

Notice of Meeting

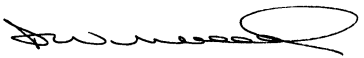
ASSEMBLY

Wednesday, 21 July 2010 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor M Hussain
Deputy-Chair: Councillor J Davis

Date of publication: 13 July 2010



David Woods
Acting Chief Executive

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AGENDA

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

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 19 May 2010 (Pages 1 - 22)**
4. **Appointments**
5. **Response to Petition - Communal Digital / Satellite TV System (Pages 23 - 36)**
6. **Council Constitution (Pages 37 - 69)**
7. **Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBB (Pages 71 - 81)**
8. **Local Development Framework - Adoption of Core Strategy Development Plan Document (Pages 83 - 90)**

9. **Local Development Framework: Supplementary Planning Document “Saturation Point: Addressing the Health Impacts of Hot Food Takeaways” (Pages 91 - 126)**
10. **Treasury Management Annual Report 2009/10 and Amendments to the Treasury Management Strategy (Pages 127 - 135)**
11. **Motions**

None received.
12. **Leader's Question Time**
13. **General Question Time**
14. **Any other public items which the Chair decides are urgent**
15. **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.***

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

ASSEMBLY

Wednesday, 19 May 2010
(7:00 - 7:11 pm)

PRESENT

Councillor S Alasia	Councillor J L Alexander
Councillor S Ashraf	Councillor A Aziz
Councillor R Baldwin	Councillor G Barratt
Councillor P Burgon	Councillor L Butt
Councillor E Carpenter	Councillor J Channer
Councillor J Clee	Councillor H J Collins
Councillor Mrs L Couling	Councillor J Davis
Councillor R Douglas	Councillor C Geddes
Councillor N S S Gill	Councillor R Gill
Councillor D Hunt	Councillor M Hussain
Councillor A S Jamu	Councillor I S Jamu
Councillor E Kangethe	Councillor E Keller
Councillor G Letchford	Councillor M A McCarthy
Councillor J E McDermott	Councillor M McKenzie MBE
Councillor D S Miles	Councillor M Mullane
Councillor E O Obasohan	Councillor J Ogungbose
Councillor T Perry	Councillor B Poulton
Councillor H S Rai	Councillor A K Ramsay
Councillor L A Reason	Councillor C Rice
Councillor D Rodwell	Councillor T Saeed
Councillor A Salam	Councillor L A Smith
Councillor S Tarry	Councillor D Twomey
Councillor G M Vincent	Councillor J Wade
Councillor P T Waker	Councillor J R White
Councillor M M Worby	

APOLOGIES FOR ABSENCE

Councillor L Rice Councillor L R Waker

1. Appointment of Chair and Deputy Chair

Agreed the appointment of Councillor M Hussain as Chair and Councillor J Davis as Deputy Chair of the Assembly.

2. Declaration of Members' Interests

There were no declarations of interest.

3. Minutes (24 March 2010)

Agreed the minutes of the meeting of 24 March 2010 subject to the addition of the following paragraphs 12-21 to minute 81 in relation to the Health & Adult Services

Select Committee: Dementia Services Scrutiny Review:

- “12. That the Local Authority and health partners review the social, occupational and creative art therapies on offer across the Borough in different settings for dementia patients and to work towards services and resources that are fit for purpose, accessible to meet changing needs and are staffed by appropriately trained staff and volunteers representative of Barking and Dagenham’s diverse population. This review will need to take account of the impact of the personalisation of care services.
13. That transport needs of patients and their carers be assessed when reviewing patient and carer plans and tenders for non-emergency transport for dementia patients be regularly reviewed to ensure that they address the changing needs of patients and their carers.
14. That Transport for London be approached about a bus service along Goresbrook Road to improve public transport links to Cherry Orchard Nursing Home.
15. That health agencies and the Local Authority ensure that all service providers, including GPs, have an easily accessible patient pack/file available for ambulance and hospital staff setting out the resuscitation and medical intervention wishes of the patient and their families. The Select Committee recognises that sharing of this information must be in line with data protection requirements.
16. That Barking, Havering and Redbridge University Hospitals NHS Trust review dementia training for all staff in its hospitals and assess whether all wards should have a designated dementia trained nurse and additional staffing, such as health care assistants, to help patients who are less co-operative in taking food and medication and to assist those with mobility problems, which may help prevent falls and infections.
17. That Barking, Havering and Redbridge University Hospitals NHS Trust review their arrangements for the provision of translators to help identify the needs of dementia patients whose first language is not English.
18. That Barking, Havering and Redbridge University Hospitals NHS Trust address the needs of dementia sufferers and carers in its safeguarding adults’ policy.
19. That, in line with suggestions from Barking, Havering and Redbridge University Hospitals NHS Trust, as part of a local action plan, NHS Barking and Dagenham develop proposals for improved liaison between specialist services which should include:
 - a monthly joint clinic with psychiatrists to be established so patient referrals can be dealt with efficiently and smoothly
 - NHS Barking and Dagenham and North East London Foundation Trust develop dementia link nurses to work with medical teams at King George’s and Queen’s Hospitals to improve patient care and

the voluntary sector be involved in this service, and

20. That the Local Authority, North East London Foundation Trust, Barking, Havering and Redbridge University Hospitals NHS Trust, NHS Barking and Dagenham review and improve arrangements for the transfer of dementia patients from hospital to ensure that they are speedily back in the comfort of their own homes in familiar surroundings.
21. That the Local Authority, North East London Foundation Trust, Barking, Havering and Redbridge University Hospitals Trust and NHS Barking and Dagenham, as part of their joint strategic plan for dementia services, set out their plans for end of life care and ensure health care professionals, including GPs, have appropriate training in relevant legislation, for example, the Mental Capacity Act.”

4. Appointments to the Political Structure and Other Bodies 2010/11

Received a report from the Corporate Director of Resources seeking to appoint Members to the various elements of the political structure and other internal and external bodies.

Agreed to elect Councillor Smith as the Leader of the Council for a fixed term of four years, and as such, his appointment as Chair of the Cabinet.

The Assembly noted the Leader’s appointment of his Cabinet as follows:

Councillor R Gill	Deputy Leader of the Council, and as such his appointment as Deputy Chair of the Cabinet and Cabinet Member for Children and Education
Councillor Alexander	Cabinet Member for Crime, Justice and Communities
Councillor Collins	Cabinet Member for Culture and Sport
Councillor Geddes	Cabinet Member for Finance, Revenues and Benefits
Councillor McCarthy	Cabinet Member for Regeneration
Councillor Reason	Cabinet Member for Health and Adult Services
Councillor Vincent	Cabinet Member for Environment
Councillor P Waker	Cabinet Member for Housing
Councillor White	Cabinet Member for Customer Services and Human Resources

Agreed the:

1. membership of the various Council meetings (Appendix A);
2. appointment of Chairs and Deputy Chairs and Lead and Deputy Lead Members, and statutory Co-opted Members (Appendix B);
3. appointment of representatives on various internal and external bodies (Appendix C);
4. appointment of Trustees of Local Charities (Appendix D).

Members noted a number of vacancies referred to in the various appendices, the

filling of which will be reported to a future meeting.

5. Members' Allowances Scheme 2010/11

Received and noted a report from the Corporate Director of Resources.

Agreed the inclusion of the post of Chief Whip within the Members' Allowances Schedule.

6. * Welcome to all Members of the Council

The Leader of the Council welcomed and congratulated all Members of the Council following their election.

7. * Barking Rugby Club and Dagenham & Redbridge Football Club

The Assembly was pleased to:

1. pass best wishes and congratulations to Barking Rugby Club following promotion to National League 1, which makes them the highest standing rugby club in Essex, and
2. pass congratulations to Dagenham and Redbridge Football Club following their success in the first leg of the play off semi-final. The Assembly sends its best wishes to the Club for success in the second leg, following which the play off final will take place at Wembley Stadium.

(* The Chair agreed that these items could be considered at the meeting as a matter of urgency under the provisions of Section 100B (4) (b) of the Local Government Act 1972.)

MEMBERSHIP OF COUNCIL MEETINGS 2010/2011

THE ASSEMBLY

All 51 Councillors

THE CEREMONIAL COUNCIL

All 51 Councillors

DEVELOPMENT CONTROL BOARD – 22 Seats

Councillors I S Jamu (Chair), Poulton (Deputy Chair), Ashraf, Aziz, Butt, Clee, Douglas, Hunt, Hussain, Kangethe, Keller, Letchford, McCarthy (Cabinet Member for Regeneration), McDermott, Mullane, Obasohan, Ogungbose, Perry, Rai, Saeed, Salam and Wade

LICENSING AND REGULATORY BOARD – 10 Seats

Councillors L Waker (Chair), Miles (Deputy Chair), Aziz, Douglas, Kangethe, Obasohan, Perry, Poulton, Rai, and Saeed

PERSONNEL BOARD – 9 Seats (3 Members per board)

Councillors Burgon (Chair), Alasia (Deputy Chair), N Gill, I S Jamu, Keller, Miles, Rai, Reason and P Waker

Each board meeting to comprise the Chair and Deputy Chair plus a third member from the overall panel. In the event that the Chair or Deputy Chair cannot attend a meeting, a further Member will be drawn from the panel. As far as possible, however, the Chair and Deputy Chair will attend all meetings for consistency.

STANDARDS COMMITTEE – 4 seats

Councillors Obasohan (Deputy Chair), I S Jamu, Perry and Saeed

Independent Members of the Standards Committee have been appointed for four year terms as follows:

Mr F Dignan (1 January 2008 – 31 December 2011)

Mrs F. Fairweather (11 October 2006 – 10 October 2010)

Mr K Madden (14 May 2008 – 13 May 2012)

Mr D Sandiford (14 May 2008 – 13 May 2012)

Jennifer Spearman (1 January 2008 – 31 December 2011)

CHILDREN'S SERVICES SELECT COMMITTEE - 9 Seats

Councillors L Rice (Lead Member), Kangethe (Deputy Lead Member), Couling, Douglas, Letchford, Obasohan, Perry, Poulton, and Tarry

Co-opted Members (for education matters):

Church representatives: Reverend R. Gayler - representing the Church of England
Mrs G. Spencer - representing the Roman Catholic Church

Parent Governor representatives: **Vacant** (Primary)
Mrs Tina Woodhouse (Secondary)

HEALTH AND ADULT SERVICES SELECT COMMITTEE – 9 Seats

Councillors Twomey (Lead Member), Ashraf (Deputy Lead Member), Alasia, Aziz, Clee, Rai, C Rice, Salam and Wade

LIVING AND WORKING SELECT COMMITTEE – 9 Seats

Councillors Ogungbose (Lead Member), Perry (Deputy Lead Member), Aziz, Baldwin, Channer, Davis, A S Jamu, Letchford and Tarry

SAFER AND STRONGER COMMUNITY SELECT COMMITTEE – 9 Seats

Councillors Rodwell (Lead Member), Butt (Deputy Lead Member) Ashraf, Clee, Keller, Letchford, Mullane, Perry and Worby

PUBLIC ACCOUNTS AND AUDIT SELECT COMMITTEE – 6 Seats made up of each of the Lead Members of the four other Select Committees plus two additional Councillors

Councillors Saeed (Lead Member), A S Jamu (Deputy Lead Member), Ogungbose, L Rice, Rodwell and Twomey

COMMUNITY HOUSING PARTNERSHIPS 2010 / 2011

ABBEY, GASCOIGNE AND THAMES (9 Councillors – 6 with voting rights)

Councillors Butt*, Hussain and Saeed* (Abbey)
Councillors Ashraf*, Aziz* and Twomey (Gascoigne)
Councillors Channer*, Geddes and Poulton* (Thames)

DAGENHAM GATEWAY (RIVER, VILLAGE AND GORESBROOK)

(9 Councillors – 6 with voting rights)

Councillors I S Jamu*, Keller* and Smith (River)
Councillors Mullane*, L Waker* and P Waker (Village)
Councillors Clee*, Couling and Letchford* (Goresbrook)

EASTBROOK, HEATH AND ALIBON (9 Councillors – 6 with voting rights)

Councillors Burgon*, McCarthy and Ramsay* (Eastbrook)
Councillors Miles*, Reason* and Vincent (Heath)
Councillors Alasia*, Davis and Rodwell* (Alibon)

ELM (EASTBURY, MAYESBROOK AND LONGBRIDGE)

(9 Councillors – 6 with voting rights)

Councillors Alexander, McDermott* and Rai* (Eastbury)
Councillors Baldwin*, Barratt and Hunt* (Mayesbrook)
Councillors N Gill*, R Gill* and L Rice (Longbridge)

PARSLOES, BECONTREE AND VALENCE (9 Councillors – 6 with voting rights)

Councillors Collins, Kangethe* and C Rice* (Parsloes)
Councillors Carpenter, Douglas* and Ogungbose* (Becontree)
Councillors Obasohan*, Salam* and Worby (Valence)

WELLGATE (CHADWELL HEATH AND WHALEBONE)

(6 Councillors – 4 with voting rights)

Councillors McKenzie, Tarry* and Wade* (Chadwell Heath)
Councillors A S Jamu*, Perry* and White (Whalebone)

(Those Councillors with voting rights are identified by an asterisk)

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CHAIRS AND DEPUTY CHAIRS 2010/2011

	Chair	Deputy Chair
Assembly	Councillor Hussain	Councillor Davis
Ceremonial Council	The Mayor, Councillor N Gill, is automatically appointed as the Chair of the Ceremonial Council	The Deputy Mayor, Councillor Davis, is automatically appointed as the Deputy Chair of the Ceremonial Council
Cabinet	The Leader of the Council, Councillor Smith, is automatically appointed as the Chair of the Cabinet	The Deputy Leader of the Council, Councillor R Gill, is automatically appointed as the Deputy Chair of the Cabinet
Development Control Board	Councillor I S Jamu	Councillor Poulton
Licensing and Regulatory Board	Councillor L Waker	Councillor Miles
Personnel Board	Councillor Burgon	Councillor Alasia
Standards Committee	Mrs Fiona Fairweather	Councillor Obasohan
	Lead Member	Deputy Lead Member
Children's Services Select Committee	Councillor L Rice	Councillor Kangethe
Health and Adult Services Select Committee	Councillor Twomey	Councillor Ashraf
Living and Working Select Committee	Councillor Ogungbose	Councillor Perry
Safer and Stronger Community Select Committee	Councillor Rodwell	Councillor Butt
Public Accounts and Audit Select Committee	Councillor Saeed	Councillor A S Jamu
Community Housing Partnerships	Chair The Chair is either a Councillor or a tenant appointed annually by each Partnership Board.	Deputy Chair The Deputy Chair is either a Councillor or a tenant appointed annually by each Partnership Board.

STATUTORY CO-OPTED MEMBERS

**Children's Services Select
Committee**

**Church representatives
2010/2011**

Church of England
Rev R Gayler

Roman Catholic Church
Mrs G Spencer

**Parent Governor
representatives** (four
year appointments)

Secondary Schools
Mrs T. Woodhouse
(3 September 2008 – 2
September 2012)

Primary Schools (vacant)

COUNCIL REPRESENTATION ON VARIOUS INTERNAL AND EXTERNAL BODIES 2010/11

Key:

- CE - Chief Executive
 ACS - Adult and Community Services Department
 ChS - Children Services Department
 CuS - Customer Services Department
 FCS - Finance and Commercial Services Department
 Res - Resources Department

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Admissions Forum	5 Councillors (4 year appointments)	Cllr R Gill (May 2009-2013) Cllr Poulton (May 2010-2014) Cllr Rai (May 2010-2014) Cllr Saeed (May 2010-2014) Cllr Salam (May 2010-2014)	ChS Jane Hargreaves 020 8270 4818
Community Legal Advice Centre	2 Councillors	Cllr Keller Cllr Ogungbose	ACS Heather Wills – Ext 2786
Barking and Dagenham Council for Voluntary Services	Relevant Cabinet Member (Crime, Justice & Communities)	Cllr Alexander	ACS Heather Wills – Ext 2786

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Barking and Dagenham Partnership:			
• Public Service Board	Leader of the Council	Cllr Smith	FCS Cheryl King-McDowall Ext 2142
• Full Partnership (twice yearly conference style event)	Leader of the Council	Cllr Smith	FCS Cheryl King-McDowall Ext 2142
• Skills, Jobs and Enterprise Board	Relevant Cabinet Member	Cllr McCarthy	FCS Jeremy Grint Ext 2443
• Children's Trust	Relevant Cabinet Member	Cllr R Gill	ChS Meena Kishinani Ext 3507
• Clean, Green and Sustainable Borough Board	Relevant Cabinet Member	Cllr Vincent	CuS Andrew Yellowley Ext 5660
• Health and Wellbeing Board	Relevant Cabinet Member	Cllr Reason	ACS Karen Ahmed Ext 2331
• Safer Borough Board	Relevant Cabinet Member	Cllr Alexander	ACS Glynis Rogers Ext 2827
• Stronger Borough Board	Relevant Cabinet Member	Cllr Alexander	ACS Heather Wills – Ext 2786

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Corporation of Barking & Dagenham College	2 Councillors (4 year appointments)	Cllr Carpenter (Nov 2007 – 2011) Cllr Saeed (May 2010-2014)	ChS Alan Lazell 020 8724 8038
Barking Riverside Limited Board	Relevant Cabinet Member – Regeneration (observer status only)	Cllr McCarthy	FCS Jeremy Grint – Ext 2443
Broadway Theatre Company Ltd	Relevant Cabinet Member – Culture and Sport plus 2 Councillors	Cllr Collins Cllr Perry Cllr Letchford	ACS Paul Hogan - Ext 3576
Building Schools for the Future	Relevant Cabinet Members – Children & Education and Regeneration	Cllr R Gill Cllr McCarthy	ChS Helen Jenner– Ext 5800 Res: Sue Lees – Ext 3300
East London Housing Partnership	Relevant Cabinet Member - Housing	Cllr P Waker	CuS Stephen Clarke – Ext 3738
East London Waste Authority	Relevant Cabinet Member - Environment plus 1 Councillor	Cllr Vincent Cllr Letchford	CuS Andrew Yellowley – Ext 5660

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Employee Joint Consultative Committee	Relevant Cabinet Member – Customer Services & Human Resources plus 4 Councillors	Cllr White Cllr Davis Cllr Keller Cllr Ogungbose Cllr Rai	Res Martin Rayson - Ext 3113
Employee Joint Health, Safety and Wellbeing Committee	Relevant Cabinet Member –Environment plus 3 Councillors	Cllr Vincent Cllr Davis Cllr Keller Cllr Letchford	Res Martin Rayson - Ext 3113
Greater London Enterprise	Relevant Cabinet Member - Regeneration	Cllr McCarthy	FCS Jeremy Grint – Ext 2443
Local Development Framework Steering Group	The Leader of the Council, Relevant Cabinet Member(s) - Regeneration and Health & Adult Services (voting Members) The Chair and Deputy-Chair of the Development Control Board (non-voting)	Cllr Smith Cllr McCarthy Cllr Reason Cllr I S Jamu Cllr Poulton	FCS Jeremy Grint – Ext 2443

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Local Government Association			
• General Assembly	Leader Deputy Leader plus 2 Councillors	Cllr Smith Cllr R Gill Cllr Carpenter Cllr I S Jamu	FCS Cheryl King-McDowall Ext 2142
• Urban Commission	2 Councillors	Cllr Carpenter Cllr Saeed	FCS Jeremy Grint - Ext 2443
London Accident Prevention Council	2 Councillors (2 year appointment)	Cllr I S Jamu (May 2010-2012) Cllr Rai (May 2010-2012)	CuS Andrew Yellowley Ext 5660
London Borough of Barking and Dagenham Adoption and Permanence Panel	1 Councillor (3 year appointment)	Cllr Burgon (May 2010-2013)	ChS Chris Pelham - Ext 2233
London Councils			
• Association of London Government Limited	Deputy Leader (usually the Leader's Committee representative)	Cllr R Gill	FCS Cheryl King-McDowall Ext 2142

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
<ul style="list-style-type: none"> Children and Young People Forum 	Relevant Cabinet Member – Children and Education and 1 named deputy to be appointed by the Cabinet Member	Cllr R Gill Cllr Hunt	ChS Meena Kishinani – Ext 3507
<ul style="list-style-type: none"> Crime and Public Protection Forum 	Relevant Cabinet Member – Crime, Justice and Communities and 1 named deputy to be appointed by the Cabinet Member	Cllr Alexander Cllr Rai	ACS Glynis Rogers - Ext 2827
<ul style="list-style-type: none"> Culture, Tourism and 2012 Forum 	Relevant Cabinet Member – Culture and Sport and 1 named deputy to be appointed by the Cabinet Member	Cllr Collins Cllr Tarry	ACS Paul Hogan- Ext 3576
<ul style="list-style-type: none"> Economic Development Forum 	Relevant Cabinet Member - Regeneration and 1 named deputy to be appointed by the Cabinet Member	Cllr McCarthy Cllr Miles	FCS Jeremy Grint - Ext 2443

