

Notice of Meeting



THE CABINET

Tuesday, 8 June 2010 - 5:00 pm
Council Chamber, Civic Centre, Dagenham

Members: Councillor L A Smith (Chair); Councillor R Gill (Deputy Chair); Councillor J L Alexander, Councillor H J Collins, Councillor C Geddes, Councillor M A McCarthy, Councillor Mrs L A Reason, Councillor G M Vincent, Councillor P T Waker and Councillor J R White

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David Woods
Acting Chief Executive

Contact Officer: Alan Dawson
Tel. 020 8227 2348
Minicom: 020 8227 5755
E-mail: alan.dawson@lbbd.gov.uk

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 16 March 2010 (Pages 1 - 10)

4. Strategic Partner Programme Phase 1 - Scope of Services (to follow)

5. Local Development Framework - Adoption of Core Strategy Development Plan Document (Pages 11 - 16)

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

6. Local Development Framework: Approval of Supplementary Planning Document "Saturation Point: Addressing the Health Impacts of Hot Food Takeaways" (Pages 17 - 50)

7. Customer Access Strategy (Pages 51 - 62)

The Strategy document (Appendix 1) is included under separate cover

8. **Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBD (Pages 63 - 71)**
9. **Council's Revenue and Capital Outturn 2009/10 (to follow)**
10. **Treasury Management Annual Report 2009/10 (to follow)**
11. **Proposed Expansion of Roding Primary School (Pages 73 - 77)**
12. **Council Debt Write Offs (Pages 79 - 91)**
13. **Urgent Action - Capital Programme 2009/10 Variation (Pages 93 - 97)**
14. **Urgent Action - Term Contract for Maintenance of Fire Protection, Detection and Emergency Lighting Systems within Public Buildings and Schools 2010/2014 (Pages 99 - 107)**
15. **Urgent Action - Local Government Pensions Scheme (Administration) Regulations 2008 - Admission Agreement (Pages 109 - 115)**
16. **Building Schools for the Future (BSF) Progress Report and Appointment of Information and Communications Technology (ICT) Selected Bidder (Pages 117 - 125)**

Appendix 2 to this report is contained within the private and confidential section of this agenda (item 19)

17. **Any other public items which the Chair decides are urgent**
18. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

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

19. **Building Schools for the Future (BSF) Progress Report and Appointment of Information and Communications Technology (ICT) Selected Bidder - Appendix 2 (Pages 127 - 128)**

Contains commercially sensitive information (paragraph 3)

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

THE EXECUTIVE

Tuesday, 16 March 2010
(5:00 - 6:45 pm)

Present: Councillor L A Smith (Chair), Councillor R C Little (Deputy Chair), Councillor J L Alexander, Councillor H J Collins, Councillor R Gill, Councillor M A McCarthy, Councillor Mrs V Rush and Councillor P T Waker

Also Present: Councillor E Carpenter and Councillor J R White

Apologies: Councillor G J Bramley and Councillor S Carroll

132. Declaration of Members' Interests

There were no declarations of interest.

133. Minutes (16 February 2010)

Agreed.

134. Safer and Stronger Community Select Committee: Anti-Social Behaviour Scrutiny Review

Received and noted the draft final report of the Safer and Stronger Community Select Committee (SSCSC) which presents the findings from the in-depth review of the issue of anti-social behaviour perpetrated by and against young people in the borough, conducted by the SSCSC over the past nine months. The Lead Member, Councillor White, introduced the report and outlined some of the key aspects and recommendations arising from the review.

Agreed, in order to assist the Council to achieve the Community Priority of 'Safe', to commend the report to the Assembly.

135. Living and Working Select Committee: Supported Housing for Older People Scrutiny Review

Received and noted the draft final report of the Living and Working Select Committee (LWSC) which presents the findings from the in-depth review of older people's housing in the Borough conducted by the LWSC during the past year. Councillor White introduced the report on behalf of the Lead Member, Councillor Vincent, and outlined some of the key aspects and recommendations arising from the review.

Councillor Rush referred to recommendation 8 within the report, which proposes that the Gascoigne Road residential premises for people with learning disabilities and complex needs should be reviewed as part of the overall process of de-commissioning of residential placements, and suggested that the recommendation should be re-worded to avoid any ambiguity regarding the future of the site.

Agreed, in order to assist the Council to achieve the Community Priority of 'Fair

and Respectful' and 'Healthy', to commend the report to the Assembly subject to the issue referred to above being clarified with the appropriate Members prior to next week's Assembly meeting.

136. Health and Adult Services Select Committee: Dementia Services Scrutiny Review

Received and noted the draft final report of the Health and Adult Services Select Committee which presents the Committee's findings from its in-depth review of dementia services. The Lead Member, Councillor Mrs Carpenter, introduced the report and outlined some of the key aspects and recommendations arising from the review.

Agreed, in order to assist the Council to achieve the Community Priority of 'Healthy', to commend the report to the Assembly.

137. Budget Monitoring 2009/10 - April 2009 to January 2010

Received a report from the Corporate Director of Finance and Commercial Services providing an update on the Council's revenue and capital position for the 2009/10 financial year as projected at 31 January 2010. The Corporate Director also gave a verbal update on the most current position and stressed that while steps will continue to be taken to reduce the net projected revenue overspend it is likely that revenue balances will reduce considerably from the current level of £3.7m.

The report also contained proposals for virements between revenue budgets in order to better reflect current activities, the allocation of funding from the Invest to Save reserve and the progression of the Barking Skills Centre project.

