratic Services
- Winston Brown, Deputy Monitoring Officer/Legal Partner

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

- Agendas and minutes of Standards Committee meetings 2009/10

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**THE STANDARDS COMMITTEE**

1. Promoting and maintaining high standards of conduct by Members and employees.
2. Advising on the adoption, or revision of a Code of Conduct for Members.
3. Arranging Member training, as necessary, in relation to the Code of Conduct for Members.
4. Monitoring the operation of the Code.
5. Advising on the adoption or revision of a Code of Conduct for Employees.
6. Considering any general matters referred by Standards for England.
7. Considering any matters specifically referred by Ethical Standards Officers (working on behalf of the national Board) on findings of investigations.
8. Considering any matters where allegations of breaches of the Members' Code of Conduct have been referred to the Monitoring Officer for investigation
9. Considering the local determination of all such matters referred to in 7 and 8.
10. Appointing sub-committees to:
  - 10.1. carry out an initial assessment of formal complaints of Member misconduct and to review, at a complainant's request, any decision made by a sub-committee who dealt with an initial assessment.
  - 10.2. receive reports from the Monitoring Officer following investigation of complaints and determine cases and, where necessary, to (i) carry out a formal hearing as part of this process, and (ii) where failure to comply with the Code of Conduct has been found, impose upon the Member concerned any one of or any combination of sanctions as set out in Regulation 19 of The Standards Committee (England) Regulations 2008.
  - 10.3. with the agreement of the Chair of the Standards Committee, to consider any other items of Standards Committee business which are urgent.
11. Advising on "Whistleblowing" and any other procedures or policies associated with proprietary and/or ethical standards and receiving and considering any reports arising from, or concerned with, such procedures or policies.

Terms of Reference of the Standards Committee – taken from Part C of the Council Constitution

12. Receiving and considering any reports of concern from the Chief Executive, the Monitoring Officer, the Divisional Director of Legal & Democratic Services, the Head of Human Resources, or the Divisional Director of Corporate Finance associated with conduct or probity issues.
13. Granting dispensations under the Standards Committee (Further Provisions) (England) Regulations 2009 (requirements relating to Members' interests as set out in the Code of Conduct).
14. Considering and determining any appeals further to the Monitoring Officer's determination of a complaint concerning an alleged breach by a Member of the Member/Employee Relations Protocol, in accordance with the provision within that document.
15. Making appropriate recommendations to the Assembly.

*(Contact Officer: Group Manager, Democratic Services: Tel: 020 8227 2135)*

STANDARDS COMMITTEE

SCHEDULE OF SUB-COMMITTEE MEETINGS AND MEMBERS' ATTENDANCE 2009/2010

- KEY**
-  Member of sub-committee
  -  Chair of sub-committee

Date	Mrs Fairweather	Cllr Mrs Flint	Cllr N S Gill	Cllr IS Jamu	Cllr Mrs Northover	Frank Dignan	Jennifer Spearman	Kevin Madden	Delbert Sandiford
2 July 09 Consideration Sub-Committee									
21 July 09 Hearing Sub-Committee									
6 Aug 09 Assessment Sub-Committee (two matters)									
6 Aug 09 Assessment Sub-Committee									
12 Aug 09 Hearing Sub-Committee									
24 Sept 09 Hearing Sub-Committee									
5 Nov 09 – Hearing Sub-Committee									
5 Nov 09 – Assessment Sub-Committee									

APPENDIX 2

Date	Mrs Fairweather	Clr Mrs Flint	Clr N S Gill	Clr IS Jamu	Clr Mrs Northover	Frank Dignan	Jennifer Spearman	Kevin Madden	Delbert Sandiford
17 Dec 09 – Consideration Sub-Committee									
17 Dec 09 – Review Sub-Committee									
14 Jan 10 – Pre-hearing Sub-Committee									
2 Feb 10 – Assessment Sub-Committee (two matters)									
25 Feb 2010 – Assessment Sub-Committee (four matters)									
4 March 2010 – Reconvened Assessment Sub-Committee									
4 March 2010 – MC9/08 – Hearing Sub-Committee									
4 March 2010 – Assessment Sub-Committee (two matters)									
15 March 2010 – Assessment Sub-Committee									
26 March 2010 – Hearing Sub-Committee									
27 April 2010 – Re-convened Assessment Sub-Committee									