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
<ul style="list-style-type: none"> Grants Committee 	<p>Relevant Cabinet Member – Crime Justice and Communities</p> <p>Up to 4 named deputies (who must be Cabinet Members) to be appointed by the Cabinet Member</p>	<p>Cllr Alexander</p> <p>Cllr Collins Cllr Reason Cllr Vincent Cllr Geddes</p>	<p>ACS Heather Wills – Ext 2786</p>
<ul style="list-style-type: none"> Greater London Employment Forum 	<p>Relevant Cabinet Member – Customer Services and Human Resources</p>	<p>Cllr White</p>	<p>Res Martin Rayson – Ext 3113</p>
<ul style="list-style-type: none"> Health and Adult Services 	<p>Relevant Cabinet Member – Health & Adult Services</p> <p>1 named deputy to be appointed by the Cabinet Member</p>	<p>Cllr Reason</p> <p>Cllr Keller</p>	<p>ACS Bruce Morris – Ext 2749</p>
<ul style="list-style-type: none"> Housing Forum 	<p>Relevant Cabinet Member - Housing</p> <p>1 named deputy to be appointed by the Cabinet Member</p>	<p>Cllr P Waker</p> <p>Cllr McDermott</p>	<p>CuS Stephen Clarke – Ext 3738</p>

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
<ul style="list-style-type: none"> Leaders' Committee 	Leader of the Council 2 named deputies to be appointed by the Cabinet Member	Cllr Smith Cllr R Gill Cllr Butt	Res Cheryl King-McDowall Ext 2142
<ul style="list-style-type: none"> Transport and Environment Committee 	Relevant Cabinet Member - Environment 4 named deputies to be appointed by the Cabinet Member	Cllr Vincent Cllr McCarthy Cllr Letchford Cllr Miles 1 vacancy	CuS Andrew Yellowley Ext 5660
London (North East) Valuation Panel	Up to 2 Councillor nominations 6 year term of office Up to 6 non-Councillor nominations (numbers depend on the workload of the Panel - at present time the Panel does not require further representation)	Cllr N Gill (December 2006 - December 2012) Cllr Keller (May 2010 - May 2016) Mr C Ramage (September 2006 - September 2012)	CuS Ralph Wilkinson Ext 2505
London Thames Gateway Development Corporation	Relevant Cabinet Member - Regeneration (3 year appointment commencing May 2008)	Cllr McCarthy (May 2008-May 2011)	FCS Jeremy Grint - Ext 2443

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
London Thames Gateway Development Corporation – Education and Skills Sub Committee	Relevant Cabinet Member - Regeneration (3 year appointment commencing May 2008)	Cllr McCarthy (May 2008-May 2011)	FCS Jeremy Grint - Ext 2443
London Thames Gateway Development Corporation – Planning Sub Committee	Relevant Cabinet Member (3 year appointment commencing May 2008)	Cllr McCarthy (May 2008-May 2011)	FCS Jeremy Grint - Ext 2443
Members' Board (Enterprise)	Relevant Cabinet Member - Housing	Cllr P Waker	CuS Stephen Clarke – Ext 3738
Pension Fund Panel	Relevant Cabinet Member- Finance, Revenues & Benefits plus 3 Councillors	Cllr Geddes Cllr Ogungbose Cllr Saeed Cllr Wade	FCS John Hooton – Ext 2801
Public Transport Liaison Group	Relevant Cabinet Member – Regeneration plus 1 Councillor to be appointed by Cabinet Member	Cllr McCarthy Cllr Miles	FCS Jeremy Grint – Ext 2443

Organisation	Representation required	Representation 2010 / 2011 (1 year unless specified)	Lead Department & Corporate Director or Head of Service
Registered Social Landlord ('RSL') Forum (or Housing Association Forum)	Relevant Cabinet Member - Housing plus 2 Councillors to be appointed by the Cabinet Member	Cllr P Waker Cllr McDermott Cllr Perry	CuS Stephen Clarke – Ext 3738
Reserve Forces and Cadets Association for Greater London	1 Councillor	Cllr Letchford	ChS Meena Kishinani Ext 3507
Social Services: Fostering Panel	2 Councillors (three year appointments)	Cllr Hunt (May 2010 – May 2013) Cllr Perry (May 2010 – May 2013)	ChS Chris Pelham - Ext 2233
Thames Gateway London Partnership			
• Executive	Relevant Cabinet Member - Regeneration	Cllr McCarthy	FCS Jeremy Grint - Ext 2443
• Gateway to London Board	Relevant Cabinet Member - Regeneration	Cllr McCarthy	FCS Jeremy Grint – Ext 2443
• London Thames Gateway Board	Relevant Cabinet Member - Regeneration	Cllr McCarthy	FCS Jeremy Grint - Ext 2443

TRUSTEES OF LOCAL CHARITIES

Barking General Charities

The Barking General Charities consists of a number of ancient charities which are now administered, as far as Barking is concerned, under a scheme made by the Charity Commissioners on 27 May 1898. Keith Glenny of Hatten, Asplin and Glenny Solicitors acts as the Clerk. The area of benefit is Barking.

There are 7 trustees, 2 of whom are appointed by the Council annually.

2 vacancies

Barking and Ilford United Charities

An amalgamation of the Barking General Charities and Ilford General Charities and its function is to administer the almshouses in Barking. It is administered by Keith Glenny.

There are 7 trustees, 2 of whom are appointed by the Council annually.

2 vacancies

Colin Pond Bursaries for Higher Education

The Colin Pond Bursaries for Higher Education provides students with bursaries to continue into higher education.

The trustees are the Leader of the Council, the Corporate Director of Finance and Commercial Services, the Corporate Director of Children's Services and the Deputy Head of Law, Safeguarding & Partnerships

Dagenham United Charity

The Dagenham United Charity gives financial assistance to those in need at Christmas time and the area of benefit is the former Borough of Dagenham as at 1921 to 1924.

There are five trustees, four of whom are appointed by the Council and may be, but do not need to be, elected Members of the Council. They are elected for a four year term of office:

Councillors Mullane, Reason, Smith and L Waker (May 2010-May 2014)

King George V Silver Jubilee Trust Fund

This applies the net income from investments for the purpose of relieving cases of need, hardship or distress of children resident in the area.

The trustees are the Mayor and the former Director of Social Services. There is no specific term of office.

The Eva Tyne Trust Fund

The purpose of the fund is to support, through grants, all young persons aged between 12 and 25 who are resident in the Borough in order to assist them to develop themselves and contribute to the local community as a whole. The Constitution allows the waiver of the upper age limit if an applicant has a disability.

There are eight trustees two of whom are appointed by the Council for a three year term as follows:

Councillor Davis	(May 2008 - May 2011)
Councillor Letchford	(May 2010 - May 2013)

The Brocklebank Lodge Trust Fund

This was established some years ago following a bequest to Brocklebank Lodge. The Trust usually meets once a year to approve the minutes, accounts and expenditure for the following year. The trustees are the former Directors of Finance and Social Services (both to be replaced at the Trust's Annual General Meeting) and two Member representatives who are nominated annually as follows:

Councillors Davis and Douglas (May 2010)

Note that process underway with the Charity Commission to transfer the Trust Fund to Lake Rise Residential Home, at which time the Charity will be renamed

The fund provides extra amenity for Brocklebank Lodge, over and above that which is provided by the Council.

ASSEMBLY

21 July 2010

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: Petition regarding provision of Communal TV Aerial systems to blocks that do not currently have provision	For Decision
Summary: <p>The Council has received a petition which states “Barking & Dagenham council are forcing tenants and leaseholders to pay an extra charge for digital TV aerials being installed across the borough. We already have and are happy with our own services and do not need or want this added” in respect of the installation of Full IRS (Integrated Reception Service) Digital Communal Aerial Systems in various locations throughout the borough.</p> <p>We reviewed the 238 signatures on the petition, 121 of them were from properties that the Council upgraded to ‘Freeview’ digital capability in 2004. The remaining 117 signatures are from properties affected by the new installations.</p> <p>The lead petitioner is Mr K Rutter and has been invited to the meeting to present the petition.</p> <p>The government is switching the whole of the UK’s TV transmission from Analogue to Digital TV, region by region between 2008 and 2012. This will give people the choice of digital TV, terrestrial, by satellite, cable or broadband, where available. At the same time, airwaves are to be freed up for a range of new services such as HD television, community services and so on.</p> <p>Frances Kneller, Head of Housing and Property, Digital UK, has been invited to the meeting as an independent expert, who will answer questions around the government’s agenda for the digital switchover and the responsibilities of landlords.</p> <p>The Council as a landlord decided to take steps to ensure that residents were not disadvantaged after the time of the switchover. The Council reviewed the provision of communal TV aerial systems and then carried out consultation with residents. Installation works took place between June 2009 and April 2010.</p>	
Wards Affected: All	
Implications:	

Financial:

The Council is obliged to follow the government's digital policy. Housing Services is incurring costs of 70p per property per week to supply this service to residents. This is for the lease of the masts from Stanley Security Solutions Ltd, which also includes mast maintenance and public liability insurance. It is therefore necessary that the charges (totalling around £327k per year) are recovered through the payment of service charges by LBB social tenants and leaseholders. Failure to do so would mean that the Council's Housing Revenue Account annual budget would fall into deficit. Residents should bear in mind that leasing these masts was a significantly cheaper procurement option, as installation was free and for the Council to purchase these masts would cost somewhere in the region of £1.5m.

Legal:

As observed, there is a pressing requirement on landlords to ensure that the television reception is maintained for tenants and leaseholders post the digital switchover. Failure to make the provision for the Government's switchover from analogue to digital TV reception would mean loss of reception to all those affected. The switchover will require significant works to be carried out before the cessation of analogue signals. This reception requires specialist equipment and cabling and the cost can be recovered by a charge for services.

The Council consulted extensively with the affected tenants and leaseholders before the works were carried out in 2009. Only 15% of those consulted were against the proposal.

In 2004 a tenant challenged the Council's imposition of service charge for the switchover to digital. The Local Government Ombudsman's decision on the challenge was that the Council 'had approached the task in the proper manner'.

The Council is required under the Housing Act 1985 to give notice of variation of the change in payments in respect of services. Provided the process is followed, the increased charges may take effect at least 4 weeks after a date set in the notice.

The option to permit tenants and leaseholders to establish their own provision of media services requires the Council's consent as landlord for both tenants and leaseholders. This is a standard term in the tenancy agreement and lease. There are several reasons for this. Firstly, the outside of the building is not part of the letting and, secondly, the risks a non-standard attachment to a building presents. The attachment of aerials and dishes to the fabric of the buildings would carry the risk of significant damage to the building with risk of cracks, water ingress and general structural integrity. In addition the risk of detachment of part or whole of the dish in winds and general wear and tear would present an unacceptable danger to other tenants, visitors and passers-by. Finally there would be the cost of refurbishment and removal in the event the property is vacated.

It is considered that for the above reasons a policy to refuse requests for tenants and occupiers to arrange their own attachments would be reasonable.

Risk Management: No specific implications

Social Inclusion and Diversity: No specific implications

Crime and Disorder: No specific implications

Options Appraisal:

Housing Business Services considered three options:

1. Do nothing and allow a proliferation of TV and satellite dishes to be installed on the fabric of our buildings, with no capacity to monitor the planning permission, landlord permission and public liability insurance cover required.
2. Digital Terrestrial Communal Aerial Systems with new single feed cabling to each flat, the cable to be connected to a new two way outlet socket in the living room of each flat. The system will provide Analogue and Terrestrial 'Freeview' services. Please note this option would not allow residents the options of acquiring any Sky satellite services, High Definition Television (HDTV) or new BBC Freesat services. The cost of this would be 50p per week per property installation, insurance, rental and repairs and maintenance charges.
3. The option adopted at 2.1 below.

Recommendation(s)

The Assembly is asked to agree:

1. That, in delivering this service, the Council, as a landlord, sought to fulfil its 'digital switchover' obligations to residents and did so.
2. That all affected tenants are required to pay the service charge for the communal aerial system.
3. That a report on the consultation process that was followed, will be circulated to all CHP boards, Tenants and Residents' Associations and The Barking & Dagenham Leasehold Association.

Reason(s)

This links to the Community Priority of Fair and Respectful – Getting you involved in the decisions we make about public services;
Making sure everyone can access all public services; and
the Council priority of regenerating the borough - creating a thriving and sustainable local economy where skilled and informed local people can live and work with pride.

Contact Officer:	Title:	Contact Details:
Stephen Clarke	Divisional Director Housing Services	Tel: 020 8724 3738 E-mail: stephen.clarke@lbbd.gov.uk

1. Introduction and Background

- 1.1 The petition submitted to the Council had 238 signatures. After a review, it was found that 121 of these signatures were from properties that the Council upgraded

to 'Freeview' digital capability in 2004. The remaining 117 signatures are from properties affected by the new installations.

- 1.2 In 2004, the Council upgraded circa 13,000 properties' communal TV aerial systems from analogue to digital 'Freeview' capability. At that time, no consultation was required as it was an improvement and a service charge of 35p per week was imposed on the tenants, with the required 28 days written notice. Historically Leaseholders had always paid for this service but tenants had not. This imposition of the service charge was challenged by a tenant to the Local Government Ombudsman and in August 2004 and the Council were found to "have approached the task in the proper manner".
- 1.3 The government is switching the whole of the UK's TV transmission from Analogue to Digital TV, region by region from 2008 up to 2012. This will give people the choice of digital TV, terrestrial, by satellite, cable or broadband, where available. At the same time, airwaves are to be freed up for a range of new services such as HD television, community services and so on.
- 1.4 Housing Services were aware of the government's proposals when a new Communal TV Aerial leasing, repair and maintenance contract was awarded in May 2004 to Stanley Security Solutions Ltd for a period of ten years.
- 1.5 In the first six months of the contract, existing leased systems serving in excess of 10,000 properties were upgraded from analogue to digital 'Freeview' capability. A service charge was imposed on the tenants at that time under their Conditions of Tenancy. The weekly charge per resident is currently £0.70p. Leaseholders pay an annual service charge of £36.40. Increases in the service charge are calculated, as detailed in the contract, of RPI (Retail Price Index) plus 1%
- 1.6 Housing Services had an additional 492 blocks comprising 2406 units of accommodation that never had access to communal TV aerial facilities.
- 1.7 There is a risk that residents will find that many of these properties suffer lack of, or very poor reception, after the government's target date of spring 2012 for the digital 'switchover' from analogue TV transmission in the Granada area. This is because Digital TV signal reception can be very difficult to obtain (even with an appropriate indoor aerial) as it depends on the location of the property in relation to the local transmitter; so many properties will be in signal 'blind spots'.
- 1.8 The Council carried out consultation with residents between June and August 2009. 2406 Work Proposal Letters were sent out to those affected in four phases. (see **Appendix 1**)

The PROPOSAL LETTER clearly states: *If you choose not to return the sheet at all, we will take that to mean you are happy for us to go ahead.*

The responses were collated into the following categories Good – 272 / Bad – 362 / No response – 1772. This translated into negative responses as a percentage 15% and positive and nil responses as a percentage 85%

An F.A.Q was devised to address any issues that may be raised, this was sent out to the affected residents on request and supplied to B&D Direct so that they could respond to queries effectively (see **Appendix 2**)

2. Current Position

2.1 Housing Services received the survey and quote from Stanley Security Solutions Ltd to install:

- Full IRS (Integrated Reception Service) Digital Communal Aerial Systems with new dual feed cabling to each flat. The cable is linked to a new four-way outlet socket in the living room of each flat. This allows residents, in addition to the existing Analogue and Freeview services, the options of acquiring Sky or Sky+ satellite services. The equipment installed will also allow for HDTV and the new BBC Freesat services. The cost of this is 70p per week per property in installation, insurance, rental and repair and maintenance charges.
- The installation works were divided into four phases and carried out between June 2009 and April 2010

3. Consultees

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

Councillor Phil Waker – Lead Member for Housing Services
Yinka Owa - Legal Partner - Procurement, Contracts and Property
Christopher Boyo - Group Manager Landlord Services East
Hakeem Osinaike – Group Manager Landlord Services West
Susan Devitt – Group Manager – Housing Services
Mark Taylor – Group Manager – Housing Services Finance
Maryam Collard – Procurement Manager – Housing Services

Background Papers Used in the Preparation of the Report:

- Contract with Stanley Security Solutions Ltd (formerly Blick (UK) Ltd dated 24/05/2004
- Briefing notes dated 17/12/2007 and 22/06/2009 on the provision of Digital TV reception to Council owned flatted accommodation
- FAQ's issued in June 2009 to tenants, leaseholders and B&D Direct.
- Stanley Security Solutions Contract dated 24.05.2004
- Executive Report 11.05.2004 & Minute Number 390 of 11.05.2004
- Various documentation from the Digital UK website in respect of Landlords' responsibilities.

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Housing Services
3rd Floor Roycraft House
15 Linton Road
Barking
IG11 8HE

Reference: Communal TV
Aerial (intro)
Date: 03 June 2009

Dear Resident,

**Proposed Installation & Connection of Integrated Reception Service (IRS)
Communal TV Aerial System (including Sky+ capability)**

As you may know, the government is changing the whole of the United Kingdoms (UK) TV transmission from analogue to digital TV by 2012. This will mean that in many cases across the UK, properties will suffer either a very poor or a total lack of TV reception if they do not update their current TV reception system.

To prevent these possible problems the council is proposing to install new communal TV aerial system for the blocks of flats that do not currently have a communal TV system.

This will involve the installation of a an Integrated Reception Service (IRS) system, giving one socket per flat located in the living room, which allows three user options

- (a) Digital TV reception including 'Freeview' channels via a suitable TV or set top box
- (b) Digital TV reception via a 'Freesat' box and
- (c) Access to a communal satellite dish (residents would need to take out a separate contract with Sky to receive the service) including Sky+

The cost of this to each tenant would be £0.70pence each week. Those tenants claiming this benefit can claim the charges under Housing Benefit rules. The charge will be applied to your rent account with effect from the first Monday of the month following the completed works.

If you would like an additional socket installed in another room there will be a one off charge of £120

All individual satellite dishes attached to our buildings will be removed and returned to the resident once the system has been installed and tested.

There are already in excess of 10,000 properties in the borough that have the benefit of these new digital communal TV aerial systems, and we are now planning to carry out similar works in your block, however prior to starting we would like to obtain your views on this matter.

Therefore, would you please complete the sheet attached with this letter and return it to me in the pre paid addressed envelope by 11th June 2009 (You do not need a stamp). **If you choose not to return the sheet at all, we will take that to mean you are happy for us to go ahead.** I would also welcome any comments that you may have regarding the proposed works.

Yours sincerely

Mr. Sean Watson
Project Liaison Officer
Housing Services

Phone: 020 8227 5603
Email: Sean.watson@lbbd.gov.uk

Fax: 020 8227 2846
Text phone: 020 8227 5755
www.barking-dagenham.gov.uk

I think this proposal to install a new digital communal aerial system within my block would be a **good idea**; please tick the box below;

I think this proposal to install a new digital communal aerial system within my block would be a **bad idea**; please tick the box below;

I would like an additional socket installed in another room for a one off charge of £120

Any additional comments;

.....
.....
.....
.....

Name:

Address:

.....



Frequently Asked Questions (FAQ's)
on the planned Digital Switchover 2012

As you may know, the Government is changing the whole of the United Kingdoms (UK) TV transmission from analogue to digital TV by 2012. This will mean that in many cases across the UK, properties may experience either a very poor or a total lack of TV reception if they do not update their current TV reception system.

This FAQ fact sheet has been designed to help provide answers to questions concerning the digital switchover for both council owned flats and houses across Barking & Dagenham. This fact sheet has been separated into two categories flats & houses.

Category 1; is concerning flats, this looks into issues faced by Council residents or leaseholders where the Council owns the freehold.

Category 2; looks at the issues faced by houses whether they are Council residents or freeholders.