Agreed, as a matter of good financial practice, to:-

- (i) Note the current projected end of year position of the Council's revenue and capital budget as detailed in the report and Appendices A and C;
- (ii) Note the position for the Housing Revenue Account as detailed in the report and Appendix B;
- (iii) Note that in light of the current potential overspend, departments are continuing work to identify and deliver recovery plans to eliminate overspends;
- (iv) Note that the Corporate Director of Finance and Commercial Services has imposed mechanisms to reduce in-year expenditure;
- (v) Note potential further actions may be required;
- (vi) Approve the following budget virements for 2010/11:
 - a) £1.0m from General Finance to Resources for Building Schools for the Future;
 - b) £750,000 from General Finance to Contingency for the Medium Term Financial Strategy (MTFS) item on the Pension Fund Revaluation;

- c) £236,000 from Resources to Adult and Community Services in view of the transfer of the Olympic Ambition function to the Leisure and Arts division;
 - d) £359,000 from Adult and Community Services to Customer Services in relation to the split of the MTFs provision for the Dagenham Library and One Stop Shop.
- (vii) Extend the funding of the Strategic Partnership procurement into 2010/11 at a cost of £300,000, to be funded from the Invest to Save reserve as detailed in paragraph 6.2 of the report; and
- (viii) Delegate authority for the placing of an order with Kier London for the construction of the Skills Centre to the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners.

138. Construction of New Council Housing - Beamway, Dagenham and Charlton Crescent 1 and 2 Sites, Thames View, Barking

Further to Minutes 89 (17 November 2009) and 116 (19 January 2010), received a report on proposals in respect of the procurement of construction partners for the new housing at Beamway and Charlton Crescent 1 and 2 sites, being part of Phase 2 Council Housing and Thames View garage sites.

Agreed, in order to assist the Council in achieving the Community Priority "Prosperous" through increasing the supply and range of family sized social rented housing, to:

- (i) The procurement of construction services, in accordance with national and EU procurement legislation and the Council's Contract Rules, in respect of the Phase 2 Council Housing and Thames View sites at Beamway, Dagenham and Charlton Crescent sites 1 and 2, Thames View, Barking, as detailed in the report; and
- (ii) Authorise the Corporate Director of Resources, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the contract.

139. Proposed Investment in Creating Primary School Places

Received a report from the Corporate Director of Children's Services on proposals associated with the Council's primary school expansion programme aimed at addressing the high demand for school places in the Borough.

Noted details of the funding that has been secured from the Department of Children, Schools and Families and other sources to support the programme and the procurement arrangements for the works. Also discussed issues relating to current capacity and demand levels for each of the Borough's schools and the Corporate Director of Children's Services undertook to provide Members with the relevant details.

Agreed, in order to assist the Council in achieving its Community Priority 'Inspired and Successful' and to fulfil its duty to provide every child in the Borough with a

school place, to:

- (i) The additional sum of £28,306,824 being available for the primary school expansion capital investment programme as detailed in the report;
- (ii) The outline spending plan for 2010/11 as detailed in Appendix A, and to note the possible additional funding of £1,090,000 from London Thames Gateway Development Corporation;
- (iii) The proposed procurement route using the Council's Framework Contractors as detailed in the report;
- (iv) Authorise the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the contract for works, each project being progressed as a separate contract; and
- (v) Note that further reports will be presented as appropriate on the formal expansion of the existing schools and issues relating to the development of the new schools.

140. Lease for the New Primary School at Barking Riverside

Further to Minute 162 (24 March 2009), received a report on proposals to progress the development of a new primary school as part of the Barking Riverside Rivergate Centre project, which will be delivered in partnership with Barking Riverside Limited (BRL) and the Diocese of Chelmsford.

Agreed, in order to assist in achieving the Council's Community Priorities of 'Prosperous' and 'Inspired and Successful', to:

- (i) The entering into of an agreement for lease and development with BRL to procure the construction of the school and playing fields;
- (ii) The entering into of a 999 year lease at a peppercorn rate with BRL for the primary school premises at the Barking Riverside Rivergate Centre;
- (iii) Authorise the Corporate Director of Finance and Commercial Services to approve the terms of the lease, in consultation with Legal Partners and Property Services;
- (iv) The granting of a sub-lease to the Diocese of Chelmsford, or its agents, as the operator of the school in order that the school site can be held by the Trust, subject to the Secretary of State's agreement regarding the running of the school; and
- (v) Authorise the Corporate Director of Finance and Commercial Services, in consultation with Legal Partners, to enter into a Single Building Contract to deliver Phase 1 of the Rivergate Centre at Barking Riverside, including the provision of a primary school and nursery subject to the Council's contribution to the scheme not exceeding £8.5m and a guarantee from the BRL / Homes and Communities Agency (HCA) with regard to the remaining funding.

141. Customer Strategy

Received a report from the Corporate Director of Customer Services on the development of a Customer Strategy which sets out proposals to transform the way that the Council thinks about and deals with customers wishing to use Council services.

The Strategy is based on the 'One B&D' model and details how the various mediums for providing customer services, including One Stop Shops and the use of technology such as the web, text / SMS and email, will be maximised to provide a highly efficient and effective service that is personalised to individuals' needs and proactively delivered. Work is also ongoing with neighbouring boroughs and London Councils, with funding from the Capital Ambition initiative, to explore opportunities for sharing information and systems which could further enhance services and realise efficiencies.