# THE ASSEMBLY

24 MARCH 2010

## REPORT OF THE CORPORATE DIRECTOR OF FINANCIAL AND COMMERCIAL SERVICES

<b>Annual Report of the Barking and Dagenham Partnership 2009/10</b>	<b>For Information</b>
<p><b>Summary</b></p> <p>Following the end of the year 2009/10, Barking and Dagenham Partnership will summarise its progress over the year in the form of an Annual Report. Due to the election, the presentation of this report to Assembly has been moved forward. Accordingly, this report sets out an early overview of the key areas of work advanced by the Partnership for the year 2009/10, and includes reference to structural changes to the Partnership, performance monitoring against the Local Area Agreement, and communication of partnership activity.</p> <p>The Barking and Dagenham Partnership is the borough's Local Strategic Partnership, and exists as a mechanism for ensuring that all agencies work together to improve the quality of life for Barking and Dagenham residents. It has been in existence for nine years. The local authority continues to provide strategic and operational drive and support to the Partnership through the engagement and participation of the Leader of the Council and Executive portfolio holders, Chief Officers and Senior Managers and support staff. The year closes with the Partnership agreeing a revised Governance Framework which sets out the current position with regard to Partnership governance and provides a starting point for further work to ensure that future governance of the Partnership meets the needs of the years ahead.</p> <p>The role of the Partnership is gaining increasing priority through legislation aimed at delivering the Government's localism agenda, the requirement for improved performance through the delivery of Local Area Agreements, and a greater focus on partnership working in CAA and other partners inspection regimes. The Partnership has a responsibility to report its performance to the Government against the indicators and targets contained within the Local Area Agreement, and a summary of performance and headline successes is contained in the report. The Partnership has made changes to its thematic Board structure in the past year to better reflect these new responsibilities:</p> <ul style="list-style-type: none"><li>• reshaping of the Healthy Borough Board into the Health and Wellbeing Board</li><li>• reshaping of the Business Jobs and Skills Board and merger with the Barking and Dagenham Enterprise Board to create a new Skills, Jobs and Enterprise Board</li></ul> <p>The report also highlights work that has been undertaken during the year to improve the Partnership's communications activities. Alongside the two Partnership</p>	

Conferences that were held in November and June, the Partnership has developed a new website which will become a more central resource for all partners to engage in the work of the Barking & Dagenham Partnership.

**Wards Affected:** All Wards

### **Recommendation(s)**

The Assembly is recommended to note and endorse the contents of the report.

### **Reason(s)**

In line with the Council's Constitution and role as Accountable Body to the Local Strategic Partnership the Assembly are asked to receive and endorse an annual report on Partnership activity.

### **Implications**

#### **Financial**

The Local Authority provides the Accountable Body function for the Barking and Dagenham Partnership and is accountable for the effective deployment of resources which are allocated to the Council for spend on Partnership activity, including the Area Based Grant. Financial processing and auditing carried out in line with corporate standards.

#### **Legal**

The Barking and Dagenham Partnership exists as an Unincorporated Association and all contractual issues are undertaken in accordance with corporate standards

#### **Risk Management**

Within the Governance Framework for the Partnership there is a duty upon the Policy and Partnership Team to keep a risk register of activity appertaining to the Partnership Board structure and sub-structure. This is being drawn up, and will be reported to the Public Service Board in June, and be available for inspection at all times thereafter. An overview will form part of the eventual Annual Report.