Category 1: Flats

To prepare flats for the switchover and to prevent the possible loss of TV reception in the future, the Council is planning to install a new communal TV aerial system to blocks of flats that do not currently have a communal digital TV system. Below are some FAQ regarding these planned works;

1. I have my own indoor / exterior aerials for my TV, which all have perfect digital pictures?

Whilst you may have perfect reception, other flats in the block may not be so fortunate. When the planned TV signal switchover from Analogue to Digital is completed in 2012 it is probable that some current system will not be able to pick up the Digital signal even if they have a digital TV. This is because the Digital TV signal reception can be very difficult to obtain (even with an appropriate indoor digital aerial) and is dependant on the location of the property in relation to the local transmitter. Therefore many properties may be within signal 'blind spots'.

2. Can I choose not to be connected to the communal aerial and therefore not have to pay?

Unfortunately, this is not an option. If the Council fit the system in your block then all residents will have to contribute for those improvements. The Council needs to ensure that its properties are suitable for current and future use and also needs to protect the fabric of its buildings.

3. What do I get for £36.40 of my money?

The annual cost of £36.40 per year (or 70p a week) includes the cost of leasing the equipment, the continued repair and maintenance of the system and any customer services which may be involved in maintaining the equipment

4. What happens if I do not have a television set?

Residents who do not use a TV set may wish to use the socket to provide a DAB digital radio signal. However, you will still need to contribute to the costs as described above.

5. Can't I just get a digital set-top box to get digital TV?

The Council needs to ensure that its residents receive good TV reception, and this relies upon a good communal aerial and new cabling to provide the best signals possible. In many cases, a set-top box which relies on an existing aerial and existing cabling may not provide good reception and residents may struggle to receive a good TV picture.

6. Where will they locate the aerial / dish on my block?

This will vary from block to block. The contractors have already conducted a survey to find where the best location is to pick up a digital signal. Our contractors do not tend to install aerials or dishes at the back of blocks due to the future access for repairs and maintenance.

7. I am on housing benefit will this cover the cost of these extra charges to my rent?

These additional charges are covered under housing benefit rules.

8. For leaseholders; will my service charge cover these extra costs?

These costs will be included in your annual service charge.

9. What about residents who have already installed a satellite system such as a sky dish or already have free view and their own aerial?

Many residents across the borough have had TV aerials and satellite dishes installed on the exterior of the council buildings. In many instances, planning permission and Council permission to install independent aerials and dishes have not been obtained and the result affects the external appearance of the blocks. The Council (as the property owner or freeholder), has a right to remove such items and enforce the appropriate condition of tenancy or Lease on residents who have breached these conditions. The council understands however that it would be inappropriate to remove those existing aerials and dishes without any alternative being offered, therefore the Council are proposing to install a communal aerial / dish for all residents in the block to use, should they wish to.

10. What works will be carried out in my home and how long it will take?

In most cases our contractors will drill from outside into the living room wall near to your current TV. The cables will be run externally thereby reducing the amount of cabling in your home. Our contractors should only require access to your home for approximately 1 hour. This new aerial socket will have all the requirements needed to obtain digital picture quality once they have left your home.

11. I have Sky+ / Sky Multi-room; will I still have these services with the new communal system?

Where the contractor is installing the system at your property they will replace your existing Sky+ / multi-room system in a way that ensures you will continue to receive you

current services. Please could you contact the liaison team as soon as possible so that we can arrange for extra cabling to be fitted to your home prior to any works starting.

12. I still have unanswered questions/concerns on this matter, what can I do now?

Firstly, you can contact the liaison team at the Council on the contact details below and they will be happy to help. If you prefer to you can look at the local government guide to the digital switchover website, which can provide more information, which may be helpful at http://www.digitaluk.co.uk/localgov/get_informed

Category 2: Houses

1. Am I eligible for help with the switchover?

You are eligible for the Switchover Help Scheme if:

- You are aged 75 or over, or
- You have lived in a care home for 6 months or more, or
- You are registered blind or partially sighted, or
- You get (or could get):
 - Disability living allowance, or
 - Attendance or constant attendance allowance, or
 - Mobility supplement

2. What is the Switchover Help Scheme?

The Switchover Help Scheme has been set up to help people to switch one of their TV sets to digital. If you are eligible for help, they will explain digital TV to you clearly and simply, install what you need in your home and make sure you're happy with how it all works.

The Help Scheme will ask you to contribute £40 towards:

- Providing easy-to-use equipment that suits your needs
- Help with installing equipment in your home
- Fitting a new dish or aerial, where we can, if it is needed to make the new equipment work
- An easy-to-understand demonstration of how everything works
- Someone you can call for help while you're getting used to things, so we will take the worry out of getting ready for digital.

Over seven million households in the UK will be eligible to receive help. If you are eligible for the Help Scheme, they will be in touch personally in plenty of time to ask if you want our help.

If you are still unsure? Please call 0800 408 5900

3. Can I test my aerial before the digital switchover?

You can test your current aerial through analogue Teletext. This test is designed to check if your current aerial will need to be replaced or upgraded to receive digital TV through your aerial after the switchover.

The test pattern is broadcast on Teletext page 284 on BBC1, BBC2, ITV1, Channel 4 and S4C. You should carry out the test on all channels and under different weather conditions (fog, rain, fine dry weather, etc) to achieve a more accurate and objective result. If there are more than 4 squares missing (randomly spaced – complete lines missing are fine) then your aerial needs checked or replaced. Ideally, the screen should display a full grid of vertical/horizontal white boxes.

If you need to upgrade your current aerial we recommend that you use a Registered Digital Installer (RDI) identified by the "digital tick" logo. To find a RDI in your area please visit: <http://www.rdi-lb.tv/installers.html>

If there is no RDI available in your area at present you can look for an aerial installer in the Yellow Pages who is a member of the Confederation of Aerial Industries (CAI).

4. How much should a new roof aerial cost?

Most aerials should work after digital switchover, but a few may require an upgrade or new cable connections if you decide to get Freeview. If you do need a new aerial, installation is likely to cost between £100 -£200, and an additional socket costs around £85.

If you need to upgrade your aerial, look for an installer belonging to the Registered Digital Installer Scheme (RDI), identified by the 'digital tick' logo. Registered Digital Installers are security checked and aerial experts. To find one in your local area visit the RDI website at www.rdi-lb.tv or call Digital UK on 08456 50 50 50.

If there is not a Registered Digital Installer near you, then you can look in the Yellow Pages for an installer with CAI+ or IDSC trade association qualifications. Alternatively ask at your local electrical retailer. If you are visited by an installer who isn't from the RDI scheme, we recommend you check to see that they are qualified.

5. Will set-top aerials work after switchover?

Set-top aerials are more susceptible to interference than a good roof-top aerial. General rule of thumb is that, if you currently get a good, clear analogue picture with a set-top aerial, you stand a fairly good chance of doing so after the switchover. But you may have to upgrade that indoor aerial. If you don't currently get a good clear signal, you're unlikely to with digital TV.

To test the performance of your set-top aerial please visit analogue Teletext page 284. BERR has commissioned independent consumer testing of digital TV products which are undertaken and published by Ricability, and have identified five set-top aerials that had good digital reception. A recommended model costs from only £9.99. More information can be found at: www.ricability-digitaltv.co.uk. Still unsure then call on 08456 50 50 50.

6. Will I need a new TV aerial?

Most households won't require a new TV aerial. As a rule of thumb, if you get a good analogue signal now, you should be able to get a good signal after the switchover.

You can test your current aerial through analogue Teletext. This test is designed to check if your current aerial will need to be replaced or upgraded to receive digital TV through your aerial after the switchover. The test pattern is broadcast on Teletext page 284 on

BBC1, BBC2, ITV1, Channel 4 and S4C. You should carry out the test on all channels and under different weather conditions (fog, rain, fine dry weather, etc) to achieve a more accurate and objective result. Ideally the screen should display a full grid of vertical/horizontal white boxes. Ignoring the top and bottom rows if there are squares missing (complete lines missing are fine) or if you currently have reception problems i.e. snowy picture or severe ghosting, then your aerial needs checked or replaced.

If you need to upgrade your aerial we recommend that you use a Registered Digital Installer (RDI) identified by the 'digital tick' logo or an Associate RDI. To find a RDI in your area please visit: www.rdi-lb.tv or call Digital UK on 08456 50 50 50.

If there is no RDI available in your area at present you can look for an aerial installer in the Yellow Pages with CAI+ or IDSC trade association qualifications. Alternatively ask at your local electrical retailer.

THE ASSEMBLY

21 July 2010

REPORT OF THE ACTING CORPORATE DIRECTOR OF RESOURCES

Title: Council Constitution	For Decision
<p>Summary:</p> <p>Part B, Article 2 (The Assembly) paragraph 8, 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 annually by the Assembly. However, changes required due to new and/or emerging legislation, best practise or to uphold good decision making principles will be reported throughout the year, as necessary.</p> <p>The proposed changes to the Constitution can be summarised as follows:</p> <ul style="list-style-type: none"> • Part B- Article 1- In order to extend accountability all reports to Cabinet will in future be in the name of the appropriate Cabinet Member. Where appropriate, reports to Assembly will also be in the name of the relevant Member, for example Chairs or Lead Members in relation to annual reports of their Committees. All other reports to meetings will continue to be in the name of the relevant Chief Officer. • Part B, Article 2, paragraph 18, Petition Scheme and associated articles- New statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009 (the Act) drawn up in accordance with a national Model to reflect the duty to respond to petitions. <p>The duty also includes provision for e-petitioning although due to the additional work that will be involved to facilitate such provisions the implementation date for the e-petitioning element of the scheme has been delayed until 15 December 2010.</p> <ul style="list-style-type: none"> • Under Section 31 of the Act all local authorities are required to nominate a Designated Scrutiny Officer. In broad terms the purpose of the statutory designation is to promote the scrutiny function generally more widely within the Council and its partners as well as providing advice and support to Members of the Scrutiny Select Committees in undertaking their work. Previously the Divisional Director of Legal and Democratic Services has led on scrutiny. However, the legislation prohibits the role being undertaken by the Monitoring Officer, and in any event it would be more appropriate for the designation to be assigned to the post of Scrutiny Team Manager in Democratic Services, having regard to their day to day management role in scrutiny. The Scrutiny Team Manager already promotes and provides support to the Council's Select Committees and it is proposed that this post holder be appointed the Designated Scrutiny Officer. • Part C, Scheme of Delegation - a number of changes to reflect the revised organisation structure, the effects of the above Petition Scheme and other consequential amendments 	

Attached as Appendix A is a schedule of the changes as they would appear in the Constitution.

Subject to the Assembly's approval the relevant pages containing the changes will be updated on the Council's web site. Minor administrative changes which have been made under the authority of the Acting Chief Executive in accordance with Part H, paragraph 2.1 of the Council Constitution will also be included.

The Assembly is asked to note that Part D (Rules), specifically the Council's Financial Regulatory Framework (contract guidance, rules, code of practice and financial rules) are currently the subject of a comprehensive review. It is anticipated that the results of that review will be reported for comment and approval in September 2010.

Wards Affected: All

Recommendations:

That the Assembly agree:

1. the proposed changes to the Council Constitution to take immediate effect, and
2. the statutory Designated Scrutiny Officer role be assigned to the post of Scrutiny Team Manager.

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 Councils to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates. The Local Democracy, Economic Development and Construction Act 2009 requires the Authority to adopt a new Petition Scheme and appoint a Designated Scrutiny Officer.

Financial – Central Government have indicated it will meet the costs of the new burdens associated with the petitions duty.

These costs will arise from increased work for Council officers, time at council meetings and overview and scrutiny committees, and set up costs for e-petitions.

Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population. It is expected that funding for future years will be incorporated into the revenue support grant.

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

Consultees:

The following were consulted on the report:

Legal Partner Corporate, Employment and Litigation
Strategic Financial Controller

Background papers used in the preparation of this report:

Council Constitution and Statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009.

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**THE COUNCIL'S CONSTITUTION
SCHEDULE OF AMENDMENTS
REQUIRING ASSEMBLY APPROVAL
21 JULY 2010**

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
ARTICLE 1, PART B – MEMBER MEETINGS GENERAL			
Page B5 8.2 Reports will be in the name of the appropriate Chief Officer but will include the relevant Head of Service/Group Manager as the point of contact for further information or queries.	8.2 All reports to Cabinet will be in the name of the appropriate Cabinet Member and give their contact details. Where appropriate, reports to Assembly will also be in the name of the relevant Member, for example Chairs or Lead Members in relation to annual reports of their committees. All other reports to meetings will be in the name of the relevant Chief Officer and will include the name of the appropriate Head of Service as the point of contact for further information or queries.	To accord with best practice.	YES

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
ARTICLE 2, PART B – THE ASSEMBLY			
<p>Page B22 18. Procedure for Petitions</p> <p>18.1 All petitions¹ should be addressed to the Chief Executive and will be directed to Corporate Complaints. If another department or division receives a petition, Corporate Complaints should be alerted immediately and arrangements made for the petition to be re-directed to them.</p> <p>18.2 On receipt, the Corporate Complaints and FOI Manager will:</p>	<p>18. Procedure for Petitions</p> <p>18.1 The following Petition Scheme has been drawn up in accordance with the statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009.</p> <p>18.2 Under this Scheme 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>18.3 The Council reserves the right to amend this procedure at any time including reviewing the thresholds for the submission of a petition to allow for e-petitioning, the duty to do which comes into effect on 15 December 2010.</p>	Legislative requirement	Yes

¹ 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.

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<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 as necessary 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>18.4 All petitions⁴ should be addressed to the Chief Executive and sent to Room 104, Town Hall, 1 Town Square, IG11 7LU for the attention of the 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>18.5 The guidelines for submitting a petition are as follows:</p> <ul style="list-style-type: none"> (i) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; (ii) the name and address and signature of any person supporting the petition; (iii) contact details, including an address, for the petition organizer (lead petitioner). This is the person we will contact to explain how the Council 		

⁴ 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.

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>18.3 Corporate Complaints will then process the petition as follows:</p> <p>(i) copy the petition to the Leader of the Council and the relevant Lead Member(s) and Ward Councillors, advising them of the number of signatories and the referral they have made. After this, the relevant Heads of Service in the department dealing with the petition will be responsible for keeping these Members informed of progress, or</p> <p>(ii) write to the Lead Petitioner explaining that the petition cannot be accepted (explaining the exemption as per paragraph 16.9 below) and where possible suggest another route by which the matter can be progressed.</p>	<p>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>18.6 On receipt, the CC and FOI Manager will:</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>18.7 CC & FOI will then process the petition as follows:</p> <p>(i) send an acknowledgment to the lead petitioner within ten working days of receipt, or alternatively</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>18.4 If the petition contains signatures from less than 100 separate addresses² and constitutes a request for a service / policy change, Corporate Complaints will refer it to the appropriate department and ask them to investigate the request and respond direct to the lead petitioner(s).³</p> <p>18.5 If the petition contains signatures from less than 100 separate addresses and constitutes a complaint, Corporate Complaints will refer it to the appropriate department to be dealt with through the Corporate Complaints Procedure.</p> <p>18.6 All petitions sent to the</p>	<p>(ii) write to the lead petitioner within the said timeframe explaining that the petition cannot be accepted (explaining the exemptions as per paragraph 18.11 below) and where possible suggest another route by which the matter can be progressed.</p> <p>18.8 If the petition contains signatures from less than 100 separate addresses and constitutes a request for a service / policy change, CC & 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>18.9 If the petition contains signatures from less than 100 separate addresses 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>18.10 All petitions sent to the Council which contain signatures from 250 or more separate addresses in the Borough will be</p>		

² This includes both residential and business addresses and signatories must be resident in the borough or liable for business rates.

³ Sometimes, the organiser(s) of the petition will be clearly identified on the petition or in a covering letter. Where this is not the case, the first signatory on the petition should be treated as the “lead petitioner.”

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>Council which contain signatures from 100 or more separate addresses in the Borough will be referred by Corporate Complaints 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 upon receipt of a petition 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 relevant Chief Officer, portfolio holder and ward councillors will be notified about the petition by Corporate Complaints and, if necessary, the Chief</p>	<p>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. In all cases the Council will endeavour to consider the terms of the petition at the next Assembly although on some occasions this will not be possible.</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 & FOI. If necessary the Chief 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 relevant Cabinet Member in advance of the Assembly.</p> <p>(3) The lead petitioner will be asked to</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>Officer will contact the lead petitioner to ascertain more information. The Chief Officer will then brief the relevant portfolio holder 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 Lead Member or the Lead Chief Officer or his/her 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 in total.</p> <p>(4) The portfolio holder will then be given the opportunity to respond</p>	<p>present the terms of the petition from the floor of the Chamber to the Assembly for a maximum of five minutes. The Cabinet Member and/or the Chief 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 officers and ask officers to present information, up to a maximum of ten minutes.</p> <p>(4) The Cabinet Member will then be given the opportunity to respond and explain what will happen next with the petition. Where the issue is one on which the Cabinet are required to make a decision, the Assembly will decide whether to make recommendations to inform that decision.</p> <p>(5) At the end of the debate, the lead petitioner will be asked to retire to the public gallery accompanied by the Chief Officer.</p> <p>18.11 Depending on the course of action adopted for a particular petition the Chief Officer will make arrangements to contact the lead</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>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.</p> <p>18.7 Depending on the course of action adopted for a particular petition the Chief Officer will make arrangements to contact the lead petitioner, the portfolio holder 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 for</p>	<p>petitioner, the Cabinet 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 for delay.</p> <p>18.12 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>18.13 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>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>delay.</p> <p>18.8 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 and ward newsletters.</p> <p>18.9 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</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 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>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>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</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 petition which relates to an individual or body where there is a right to recourse to a review or right of appeal prescribed under any enactment.</p> <p>(7) 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>18.14 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 including those petitions where the Cabinet are empowered to make a decision, then they have the right for the matter to be referred to the appropriate</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>governed by national or European legislation, including any contractual matters. Where such petitions are received the relevant 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,</p>	<p>Select Committee as determined by the Designated Scrutiny Officer; whereupon 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.</p> <p>18.15 Separate to the above provisions, all petitions sent to the Council which contain signatures from 250 or more separate addresses in the Borough which request a senior Council officer to provide evidence and answer questions about services for which they have responsibility will be considered by the appropriate Select 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. The Select Committee may also decide to call a relevant councillor to attend and answer questions should it be appropriate.</p> <p>18.16 For the purposes of this procedure a senior officer will be a Chief Officer or a Head of Service even if a different officer or post title</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>protocol, legal requirement or rule of the Council or is otherwise considered improper or inappropriate.</p> <p>18.10 The petitions procedure is separately available on the Council's website and intranet, complete with contact details for Corporate Complaints, Development Control and Democratic Services.</p>	<p>is named in a petition. It will be for the appropriate Select Committee on advice of the Designated Scrutiny Officer to decide which senior officer is called to attend the meeting.</p> <p>18.17 On receipt, the CC and FOI Manager will:</p> <ul style="list-style-type: none"> (i) check the number and, as far as possible, the validity of the households which have signed the petition, (ii) send an acknowledgment to the lead petitioner, or alternatively (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 18.13), and therefore cannot be submitted to the appropriate Select Committee. <p>18.18 The steps that shall be followed upon receipt of a valid petition are:</p> <ul style="list-style-type: none"> (1) The Designated Scrutiny Officer shall copy the petition to the relevant senior officer, advising them of the receipt of the petition and making the 		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
	<p>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</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
	<p>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 the lead petitioner, the particular senior officer and if present the relevant councillor, including any questions presented in advance by the lead petitioner.</p> <p>(5) At the end of the questioning/debate, all parties, the public and the press, except the Designated Scrutiny Officer, the relevant Scrutiny Officer, and any other officers attending at the request of the Select Committee (excluding the senior officer, the subject of the petition) will be asked to leave the room whilst the Select Committee considers its decision.</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 noting or for consideration, as appropriate.</p>		