A number of issues were raised during the discussions, including how many of our customers prefer to have face-to-face contact, particularly the elderly who may not be as familiar with new technologies, and the need for systems to provide a seamless service to customers that also improves on the levels and deadlines of responsiveness. The Head of Customer Strategy and Transformation referred to the new Customer Relationship Management (CRM) system and explained that this will provide a far more robust service in terms of directing and dealing with customer enquiries as well as providing an audit trail and a systematic approach to managing customer contacts within the organisation. Furthermore, the new CRM system and the use of new technological communication methods will reduce the burden on face-to-face services and, consequently, will free up time for those that would still prefer to have face-to-face contact with the Council.

Agreed, in order to provide a framework and action plan for delivering excellent customer services across the Council and with our partners, to:

- (i) The Customer Strategy and Action Plan as set out at Appendix A to the report; and
- (ii) The Council continuing to explore the shared service option, supported by Capital Ambition.

142. Getting It Right: 'Six Lives' Audit of Health and Social Care in Barking and Dagenham

Received a report from the Corporate Director of Adult and Community Services on the outcome of the independent audit report "Getting It Right: 'Six Lives' Audit of Health and Social Care in Barking and Dagenham" which reviewed the services provided by the Council and its National Health Service (NHS) partners to people with learning disabilities. The study was commissioned in response to a report issued by the Health and Local Authority Ombudsmen into complaints brought by the charity MENCAP on behalf of six people with learning disabilities who died whilst in NHS or council care within the UK between 2003 and 2005.

The independent audit focused on the effectiveness of current systems and the capacity and capability of the Council and NHS Trusts to provide services that

meet the needs of people with learning disabilities. The Corporate Director outlined the key points from the audit and responded to issues raised in relation to the quality of advocacy and joint commissioning arrangements, the impact on resources and the need for greater awareness of the communication requirements of people with learning disabilities. In this latter respect, the Corporate Director referred to the 'passport' system that is used in other areas whereby the individual would carry with them a record of, for example, their dietary requirements or preferred method of communication (e.g. sign language or translation) which would be considered by the service provider as part of the initial assessment.

Noted that the audit report is to be considered by the Borough Learning Disability Partnership Board, North East London Foundation Trust Board, NHS Barking and Dagenham Board and Barking, Havering and Redbridge Hospital Trust Board during this month prior to being submitted to the Health and Local Authority Ombudsmen by 31 March 2010.

Agreed, to assist the Council and its partners in achieving the Community Priorities of 'Healthy' and 'Fair and Respectful' and to help safeguard vulnerable adults within the Borough, to:

- (i) Adopt the recommendations of the independent audit which relate to the Council as set out in pages 30-32 of the report at Appendix 1;
- (ii) Note the recommendations put forward in the audit report for other bodies;
- (iii) An update on progress against those recommendations that apply to the Council being presented within nine months; and
- (iv) Request the Health and Adult Services Select Committee to ask that NHS bodies report back to the Select Committee on the implementation of relevant recommendations.

143. School Admissions Criteria for the 2011/12 Academic Year and Beyond

Received a report on the Barking and Dagenham Admissions Forum's recommended changes to the School Admissions Policy (SAP), which applies to all community nursery, infant, junior, primary and secondary schools in the Borough.

The Forum proposed two changes, namely the removal of the 'neighbourhood area' criterion for nursery, infant, junior and primary places and the use of straight-line measuring (as the crow flies) for distances to all community schools. Although the response to the extensive consultation programme was extremely low it was noted that the majority of those who did respond were in favour of the proposals.

The issue of sibling connections had been raised by a number of respondents and the Corporate Director of Children's Services confirmed that the Admissions Forum would be reviewing all of the comments received from the consultation.

Agreed, in line with the recommendations of the Admissions Forum, to:

- (i) Adopt the revised School Admissions Policy for all community nursery and primary schools as set out at Appendix 1 to the report;

- (ii) Adopt the revised School Admissions Policy for all community secondary schools as set out at Appendix 2; and
- (iii) The Policies taking effect for admission arrangements for the 2011/12 academic year.

144. Approval of Draft Leftley Estate Conservation Area Appraisal for Consultation

Received a report on proposals to consult on the draft Conservation Area Appraisal that has been prepared for the Leftley Estate area of Barking. The appraisal contains a detailed character analysis of the area together with management proposals which focus on maintaining or enhancing the estate's special historic and architectural interest and character.

The proposal received the general support of the Leftley Estate Tenants' and Residents' Association at its meeting on 20 October 2009 and the wider consultation will help to confirm the level of support, define which areas to include within the Conservation Area and identify the measures that can be introduced to help preserve or enhance the area's character. Noted some of the benefits associated with conservation area status and discussed other possible areas in the Borough to which it could be applied.

Agreed, in order to assist the Council to achieve its Community Priority of 'Fair and Respectful', to:

- (i) Approve the Draft Leftley Estate Conservation Area Appraisal for public consultation; and
- (ii) The Divisional Director of Regeneration and Economic Development undertaking a review of other areas of the Borough which may benefit from conservation area status and to bring forward proposals as appropriate.

145. Barking Station Forecourt Public Realm Improvements

Received a report on the proposal to improve the traffic management and public realm around the Barking Railway Station forecourt area. The plans include the provision of more generous space for pedestrians and station users, enhancing the travelling experience, and an improved layout and lighting which will reduce the fear of crime. Noted that discussions have been held with the Public Carriage Office regarding the proposal to reduce the size of the taxi rank immediately outside the station.