#### **Staffing**

The Partnership is co-ordinated and supported by the Policy and Partnerships team within the Strategy and Performance Division. Additional support to the Boards is provided by the Democratic Services function within Legal and Democratic Services. Other resources are provided by the Council and partners to support the work of the Partnership boards.

#### **Customer Impact**

The Partnership is responsible for delivering the Community Plan for Barking and Dagenham, which is the borough's overarching vision for improvements in the quality of life for local communities. By improving services jointly, all partners aim to ensure that customer experience is enhanced, and the Partnership provides a

mechanism for ensuring that services and policies are subject to external scrutiny for their impact on different groups within the community.

### **Safeguarding Children**

The Local Safeguarding Children’s Board (LSCB) as well as undertaking a specific independent function reports to the Children’s Trust and all partners are encouraged to take due notice of safeguarding issues within the delivery of their relevant action plans. The LSCB annual report is submitted to the Public Service Board and actions arising are agreed and monitored.

### **Crime and Disorder**

The Safer Borough Board operates as the statutory Crime and Disorder Reduction Partnership for Barking and Dagenham. As well as ensuring, therefore, that action is taken to reduce crime and the perception of crime on the part of residents of the borough, the leadership that the board exerts within the Partnership ensures that other areas of delivery, such as health, economic development and cohesion, also contribute to reductions in crime and disorder, and improved feelings of safety for borough residents.

### **Property / Assets**

The Partnership does not own any property or assets within its own right. Any property or assets owned by partner agencies should be covered within that body’s own regulation in relation to asset registration and management.

### **Options appraisal**

As part of the Partnership’s Governance Framework there is provision to review the structure and working arrangements of the Partnership. In line with current legislative requirements the borough will continue to require an LSP to deliver its Community Plan.

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<b>Report Author:</b>  Riley Cullum	<b>Title:</b>  Policy and Partnerships Officer, Financial and Commercial Services	<b>Contact Details:</b>  Tel: 020 8227 2244 Fax: 020 8227 E-mail: <a href="mailto:riley.cullum@lbbd.gov.uk">riley.cullum@lbbd.gov.uk</a>

Councillor Liam Smith	Lead Member of the Barking and Dagenham Partnership	<b>Contact Details:</b> Tel: 020 8595 7994 E-mail: <a href="mailto:leader@lbbd.gov.uk">leader@lbbd.gov.uk</a>
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## 1. Barking and Dagenham Partnership – Background

- 1.1 The Barking and Dagenham Partnership was established as the Local Strategic Partnership for the Borough in April 2001 in response to the introduction of Government legislation on the creation of Sustainable Communities and Neighbourhood Renewal. It has operated over the past nine years evolving its structure in line with government guidance and in response to local priority.
- 1.2 The Partnership provides a strategic and operational forum for the key stakeholders in the Borough to facilitate the delivery of the Community Plan (our Sustainable Community Strategy) to “work together for a better borough, that is safe, clean, fair and respectful, prosperous, healthy, and where our young people are inspired and successful.” The principal mechanism for monitoring delivery of this aim is through the borough’s Local Area Agreement.
- 1.3 In addition to the role played by the local authority, key stakeholders include major public sector organisations such as the police, NHS Barking and Dagenham, the London Fire Service, regional government agencies like Job Centre Plus and the London Probation Service, further and higher education providers like Barking and Dagenham College, the third sector and business partners.

## 2. Structural Changes to the Partnership

- 2.1 The basic Structure of the Partnership structure is attached as Appendix 1. The senior decision-making body is the Public Service Board, chaired by the Chief Executive and attended by the Leader of the Council, and with board-level representation from major statutory partners and the third and business sectors. There are six thematically-aligned Partnership Boards, each delivering on one of the six community priorities.
- 2.2 Whilst the basic structure has remained unchanged over the past year, there have been changes to the operation of two of the thematic Boards necessitated by strategic re-alignment of priorities and the impact of the economic recession.
  - the Healthier Borough Board has been re-named the Health and Wellbeing Board to refocus its work around delivery Health and Wellbeing Strategy; and
  - the Business Jobs and Skills Board has been renamed the Skills, Jobs and Enterprise Board which takes account of a review of economic development, its merge with the Barking and Dagenham Enterprise Board, and the new statutory duty to undertake an economic self assessment.