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
	<p>18.19 This Petitions Procedure is available on the Council's website (http://www.lbbd.gov.uk) together with contact details for the Corporate Complaints and FOI Team, Licensing, Development Control, and Democratic Services including the Scrutiny Officer. The website will also include summary details of all petitions received together with the actions taken in response. The contact details of lead petitioners or other persons who have signed a petition will not be published.</p> <p>Note: A Chief Officer may delegate the roles referred to in paragraphs 18.10 (2) through to 18.12 to the relevant Head of Service within his/her department.</p>		
<p>ARTICLE 5C – Petition Procedures</p>	<p>New Article – see attached at Appendix 1</p>	<p>New procedures in connection with the Council's Petition Scheme as set out in Part B, Article 2</p>	<p>YES</p>
<p>PART C – THE COUNCIL'S SCHEME OF DELEGATION</p>			
<p>Section A – The Assembly Page C7</p> <p>2.5 Appointing</p>	<p>Delete paragraph 2.5 and move to new paragraph 3.2</p>	<p>Under legislation, this was formerly a function</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>representatives to outside bodies and partnerships;</p>	<p>Re-number following sub-paragraphs.</p>	<p>reserved to the Assembly by statute.</p>	
<p>2.9 Appointing a Panel to deal with all pension related matters, consisting of the Cabinet Member for Resources plus four councillors, one of whom shall be a member from the minority group, the appointment of whom shall be arranged by the Chief Executive.</p> <p>2.10 Appoint a Panel consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), one further Member from the Majority Group and one Member from the Minority Group, the latter appointments to be arranged by the Chief Executive to:</p> <p>2.12 Appoint a Panel</p>	<p>2.8 Appointing a Panel to deal with all pension related matters, consisting of the Cabinet Member for Resources plus four other councillors. In addition, when required the Chief Executive will arrange for the appointment of an independent adviser to support the Panel;</p> <p>2.9 Appointing a Panel consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus two other councillors to:</p>	<p>As a consequence of the outcome of the local elections in May 2010</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>consisting of at least two Members of the Executive, one further Member from the Majority Group and one Member from the Minority Group, the latter appointments to be arranged by the Chief Executive, subject to none of the Members having participated in any previous Panel relating to the case in question, to:</p>	<p>2.11 Appointing a Panel consisting of at least two members of the Cabinet plus two other councillors, subject to none having participated in any previous Panel relating to the case in question, to:</p>	<p>As a consequence of the outcome of the local elections in May 2010</p>	<p>YES</p>
	<p>New paragraph 3.2 (see comments re deletion of paragraph 2.5 above)</p> <p>Renumbering of subsequent sub-paragraphs</p> <p>3.2 Appointing representatives to outside bodies and partnerships, with the exception of local authority school governor positions which are reserved to the Leader of the Council and the Cabinet Member for Children and Education in consultation with the Corporate Director of Children’s Services.</p>	<p>Under legislation, this was formerly a function reserved to the Assembly by statute, but is now reserved to the Assembly by local choice.</p>	<p>YES</p>
<p>SECTION B – THE CEREMONIAL COUNCIL Page C11</p>			
<p>2.1 to lead the community in demonstrating appreciation for</p>	<p>Delete paragraph 2.1 and renumber following sub-paragraphs.</p>	<p>To reflect the</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
the work of those individuals, community groups and organisations in making Barking and Dagenham a better place to live;		responsibilities of the meeting	
SECTION D – The Children’s Services Select Committee Page C13			
10 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Divisional Director of Legal and Democratic Services, in accordance with Articles 5A and 5B.	<p>10 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Authority’s Designated Scrutiny Officer, in accordance with Articles 5A and 5B.</p> <p>New Paragraph 11 and renumber following paragraph</p> <p>11 Considering (i) petitions requisitioning a Senior Officer to provide evidence in respect of those services which fall within the remit of this Select Committee, and (ii) public representations from a lead petitioner, where in their opinion a petition has not been dealt with adequately (see Part B, Article 2, paragraph 18 for details of the Council’s Petition Scheme)</p>	Legal requirement	YES
Section E – The Health and Adult Services Select Committee – Page C14			
12 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Divisional	12 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Authority’s Designated Scrutiny Officer , in accordance with	Legal requirement	YES

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>Director of Legal and Democratic Services, in accordance with Articles 5A and 5B.</p>	<p>Articles 5A and 5B.</p> <p>New paragraph 13 and renumber following paragraphs</p> <p>13 Considering (i) petitions requisitioning a Senior Officer to provide evidence in respect of those services which fall within the remit of this Select Committee, and (ii) public representations from a lead petitioner, where in their opinion a petition has not been dealt with adequately (see Part B, Article 2, paragraph 18 for details of the Council’s Petition Scheme).</p>		
<p>Section F – The Living and Working Select Committee Page C15</p>			
<p>10 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Divisional Director of Legal and Democratic Services, in accordance with Articles 5A and 5B.</p>	<p>10 Addressing any Call-Ins or Councillor Calls for Action as allocated by the Authority’s Designated Scrutiny Officer, in accordance with Articles 5A and 5B.</p> <p>New Paragraph 11 and renumber following paragraph</p> <p>11 Considering (i) petitions requisitioning a Senior Officer to provide evidence in respect of those services which fall within the remit of this Select Committee, and (ii) public representations from a lead petitioner, where</p>	<p>Legal requirement</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
	<p>in their opinion a petition has not been dealt with adequately (see Part B, Article 2, paragraph 18 for details of the Council's Petition Scheme).</p>		
<p>Section H – The Safer and Stronger Community Select Committee – Page C18</p>			
	<p>New paragraph 2 Renumber subsequent paragraphs</p> <p>2. Exercising its statutory duty and power to scrutinise and report on matters relating to crime and disorder in line with the Police and Justice Act 2006.</p>	<p>Legal requirement</p>	<p>YES</p>
<p>11. Addressing any Call-Ins or Councillor Calls for Action as allocated by the Divisional Director of Legal and Democratic Services, in accordance with Articles 5A and 5B.</p>	<p>12. Addressing any Call-Ins or Councillor Calls for Action as allocated by the Authority's Designated Scrutiny Officer, in accordance with Articles 5A and 5B.</p> <p>New Paragraph 13 and renumber following paragraph</p> <p>13. Considering (i) petitions requisitioning a Senior Officer to provide evidence in respect of those services which fall within the remit of this Select Committee, and (ii) public representations from a lead petitioner, where</p>	<p>Legal requirement</p> <p>Legal requirement</p>	<p>YES</p> <p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
	<p>in their opinion a petition has not been dealt with adequately (see Part B, Article 2, paragraph 18 for details of the Council's Petition Scheme).</p>		
<p>Section I – The Development Control Board Page C19</p>			
	<p>New paragraph 1.10 Renumber subsequent paragraphs</p> <p>1.10 To appoint at the commencement of each municipal year a Visiting Group to undertake inspections of buildings and sites as directed by the board and to make recommendations to the Board. Membership of the Visiting Group to accord with Article 6A of Part B of the Council Constitution.</p>	<p>To accord with Article 6A of the Constitution</p>	<p>YES</p>
<p>Section K – The Personnel Board - Page C22</p>	<p>New paragraph 2</p> <p>2. The Board in determining an appeal against a decision made at a Board hearing may reduce, but not increase, any sanction imposed.</p>	<p>For clarity</p>	<p>YES</p>
<p>Section N – The Chief Executive (Head of Paid Service) Page C27</p>		<p>To reflect new areas of</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>1.3 Regeneration including:</p> <ul style="list-style-type: none"> – Spatial Planning and Environmental Sustainability – Area Planning – Development Control – Transport Strategy – Land Charges – Olympic Development and Legacy including making preparations for the London 2012 Games – Town Centres – Tree Preservation and specifically issuing interim Tree Preservation Orders and confirming unopposed Tree Preservation Orders <p>1.4 Local Housing Company</p>	<p>Delete paragraphs 1.3 and 1.4 and renumber following sub-paragraphs</p>	<p>responsibility</p>	
<p>Section O – Corporate Director of Adult and Community Services Page C30</p> <p>1.7 Leisure and Arts including:</p> <ul style="list-style-type: none"> – Leisure Centres – Parks and Public Open Space Development 	<p>1.7 Leisure and Arts including:</p> <ul style="list-style-type: none"> – Leisure Centres – Parks and Public Open Space Development – Allotments – Arts, Culture and Events 	<p>To reflect new areas of responsibility</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<ul style="list-style-type: none"> - Allotments - Arts, Culture and Events - Sports Development - Play Strategy 	<ul style="list-style-type: none"> - Sports Development - Play Strategy - Olympic Development and legacy including making preparations for the London 2012 Games 		
<p>Section P – Corporate Director of Children’s Services Page C32</p> <p>1.3 Quality and School Improvement including:</p> <ul style="list-style-type: none"> - Inspections - Safeguarding Quality and Review - School Estate - Education and Inclusion - Admissions, Access and Attendance - Filling Local Authority School Governor vacancies and re-appointing where terms of office have expired, subject to consultation with the Leader of the Council and the Cabinet Member for Education and Children’s Wellbeing 	<p>1.3 Quality and School Improvement including:</p> <ul style="list-style-type: none"> - Inspections - Safeguarding Quality and Review - School Estate - Education and Inclusion - Admissions, Access and Attendance 	<p>To reflect new areas of responsibility</p>	<p>YES</p>

EXISTING	AMENDMENT	REASON	MEMBER APPROVAL REQUIRED
<p>Section R – Corporate Director of Finance and Commercial Services Page C34/5</p>	<p>New sub-paragraph 1.6</p> <p>1.6 Regeneration including:</p> <ul style="list-style-type: none"> – Spatial Planning and Environmental Sustainability – Area Planning – Development Control – Transport Strategy – Land Charges – Town Centres – Tree Preservation and specifically issuing interim Tree Preservation Orders and confirming unopposed Tree Preservation Orders 	<p>To reflect new areas of responsibility</p>	<p>YES</p>

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ARTICLE 5C

PETITION PROCEDURES

The following procedures relate to the Council's Petition Scheme (the Scheme) as set out in Part B, Article 2, Paragraph 18 of the Council's Constitution.

Paragraph 1 refers to appeals in respect of petitions that have been dealt with by the Assembly and/or Cabinet.

Paragraph 2 refers to petitions where the petition is addressed to a senior Council Officer and has signatures from more than 250 separate addresses.

1. Appeals against the Council's response to a Petition

- 1.1 If a lead petitioner is not satisfied with the way the Council has dealt with their petition, then they have the right to appeal and have the matter referred to the appropriate Select Committee as determined by the Designated Scrutiny Officer. It will be for the Members of the Select Committee to review whether the steps taken were in accordance with the provisions of the Scheme set out in the Constitution.
- 1.2 The procedures to be followed are as follows:
 - (i) The appeal must be made in writing to the Designated Scrutiny Officer. It is not expected that the lead petitioner will be required to attend and speak at the meeting. The lead petitioner will of course be entitled to be present if they so wish.
 - (ii) The Designated Scrutiny Officer will acknowledge receipt of the appeal informing the lead petitioner of the date when the appeal will be heard, and if necessary will request them to provide a full explanation of the reasons why, in their opinion, the Council's response to the petition is not considered to be adequate.
 - (iii) The Designated Scrutiny Officer will consult with the officer(s) involved with the original petition and prepare an appropriate background report for submission to the Select Committee.
 - (iv) Having considered the appeal, including corresponding paperwork, the Select Committee will have the following options available to it:
 - Dismiss the appeal, or
 - Instigate a formal investigation into the matter, or
 - Refer the matter to the Assembly for a further debate, at which point the Assembly's decision will be final.
 - (v) The Designated Scrutiny Officer will write to the lead petitioner to explain the outcome of the appeal.

2. Referral of a Petition Addressed to a Senior Council Officer

- 2.1 All petitions sent to the Council that contain signatures from 250 or more separate addresses in the Borough, which request a senior council officer to provide evidence and answer questions about services for which they are responsible, will be considered by the appropriate Select Committee as determined by the Designated Scrutiny Officer. As an example this may be a petition seeking an explanation on the progress of a matter, or alternatively details of any advice presented to elected Members in the course of their decision making on a particular issue.
- 2.2 The procedures to be followed are as follows:
- (i) On receipt, the Corporate Complaints and Freedom of Information Manager will:
 - (a) check the number and, as far as possible, the validity of the households which have signed the petition,
 - (b) send an acknowledgment to the lead petitioner, or alternatively
 - (c) write to the lead petitioner explaining that the petition cannot be accepted, as either (a) above or the exemptions set out in paragraph 18.13 of the Scheme have not been met and therefore cannot be submitted to the appropriate Select Committee.
 - (ii) Upon receipt of a valid petition the Corporate Complaints and Freedom of Information Manager will refer it to the Designated Scrutiny Officer who will copy it to the relevant senior council officer, 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 and attend the meeting to present the report and be questioned. Subject to consultation with the appropriate Select Committee Lead Member, any other Councillor may also be requested to attend the meeting to answer questions.
 - (iii) The Designated Scrutiny Officer will write to the lead petitioner inviting them to attend the 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 Article 12 of Part B of the Constitution.
 - (iv) The lead petitioner will be provided with the opportunity of suggesting questions to the Lead Member of the Select Committee, subject to providing the Designated Scrutiny Officer with such questions at least three working days' before the meeting.
 - (v) At the meeting the lead petitioner will be asked to present the terms of the petition. The relevant senior council officer will present their report. Members of the Select Committee will then have the opportunity to ask any questions of the lead petitioner, the senior officer and, if present, any other

invited Councillor, including any questions to the senior officer as presented in advance by the lead petitioner.

- (vi) At the end of the questioning/debate, all parties, the public and the press, except the Designated Scrutiny Officer, the relevant Scrutiny Officer, and any other officers attending at the request of the Select Committee (excluding the senior council officer, the subject of the petition) will be asked to leave the room whilst the Select Committee considers its decision.
- (vii) All parties will be asked back into the meeting to hear the decision of the Select Committee from the Lead Member. Following the meeting, a report of the outcome, including any recommendations, will be made to the Assembly for noting or for consideration, as appropriate.
- (viii) The decision of the Assembly will be final.

NOTE: For the purposes of this procedure a senior officer will be a Chief Officer or a Head of Service even if a different officer or post title is named in a petition. It will be for the appropriate Select Committee on advice of the Designated Scrutiny Officer to decide which senior officer is called to attend the meeting.

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THE ASSEMBLY

21 JULY 2010

REPORT OF THE CABINET

Title: Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBD		For Decision
<p>Summary</p> <p>At its meeting on 8 June 2010, the Cabinet considered the attached report (Appendix A) on the possible return of planning powers that were transferred from the Council to the London Thames Gateway Development Corporation (LTGDC) on 31 October 2005.</p> <p>Recommendation</p> <p>The Assembly is recommended to support the return of planning powers from LTGDC to the Council as detailed in the attached report.</p>		
Contact: Nina Clark	Divisional Director of Legal & Democratic Services	Tel: 020 8227 2114 E-mail: nina.clark@lbbd.gov.uk

Background papers used in the preparation of this report:

“Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBD” report and minutes, Cabinet 8 June 2010.

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CABINET

8 June 2010

REPORT OF CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES

Title: Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBD	For Decision
<p>Summary</p> <p>In June 2009 Communities and Local Government Department (CLG) invited comments on the future of the London Thames Gateway Development Corporation (LTGDC) as part of its Quinquennial Review of the Urban Development Corporations.</p> <p>The Council responded to this consultation that it would like its planning powers returned to avoid the duplication and delays that characterise the current system and also to increase local accountability. However, the Council supported the option of the LTGDC maintaining its regeneration delivery role provided it was working to an agreed set of priorities with its partners.</p> <p>The Council now understands that there is the possibility that its planning powers could be returned by 1 October 2010, which is the next common commencement date or at the next opportunity after that which is 1 April 2011. Before this can happen the support of the Council is required.</p> <p>Officers are confident that the return of planning powers will result in more effective and efficient decision making and a better service for customers and will give Members a greater say in decision making on key planning applications increasing democratic accountability.</p> <p>Wards Affected: Abbey, Gascoigne, Thames, River</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend to the Assembly that the Council agrees to the return of planning powers from London Thames Gateway Development Corporation (LTGDC) to LBBD</p>	
<p>Reason(s)</p> <p>To help deliver the Community Plan priority “Fair and respectful: A stronger and more cohesive borough so that it is a place where all people get along, and of which all residents feel proud.”</p>	
<p>Implications</p> <p>Financial</p> <p>The Council understands that under the terms of the transfer of planning powers a member of staff may be transferred from the LTGDC to the Council under TUPE arrangements. Due to substantial savings on staff elsewhere in the Division funding for</p>	

this post can be met from within the existing Regeneration and Economic Development Budget.

The LTGDC currently operate a standard charge for residential development of £6,000 per dwelling to be spent on infrastructure priorities in London Riverside. This is secured through a Section 106 planning agreement for each scheme. The Council intends to adopt this system for use across all qualifying developments throughout the borough. This will be formalised within a forthcoming Supplementary Planning Document.

Legal

This matter has to be referred to the Assembly as planning matters are not an Executive Function by virtue of the Local Authorities (Functions and Responsibilities) Regulations 2000 No 2853.

The London Thames Gateway Development Corporation Order transferred the Local Planning Authority powers and duties to the Development Corporation for a number of specified development activities relating to strategic and larger developments. The proposal is to restore these functions to the Council. Revisions will need to be made to the LTGDC Order 2005 and Mayor of London Order 2008 to enable planning powers to be transferred from the LTGDC to LBB. The Council understands that the Government would issue revised legislation for its standard 12 week consultation period.

Paragraph 1.12 of Section I of Part C of the Council's constitution would need to be deleted if the planning powers are returned.

Contractual

No specific implications

Risk Management

Risk	Probability	Impact	Priority	Action
Extra work associated with LTGDC application results in worse customer service and outcomes	Low	High	Low	<ul style="list-style-type: none">• Monitor performance against NI 157• Monitor customer satisfaction ratings and act on feedback

Staffing

The Council understands that a member of staff may be transferred from the LTGDC to the Council under TUPE arrangements. The Council's Development Management Team currently comprises a manager and seven members of staff two of which deal mainly with LTGDC planning applications. It is considered that the additional member of staff would enable the current standard of customer service and level of performance to be maintained.

Customer Impact

The Council's Development Management Service currently provides a high quality, value for money service to its customers.

- Customer satisfaction surveys

The Council conducts a rolling customer satisfaction survey for applicants. This shows

consistently high levels of customer satisfaction with the Council's Development Management service. Any constructive comments are acted upon.

- NI 157

The Council performs consistently well against this key planning applications process indicator.

It is considered that the additional member of staff would enable the current standard of customer service and level of performance to be maintained.

In line with best practice the Council will continue with the practice of the LTGDC in using Planning Performance Agreements where necessary.

The impact on equalities is likely to be neutral in that this recommendation seeks to return powers which were originally with the Council. Benefits include:

- Currently the LTGDC Planning Committee consists of eight members none of whom are from a BME background. Whilst the future composition of the Council's Development Control Board was not known at the time of writing this report it will consist of 22 Councillors and therefore is likely to have a more diverse membership.
- The Council's Development Control Board meet in the Town Hall, Barking, which is more accessible for the borough's residents than Stratford Town Hall where the LTGDC Planning Committee currently meet.
- The return of planning powers will increase democratic accountability as it will give Barking and Dagenham members a greater say in decision making.

Safeguarding Children

No implications

Crime and Disorder

All planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise irrespective of who determines them. In saying that it is fair to say that the Council may be able to exert more influence on those schemes it is responsible for determining to ensure Crime and Disorder issues are addressed.

Property / Assets

No implications

Options appraisal

The alternative option is for the planning powers to remain with the LTGDC, however, this will only mean that the duplication and delays that characterise the current system will remain and the opportunity is lost to increase local accountability in decision making.

Head of Service: Jeremy Grint	Title: Divisional Director of Regeneration and Economic Development	Contact Details: Tel: 020 8227 2443 Fax: 020 8227 3490 E-mail: jeremy.grint@lbbd.gov.uk
Report Author: Daniel Pope	Title: Development Planning Group Manager	Contact Details: Tel: 020 8227 3929 Fax: 020 8227 3490 E-mail: daniel.pope@lbbd.gov.uk

1. Report detail

- 1.1 In June 2009 the Communities and Local Government Department (CLG) invited comments on the future of the London Thames Gateway Development Corporation (LTGDC) as part of its Quinquennial Review of the Urban Development Corporations.
- 1.2 The Council responds to this consultation was that it would like its development management powers returned to avoid the duplication and delays that characterise the current system and also to increase local accountability. The Council also pointed out that in these difficult economic times we need to look very seriously at the most efficient way of delivering a development management service and that would be to restore powers to the boroughs. However, the Council supported the option of the LTGDC maintaining its regeneration delivery role; provided it was working with partners to an agreed set of priorities.
- 1.3 The Council now understands that there is the possibility that its development management powers could be returned by 1 October 2010, which is the next common commencement date, or failing this at the next opportunity which is 1 April 2011. Before this can happen the support of the Council is required.
- 1.4 Officers are confident that the return of development management powers will result in more effective and efficient decision making and a better service for customers.
- 1.5 The London Thames Gateway Development Corporation (LTGDC) was established on 26 June 2004, its Board appointed on 1 November 2004, and it became fully operational when planning powers were transferred to it in October 2005. In its response to the consultation on establishing a UDC, the Government said that LTGDC should initially be established for ten years, with full review after five years. The LTGDC operates in two non-contiguous parts of East London: the Lower Lea Valley and London Riverside. It is important to clarify it was only the development control powers (now called development management) that were transferred from LBBD to the LTGDC. Plan making powers remained with LBBD.
- 1.6 The London Thames Gateway Development Corporation determines strategic planning applications directly relevant to its purpose. These are defined in the London Thames Gateway Development Order as applications for 50 or more homes, more than 2,500 square metres of business floor space, buildings above 25 metres in height; development of one hectare or more, proposals involving mineral extraction, waste management plus various transport related developments. The boundary of the LTGDC is provided in **Appendix 1**. Basically it covers the area south of the A1306 / A13 and also Barking Town Centre and therefore includes:
 - Dagenham Dock
 - Ford's Dagenham Estate
 - South Dagenham
 - Barking Riverside
 - Scrattons Farm
 - Thames View
 - River Road / Creekmouth employment area
 - Rippleside Commercial area
 - Barking Town Centre, including the Gascoigne Estate

1.7 The table below compares the current process with the new process once the planning powers are returned. Inevitably the new system is more streamlined.