Implementation of the proposals will be subject to securing external funding support with the majority of grant expected from the London Thames Gateway Development Corporation (LTGDC) which has agreed financial support in principle but subject to detailed designs, costings and a full project appraisal. With the funding in place and subject to the public consultation, it is intended that the improvements will be implemented in 2010/11 with works aiming to start late summer 2010.

Agreed, in order to assist the Council in achieving all of its Community Priorities,

to:

- (i) Approve the design proposals for the improvement of the Barking Railway Station forecourt area, and authorise the Corporate Director of Finance and Commercial Service to make any necessary changes to the design proposals following the public consultation which is to commence later this month; and
- (ii) The project being implemented as a priority in 2010/11, subject to the outcome of the public consultation and the securing of external funding support as detailed in the report.

146. Mayesbrook Park Renovation Scheme

Received a report from the Corporate Director of Adult and Community Services on the detailed plans for the renovation of Mayesbrook Park via a two phase investment programme funded entirely from external sources and, therefore, at no direct cost to the Council.

The first phase of the project is planned for 2010/11 and, at a cost of £1.044m, would incorporate the restoration of the Mayes Brook river, enhanced entrances and improved access to the site and play improvements such as the installation of an outdoor gym and multi-sport facility. The second phase, planned for 2014 - 2017, would see the creation of a visitor centre and ranger base, lake restoration works, new water sports and fishing facilities, refurbishment of the sports complex and other habitat and security improvements. Initial discussions have also taken place regarding the possible relocation of the Olympic shooting venue to the park after the 2012 Games which, if successful, could mean an indoor multi-sport venue in the park, again at no cost to the Council.

Agreed, in order to assist the Council in achieving all of its Community Priorities, to:

- (i) The implementation of phases one and two of the Mayesbrook Park renovation scheme as detailed in the report and on the basis that it will be delivered at no additional revenue or capital cost to the Council;
- (ii) The inclusion of £1.044m in the 2010/11 Capital Programme in relation to phase one, to be funded from external sources;
- (iii) The allocation of £1.855m from the Section 106 Developer Contribution relating to the former University of East London site to enable phase two of the improvement scheme to be implemented;
- (iv) The procurement of the works through a two stage restricted tender process as set out in the report;
- (v) Authorise the Corporate Director of Adult and Community Services, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the contracts; and
- (vi) Support the negotiations regarding the possible relocation of the Olympic shooting venue to provide a multi-use indoor sports centre in the park after

the 2012 Games and that the decision to formally proceed be the subject of a further report to the Executive.

147. Barking Business Centre - Appointment of Contractor

Further to Minute 112 (22 January 2008), received a report on proposals for the procurement of a design and build contract for the Barking Business Centre.

Initially it was intended that the Business Centre would form part of a mixed use development under the first phase of the development of the King William Street Quarter. However the downturn in the housing market and Government funding decisions have meant that this is no longer viable and in order to deliver the Business Centre within the available funding a stand-alone Business Centre on the same site is now proposed.

Agreed, in order to assist the Council in achieving its Community Priority of 'Prosperous', to:

- (i) The procurement of a contract for the design and build of the Barking Business Centre as detailed in the report; and
- (ii) Authorise the Corporate Director of Finance and Commercial Services, in consultation with Legal Partners, to appoint the successful contractor.

148. Calendar of Meetings 2010/11

Received a report setting out the proposed principles around the Calendar of Meetings for the forthcoming municipal year 2010/11.

Agreed, to accord with the requirements of the Council Constitution, to the basis of the draft Calendar of Council Meetings for 2010/11 as detailed in the report.

149. Adult and Young People's Substance Misuse Treatment Plans 2010/11

Received and noted a report from the Corporate Director of Adult and Community Services on the Adult and Young People's Needs Assessments and Treatment Plans for 2010/11 which have been prepared by the Barking and Dagenham Drug and Alcohol Action Team.

The Plans set out the direction of travel and priorities that the Crime and Disorder Reduction Partnership aims to achieve over the coming year and include a range of priorities aimed at improving access to treatment services, better engagement, improved employment, training and housing outcomes and greater joint working between all of the relevant agencies.

150. Technical Disposal of Unfit Council Dwellings

(The Chair agreed that this item 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.)

Received a report from the Corporate Director of Customer Services on a proposal to classify as 'technical disposals' a number of unfit Council properties within the

Housing Revenue Account (HRA), which would reduce certain liabilities to the HRA. Noted that this process does not oblige the Council to formally dispose of the properties and that they can be returned to the HRA and be available for re-letting at any point after the necessary remedial works have been carried out.

Agreed, in order to assist the Council to maintain a robust HRA, to:

- (i) Resolve to dispose of the Council dwellings listed in Appendix A to the report; and
- (ii) A further report being presented to the Executive on any formal proposal to dispose of any of the properties listed.

151. Bill Murphy, Corporate Director of Resources

The Chair placed on record the Executive's appreciation and best wishes for the future to Bill Murphy who will shortly be retiring from the Council.

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 be used which requires that councils seek the maximum reasonable viable amount of</p>	

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 thorough 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
 Tracey 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, LBBD, 2008
- Pre-submission Core Strategy Consultation Statement, LBBD, 2009
- Pre-submission Core Strategy Sustainability Appraisal, LBBD, 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

CABINET

8 June 2010

REPORT OF CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES

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>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>	
<p>Implications</p> <p>Financial The costs of adopting and implementing the SPD through the Development Management</p>	

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.