## 3. Performance Management of the Local Area Agreement

- 3.1 Barking and Dagenham’s Local Area Agreement, agreed in 2008 and running until 2011, is made up of some 46 indicators containing 50 measures in all. There are 29 principal indicators that have been agreed with Government and on which our core



performance is measured, 8 statutorily-required indicators relating to the work of the Department for Children, Schools and Families, and 9 local indicators.

- 3.2 Responsibility for achieving the targets set against each of the indicators is devolved to the Partnership's thematic Boards. The Public Service Board approved a new Performance Management framework in September 2009 to provide greater consistency and focus, and whereby each of the thematic Boards receives a quarterly performance report containing a performance dashboard with a traffic light ("RAG", Red, Amber, Green) rating, an overview commentary and an Improvement Plan for any indicators being rated as underachieving or rated 'red'.
- 3.3 There are timelags on the data release of the majority of the indicators but as at December 2009, fifteen are currently RAG assessed as green, twelve are amber, eight are red, Of the remainder four have only baseline year data, and seven (mainly local indicators) have either no target set at present or are awaiting data release in order to make an assessment of performance.
- 3.4 The indicators rated as red and therefore at risk of non-achievement are:
- NI 4 % of people who feel they can influence decisions in their locality
  - NI 16 Serious Acquisitive crime rate
  - NI 40 Drug users in effective treatment
  - NI 51 Effectiveness of CAMHS services
  - NI 112 Under 18 conception rate
  - NI 152 Working age people on out of work benefits
  - NI 154 Net additional homes provided
  - NI 155 Number of affordable homes delivered
- 3.5 Improvement Plans have been completed for the above national indicators and they are being exception monitored by the Public Service Board as a standing item. Details of performance against all of the national indicators can be accessed via the link below.

<http://lbbd/council-perf-info/ni-performance/qtr2.htm>

An overview of current performance can always be found on the Partnership's website at <http://www.barkingdagenhampartnership.org.uk/laaperformanceintro>

- 3.6 In accordance with the Governance Framework and the Assembly's new scrutiny arrangements, the Partnership reports bi-annually to the four standing Select Committees on performance against the Local Area Agreement indicators within the remit of the relevant Board.

#### **4. Comprehensive Area Assessment**

- 4.1 The Comprehensive Area Assessment (CAA) report for Barking and Dagenham was published by the Audit Commission on 9 December. Whilst it was pleasing to note the award of a green flag for 'Creating an environmentally Sustainable and resilient borough' the borough was also awarded two red flags for 'Health outcomes and partnership working', and 'burglary, robbery and theft'.

- 4.2 As the CAA process revolves around a much more inclusive partnership approach to dealing with issues across the borough as a whole, the Partnership are taking a pro-active and leading role in reviewing these areas of underachievement, and putting in place remedial activity in order to have the red flags reviewed and removed. Work is also being undertaken in relation to two other thematic areas highlighted by the CAA report in relation to housing provision and skills levels.