Current process	New process
<ul style="list-style-type: none"> Applicant contacts LBBB / LTGDC to arrange pre-app meeting 	<ul style="list-style-type: none"> Applicant contacts LBBB to arrange pre-app meeting
<ul style="list-style-type: none"> LBBB / LTGDC arrange pre-app meeting. Pre app meetings generally take place at South Quay or in the Borough. On major schemes there are often a number of pre app meetings. 	<ul style="list-style-type: none"> LBBB arrange pre-app meeting in Barking. On major schemes there are often a number of pre app meetings.
<ul style="list-style-type: none"> LBBB writes advice letter, LTGDC comment on this, and final letter is sent to applicant summarising the outcome of the meeting 	<ul style="list-style-type: none"> LBBB writes advice letter, and letter is sent to applicant summarising the outcome of the meeting
<ul style="list-style-type: none"> LBBB receive fee for this advice. 	<ul style="list-style-type: none"> LBBB receive fee for this advice
<ul style="list-style-type: none"> Applicant submits planning application to LBBB. LBBB sends copies of application to LTGDC and GLA (where relevant). Planning fee sent to LTGDC by applicant and then returned to LBBB 	<ul style="list-style-type: none"> Applicant submits planning application to LBBB. LBBB sends copies of application to GLA (where relevant). Planning fee paid to Borough directly by applicant
<ul style="list-style-type: none"> LTGDC usually prepares a Planning Performance Agreement setting out in agreement with the applicant and the Council the timetable for reaching a decision and the key milestones along the way. 	<ul style="list-style-type: none"> LBBB usually prepares a Planning Performance Agreement setting out in agreement with the applicant the timetable for reaching a decision and the key milestones along the way.
<ul style="list-style-type: none"> LBBB organises consultation 	<ul style="list-style-type: none"> LBBB organises consultation
<ul style="list-style-type: none"> LBBB sends consultation responses to the LTGDC 	<ul style="list-style-type: none"> LBBB writes planning report
<ul style="list-style-type: none"> LBBB writes planning report 	<ul style="list-style-type: none"> LBBB presents report to its Development Control Board
<ul style="list-style-type: none"> LTGDC prepare planning report using LBBB as its basis 	<ul style="list-style-type: none"> LBBB issue decision
<ul style="list-style-type: none"> LBBB presents report to its Development Control Board 	<ul style="list-style-type: none"> LBBB consult GLA and Government Office for London (GOL) post committee
<ul style="list-style-type: none"> Development Control Board recommendation and comments are minuted and a letter sent to LTGDC detailing this 	<ul style="list-style-type: none"> LBBB lead on and administer Section 106 negotiations
<ul style="list-style-type: none"> LTGDC present report to their Planning Committee and LBBB comments taken into account as a material consideration. 	
<ul style="list-style-type: none"> LTGDC issue decision 	
<ul style="list-style-type: none"> LTGDC consult GLA and GOL post committee 	
<ul style="list-style-type: none"> LTGDC lead on and administer Section 106 process but consult LBBB during negotiations. 	

- 1.8 Before the LTGDC was instituted the Council dealt effectively with major applications in the current LTGDC area, including the outline application for 10,800 homes at Barking Riverside and the award winning Barking Town Centre Town Square development.

Mayor of London's planning powers

- 1.9 Currently the Mayor of London's power to take over and determine an application does not apply to planning applications that fall within the geographic area of the London Thames Gateway Development Corporation. This is because the LTGDC was expressly established to deal with the strategic planning for this area. It is likely the Mayor's powers would be extended to the current LTGDC area if the planning powers are returned so that they were the same across the Borough.

Implications for Development Control Board (DCB)

- 1.10 Currently the Council's DCB consists of 22 Councillors. The return of planning powers should not require any changes to the operation of the DCB. The Board already receives and comments on those applications which are determined by the LTGDC. Therefore there is no need to make any special arrangements in this regard. The Planning Advisory Service has said they can provide tailored training to members of the Development Control Board as part of the transfer of powers if necessary.

2 Links to Corporate and other Plans and Strategies

- 2.1 The return of planning powers will help deliver the Community Plan priority "Fair and respectful: A stronger and more cohesive borough so that it is a place where all people get along, and of which all residents feel proud."
- 2.2 The return of planning powers will also give Members a greater say in ensuring the policies and proposals of the Council's Local Development Framework are implemented when planning applications are determined.

3. Consultees

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

Councillor McCarthy Cabinet Member Regeneration
Tracie Evans, Corporate Director, Finance and Commercial Services
Jeremy Grint, Divisional Director, Regeneration and Economic Development
Lee Russell, Group Manager Resources and Budgeting Team
Yinka Owa, Legal Partner Procurement, Property and Planning
Martin Rayson, Head of HR
Vivienne Cooling, Group Manager Marketing and Communication
Dave Mansfield, Development Management Manager
Sue Lees, Divisional Director Asset Management and Capital Delivery
Mike Freeman, Group Manager Schools Estate
Darren Henaghan, Divisional Director Environmental and Enforcement Services
Anne Bristow, Corporate Director of Adult and Community Services

4. Background Papers Used in the Preparation of the Report:

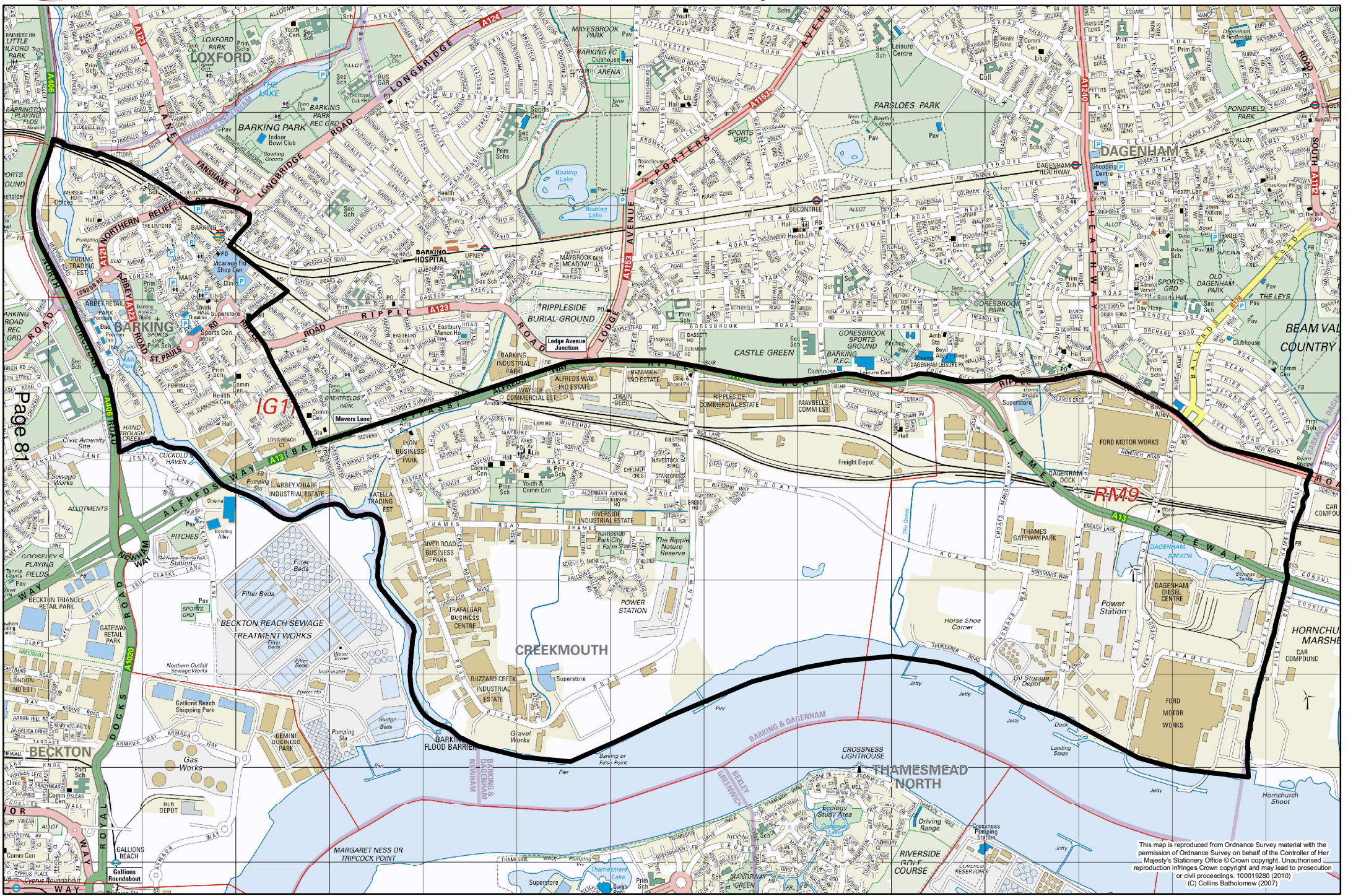
- Mayor of London Order 2008.
- London Thames Gateway Development Corporation Order 2005.
- Urban Development Corporations' Quinquennial Review, CLG. 2009
- Executive Report and Minute 149, 10 October 2005. Re: London Thames Gateway (Urban) Development Corporation: Proposed Planning Service Agreement.

5. List of Appendices

Appendix 1 – UDC Boundary

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UDC Boundary



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THE ASSEMBLY

21 JULY 2010

REPORT OF THE CABINET

Title: Local Development Framework – Adoption of Core Strategy Development Plan Document	For Decision	
<p>Summary</p> <p>At its meeting on 8 June 2010, the Cabinet considered the attached report (Appendix A) on the Local Development Framework Core Strategy, which sets the vision for the future planning of the Borough up to 2025, and has recommended its adoption by the Council.</p> <p>The Core Strategy document was circulated to all Members under separate cover prior to the Cabinet meeting and is available on the Council’s website.</p> <p>Recommendation</p> <p>The Assembly is recommended to adopt the Barking and Dagenham Local Development Framework Core Strategy Development Plan Document.</p>		
<p>Contact: Nina Clark</p>	<p>Divisional Director of Legal & Democratic Services</p>	<p>Tel: 020 8227 2114 E-mail: nina.clark@lbbd.gov.uk</p>

Background papers used in the preparation of this report:

“Local Development Framework – Adoption of Core Strategy Development Plan Document” report and minutes, Cabinet 8 June 2010.

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CABINET

8 June 2010

REPORT OF THE CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES

Title: Local Development Framework – Adoption of Core Strategy Development Plan Document	For Decision
<p>Summary</p> <p>The 2004 Planning and Compulsory Purchase Act required Barking and Dagenham to replace its Unitary Development Plan with a Local Development Framework (LDF). The Local Development Framework is a key corporate document which is focused on implementing the spatial dimensions of the Community Plan.</p> <p>The Core Strategy is the main Local Development Framework document as it sets the vision for the future planning of the borough up to 2025. All other Local Development Framework documents are focused on delivering the Core Strategy. It sets out a strategy for the future development of the borough, making sure that opportunities to increase prosperity and wellbeing are maximised whilst protecting and strengthening what is best about Barking and Dagenham. This will heavily support future planning decisions in the Borough.</p> <p>An independent Inspector has confirmed, following an Examination-in-Public, that the Council's Core Strategy is "legally compliant" and "sound". Consequently the Inspector has:</p> <ul style="list-style-type: none"> • Confirmed the Council's strategy for the three key regeneration areas of South Dagenham, Barking Riverside and Barking Town Centre • Supported the case for major transport schemes including the DLR Extension to Dagenham Dock • Endorsed the Council's strategy for the Dagenham Dock Sustainable Industrial Park • Endorsed the Council's 40% family housing target • Endorsed the Council's approach to protecting the Green Belt, Public Green Spaces and Sites of Nature Conservation Interest from development • Endorsed the Council's approach to planning for Climate Change, including making sure all new development is built to high environmental building standards • Endorsed the Council's strategy for ensuring there is sufficient employment land to meet the needs of businesses • Endorsed the Council's approach to planning for the borough's town centres as the focus for retail and services. <p>However, the Inspector has recommended the affordable housing policy is deleted on the basis that there was not sufficient evidence that the 50% target could be achieved. In practice this alteration in local planning policy is not likely to have an impact on the amount of affordable housing that is secured in new developments as the London Plan policy can</p>	

be used which requires that councils seek the maximum reasonable viable amount of affordable housing. Officers will start drafting a Supplementary Planning Document regarding affordable housing. This will take about 18 months to go through the statutory procedures and will be based on the latest housing needs and housing market data from the forthcoming sub-regional and local Strategic Housing Market Assessments.

It is important to note that there were a significant number of objections to the Core Strategy and with the exception of the affordable housing policy the Inspector did not impose any significant changes on the Council in the light of these. For example, a number of developers strongly objected to the 40% family housing target but this was successfully defended.

Wards Affected: None

Recommendation(s)

The Cabinet is asked to recommend to the Assembly the adoption of the Barking and Dagenham Local Development Framework Core Strategy Development Plan Document.

Reason(s)

To help deliver all the Community Plan priorities.

Implications

Financial

The costs of adopting the Core Strategy will be met from within the existing Regeneration and Economic Development Division budget.

There are a number of policies that will have financial implications for developers, for example the requirements for major development to meet high environmental building standards and to make significant contributions towards social infrastructure needs.

Legal

The Planning and Compulsory Purchase Act 2004 (the "Act") required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF). As observed above the Core Strategy is a key LDF document.

The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 provide that adoption of LDF documents are not an Executive function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly.

Contractual

No specific implications

Risk Management

No specific implications

Staffing

No specific implications.

Customer Impact

In line with the Council's adopted Statement of Community Involvement the Core Strategy has been through three stages of consultation and consulted the following groups, the Faith Forum, Forum for the Elderly, Lesbian, Gay, Bisexual and Transgender Forum, Refugee Forum, Tenants Federation, Youth Forum, Disablement Association Barking and Dagenham, Age Concern, Citizens Panel. Dagenham Dock Employers Forum and Chamber of Commerce.

Full details of consultees, those who responded, comments raised, and how those comments are reflected in the document are set out in a consultation statement which is publicly available on the Council's website. This statement was reported to Councillors when the Executive agreed the pre-submission version of the Core Strategy on the 20 May 2008 (Executive Minute 5, 20 May 2010). In finding the Core Strategy legally compliant the Inspector judged that the Council met its legal requirement to comply with the arrangements sets out in its Statement of Community Involvement.

In preparing the Core Strategy officers have needed to have a thorough understanding of the current and forecast population profile of the borough and this was established in preparing the baseline for the Sustainability Appraisal for the Core Strategy and in preparing the Issue and Options documents.

The Issues and Options documents included a document profiling the composition of each ward, the issues raised at their community forums and a focus on the major projects and development opportunities available in each as a basis for consultation.

Officers are confident that having undertaken comprehensive consultation and undertaken a through sustainability appraisal that the Core Strategy policies do and will respond to the needs of the borough's current and future residents.

Safeguarding Children

No specific implications

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. The Core Strategy reflects policies and approaches aimed at contributing towards preventing and reducing crime and the fear of crime. The impact of all policies in relation to contributing towards reducing crime and the fear of crime has been appraised as part of the Sustainability Appraisal process.

Property / Assets

All development proposals will need to be in line with the Core Strategy and therefore it will have an impact on the future use of the Council's Property and Assets where the need for planning permission is involved. In general the Core Strategy sets higher standards for new developments compared to the previous Unitary Development Plan so this will impact on the cost of new development.

Options Appraisal

The Council could choose not to adopt the Core Strategy. However, the Executive previously approved the Core Strategy on 20 May 2008, and officers consider that the changes made during the examination as summarised in the report strengthen it except for the deletion of the affordable housing policy.

Head of Service: Jeremy Grint	Title: Divisional Director of Regeneration and Economic Development	Contact Details: Tel: 020 8227 2443 Fax: 020 8227 3490 E-mail: jeremy.grint@lbbd.gov.uk
Report Author: Daniel Pope	Title: Group Manager Development Planning	Contact Details: Tel: 020 8227 3929 Fax: 020 8227 3490 E-mail: daniel.pope@lbbd.gov.uk

1. Report detail

1.1 To reach this stage the Core Strategy has been through three stages of consultation; issues and options, preferred options and submission. Following this consultation a hearing was conducted by an independent Inspector to determine whether or not the Core Strategy was “sound” and “legally compliant”. The Inspector issued his report on 10 February 2010 and has confirmed that the Core Strategy is sound and legally compliant subject to a number of changes being made to the document. The majority of these changes were suggested by officers during the examination into the Core Strategy in response to queries raised by the Inspector. The majority of these are minor inconsequential changes, however, there are a number of more significant changes which are summarised below:

- Information included on the findings of the Joint Strategic Needs Assessment
- More information included on the importance of the Thames Gateway and Barking and Dagenham’s position within it
- Clarified that in the South Dagenham West site some employment uses would be acceptable as part of a mixed use development.
- More guidance provided on the implementation of the Green Grid
- Policies updated to reflect the current status of major transport schemes including the DLR extension and more emphasis placed on their importance to delivering the growth set out in the Core Strategy
- Policies on managing flood risk strengthened

1.2 However, the Inspector has recommended the affordable housing policy is deleted on the basis that there was not sufficient evidence that the 50% target could be achieved. In practice this is not likely to have an impact on the amount of affordable housing that is secured in new developments as the London Plan policy can be used which requires that Council’s seek the maximum reasonable viable amount of affordable housing. Officers will start drafting a Supplementary Planning Document regarding affordable housing. This will take about 18 months to go through the statutory procedures and will be based on the latest housing needs and housing market data from the forthcoming sub-regional and local Strategic Housing Market Assessments.

1.3 Achieving a sound Core Strategy is a significant achievement and Barking and Dagenham becomes the fifth London Borough to have done this. This means the Inspector has:

- Confirmed the Council’s strategy for the three key regeneration areas of South Dagenham, Barking Riverside and Barking Town Centre

- Supported the case for major transport schemes including the DLR Extension to Dagenham Dock
- Endorsed the Council's strategy for the Dagenham Dock Sustainable Industrial Park
- Endorsed the Council's 40% family housing target
- Endorsed the Council's approach to protecting the Green Belt, Public Green Spaces and Sites of Nature Conservation Interest from development
- Endorsed the Council's approach to planning for Climate Change including making sure all new development is built to high environmental building standards
- Endorsed the Council's strategy for ensuring there is sufficient employment land to meet the needs of businesses
- Endorsed the Council's approach to planning for the borough's town centres as the focus for retail and services.

1.4 The revised Core Strategy has been circulated under separate cover to all Councillors and is available on the Council's website.

2. Links to Corporate and other Plans and Strategies

2.1 The Local Development Framework is a key corporate document which is focused on implementing the spatial dimensions of the Community Plan. It also links in to other Council Strategies including the Housing Strategy, Local Implementation Plan, Climate Change Strategy, Parks and Green Spaces Strategy, Economic Development Strategy and Regeneration Strategy.