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. 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
Tracey Evans, Corporate Directors, 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
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- HM Government, White Paper - Choosing Health: Making Healthy Choices Easier, November 2004
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- 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
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- 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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Appendix 1

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**
- **CC4: 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**
- **SO.13: 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 on the Edge 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 Consultation Draft Supplementary Planning Document (SPD) has been issued under Regulation 17 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. Responses to this Consultation Draft SPD will be taken into consideration within a revised document, which the Council will then proceed to adopt.
- 2.2** 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.
- 2.3** Once adopted, this SPD will provide 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 Draft 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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CABINET

8 JUNE 2010

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: Customer Access Strategy	For Decision
<p>Summary:</p> <p>The purpose of this report is to seek approval for the Customer Access Strategy. In March the Executive agreed the Customer Strategy, including the use of the government benchmark 'Customer Service Excellence' and five action plan areas. (Executive Minute 141, 16 March 2010 refers). A part of the overall Customer Strategy is the Customer Access Strategy. It is the Customer Access Strategy that will deliver a major part of two of the action plan areas, namely, Customer Insight and Service Information and Access area.</p> <p>The Customer Access Strategy sets out the plan for the way the Council will deliver services, though a set of basic principles, (see paragraph 2.7 below) and interact with our customers within the resources available. It will also provide further context and information on how the Council should organise itself to best deliver services to customers and maximise our use of limited resources.</p> <p>The use of customer insight, business intelligence and demographics has enabled an informed understanding of who our customers are, their service needs, their preferences for accessing services and how we should adapt the way we provide services (where appropriate) to meet those needs more effectively. This evidence based approach has enabled us to understand that whilst still catering for many of our customers who prefer face-to-face contact, particularly those with more complex needs and the elderly who may not be familiar with new technologies, we need a stronger focus on web and access using mobile devices, further standardisation of our phone access and to allow face-to-face to be the specialised service it is best placed to be.</p> <p>Therefore the Access Strategy addresses how the Council will ensure services are available through the right channel for the person and the service (e.g. web, telephone, text / SMS, mail, or in person) are all appropriate for particular customer groups and services. It does not aim to propose that all services should be moved to the cheapest channels, i.e. the web, in a 'one size fits all' approach.</p> <p>The changes necessary to deliver excellent service for Council customers will be led by the Customer Services directorate and the One B&D Transformation programme. This programme brings together the Council's main front-line services, the contact centre, One Stop Shops, and access to services via the website.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree:</p> <ol style="list-style-type: none"> <li data-bbox="153 1989 1316 2056">1. The principles and approach to developing the Customer Access Strategy (Appendix 1); 	

2. That services use the Customer Access Strategy as a guide to determining how to deliver the customer access part of their service to inform service planning;
3. The development of the detailed business case for savings and investment to validate the business plan for B&D Direct: and,
4. The development of the detailed One B&D design principles for Adult Social Care and Children's services (ie. Phase 2 of customer services transformation);

Reason(s)

The Council has three strategic priorities that support its community priorities: delivering excellent customer services, improving the performance of the authority and regenerating the borough. The purpose of the Customer Access Strategy is to deliver a part of the Customer Strategy by detailing our approach to channel provision with action plans for delivering excellent customer services across the Council and with our partners.

Implications

Financial

Council officer support and resources for new systems and processes is currently provided from the One B&D programme. Options to take all the work forward will include a full resource appraisal. A key element of the business cases under development is the examination of the use of resources across boroughs.

A key driver and benefit of the access strategy is to deliver improved operational effectiveness and efficiencies. There are considerable potential cost benefits to be achieved at the same time as delivering improved quality of customer experience. These will be realised across the access strategy, but specifically from reduced customer contact, re-designed processes and more web enabled services. The One B&D projects delivering this transformation will be supported by detailed business cases and identified and planned benefits. Customer Insight and improved data analysis will provide a clear mechanism to identify costs and baselines and track delivery of benefits.

Legal

No specific implications

Contractual

No specific implications

Risk Management

No specific implications

Staffing

No specific implications

Customer Impact

The Customer Access Strategy will drive the improvement of customer service across the Council through specific actions and projects. Better understanding of customers and the services they receive will improve access to services, and make them more efficient by

using that understanding to make improvements. The Council will engage with its customers about service design and will learn from their experiences, using techniques like journey mapping and analysing comments and complaints. Customer satisfaction will be fully integrated into how the access strategy is monitored.

Equalities and Diversity is at the core of delivering excellent services and runs through every element of the customer strategy and so into the access strategy, which is why customer insight data has been used to drive the principles of service provision outlined in the strategy. The customer strategy puts actions in place to understand who customers are and how they compare with the borough population in terms of age, gender, disability, ethnic background, faith and sexual orientation breakdown (the established 6 equality theme groups). The customer strategy aims to address other issues that individual services must meet that are not covered by these groups (such as low levels of literacy or low income) so that the Council provides more responsive services and meets these needs.

The Council needs to ensure that it reaches all potential customers and specifically those it is not currently reaching, whilst ensuring services are accessible for all as well as making sure its services contribute to community cohesion. Through the use of LBB and Mosaic data, we have been able to identify groups within the community that have preferences for specific contact channels but will need to test this further with community groups. As a result of any future testing, we recognise that the action plans set out in the customer access strategy may need enhancing and the Equality Impact Assessment that is currently in progress validates this. The Council will use Equalities Impact Assessments and monitor information about how often services are used and who uses them. The customer insight work will address how well groups within our community can and do access services. Service plans will use this information to be specific about how customer needs are met and the improvements planned.