## **5. Thematic Board – Key Activities**

- 5.1 Set out below within this section is a bullet point headline of the key activity ongoing within the six thematic Boards over the course of the past year, over and above the LAA action planning and performance monitoring responsibilities:

### **Children’s Trust**

- Disseminating and embedding recommendations from the Lord Laming Review
- Review and revision of Children and Young People’s Plan
- Development and championing of the borough’s Think Family approach
- Joint work with the National Support Team on Childhood Obesity
- Improving of safeguarding policy and practice in joint work with the Local Safeguarding of Children Board
- Approval of the Seen and Heard Engagement Action Plan
- Delivering integrated support services through localities
- Input to development and approval of the Sexual and Reproductive Health Strategy for Children and Young People 2008 -13 in conjunction with the Health and Wellbeing Board
- Absorbing and responding to changes in Ofsted regulation and links to the CAA process

### **Clean, Green and Sustainable Borough Board**

- Active lobbying role for the creation of a London Thames Gateway Heat Main transmission line from Barking Power Station to provide a future sustainable heating source to the Barking area.
- Developed and implementation of proposals to designate an area of Barking Town Centre as a Low Carbon Zone, utilising funding from the GLA.
- Development of a Joint Waste Plan in conjunction with East London Waste Authority in conjunction with the Local Development Framework process.
- Community engagement on waste and recycling, including a consultation and awareness raising event on environmental sustainability with the B&D Youth Forum 5-12 Year Group.

### **Safer Borough Board**

- Undertaking the strategic assessment of crime and disorder between September and December and agreed the following priorities for 2010/11:
  - Domestic violence
  - Other violence
  - Knife Crime

- Personal robbery
- Burglary including distraction burglary
- Hate Crime (with greater priority given to racist hate)
- Anti-social Behaviour (with greater priority on public space disorder and alcohol related ASB)
- Holding two 'Face the People' events in March and November 2009 to consult upon priority development and feedback on action from the previous year's Strategic Assessment Action Plans
- A enhanced focus on violence against women, which is now being taken forward by a Domestic Violence Strategic Group
- Development of joint needs assessments for both adults and young people to inform drug and alcohol commissioning plans for the year ahead

### **Stronger Borough Board**

- Input to development of the third sector strategy lead by B&D Council for Voluntary Services and ensuring that it received wider engagement through the Partnership Conference
- Developing a more co-ordinated plan of action around the three key strands of 'Bringing People Together', 'Communications', and 'Consultation and Engagement', in order to impact more effectively on key LAA indicators;
- Promotion and development of Intergenerational activities
- Oversight of the Preventing Violent Extremism draft Action Plan

### **Skills, Jobs and Enterprise Board**

- Review of Economic Development delivery leading to reshaping of the former Business, Jobs and Skills Board structure and merger with the Barking and Dagenham Enterprise Board
- Development of a Single Programme for the delivery of economic development and the Local Area Agreement within the remit of the Board
- Widening participation and promotion of the Apprenticeship Scheme
- Undertaking a Business survey and following it up with a regular temperature check to obtain vital intelligence on the business perspective through the recession and to assist in planning future business needs
- Developing and implementing proposals for the Retail Partnership project and Shopping Parade improvements

### **Health and Wellbeing Board**

- Production of the first joint Health and Wellbeing Strategy, including:
  - Identifying and sharing joint intelligence
  - Agreement of ten priorities which reflect the current local risk factors that most impact on health inequalities in terms of physical and mental health and opportunities for achieving life potential and independence
  - Development of a Board sub-structure and Action Plans to deliver each of the identified priorities
- Overseeing and co-ordinating the refresh of the Barking and Dagenham Joint Strategic Needs Assessment

- Input to the creation of the Tackling Social Exclusion Partnership Group aimed at providing joined up services to target user groups covered by PSA 16 Social Exclusion
- Input to development and approval of the Sexual and Reproductive Health Strategy for Children and Young People 2008 -13 in conjunction with the Children's Trust

## **6. Partnership Communications**

Partnership conferences are a key mechanism for ensuring that the broadest cross-section of community and voluntary sector agencies have the opportunity to challenge and contribute to the work of the Partnership.