3. Consultees

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

Councillor McCarthy Cabinet Member for Regeneration
 Tracie Evans, Corporate Director, Finance and Commercial Services
 Jeremy Grint, Divisional Director of Regeneration and Economic Development
 Lee Russell, Group Manager Resources and Budgeting Team
 Yinka Owa, Legal Partner Procurement, Property and Planning
 Andy Butler, Group Manager for Area Regeneration
 Mark Tyson, Group Manager Policy and Partnerships
 Dave Mansfield, Development Management Manager
 Sue Lees, Divisional Director Asset Management and Capital Delivery
 Stephen Clarke, Divisional Director of Housing Services
 Mike Freeman, Group Manager Schools Estate
 Ann Bristow, Corporate Director of Adult and Community Services
 Heather Wills, Head of Community Cohesion and Equalities
 Glynis Rogers', Divisional Director Community Safety and Neighbourhood Services
 Paul Hogan, Head of Leisure Arts

4. Background Papers Used in the Preparation of the Report:

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004.
- The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004

- Executive report and Minute 5, 20 May 2008, Re: Local Development Framework - Submission of Core Strategy and Borough Wide Development Policies
- Pre-submission Core Strategy, LBBB, 2008
- Pre-submission Core Strategy Consultation Statement, LBBB, 2009
- Pre-submission Core Strategy Sustainability Appraisal, LBBB, 2009
- Inspector's report on the Barking and Dagenham Core Strategy Development Plan Document, Planning Inspectorate, 2010

5. List of Appendices

Revised Core Strategy - circulated under separate cover to all Councillors

THE ASSEMBLY

21 JULY 2010

REPORT OF THE CABINET

Title: Local Development Framework - Approval of Supplementary Planning Document (SPD) "Saturation Point: Addressing the Health Impacts of Hot Food Takeaways"	For Decision	
<p>Summary</p> <p>At its meeting on 8 June 2010, the Cabinet considered the attached report (Appendix A) on the proposed planning policy document in relation to hot food takeaway premises in the Borough and has recommended its adoption by the Council.</p> <p>Recommendation</p> <p>The Assembly is recommended to adopt the "Saturation Point – Addressing the Health Impacts of Hot Food Takeaways" Supplementary Planning Document contained at Appendix 1 to the attached report.</p>		
Contact: Nina Clark	Divisional Director of Legal & Democratic Services	Tel: 020 8227 2114 E-mail: nina.clark@lbbd.gov.uk

Background papers used in the preparation of this report:

"Local Development Framework - Approval of Supplementary Planning Document (SPD)
"Saturation Point: Addressing the Health Impacts of Hot Food Takeaways" report and minutes, Cabinet 8 June 2010.

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CABINET

8 June 2010

REPORT OF CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES

<p>Title: Local Development Framework: Approval of Supplementary Planning Document (SPD) “Saturation Point: Addressing the Health Impacts of Hot Food Takeaways”</p>	<p>For Decision</p>
<p>Summary</p> <p>On 28 July 2009 the Executive recommended to approve “Saturation Point – Addressing the health impacts of hot food takeaways” Supplementary Planning Document for consultation and as a material consideration by Development Management. This report, sets out the consultation results. Strong support was received from academic institutions and health organisations but there was strong objection from fast food operators. Despite the strong objections Officers consider that the Supplementary Planning Document is capable of being adopted; however, as highlighted in the earlier report there is a risk of legal challenge.</p> <p>This SPD is one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan. The Supplementary Planning Document (SPD) aims to reduce the risk of obesity amongst the Borough’s population and in particular children by:</p> <ul style="list-style-type: none"> • Reducing opportunities for new hot food takeaway shops, especially those in proximity to schools. • Seeking developer contributions from new takeaways towards initiatives to tackle obesity. • Working with hot food takeaways to improve the nutritional value of the food they sell. • Improving the opportunities to access healthy food in new developments. <p>The SPD is provided at Appendix 1. Copies of the Consultation Report are available in the Members’ Rooms at the Civic Centre and Town Hall.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend to the Assembly the adoption of the “Saturation Point – Addressing the Health Impacts of Hot Food Takeaways” Supplementary Planning Document as set out at Appendix 1.</p>	
<p>Reason(s)</p> <p>To help deliver the Community Plan objective: “A healthy Borough, where health inequalities are reduced with greater knowledge of lifestyle impacts on health.”</p>	

Implications

Financial

The costs of adopting and implementing the SPD through the Development Management process will be met from the existing Regeneration and Economic Development budget.

The implementation of the other policies and initiatives referred to in paragraph 2.9 below are met from within existing Council and partnership funds. This guidance will restrict the ability of new hot food takeaways to locate in the borough and therefore may affect the ease with which vacant units whether Council owned or not can be let to hot food takeaway operators.

The SPD proposes the implementation of a £1,000 one-off fixed approval fee for new hot food takeaway premises. It is proposed to obtain this fee through a Section 106 Agreement. The Section 106 contributions will form part of any funding for Council strategies for the reduction of childhood obesity. At this stage it is not possible to quantify the number of new hot food takeaways which may be approved and so the level of any additional income.

Legal

The Local Development Framework (LDF) regime was introduced by the Planning and Compulsory Purchase Act 2004 (the "2004 Act"). It replaces the Unitary Development Plan. The process is set out in secondary legislation namely the Town and Country Planning (Local Development) (England) Regulations 2004. The Regulations were amended in June 2008 by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008

The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 states that adoption of LDF documents is not a Cabinet function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly.

It is possible for a charge to be levied on new developments as long as it meets the tests set out in the Community Infrastructure Regulations 2010 which state that;

"a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

In addition to planning considerations, the provision of late night hot food or drink between the hours of 23:00 to 05:00 is likely to require a Night Café Licence under the Licensing Act 2003. There is a presumption under the Licensing Act that such licences will be granted unless there are relevant representations. Under the Council's Licensing Policy the Licensing and Regulatory Board will take into account representations made by the Council as Planning Authority where they impact on the Licensing considerations of prevention of crime, prevention of nuisance, protection of children from harm and public safety.

Contractual No specific implications				
Risk Management				
Risk	Probability	Impact	Priority	Action
Failure to meet legal requirements.	Low	High	High	Relevant Act and Regulations have been followed in preparing the SPD and will be followed in adopting it.
Policy not applied successfully	Low	High	High	Development Management staff will be fully briefed. The SPD is a good example of spatial planning as espoused by Central Government and the Planning Inspectorate. It should therefore receive their support.
Failure to integrate fully with other Council policies and strategies	Low	High	High	The SPD has been prepared in consultation with Barking and Dagenham NHS and relevant Council services.
Guidance is not upheld at appeal	Medium	High	High	This SPD is in line with latest Government guidance in taking a spatial rather than a narrow land use approach to planning. Therefore it is hoped that it would be supported at appeal but there is no guarantee of this. The Planning Inspectorate and the Government Office were consulted on the draft document.
Policy is challenged by Fast Food operators	Medium	High	High	Other local authorities have issued similar guidance. However, several fast food operators have raised the prospect of legal challenge in response to the consultation.

Staffing
No specific implications.

Customer Impact
In line with legal requirements the consultation was undertaken in line with the Council's Statement of Community Involvement. This included a mail out to all the consultees on the Planning Policy database. This included age concern, the Barking and Dagenham Faith Forum, and the Barking and Dagenham Race Equality Council. However, no responses were received from these groups.

Copies of the SPD were made available in the libraries and key Council buildings as well as

being available online on the Council's website. Those members of the public that did respond to the consultation support the measures in the SPD.

All groups within the Borough will benefit from the impact of this policy which is focused on tackling the high levels of obesity amongst borough residents.

An Equalities Impact Assessment has been done for this document. Whilst no data exists as to the ethnicity of the owners of hot food takeaways, or those who work in such establishments, it is apparent that many of these premises are owned or managed by Black Asian and Minority Ethnic (BAME) communities. The SPD is not targeting these existing hot food takeaways, instead it is seeking to limit the opportunities for future hot food takeaway establishments irrespective of who owns or works in these businesses. The policy may therefore restrict opportunities for new hot food takeaway businesses some of which may be owned and run by people from BAME groups.

The Council will closely monitor the impact of the policy by noting the number of new BAME business start ups to ensure that there is no negative impact on the BAME community. The indicators to be used are:

- Number of VAT registered businesses in Barking and Dagenham
- Proportion of business registrations per 10,000 resident population aged 16 and above

If opportunities for those from BAME groups to establish or gain employment in new hot food takeaways is restricted then they can take advantage of a number of initiatives which the Council supports aimed at increasing resident access to employment opportunities and improving their skills, mobility and employability, and support to anyone considering self employment and business start-up in the borough.

There is also a suggestion that a disproportionate number of people on lower incomes and young people tend to use Hot Food Takeaways so this policy may impact on them.

Safeguarding Children

Hot food take-always mainly sell food that is high in fat, salt and carbohydrates. Our children are already amongst the most obese in the country; this reduces their life chances significantly. Our safeguarding responsibilities include supporting them to access healthy eating options to prolong life expectancy.

Crime and Disorder

Hot food takeaways can attract anti-social behaviour. It is hoped that by limiting the opportunities for new hot food takeaway outlets there will be a positive impact on crime and disorder.

Property / Assets

It should be noted that restrictions on any type of development may affect the volume of private sector interest in development, the level of investment and / or the viability of business. The financial impact on the Council of this cannot be estimated.

Options appraisal

The policies in the SPD are evidenced based and take forward a commitment in Barking and Dagenham's NHS Childhood Obesity Strategy and Action Plan.

The SPD is not a statutory document at the same time obesity is a serious issue in the Borough and therefore to not produce this SPD would be neglecting an important opportunity to help

address this.		
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1. Background

- 1.1 The Planning and Compulsory Purchase Act 2004 requires Barking and Dagenham to replace its Unitary Development Plan with a Local Development Framework. The Local Development Framework is a key corporate document which is focused on implementing the spatial dimensions of the Community Plan.
- 1.2 Four Local Development Framework documents were reported to Councillors in 2009:
 - Core Strategy
 - Borough Wide Development Policies
 - Site Specific Allocation
 - Barking Town Centre Area Action Plan
- 1.3 This report covers another important part of the Local Development Framework, a Supplementary Planning Document (SPD) which is focused on controlling new Hot Food Takeaways in the Borough. The SPD is required to help tackle the growing obesity problem in the Borough.

2. Report detail

- 2.1 The SPD, "Saturation Point – Addressing the health impacts of hot food takeaways", is part of a broader strategy to tackle obesity in Barking and Dagenham.
- 2.2 It will contribute towards meeting the Local Area Agreement (LAA) target for Barking and Dagenham – to halt the year-on-year rise in obesity among young children and young people.
- 2.3 The SPD responds to the Government's aim, which is for the UK to become the first major country "to reverse the rising tide of obesity and overweight in the population, by ensuring that all individuals are able to maintain a healthy weight".
- 2.4 The recently published *Healthy Weight, Healthy Lives*, a cross-governmental strategy for England, identified the Thames Gateway region, in which Barking and Dagenham is a central constituent, as being an area which should act as an exemplar in working to reduce the levels of obesity. The document also

encourages local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets.

2.5 The SPD provides more detail on the implementation of Unitary Development Plan and Local Development Framework planning policies.

2.6 The SPD does not have the same status as the development plan but, once adopted, it will be an important material consideration in the determination of planning applications.

2.7 The provisions of this SPD will be implemented as part of the development management process through the determination of planning applications for hot food takeaway development.

2.8 The SPD seeks to curb the numbers and concentrations of hot food takeaways in proximity to schools and other sensitive uses. It aims to achieve this through the following measures:

SPD Implementation Point 1 – Proximity to Schools

- This policy seeks to prevent the development of new hot food takeaways by a 400m exclusionary zone around primary and secondary schools in the Borough.

SPD Implementation Point 2 – Concentration and Clustering

- This policy seeks to reduce opportunities for new hot food takeaways in existing retail parades – this is the percentage of retail units which are operating as takeaways on a retail parade.
- In addition it seeks to prevent the ‘clustering’ of new hot food takeaways – this is the number of hot food takeaways located adjacent to one another.

SPD Implementation Point 3 – Hot Food Takeaway Levy

- To mitigate the effects of new hot food takeaways, where they are acceptable, this policy will introduce a flat rate levy. This fee would contribute to initiatives to reduce obesity in the Borough.

2.9 In addition to the policies outlined above the SPD draws attention to other initiatives and partnership working in the Borough:

- **Healthy food choices:** NHS Barking and Dagenham is working with existing hot food takeaways to reduce the fat, sugar and salt content of their meals and to offer healthier food options.
- **Schools:** NHS Barking and Dagenham and the Council’s School Improvement Service are working with schools to provide healthier meal choices.
- **Council Property:** Tenants of Council owned properties will be encouraged to reduce the number of hot food takeaways in their premises.
- **Major commercial, retail and town centre developments:** Developers of large sites will be encouraged to reduce / prohibit fast food outlets from their schemes. This would be achieved through early discussions with developers and the

implementation of planning conditions on a case-by-case basis. Barking Riverside is a good case study of where this has worked successfully.

- **Mobile Food Vans:** Restricting mobile food vans from operating outside schools.

3. Consultation

3.1 The SPD was consulted on between 25 August 2009 and 3 November 2009. The consultation was in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (the regulations) and the Council's adopted Statement of Community Involvement.

3.2 The consultation received 23 responses from a broad range of stakeholders, which can be summarised as follows:

Individual:	8
Academic:	4
Health Organisation:	6
Hot Food Takeaway Organisation:	5

3.3 **Individuals.** The majority of individuals supported the SPD and its intention to control the numbers of hot food takeaways.

3.4 **Academic.** There was strong support for the SPD amongst this group of respondents. Indeed, Professor Jack Winkler, Director of Food and Nutritional Policy at London Metropolitan University stated that:

'Barking and Dagenham has placed itself at the forefront of a progressive movement for cultural and nutritional change. [The] SPD on hot food takeaways advances the policy framework, now being considered by many other London boroughs...the SPD focuses primarily on health. This is important when we are in the midst of an obesity epidemic...we have to take action now. Improving hot food takeaways is not the complete answer to our diet problems, but given the proliferation of hot food takeaways in recent years, it is an important component in any effective nutrition policy. And local authorities like you are at the frontline of that sector.'

3.5 As a consequence of the consultation and the support received on the SPD from academics, such as Professor Winkler, the Council is considering working with a University on the monitoring of the SPD. This will further enable the understanding of obesity in UK cities. This group of respondents were also very supportive of the work outlined in Section 7 of the SPD (Strategic Working).

3.6 **Health Organisations.** There was strong support for the aim and purpose of the SPD from this group of respondents. The National Heart Foundation stated that:

'Planning policy must consider not just a community's economic health, but the health and wellbeing of the people living, working and shopping in the area.'

3.7 It was recognised that the Council is taking a spatial planning to improving health and reducing inequalities in the Borough. Health Organisations endorsed the clear *'link between the built environment and health and wellbeing'* which underlines the

SPD. Organisations in this group also valued the holistic approach to the SPD. The SPD is just one element of a coordinated approach Council is taking in collaboration with NHS Barking and Dagenham to reduce levels of obesity in the Borough.

- 3.8 The mapping work which the Council conducted to assess the location of existing hot food takeaways in relation to schools, open space leisure and children's centres in the Borough was also commended (Figure 1 in the SPD).
- 3.9 **Hot Food Takeaway Organisations.** There was strong opposition to the SPD from this group of respondents which comprised Kentucky Fried Chicken, McDonalds, Domino's Pizza, Pizza Hut and the Papa Pizza Pasta and Italian Food Association. Opposition to the SPD from this group can be summarised as follows:
- The SPD is not consistent with national, regional or local planning policy
 - The SPD should not include policies
 - The SPD does not supplement UDP and LDF policies
 - The Hot Food Takeaway Levy (Implementation Point 3) does not meet the Secretary of State's tests of Circular 05/05
 - Lack of evidence to support the SPD objectives
 - The SPD would harm job creation
 - Hot food takeaways bring vitality and viability to the high street
 - The SPD will not impact on obesity levels in the Borough
 - Other shops (non-A5 Use Class) contribute to obesity
- 3.10 Officers have responded to these objections in the consultation statement and clarified that:
- The SPD does supplement the policies in the LDF. The Core Strategy is due to be adopted in July 2010 and the SPD will be supplementary to this.
 - The SPD does not include planning policies but implementation points which provide further detail on the implementation of LDF policies
 - The SPD is consistent with national, regional and local planning policy, including Planning Policy Statements 1 and 12 and the London Plan.
 - The Hot Food Takeaway Levy does meet the tests set out in Circular 05/05. Please note these tests have recently been changed by the Community Infrastructure Regulations as detail in the legal section of this report.
- 3.11 Where they are located and managed properly, hot food takeaways can provide a complementary service in town centres and that they do contribute to the local economy, creating employment opportunities. This is reflected in paragraph 6.9 of the SPD.
- 3.12 However, in response to the numbers of hot food takeaways in Barking and Dagenham officers consider that the measures proposed in the SPD are proportionate and considered. Moreover, the SPD is one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan which aims to reduce the risk of obesity amongst the Borough's population and in particular children. The SPD is founded on national Government guidance in addition to peer reviewed scientific papers.

- 3.13 In addition to the formal consultation responses it should be noted that the SPD has been featured in media articles and has been of interest to a number of high profile health organisations who have been supportive of the SPD's overarching objectives. In addition to this the Department of Health is interested in using the SPD, should it be adopted, as a best-practice case study on a website it is launching. In October 2009 the National Institute of Clinical Excellence (NICE) interviewed the Council on the SPD for background research to NICE guidance on the prevention of cardiovascular disease at population level. Part of the results from the Barking and Dagenham case study (SPD) will be incorporated into a final report which forms the fieldwork review section for the NICE guidance.
- 3.14 In accordance with regulation 18(4)(b) all representations made in response to the consultation have been considered. A Consultation Statement has been prepared which provides a summary of the main issues raised and how they have been addressed in the SPD. Due to the size of this document it has not been attached to the report but is available in the Members' Rooms in the Civic Centre and Town Hall.
- 3.15 A number of minor changes have been made to the SPD to address some of the responses received but these strengthen rather than weaken the document.

4. Links to Corporate and other Plans and Strategies

- 4.1 This SPD is focused on meeting the Local Area Agreement target for Barking and Dagenham to halt the year-on-year rise in obesity among young children and young people. It delivers an action in the Barking and Dagenham Childhood Obesity Strategy and Action Plan.