Safeguarding Children

No specific implications

Crime and Disorder

No specific implications

Property / Assets

The customer access strategy sets out the principles around the level of service provision that can be expected from face-to-face customer contact points that are additional to one stop shops.

Options appraisal

Not applicable

<p>Head of Service: Katherine Maddock-Lyon</p>	<p>Title: Head of Customer Strategy and Transformation</p>	<p>Contact Details: Tel: 020 8227 2009 E-mail: Katherine.maddock-lyon@lbbd.gov.uk</p>
<p>Report Author: Tim Pearce</p>	<p>Title: Customer Strategy</p>	<p>Contact Details: Tel: 020 8227 5003 E-mail: tim.pearce@lbbd.gov.uk</p>

1. Background

1.1 On 16 March 2010, the Council Executive agreed the Customer Strategy to achieve the vision of '*Working as one team to deliver excellent services by putting our customers at the heart of what we do*' and the commitment to deliver excellent customer service and deliver the One B&D model (Executive Minute 141, March 2010 refers). The Executive agreed to use the government benchmark Customer Service Excellence standard as it tests in great depth those areas that research has indicated are a priority for customers, with particular focus on delivery, timeliness, information, professionalism and staff attitude. It also required that we deliver our Service Information and Access through an Access Strategy. The five action plan areas cited in the Customer Strategy action plan are:

- Customer Insight – what we know about our customers;
- Leadership, Policy and Culture – how we behave;
- Service Information and Access – what services we provide and where;
- Delivery – meeting our promises to deliver on time;
- Timeliness and Quality of Service – how we respond to queries.

1.2 The One B&D transformational programme is the umbrella transformation programme - ensuring the right infrastructure and business architecture is in place to support the Customer Strategy. This Customer Access Strategy sets out our plan for the channels (phone, letters, email, face-to-face, the web and self service) that we will use to deliver services and interact with our customers within the resources available. An access strategy is not simply a plan to move service provision to online channels i.e. the web. The Council has a responsibility to provide excellent services to the public and value for money to the taxpayer. The channels through which our services are delivered and by which the public has contact with the authority, (be that via telephone, online, in person, or via other means), are a critical part of public service provision, and there are increasing expectations that they are managed effectively and efficiently for everyone.

1.3 As a major transformational workstream under the One B&D programme, the principles set out in the Customer Strategy will drive our Customer Access Strategy. The outcomes and benefits are as follows:

Outcomes

- Services are accessible
- Responses to customers are timely and answer their needs
- Services are joined up for the customer
- Services are fair credible and trusted
- Customers are kept informed, know what happens next and of progress
- Customers know what services and opportunities are available
- Customers are encouraged to give feedback
- Customers are treated as individuals and with empathy

Benefits

- Increased customer satisfaction
- Improved operational performance
- Reduced operational cost

- 1.4 The customer access strategy has been developed using a range of customer and business intelligence and tools such as Experian Mosaic data, customer feedback, Tell Us comments, mystery shopping, complaints analysis and customer journey mapping as well as systematic service observations from a customer view-point. This evidence based approach has enabled the Council to make an informed decision about the channels our customers are using / will use to access information and our services.
- 1.5 The access strategy addresses how the Council will ensure services are available through the right channel for the person and the service e.g. web, telephone, text / SMS, mail, or in person are all appropriate for particular customer groups and services. It does not aim to propose that all services should be moved to the cheapest channels, i.e. the web, in a 'one size fits all' approach, because it is recognised that in order to deliver personalised services, face-to-face contact will be the most appropriate channel especially is for those citizens with more complex needs. The Council will actively encourage the use of the most effective contact methods where appropriate to customer and service by promoting and supporting the most cost effective and effective approach to accessing the Council and delivering the service
- 1.6 The Access Strategy sets out the principles and actions that will reduce costs, wastage, and complaints and enable better decisions based on intelligence gained from better understanding of customers and how they do business with the Council. Services will be provided with information on service trends, problem areas and best practice on handling customer enquiries to enable them to improve service delivery. This will drive down avoidable customer contact through problem management and proactive use of business intelligence; increase the % of contacts resolved at first point of contact; minimise unnecessary hand-offs, improve customer information and consistency, and provide more effective business processes that make best use of resources (like straight forward transactions) and direct work to the most appropriate part of the organisation to deliver complex or front-line services.
- 1.7 The strategy places a greater focus on proactive problem and resolution management – managing failure and driving service improvement from real customer experiences. The strategy places a greater emphasis on delivery across all access methods – face-to-face, phone, text/SMS, on-line and will create opportunities for innovation across services to make better use of technology to ensure effective customer service by creating a series of deliberate and targeted shifts by promoting and supporting the most cost effective and effective approach to accessing the Council and delivering the service.
- 1.8 The Council will invest in customer services delivered via the web – ensuring that frequent transactions (payments, bookings, information requests, applications) that can be handled through self-service are available via the website – whilst ensuring resident and business confidentiality and security of information is provided.

- 1.9 The Council will continue to develop the range and quality of services delivered face-to-face – taking full advantage of the 2 core face-to-face points - BLC OSS and Dagenham Library, ensuring that customer services delivered at the One Stop Shops covers the range of service needed and provides the right professional and service support required to get face-to-face right first time. There will be clear processes to enable other front offices to consistently handle the face-to-face tier 1 information - service requests, complaints and issues.
- 1.10 The Council will continue to develop the quality of services delivered via the telephone (B&D Direct) for transactional customer services, and for escalation of issues, by improving customer resolution and driving down volumes through the promotion of other channels where it is appropriate for customer and service.