### **Conference: Summer 2009**

- 6.1 The summer Partnership Conference took place on 11 June 2009. The theme was 'A Barking & Dagenham Life' and it aimed to connect people to the outcomes for residents as described in the Comprehensive Area Assessment Self-Evaluation.
- 6.2 The conference was attended by over 260 delegates, and over 40 exhibitors presented their services. Attendance was slightly down from the 310 people who indicated that they would attend, but held up well in the face of a tube strike and local road closures for maintenance. This was the best-attended conference the Partnership has run.
- 6.3 With its theme of 'A Barking and Dagenham Life', the conference showed presentations from the new Leader of the Council, Cllr Liam Smith; Rob Whiteman, Chief Executive of the Council, and Stephen Langford, Chief Executive of NHS Barking & Dagenham.
- 6.4 Delegates were then taken through three themed zones, focusing respectively on Children and Families, Working Age Adults and Older People. Actors from the ARC Theatre group played out a variety of life stories incorporating the services from the organisations in the zoned areas by means of introduction, and then people were encouraged to network and visit the stalls.

### **Conference: Autumn/Winter 2009**

- 6.5 The Autumn/Winter Barking and Dagenham Partnership Conference was held on 2 December 2009 at the Boothroyd Hall, Castle Green Complex. The theme of the conference was 'Creating an environment for a thriving Third Sector', and the event was hosted by the Barking and Dagenham Council for Voluntary Service in conjunction with the Policy and Partnerships Team.
- 6.6 The event attracted an attendance of 162 people, which is comparable with previous Autumn/Winter conferences run by the Partnership.
- 6.7 The programme contained a mixture of formal keynote presentation, a workshop session focused on thematic strands of the revised Third Sector Strategy, and shorter informative presentational slots in relation to current events and projects affecting the wider partnership.

- 6.8 Key note presentation was provided by Dinah Cox OBE, Commissioner, NACVO Funding Commission, and Irene Lucas MBE, Director-General, Regeneration and Communities, Department of Communities and Local Government.