5. Consultees

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

Councillor McCarthy, Cabinet Member Regeneration
 Tracie Evans, Corporate Director, Finance and Commercial Services
 Jeremy Grint, Division Director, Regeneration and Economic Development
 Lee Russell, Group Manager Resources and Budgeting Team
 Yinka Owa, Legal Partner Procurement, Property and Planning
 Vivienne Cooling, Group Manager Marketing and Communication
 Andy Butler, Group Manager for Area Regeneration
 Dave Mansfield, Development Management Manager
 Mark Tyson, Group Manager Policy and Partnerships
 Sue Lees, Divisional Director Asset Management and Capital Delivery
 Andy Bere, Corporate Asset Manager
 Helen Jenner, Corporate Director of Children's Services
 Meena Kishinani, Head of Children's Policy and Trust Commissioning
 Jane Hargreaves, Head of Quality and School Improvement
 Mike Freeman, Group Manager Schools Estate
 Darren Henaghan, Divisional Director Environmental and Enforcement Services
 Rob Williams, Group Manager Environmental and Trading Standards
 Ann Bristow, Corporate Director of Adult and Community Services
 Heather Wills, Head of Community Cohesion and Equalities
 Glynis Rogers, Divisional Director Community Safety and Neighbourhood Services

6. Background Papers Used in the Preparation of the Report:

- Executive Report and Minute 40, 28 July 2009, [Approval of Draft Hot Food Takeaways Supplementary Planning Document](#).
- Barking and Dagenham Childhood Obesity Strategy and Action Plan, March 2007
- Barking and Dagenham Community Strategy, March 2009
- British Medical Association Board of Science and Education. Adolescent Health BMA publications unit, 2003. Available online at: http://www.bma.org.uk/health_promotion_ethics/child_health/AdolescentHealth.jsp (assessed 1 June 2009)
- Community Food Enterprise, Improving Food Access in Gascoigne and Thames Wards, Report to Barking and Dagenham Primary Care Trust (BDPCT) on the Work Undertaken by Community Food Enterprise Limited (CFE) in the Gascoigne and Thames Wards
- Currie, J., DellaVigna, S., Moretti, E., Pathania, V., The Effects of Fast Food Restaurants on Obesity, *American Association of Wine Economist*, February 2009.
- Department of Health, Obesity. Available online at: <http://www.dh.gov.uk/en/PublicHealth/HealthImprovement/Obesity/index.htm>, (assessed 20 May 2009)
- Foresight, Tackling Obesities: Future Choices – Project Report, October 2007
- GLA, Health Issues in Planning, Best Practice Guidance, June 2007
- GLA, Living Well in London, The Mayor's Draft Health Inequalities Strategy for London, January 2008
- GLA, The London Plan (Consolidated with Alterations since 2004), February 2008
- Government Office for London (Experian ® and Dr Foster Intelligence) 2006
- HM Government, Healthy Weight, Healthy Lives, January 2008
- HM Government, Healthy Weight, Healthy Lives: One Year On, April 2009
- HM Government, White Paper - Choosing Health: Making Healthy Choices Easier, November 2004
- HM Select Committee Report, Health Inequalities, March 2009
- HM Select Committee Report, Obesity, March 2009
- Lake, A. and Townshend, T., Obesogenic environments: exploring the built and food environments, *The Journal of the Royal Society for the Promotion of Health*, 126, 6: 267-262, 2006
- Local Area Agreement, 2008-2011, A Focus on Improvement
- Burns, C., Jackson, M., Gibbons, C. and Stoney, R.M., Foods Prepared Outside the Home: Association with Selected Nutrients and Body Mass Index in Adult Australians. *Public Health and Nutrition*, 5:441-448, 2002
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- Prentice, A.M. and Jebb, S.A., Fast Foods, Energy Density and Obesity: A Possible Mechanistic Link. *Obesity Reviews*, 4: 187-194, 2003
- Sheffield Hallam University, Tackling Obesities: The Foresight Report and Implications of Local Government, March 2008
- Smith et al., Takeaway food Consumption and its associations with diet quality and abdominal obesity: a cross-sectional study of young adults, *International Journal of Behavioural Nutrition and Physical Activity*, May 2009

- Summerbell C, Waters E, Edmunds LD, Kelly S, Brown T, Campbell KJ. Interventions for preventing obesity in children. *The Cochrane Database of Systematic Review*, 3, 2005
- The School Fringe, From Research to Action. Policy Options within schools on the Fringe. Education Research, Sarah Sinclair, JT Winkler, Nutrition Policy Unit, London Metropolitan University, January 2009
- The School Fringe: What pupils buy and eat from shops surrounding secondary schools. Sarah Sinclair and Jack Winkler. Nutrition Policy Unit. London Metropolitan University, July 2008

7 List of appendices:

Appendix 1 - Saturation Point Addressing the Health Impacts of Hot Food Takeaways (Supplementary Planning Document, March 2010)

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Barking and Dagenham Local Development Framework

Barking and Dagenham SPD

Saturation Point

**Addressing the health impacts
of hot food takeaways**

(Supplementary Planning Document, March 2010)

Development Planning, London Borough of Barking and Dagenham

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1. Introduction

1.1 This Supplementary Planning Document (SPD) explains the Council's overall guidance on addressing the health impacts of hot food takeaways (Use Class A5) as part of a strategic approach to tackling the Borough's obesity problem, and particularly childhood obesity. It advises on the appropriate location and concentration of such premises.

1.2 The SPD specifically supplements policies of the Core Strategy:

- **CM5: Town Centre Hierarchy**
- **CC3: Achieving Community Benefits Through Developer Contributions**
- **CE1: Vibrant and Prosperous Town Centres**

It also helps implement the following Core Strategy Strategic Objectives

- **SO7: Promoting Vibrant Town Centres**
- **SO13: Improving the Health and Wellbeing of Local Residents**

The SPD provides further detail on the implementation of the following emerging Local Development Documentation:

Borough Wide Development Policies

- **BC10: The Health Impact of Development**
- **BE1: Protection of Retail Uses**
- **BE3: Retail Outside of Town Centres**

1.3 The SPD does not have the same status as the development plan but, once adopted, it will be an important material consideration in the determination of planning applications.

1.4 The provisions of this SPD will be implemented primarily through the development management process and the determination of applications for hot food takeaway development.

1.5 This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Strategic Partnership's Community Strategy, and

the Council's saved Unitary Development Plan (1996) policies and the emerging Local Development Framework (LDF) to gain an understanding of the health priorities, aims and objectives for the Borough.

- 1.6** Details of all the planning documents that are currently in force within the London Borough of Barking and Dagenham, and a timetable for the production of new documents, are set out in the Councils Local Development Scheme (LDS).

Hot food takeaways – a definition

- 1.7** Hot food takeaways differ in purpose from restaurants or cafes (Class A3), drinking establishments (Class A4) and shops (Class A1). This SPD specifically applies to hot food takeaways, designated in planning terms as Use Class A5 under the Town and Country Planning (Use Classes) Order 1987 as amended.

- 1.8** The definition of a Class A5 hot food takeaway is an establishment whose primary business is the sale of hot food for consumption off the premises.

- 1.9** The proposed layouts of such premises provide a guide as to whether the use will fall into the A3 or the A5 Use Class. In determining the dominant use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space.
- The number of tables or chairs to be provided for customer use.

- 1.10** The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity, the table below indicates which shop types fall within the A5 use class. Please note this is not intended to be a definitive list.

Examples of Use Class A5 shop types	Examples of Shop types not within Use Class A5
Chicken Shops	Restaurants / Cafes
Fish and Chip Shops	Public Houses
Pizza Shops	Wine Bars
Chinese, Indian or other	Night Clubs

Takeaway shops	
Kebab Shops	
Drive Through Premises	

2. Status

- 2.1** This guidance has been put together in accordance with the framework provided in the Government's Planning Policy Statement 12: Local Spatial Planning (2008). The Statutory Development Plan is the starting point when determining planning application for the development or use of land. The Development Plan consists of the London Plan (consolidated with Alterations since 2008) the London Borough of Barking and Dagenham's Development Plan Documents (DPDs) and the saved Unitary Development Plan policies.
- 2.2** This SPD provides further detail on the implementation of DPD policy that applicants must follow to ensure they meet the policy requirements.

3. Planning policy framework

- 3.1** This SPD has been prepared by the London Borough of Barking and Dagenham to address the health impacts of hot food takeaways. It draws upon national and regional planning policy guidance and expands on the policies in the Unitary Development Plan (1996) and the emerging LDF.
- 3.2** National planning policy recognises the role which planning takes in better enabling people to live healthier lifestyles. Planning Policy Statement 1 (PPS1, 2005¹) states that development plans should aim to reduce inequalities and deliver safe and healthy places to live.
- 3.3** PPS4 (2009)² states that the Government's overarching objective is sustainable economic growth. This is defined in the guidance as being:

'Sustainable growth: growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles'.
- 3.4** With 187 hot food takeaways (A5 Use Class) in Barking and Dagenham, the Council considers that in the interests of the health of the Borough's residents, particularly children, that the proliferation of A5 uses needs to be carefully controlled. It is for this reason that the

Council has decided to provide further guidance on the location of hot food takeaways.

- 3.5** At the regional level, the Mayor's draft strategy to address health inequalities in London calls for the creation of a built environment which makes healthier choices easier, including increasing the availability of affordable healthy food³. The London Plan further promotes healthier lifestyles⁴. Policy 3A.20 requires Development Plan Documents to include policies which improve the health of the local population and reduce inequalities. In addition, Best Practice Guidance – *Health Issues in Planning*, stresses the link between planning decisions and the physical environment. It also draws attention to 'food deserts'. These are areas where there is no local provision of food beyond junk food⁵.
- 3.6** Planning and public health have a long shared history. Facilitating the creation of a healthy environment is fundamental to the spatial planning approach. This is reiterated in the Royal Town Planning Institute's, Good Practice Guidance Note – *Delivering Healthy Communities* (2009)⁶, which states that 'spatial planning has a key role to play in shaping environments which make it possible for people to make healthier choices about exercise, local services, travel, food, nature and leisure'.
- 3.7** This SPD is part of a broader strategy to tackle obesity in Barking and Dagenham. Improving the health of the Borough is a cross cutting policy incorporated into a number of objectives in Barking and Dagenham's LDF. This SPD seeks to reduce the proliferation of fast food takeaway shops around schools, parks and youth amenities and will be used to inform local master-planning and regeneration strategies.
- 3.8** This SPD is one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan. It aims to reduce the risk of obesity amongst the Borough's population and in particularly children by:
- Reducing the prevalence and clustering of hot food takeaway shops, especially those in proximity to schools, parks and local youth amenities such as leisure centres.
 - Seeking developer contributions from new takeaways towards initiatives to tackle obesity.
 - Working with hot food takeaways to improve the nutritional value of the food they sell.
 - Improving the opportunities to access healthy food in new developments.

- 3.9** It will help meet the Local Area Agreement target for Barking and Dagenham – to halt the year-on-year rise in obesity among young children and young people (from 4 to 11 years old)

4. Purpose and scope

Obesity – the UK challenge

- 4.1 Obesity is one of the biggest health challenges facing the UK. Currently 1 in 4 adults in England is obese⁷. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease⁸. The Government estimates the annual cost of overweight and obese individuals to the NHS to be £4.2 billion, a figure which is predicted to more than double by 2050⁹. Tackling the growing obesity trend is therefore an important concern for the Government.
- 4.2 England's obesity epidemic has attracted considerable policy attention in recent years^{10 11}. The Government's White Paper, *Choosing Health: Making Healthier Choices Easier*, was published in November 2004 and set out a wide-ranging plan to improve the nation's health. The Paper called for the NHS, local authorities, schools and workplaces to deliver joined up action to make healthier lifestyles easier to attain¹².
- 4.3 In 2006 the National Institute for Health and Clinical Excellence (NICE) and the National Collaborating Centre for Primary Care (NCC-PC) produced obesity guidance. This further stressed the importance of local authorities working in a collaborative and coordinated manner¹³.
- 4.4 The Health Committee Report on obesity, published in 2004, drew attention to the increasing consumption of fast food and the growing trend towards eating on the move¹⁴.
- 4.5 Published in October 2007, the Foresight report *Tackling Obesities: Future Choices*¹⁵, led to the Improvement and Development Agency (IDeA) commissioning Sheffield Hallam University to analyse the implications of the report for local government¹⁶. Both identified the importance of the built environment and the ability planning has to improve access to healthier lifestyles.
- 4.6 In addition, the Government published *Healthy Weight, Healthy Lives: a Cross Government Strategy for England* in 2008, launched the *Change4Life Strategy* in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities¹⁷ again highlighting the need to address the rising numbers of fast food takeaways on the high street. Indeed, *Healthy Weight Healthy Lives*¹⁸ calls for 'local authorities [to] use existing planning powers to control more carefully the number and location of fast food outlets in their local areas'. It further states that 'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools'.

- 4.7** The Foresight Report further calls on policy makers to take a precautionary approach. It states that ‘...expert opinion suggests there are barriers and opportunities for changes to the way we configure the built environment. Better use could be made of existing planning regulations...’ and that ‘there is also a desire for new policy levers and better leadership and policy implementation.’¹⁵
- 4.8** The Government’s aim is for the UK to become the first major country “to reverse the rising tide of obesity and overweight in the population, by ensuring that all individuals are able to maintain a healthy weight”¹⁹.
- 4.9** *Healthy Weight, Healthy Lives* identifies the Thames Gateway region as being an area which should act as an exemplar in working to reduce the levels of obesity. Published in 2008, the document encourages local authorities to use existing planning regulations to control more carefully the number and location of fast food outlets²⁰.

Barking and Dagenham – delivering change

- 4.10** Barking and Dagenham, located at the heart of the Thames Gateway, is one of the fastest-growing Boroughs in the country. Health is an important priority for the Borough and a key feature of the Community Strategy²¹.
- 4.11** Identified by the Government as a Spearhead Primary Care Trust (PCT), Barking and Dagenham falls within the bottom fifth nationally for life expectancy at birth and for cancer and cardio vascular disease mortality rates for under 75s. With life expectancy in the Borough significantly below the national and London average for both men and women, the need to tackle the rising levels of obesity cannot be underestimated.
- 4.12** An individual born in Barking and Dagenham is more likely to be obese than someone born in any other London Borough²². NHS Research, conducted in 2008, indicates that children in Barking and Dagenham have higher overweight and obesity levels compared to the national average. Indeed, 28.4% of children at Reception (4-5 years old) are either overweight or obese. This figure rises to 40.5% of children in Year 6 (10-11 years old)²³.
- 4.13** Barking and Dagenham’s Local Area Agreement (LAA)²⁴ is taking a systematic approach, working in partnership with the NHS, schools, local businesses and workplaces to address overweight and obesity levels in the Borough.

4.14 Partnership working is central to *The Barking and Dagenham Childhood Obesity Strategy and Action Plan*²⁵. Stakeholders responsible for implementing the strategy include:

- Community Safety
- Regeneration (Town Planning, Parks and Leisure)
- Schools
- Early Years and Child Care Providers
- NHS Barking and Dagenham

4.15 The Childhood Obesity Task Force, formed by the Council and NHS Barking and Dagenham, has identified the planning system as a key tool which can contribute to halting the rising obesity trend. It has highlighted the ability planning has to create physical environments which promote healthy lifestyles through measures such as restricting fast food takeaway outlets on high streets.

4.16 Diet is a key determinant both of general health and obesity levels. Most fast food takeaways are a source of cheap, energy dense and nutrient poor foods²⁶. Research indicates that once a child or adolescent develops obesity they are more likely to remain obese through adulthood, have poor health and reduced life expectancy²⁷. The proliferation of takeaway food shops in the Borough, especially in proximity to schools, is therefore cause for concern.

4.17 Whilst it is recognised that hot food takeaways contribute to the mix of town centres, providing a popular service to local communities, employment and a source of economic development, hot food takeaways are dominating the local retail food offer in the Borough. This displaces other shops and food options, restricting choice and access to healthy, fresh food which in turn impacts on the health of communities in the Borough.

4.18 The 2009 London Town Centre Health Check Analysis Report²⁸ shows there are 35 major centres in London, Barking with 3,024 sqm of takeaway floorspace ranks second only to Waltham Forest. However, it is the third smallest Major Centre in terms of overall retail and leisure floorspace. This finding is corroborated in the Council's Neighbourhood Health Check²⁹ which states that in 'a number of weaker centres in the Borough, particularly...there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.' The study also established that within the Borough's neighbourhood parades there are 5 greengrocers and 135 hot food takeaways.

4.19 Research commissioned by the NHS³⁰ found that the Thames Ward had very poor access to fresh fruits and vegetables. Indeed, it was ranked as one of the worst food deserts (areas with little or no access to foods needed to maintain a healthy diet) in London.

5. The guidance

SPD Implementation Point 1 – Proximity to Schools

Planning permission for new hot food takeaways (Use Class A5) will not be granted in the hot food takeaway exclusion zone. This is where proposals:

- **Fall within 400m of the boundary of a primary or secondary school**

The hot food takeaway exclusion zone is detailed in Figure 1.

REASONED JUSTIFICATION

- 5.1** The Borough is saturated with 187 hot food takeaways, many of which are in close proximity to sensitive uses such as schools, leisure centres, youth facilities and parks. Figure 1 indicates particular hotspots in Barking and Dagenham where A5 Use dominates the retail offer.
- 5.2** Research indicates that once obesity is developed, it is difficult to treat³¹. An obese adolescent is likely to remain so during adulthood, which may lead to associated obesogenic diseases and reduced life expectancy³². In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council is seeking to restrict the number of hot food takeaways within 400m of primary and secondary schools.
- 5.3** A 2008 report from the Nutrition Policy Unit of London Metropolitan University³³ found that food outlets in close proximity too and surrounding schools were an obstacle to secondary school children eating healthily, with many shops offering child-sized portions at child-sized prices. Another study has established that children who attend schools near fast food restaurants were more likely to be obese than those whose schools do not have fast food restaurants nearby (Currie et. al. 2009)³⁴
- 5.4** The Council considers therefore that takeaways within walking distance of schools are a contributing factor to the rising levels of obesity in the Borough. It is for this reason that the exclusionary zone is set at 400m from secondary and primary schools.
- 5.5** Whilst pupils in primary education should not be allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from shops is after school³⁵. Since not

all primary school pupils will be accompanied home by an adult applying the exclusion zone around primary schools is deemed appropriate.

- 5.6** Given the extent of the exclusion zone around schools it is deemed unnecessary to implement further buffers around parks, children centres and leisure centres. Indeed, mapping conducted by the Council indicates that the exclusionary zone imposed around schools will encompass these sensitive uses. The effectiveness and extent of the exclusion zone will be reviewed in monitoring this SPD. This monitoring will take account of any new schools.

SPD Implementation Point 2 – Concentration and Clustering

Planning permission will only be granted for a hot food takeaway outside of the hot food takeaway exclusion zone provided that:

- It is within Barking Town Centre, or Dagenham Heathway, Chadwell Heath and Green Lane District Centres or one of the Neighbourhood Centres
- It will lead to:
 - No more than 5% of the units within the centre or frontage being hot food takeaways.
 - No more than two A5 units being located adjacent to each other.
 - There being no less than two non-A5 units between a group of hot food takeaways.

Basis for Calculation

The percentage is based on the measured frontage in relation to both:

- The proportion of non-A1 uses in each identified primary or secondary frontage.
- The proportion of non-A1 uses across the entire primary frontages, secondary frontages or neighbourhood frontages in question.

For Neighbourhood Centres, the percentage calculation is solely based on the proportion of non-A1 uses in the entire shopping area.

The location and proposed boundaries of the District and Neighbourhood Centres are detailed in Figure 1.

REASONED JUSTIFICATION

- 5.6** In accordance with Borough Wide Development Planning Policy BE3, new retail development is expected to be located in the town centres set out in Core Strategy Policy CM5.

- 5.7** Borough Wide Development Policy BE3 makes it clear that planning permission for retail development outside or on the edge of town centre will only be granted where it can be demonstrated that it benefits the existing community and fits in with the LDF objectives. Therefore, hot food takeaways will not be permitted outside the Borough's town centres. Within the Borough's town centres hot food takeaways will be allowed outside the exclusion zone detailed in Policy HFTA1 provided they satisfy the criteria set out in this SPD.
- 5.8** Borough Wide Development Policy BE1 restricts hot food takeaways (A5 Use Class) to a maximum of 15% of the measured frontage of a town centre. However, on reflection the Council considers that this is not strong enough. For example, it would allow nearly half of the non-A1 primary frontage in District Centres to be in A5 use and a quarter of the non-A1 secondary frontage. Similarly, it could lead to 15% of Neighbourhood Centres being in A5 uses which would equate to 196 fast food outlets. It is for this reason the SPD is introducing more stricter controls on the extent and clustering of A5 uses in town centres.
- 5.9** Whilst it is recognised that hot food takeaways contribute to the mix of town centres, hot food takeaways are currently dominating the local retail food offer in the Borough. This abundance of hot takeaways displaces other shop and food options impacts on the vitality and viability of designated town and neighbourhood centres. Because of this, communities in the Borough have a limited choice over and access to fresh, nutritious food.
- 5.10** This has a damaging effect on health. Research in Barking and Dagenham has suggested that certain areas within the Borough have constrained access to fresh fruits and vegetables³⁶. There is little choice other than to shop at supermarkets and this is prohibitive for those residents without cars who live some distance from such stores. Furthermore, residents who use public transport are limited to the amount of shopping they can carry.
- 5.11** The clustering of hot food takeaways breaks up the continuity of the retail frontage. Such 'clustering' can detract from the primary retail function and result in a loss of shops which is to the detriment of local residents.
- 5.12** The high concentration of hot food takeaways has also led to an unsightly amount of litter both outside and some distance away from where food is purchased. This detracts from the amenity quality of the Borough's retail parades and is a potential health hazard, attracting pests and vermin to the area.
- 5.13** Consequently, to ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

SPD Implementation Point 3 – Hot Food Takeaway Levy

Where hot food takeaways are deemed appropriate a fixed fee of £1000 will be charged. This contribution will be sought through a Section 106 agreement.

This fee will contribute towards initiatives to tackle childhood obesity in the Borough such as providing facilities in green spaces to encourage physical activity and improvements to the walking and cycling environment.

REASONED JUSTIFICATION

- 5.14** Hot food takeaways will still be allowed provided they satisfy Local Development Framework policy and guidance. However, to mitigate the impact on the health of their customers a fixed fee of £1000 will be levied on each new A5 unit which is permitted. This money will be spent exclusively on initiatives to combat obesity which will be identified in partnership with NHS Barking and Dagenham. Examples of projects the levy will be put towards are Outdoor Gyms in the Borough's parks and facilities which encourage active play for children.

6 Strategic working

- 6.1** In tandem with this guidance the Council and its partners are implementing a number of initiatives to help reduce obesity amongst the Borough's residents.