2. Background

- 2.1 The vision of the Customer Strategy is “Working as one team to deliver excellent services by putting our customers at the heart of what we do”. This is to be delivered through the implementation of the One B&D model which will lead to improvements in customer satisfaction, improved operational performance and reduced operational costs. Our approach to an Access or channel strategy we recognised that there is often considerable challenge and change to existing organisational structures. A customer access strategy needs to become integral part of the structure of the organisation and the way the objectives of the organisation are realised.
- 2.2 The strategy builds upon the on three key ‘triage’ levels of customer contact resolution used as the foundation of the One B&D model and as stated in the Customer Strategy:
- **Tier one** (e.g. signposting, simple information provision, reporting, booking, payments, requesting a service request) – high volume low complexity.
 - **Tier two** (e.g. refunds, complaints handling, detailed information/ advice)
 - **Tier three**(e.g. complex case management) – Low volume high complexity.
- 2.3 The three tier model applied to Customer Services is being developed for the full scope of Council services. This will require us to review services in consultation with service providers and customers and to use a common customer contact resolution model. The model uses a design approach aligned to the reason for the customer contact. Service migration, improvement and re-design will drive the efficiencies achievable from this model. Front Office Customer Service staff, in B&D Direct and One Stop Shops (OSS), will normally provide Tier one and two resolution where agreed with service areas, with Tier three always provided by dedicated service area experts.
- 2.4 B&D Direct, through the contact centre and One Stop Shops, plays a critical role in our customers’ experiences and resolving their queries. The One B&D model and its principles are embedded in to the customer access strategy and will enable the customer to be served by the correct staff member or team at the first point of contact. The strategy sets out the principles that will establish which services are moved, or ‘migrated’ to be delivered by B&D Direct where appropriate, and

customers will prefer to transact with the Council via the web as it is the most effective and efficient channel for them.

- 2.5 The Customer Access Strategy will deliver a major part of the Service Information and Access action plan. It will provide further context and information on how the Council should organise itself to best deliver services to customers and maximise our use of limited resources. It will take forward the work of the One B&D model and the projects delivered by the One B&D programme with respect to the access, or 'contact' channels (i.e. phone, letters, email, face-to-face and the web): these are the customer services implementation project phases 1 and 2.
- 2.6 The Customer Access Strategy is the policy document that establishes our thinking about how to deliver services in a way that brings together both the needs of our customers and the services we provide based on understanding customers and insight into how they behave. It will realise the benefits set out in the Customer Strategy:
- increased customer experience and satisfaction with the Council – through providing a more joined-up One B&D approach to delivering services ;
 - improved operational performance – through handling contacts better and analysing problems and issues;
 - reduced operational cost – through standardising customer service transactions across the Council, and providing a single point of contact for customer enquiries that is reliable, effective and efficient, preventing double handling and eliminating no customer value or unnecessary activity.
- 2.7 The Customer Access strategy sets out our plan for the way we will deliver services and interact with our customers within the resources available. For each contact channel the Customer Access Strategy sets out principles and action plans around service provision and access, and assesses progress of each action and its funding status.

The principles are:

1. Access to services must be efficient and effective.
2. We will use the Council's website and contact centre for high volume customer contacts, and face to face for customer contacts that are best delivered face to face.
3. The Council will promote the most effective contact methods where appropriate to customer and service.
4. The Council will invest in enabling services to be delivered securely via the internet.
5. The Council will continue to support face-to-face contacts at the OSS at BLC and Dagenham Library.
6. The Council will ensure that customers get the right professional and service support required.

7. At other service access points (libraries, leisure, children's centres) a standard level of customer service will be required for each of these points.
8. For particular customer groups that cannot easily access the One Stop Shops services will determine the most appropriate way to deliver services and provide access to information.
9. The Council will continue to develop the quality and effectiveness of services delivered via the telephone (B&D Direct) In all cases the aim of customer services is to:
 - provide a high level of customer service consistent with the customer service excellence standard;
 - handle the standard customer service transactions (payments, bookings, information, complaints etc) on behalf of the services;
 - reduce the number of service hand-offs (currently over 80% of all contact at B&D Direct contact centre is handed off to, or information is required from, another officer in the Council);
 - support customers who have not had a 'right first time' experience;
 - ensure that complex cases that cannot be handled in one contact get to the most appropriate officer and team to resolve;
 - provide services with information on service trends, problem areas and best practice on handling customer enquiries.
10. Customer services (B&D Direct including One Stop Shops) will continue to deliver services where appropriate and take payments: e.g. provide garage keys at One Stop Shops and Nationality Checking Service
11. The Council will not discriminate against any individual or group by unreasonably limiting the choice of contact methods available, and will work with services to ensure face-to-face, phone and web services are developed and delivered appropriately to the service and customers accessing the services.
12. Customer insight and service based management information will support the continuous improvement and development of customer services

2.8 Evidence for customer access strategy

Through the use of customer insight and business intelligence, the customer access strategy has been developed with an understanding of the demographic attributes, including service needs and channel preferences of the citizen's in the borough. This has enabled an informed understanding of who our customers are, their service needs, their preferences for accessing services and how we should adapt the way we provide services (where appropriate) to meet those needs more effectively. This evidence based approach has enabled us to understand that we should have stronger focus on web and access using mobile devices, further standardise our phone access and allow face-to-face to be the specialised service it is best placed to be – this whilst using existing Council assets libraries, leisure centres and children's centres to provide a mediated self-service.