## **Partnership Website and Community TV**

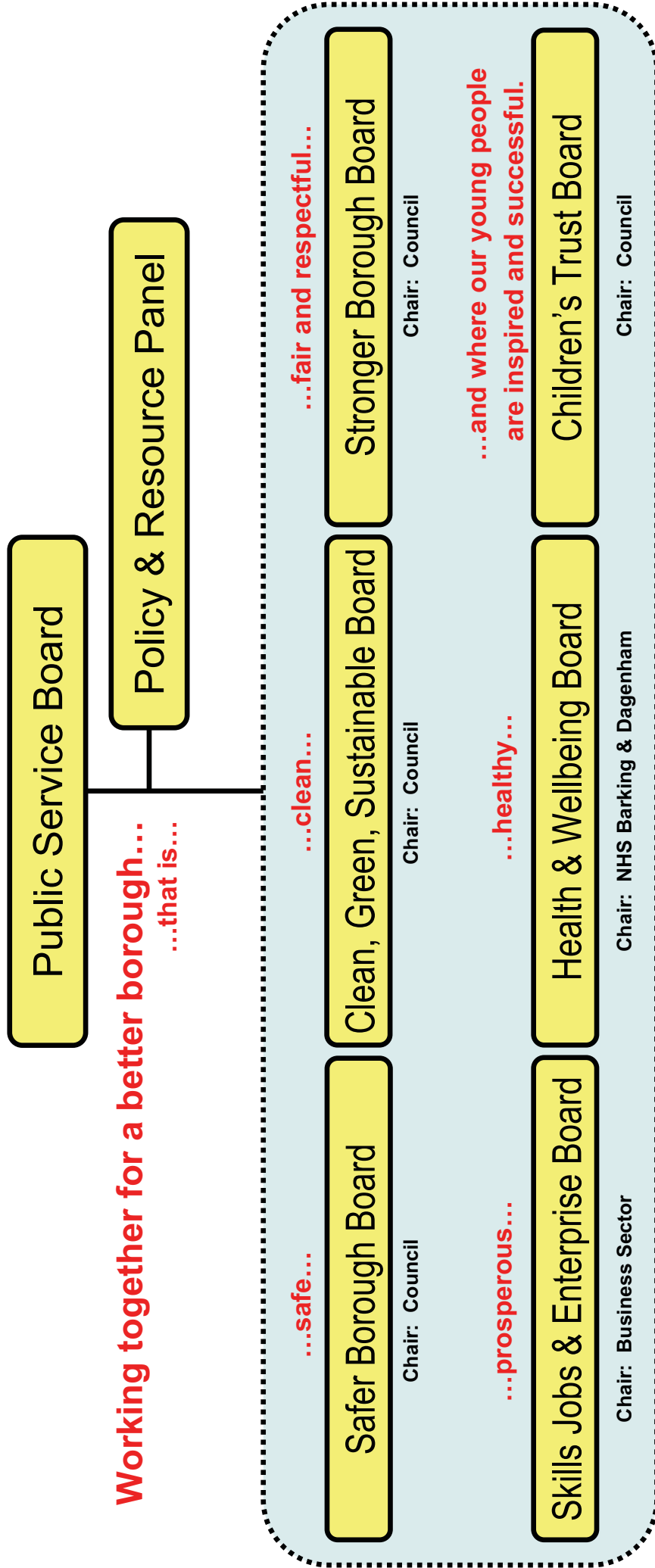
- 6.9 Following joint work between the communications teams for the Council, PCT, Police and third sector, and led by the Council's Partnerships team, the new Partnership website is now live and available to use. The site is much more engaging and contains many more pages, including pages allocated to each Board which will, in time, become a key resource for people who are not board members to see what the Partnership has been doing, and find out about how they can influence its work. Performance, governance and membership documentation are all available on the site, which is managed through the Partnerships team in consultation with communications colleagues. Although a website cannot be the sole means of communication, it is a crucial tool for opening up the Partnership to more people, to ensure that its work meets the needs of the borough more effectively.
- 6.10 In February the Partnership also launched Community TV, a resource through which partner agencies can communicate key messages to the general public in busy locations across the borough. The initial 10 screens are in places such as Asda, Morrisons, and McDonalds as well as some health buildings. The project is in its early stages, and work is underway on planning the next wave of short films which will be shown on the screens in the coming months.
- 6.11 Both of these developments give the Partnership a stronger role in supporting partner agencies' communications to residents, as well as providing important mechanisms by which partners who are not formal board members can be more engaged in the work of the Partnership and can exert greater influence upon it.

## **7. Background Papers used in the preparation of this report**

Children's Trust Agenda – 02.06.09  
Children's Trust Agenda – 14.07.09  
Children's Trust Agenda – 08.09.09  
Children's Trust Agenda – 20.10.09  
Children's Trust Agenda – 01.12.09  
Clean, Green Sustainable Borough Board Agenda – 16.07.09  
Clean, Green Sustainable Borough Board Agenda – 15.10.09  
Clean, Green Sustainable Borough Board Agenda – 21.01.10  
Health and Wellbeing Board Agenda – 26.05.09  
Health and Wellbeing Board Agenda – 28.07.09  
Health and Wellbeing Board Agenda – 24.11.09  
Health and Wellbeing Board Agenda – 03.02.10  
Safer Borough Board Agenda – 05.05.09  
Safer Borough Board Agenda – 09.07.09  
Safer Borough Board Agenda – 07.09.09  
Safer Borough Board Agenda – 10.11.09  
Safer Borough Board Agenda – 19.01.10

Business Jobs and Skills Board Agenda – 18.05.09  
Business Jobs and Skills Board Agenda – 05.10.09  
Skills Jobs and Enterprise Board Agenda – 08.02.10  
Stronger Borough Board Agenda – 08.05.09  
Stronger Borough Board Agenda – 23.07.09  
Stronger Borough Board Agenda – 19.11.09

# Structure



**Barking & Dagenham Partnership**



INVESTOR IN PEOPLE



2008-2009  
Tackling Climate Change



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