Healthy food choices

- 6.2** Whilst this guidance will help restrict opportunities for new hot food takeaways to establish themselves in the Borough the reality is that many of Barking and Dagenham's centres are already saturated with A5 uses. Therefore, the Council and NHS Barking and Dagenham will encourage existing hot food takeaways to improve the nutritional value of their meals.
- 6.3** Through this initiative the NHS will provide practical advice to the proprietors of existing hot food takeaways on the development of improved food options. Retailers will be encouraged to provide healthy choices, adopt nutrient labelling and to reduce the sugar, salt and fat content of the foods that they sell. This is an important means of delivering Barking and Dagenham's Obesity Strategy.

Schools

- 6.4** The NHS and the Council's School Improvement Service will continue to work with schools in the Borough, supporting the Healthy Schools Programme to ensure that healthier meals are provided. A range of initiatives are being developed including developing a healthy eating toolkit for schools.

Council Property

- 6.5** The Council is a major property owner and this includes a significant number of shop units. Notwithstanding that many of these units are let on long leases, where opportunities arise, the Council will work with landlords to reduce the number of hot food takeaways in its properties. Where the Council is a partner in new developments it will look to limit the opportunities for new hot food takeaways, for example through the use of conditions or covenants as appropriate.

Major commercial, retail and town centre developments

- 6.6** Barking Riverside is the Borough's largest housing site. Over the next 15-20 years 10,800 homes will be built there. One of the core principles driving the design of this development is to enable its residents to lead healthier lifestyles. This includes a planning condition restricting hot food takeaways in the new town centres within the development. Whilst the Council cannot insist on this it will encourage developers to adopt the same approach on other major schemes which involve new shop units. Inline with LDF policy it will also require new development to be designed around the needs of pedestrians and cyclists and provide, where appropriate, active play space for children.

Mobile Hot Food Takeaway Vans

- 6.7** This guidance may lead to an increase in the number of mobile food vans selling hot food takeaways in the Borough. In January 2009 the Nutrition Policy Unit at London Metropolitan University produced policy proposals based on recommendations from UK research on the location of retailers selling nutrient poor foods near schools³⁷. The Nutrition Policy Unit has since proposed controlling the location of mobile food vans near school property.
- 6.8** Barking and Dagenham does not currently permit mobile vans to trade in the vicinity of schools. The Council will also explore the potential for implementing licensing restrictions similar to those of Leicester Council which forbids vendors from stopping within 400 metres of school grounds from an hour before the start until an hour after the end of the school day.

7. Monitoring, Implementation and Review

Monitoring

- 7.1** Preparation of LDF documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 7.2** This will be done through a regular process of monitoring in partnership with NHS Barking and Dagenham the success of the SPD and its policies against a set of indicators and targets in the Annual Monitoring Report.
- 7.3** Such indicators may include:
- Year on year rise in obesity among young children and young people (4-11 year olds). Obesity levels will be measured in reception aged children (4-5 year olds) and those in year 6 (10-11 year olds)
 - The numbers of children rating their health as good or very good in the 'Tell Us survey'
 - The proportion of children consuming 5 portions of fruit or vegetables a day
 - Obesity risk
 - Success of the Levy
 - Success at appeal
- 7.4** The Council will closely monitor the impact of the policy by noting the number of new BAME business start ups to ensure that there is no negative impact on the BAME community. The indicators to be used are:
- Number of VAT registered businesses in Barking & Dagenham
 - Proportion of business registrations per 10,000 resident population aged 16 and above

Implementation

- 7.5** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004), but it will be an important material consideration in determining planning applications.

Review

- 7.6** The Council's Annual Monitoring Report will highlight any issues that may need a review. Where such a review is required, a timetable for this activity will be included in the Local Development Scheme as resources permit.
- 7.7** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Development Framework, may also prompt the need for further reviews.

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THE ASSEMBLY

21 JULY 2010

REPORT OF THE CORPORATE DIRECTOR OF FINANCE & COMMERCIAL SERVICES

<p>Title: Treasury Management Annual Report 2009/10 and Amendments to the Treasury Management Strategy</p>	<p>For Decision</p>
<p>Summary:</p> <p>The Treasury Management Annual Report presents the Council's outturn position in respect of its treasury management activities. The key points to note are as follows:</p> <ul style="list-style-type: none"> ➤ Investment income for the year was in line with revised budget; and ➤ The Council borrowed £20m in 2009/10 to finance the capital programme, in line with the original budget strategy. <p>The report also sets out amendments to the Council's Treasury Management Strategy as detailed in sections 7 and 10 of the report.</p> <p>This report was considered and endorsed by the Cabinet at its meeting on 8 June 2010.</p> <p>Wards Affected: None.</p>	
<p>Recommendation(s)</p> <p>The Assembly is asked to:</p> <ul style="list-style-type: none"> (i) Note the Treasury Management Annual Report for 2009/10; and (ii) Approve revisions to the Council's Treasury Management Strategy to incorporate: <ul style="list-style-type: none"> a. The new MRP Policy as set out in paragraph 7.1 of the report; and b. Provisions for the Council to make loans to external organisations in order to deliver continued value for money, in line with the powers vested in local authorities under Section 2 of the Local Government Act 2000, as referred to in paragraph 10 of the report. 	
<p>Reason(s)</p> <p>This report is presented in accordance with the Revised CIPFA Code of Practice for Treasury Management in the Public Services.</p>	
<p>Implications:</p> <p>Financial:</p> <p>This report sets out the outturn position on the Council's treasury management position and is concerned with the returns on the Council's investments as well as its short and</p>	

long term borrowing positions. Returns above the budgeted levels on the Council's investments and borrowing at lower than budgeted levels enable additional funds to be available for other service use.

Legal:

The legal implications have been incorporated into this report.

It is a statutory duty for the Council to remain within authorised limit (as set out in the 2009/10 Treasury Management Strategy presented to Cabinet on 17 February 2009 and the Assembly on 25 February 2009).

Members will also note that section 10 proposes inclusion in the Treasury Management Strategy of a power to lend to external organisations. Section 2 of the Local Government Act 2000 (the '2000 Act') allows principal local authorities in England and Wales to do anything they consider likely to promote the economic, social and environmental well-being of their area unless explicitly prohibited elsewhere in legislation. CLG's guidance on 'Practical Use of the Wellbeing Power' confirms that authorities have used the power to spend, lend, and give guarantees among other things. Officers should be mindful of the fiduciary duty to act in the best interests of residents and the usual considerations as to reasonableness and value for money in making individual decisions.

Risk Management:

The whole report concerns itself with the management of risks relating to the Council's cash flow. The report mostly contains information on how the Treasury Management Strategy has been used to maximise income throughout the past year. There is an amendment being recommended as part of this report that allows the Council to lend to external organisations as a way of mitigating cost risk in any future contracts or partnerships the Council may wish to enter into.

Social Inclusion and Diversity:

No specific implications.

Crime and Disorder:

No specific implications.

Options Appraisal:

Insofar as this report is concerned an options appraisal is not required.

Head of Service: John Hooton	Strategic Financial Controller	Contact Details: Tel: 020 8227 2801 Fax: 020 8227 2770 E-mail: john.hooton@lbbd.gov.uk
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1. Purpose of Report

- 1.1. The Council is required to report on the Treasury Management activities of the Council and those of the external cash portfolio managers for each financial year in accordance with the Revised CIPFA Code of practice for Treasury Management in the Public Services 2009 adopted by this Council on 16 February 2010.
- 1.2. The primary requirements of the Revised Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities;
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives;
- Receipt by the Full Council of an annual treasury management strategy report for the year ahead, a midyear review report (as a minimum to be reported to the Executive) and an annual review report of the previous year;
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions; and
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to the Public Accounts and Audit Select Committee PAASC.

1.3. Treasury management in this context is defined as:

“The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

The purpose of this report is to meet one of the above requirements of the CIPFA Code, namely the annual report of treasury management activities, for the financial year 2009/10.

1.4 This Annual Treasury Report covers:

- The Council's treasury position as at 31st March 2010;
- Annual Strategy Statement 2009/10;
- Economic Factors in 2009/10;
- Performance Management in 2009/10;
- Debt rescheduling;
- Revised MRP Policy;
- Treasury Management costs in 2009/10;
- Compliance with treasury limits and treasury indicators; and
- Policy on lending to a Strategic Partnership.

2. Treasury Position as at 31 March 2010

2.1 The Council's debt and investment position at the beginning and end of the financial year was as follows;

	31 st March 2010 Principal £'000	Rate /Return	Average Life (yrs)	31 st March 2009 Principal £'000	Rate/ Return	Average Life (yrs)
Fixed Rate Funding:						
PWLB	30,000	4.06%	4.5	30,000	4.06%	4.5
Market	20,000	3.98%	69.5	20,000	3.98%	69.5
Variable Rate Funding:						
PWLB	0	0	0	0	0	0
Market	20,000	0.65	2	0	0	0
Total Debt	70,000	3.99%	10.86	50,000	4.02%	37.0
Investments						
In-House	53,172	3.52%		47,023	5.76%	
External Managers:						
Investec	28,007	1.38%		36,961	5.81%	
SWIP	18,785	3.48%		22,942	5.03%	
RBS	15,000	2.86%		15,000	8.00%	
Total Investments	114,964	2.69%		121,926	5.68%	

3. Annual Strategy Statement 2009/10

3.1 The Cabinet approved an annual strategy for 2009/10 on 17 February 2009 and this was endorsed by the Assembly on 25 February 2009.

3.2 The key points from that strategy were:

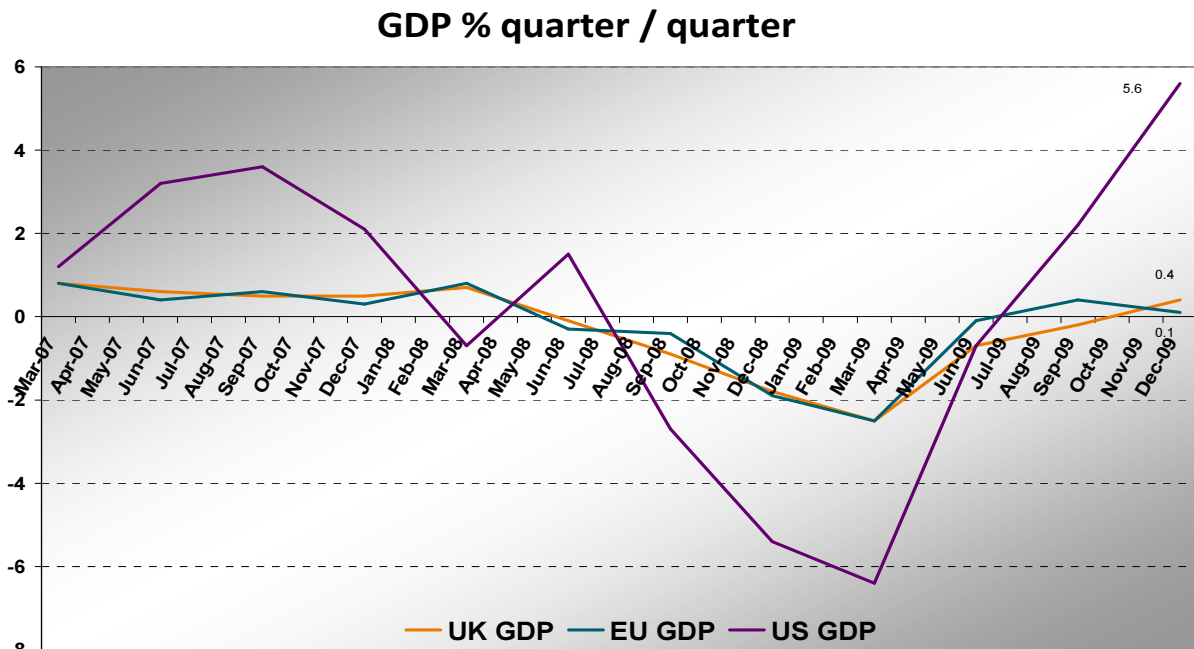
- To set an authorised borrowing limit of £200m;
- After careful consideration of rate forecast that the Council's in-house team and external investment managers would perform against a benchmark of either 2.0%, or the "3 Month LIBID rate", whichever was higher. This ensured that we provided sufficient challenge to our external fund managers;
- That the Council and its fund managers will have regard to the Council's investment priorities being:
 - (a) The security of capital; and
 - (b) The liquidity of its investments
- That the Council and its fund managers adhere to the procedures set for use of different classes of asset (specified and non-specified) and the maximum periods which funds can be committed;
- That the Council and its fund managers adhere to its counterparty limits;
- That the Council would borrow to finance its capital programme below trigger rates of 4.5% for PWLB loans and 4.25% for market loans;
- The Council would operate both borrowing and investment portfolios at short and long term periods and as a consequence reduces the risk of being impacted by a sharp unexpected rise in short-term variable interest rates; and

- That the Council maintain a balance of funding at shorter-term rates to match short-term investments thus maintaining balanced treasury risk.

4. Economic Factors in 2009/10

- 4.1 During 2009/10, the Monetary Policy Committee (MPC) was focused on helping the economy to turn around from plunging into the deepest and longest recession in the UK economy for many years. Despite keeping Bank Rate at an unprecedented historical low of 0.5% all year. Gilts prices and corporate bonds were boosted due to the effect of quantitative easing.
- 4.2 The dominant focus in 2009/10 was on quarterly GDP growth figures. The recession bottomed out in quarter 1 of 2009. There was then major disappointment that the end of the recession failed to materialise in quarter 3 2009 but the fourth quarter of 2009 did then see economic growth return at +0.4%.

The table below shows the movement in GDP figures (economic growth) for the UK, Europe and USA.



Source of Diagram: Sector Treasury Services

- 4.3 Key interest rate positions for borrowing and investments in 2009/10 were;
- At the start of 2009/10, investment rates were enhanced by a substantial credit crunch induced margin for investments entered into before 2008/09.
 - The 12- month investment rates started the year at a credit crunch enhanced rate of 1.85% and fell steadily until reaching 0.85% in September. The year closed at 1.15%.
 - In respect of borrowing, the 5 year PWLB rate started the year at 2.54% before then rising sharply to hit a peak of 3.29% in July. From there it fell reaching a low of 2.54% in October and then rose back up to a peak of 3.13% in January, closing at 2.89%.

- In respect of longer-term interest rates, the PWLB 50 year rate started the year at 4.57%. Rates peaked at 4.85% in June before falling back to a bottom of 4.18% in October. From there it rose again towards the end of the year and peaked at 4.79% in March. It finished the year at 4.70%.

5. Performance Measurement

Economic Issues Which Directly Impacted Performance

- 5.1 The major issue for treasury management in 2009/10 has been the huge difference between investment rates and borrowing rates that emerged during the recession due to the unprecedented fall in Bank Rate and the disappearance during the year of the margins over more normal investment rates caused by the credit crunch.

A further strong theme has been the major emphasis on mitigating risk by giving heightened preference to security and liquidity at a time when the world banking system was still under stress. In addition the issue of new CIPFA and statutory guidance on investing has meant that more of our investment portfolio was moved to being moved into investment instruments with lower rates of return but higher security and liquidity. This has compounded the significant fall in total investment earnings compared to previous years.

Overall Performance

- 5.2 Overall the general fund position was balanced.

5.3 Specific Performance

- **In-House Team**

The rate of return for the year was 3.52%. Performance was improved by investments fixed for long periods when interest rates was at around 6.0%

- **Investec**

The rate of return for the year was 1.38%. Performance in 2009/10 was adversely affected by consistent low interest rates through out the year and unrealised profit for 2009/10 realised in 2008/09.

- **Scottish Widows Investment Partnership (SWIP)**

SWIP's rate of return in 2009/10 was 3.48%. Overall year end performance was well above benchmark. This was due to deals locked into when interest rates were still high.

Investment Funds Available

- 5.4 The level of investments available to the Council on the 1st April 2009 was £122.6 million. This figure was made up of a range of balances including, revenue reserves and general operational cash balances. The amount available for investment will vary throughout the financial year depending on:

- Use of investment funds ;
- Profile for the receipt of grants;
- Temporary use of internal cash to fund new capital projects rather than borrowing at periods of high borrowing interest rates; and
- Cash flow management.

At 31 March 2010 the level of investments had decreased to £114.9m. This position was anticipated through the regular monitoring and projections of cash flow movement and was in line with projections at the beginning of the year.

Management of Investment Funds

- 5.5 The Council's investments are managed by four sources being:
- Council In House Team including investments with Royal Bank of Scotland;
 - Scottish Widows Investment Partnership Limited; and
 - Investec Asset Management Limited.

The Council meets quarterly with its two external investment managers as well as with its Investment Adviser to discuss financial performance, objectives and targets in relation to the investments and borrowing managed on behalf of the Council

Internally, the Council manages a proportion of its investments in-house. This is invested with institutions of high credit standing listed in the Council's approved lending list and specified limits. The Council invests for a range of periods from overnight to 30days and one year dependent on the Council's cash flows, its treasury management adviser's views, its interest rate view and the interest rates on offer.

The Council has investments managed externally by Investec and Scottish Widows Partnership (SWIP). The fund management agreements between the Council and the Fund Managers defines the limits for maximum weighting in gilts, CD's and maximum duration of the fund. Counterparty criteria and exposure limits defined in the treasury management annual strategy also apply to Fund Managers.

6. Debt Rescheduling

- 6.1 The council started borrowing in 2008/09 having not borrowed previously, there was no debt rescheduling in 2009/10. Debt rescheduling will be a future treasury management decision with considerations for savings, portfolio mix, capital programme requirement and interest rates. As investment rates continue to remain at an all time low, the council considered short term savings it could make by internally financing new capital expenditure using existing cash balances which are only earning minimal rates of interest due to the fact that Bank Rate was kept at 0.5% all year. Using cash balances also meant reduced counterparty risk on the investment portfolio.

7. Revised Minimum Revenue Provision (MRP) Policy

- 7.1 With effect from 1 April 2008, local authorities are required to make a 'prudent provision' for repayment of debt having regard to the statutory guidance issued by the Department for Communities and Local Government. This is known as Minimum Revenue Provision. The Council's revised MRP policy will be as follows:

"The MRP on expenditure financed by borrowing under Supported Capital Expenditure is 4% of that expenditure. The MRP on expenditure financed by borrowing that is unsupported is calculated using the Equal Instalment Method, i.e. the borrowing is written down over the life of the asset that it financed. The MRP for the PFI scheme is equivalent to the capital repayment required."

This is a change of accounting policy brought about as a result of the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008. Previously, the Council had determined that the calculation of the Minimum Revenue Provision be based on 4% of the non-housing Capital Financing Requirement at the end of the preceding financial year.

8. Treasury Management Costs

8.1 The costs associated with the internal Treasury Management function (including an element for the regular performance monitoring of the external managers) were as follows:

Salaries	74,678
Sector Treasury Advice	17,000
	91,678

8.2 Fees paid to the external managers during 2009/10 were as follows:

Investec Asset Management	47,740.08
Scottish Widows	24,342.50
	72,082.58

9. Compliance with Treasury Limits

During the financial year the Council operated within the treasury limits and Treasury Indicators set out in the Council's annual Treasury Strategy Statement. The Council's prudential indicators are set out in Appendix A to this report.

10. Lending to commercial and external organisations

10.1 The Council will be required to work in different ways to obtain better outcomes for less in the future. As part of our mitigation of risk strategies around delivering continued value for money services with external organisations the council should have the ability to make loans to external organisations. The Treasury Management Strategy does not currently allow for this feature.

10.2 Section 2 of the Local Government Act 2000 (power of well-being) gives authorities the power to lend as part of promotion or improvement of economic /social wellbeing of the Borough. The guidance encourages local authorities to use the well-being power as the power of first resort removing the need to look for powers in other legislation. Further the power provides a strong basis on which to deliver many of the priorities identified by local communities and embodies in community strategies.

10.4 It is recommended that the Council's treasury management strategy is updated to enable the Council to lend to external organisations in accordance with the legislation under the 2000 act.

11. Conclusions

11.1 The key conclusions to draw from this report are as follows:

- a) The position in respect of investment income and borrowing for the general fund was balanced at the end of the financial year;

- b) That the value of investments as at 31st March 2010 totalled £114.9m; and
- c) That value of long term borrowing as at 31st March 2010 totalled £70m. This comprised both market and Public Works Loans Board (PWLB) loans.

12. Consultees

John Hooton (Strategic Financial Controller)
Tracie Evans (Corporate Director of Finance & Commercial Services)
Winston Brown (Legal Partner)
Sector Treasury Services

Background Papers

- Assembly Report 25 February 2009 - Treasury Management Annual Strategy Statement 2009/10
- Assembly Report 24 February 2010 – Treasury Management Annual Strategy Statement 2010
- Revised CIPFA Code of Practice for Treasury Management in the Public Services 2009

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