Delivery of the Customer Access Strategy will transform customers' experiences and deliver the efficiencies required by residents and services.

- 2.9 The changes necessary to deliver excellent service for Council customers will be led by the Customer Services directorate and the One B&D Transformation programme. Customer Services brings together the Council's main front-line services, the contact centre, One Stop Shops, access to services via the website. The One B&D transformational programme is the umbrella transformation programme – ensuring the right infrastructure and business architecture to support the Customer Strategy.

3. The Customer Access Strategy Framework

The access strategy looks at each channel and identifies an action plan that supports the delivery of the service by that channel. The main action plans are as follows:

- Avoidable Contact
- Channel Migration
- Digital Inclusion
- The “Best Way to Contact Us”
- Face-to-face
- Web and Mobile Web
- Telephone
- Mobile Phone
- Email
- Post / Paper Communication
- New Media

3.1 Avoidable Contact

- 3.1.1 The main principles of this are to reduce the need for our customers to contact us through CRM improvements, by utilising the One B & D Model, automating processes and working with partners authorities to provide joined up services. By identifying customer contact that is ‘avoidable’, the Council and its partners are better placed to redesign the way services and information are made more accessible for our customers, so they do not have to make unnecessary, valueless contacts which are both frustrating for the customer and inefficient for us the provider. Reducing avoidable contact, where customers have to return more than once with the same query, will release capacity across the authority. It has been measured regularly and systematically, i.e. when customers chase a service request or have been misdirected. In March 2010 this was 45% based on a sample of calls answered using the government definition (Ni14). This is a significant improvement on the October 2008 figure of 58% and compares well nationally – but still provides considerable opportunities for improvement. Once services have been through complete process improvement this is estimated to reduce further by between 15-30% and cost efficiencies realised in proportion.

3.2 Channel Migration

Channel Migration is the process by which we will seek to encourage customers to access, or interact with, services via channels other than those to which they normally choose.

The Council will make access to its services available through appropriate and cost effective means designed with the needs of its individual customers and council tax payers in mind, and taking into consideration the type of service delivered. The Council will promote active encouragement to use the most effective contact methods where appropriate to customer and service, i.e. creating a series of deliberate and targeted shifts by promoting and supporting the most cost effective and effective approach to accessing the Council and delivering the service. Deliberate channel shift is the design and marketing of effective and efficient channels because they are the most appropriate channels for the type of contact, customer and service in question. Channel shift forms one part of an overall channel strategy, and implemented well it can lower costs, build reputation, empower the citizen and improve the overall service proposition. Shifting customers to particular channels involves behaviour change on the citizen's part, but once they are aware of the channels available, they will use the one that works best for them.

3.3 Digital Inclusion

The purpose of this is to ensure that citizens who do not have access to digital channels at home or at work are not disadvantaged when communicating with the Council.

3.4 The “Best Way to Contact Us”

3.4.1 The customer access strategy recognises that people with different physical and service needs require a range of access channels and support when accessing services. This underpins the principle for the council to provide a full range of contact channels for each of our services with some channels providing an enhanced access for customers with special requirements.

3.4.2 The 'Best Way to Contact Us' Plan refers to the ease or difficulty that a citizen may experience whilst using face-to-face, telephone, or electronic access channels to obtain services from the Council. For example, someone with hearing difficulties may find the telephone unusable, and may prefer to communicate through e-mail. Equally a customer who does not have English as their first language may not be able to access any contact channel without appropriate translation services.

3.5 Face-to-face

3.5.1 The Council will organise its Face-to-face channel to deliver the One B&D model and to move services so they provide consistent, appropriate and cost effective support in our one stop shops and additional locations identified through insight and other Council strategies. The Council will continue to develop the range and quality of services delivered face-to-face – making fuller advantage of the 2 core face-to-face multiple service customer access points – ie the OSS at BLC and Dagenham Library.

3.5.2 The Council will ensure that customer services delivered at the One Stop Shops covers the range of service needed and provides the right professional and service support required to get face-to-face right first time to reduce the amount of times a customer has to contact us and to get customers to the right people for faster

resolution of their issue. There will be clear processes to enable other service front offices to handle simple and straight forward frequently asked customer services issues (e.g. reporting fly-tipping, missed bin collection, opening times and how to access services). These will be 'information points' providing web and face-to-face access, as well as telephone access to the contact centre. A standard level of customer service will be required for each of these points.

- 3.5.3 For particular customer groups that cannot easily access the OSS,(e.g. parents with young children, disabled or older people) but do require a face-to-face service – each service will determine the most appropriate way to deliver services and provide access to information. This will be based on a range of options – including home visits; use of other customer access locations such as Children's centres.

3.6 Web and Mobile web

This strategy's underlying principle is to provide a comprehensive, easy to access and up to date web site and intranet that allows anyone to find out about, transact and interact with the Council 24/7. The Council will ensure that frequent transactions (payments, bookings, information requests, applications) that can be handled through self-service are available via the website – whilst ensuring resident and business confidentiality and security of information is provided. The Council will aim to provide access to the website and telephone services from all key front offices.

3.7 Telephone

- 3.7.1 The customer access strategy identifies how the Council aims to minimise the number of calls to the contact centre and reduce the amount of contact numbers published, to provide fast access to an expert officer, to resolve as much at first point of contact as possible and to reduce the amount of low value calls that our residents have to make.
- 3.7.2 The Council will continue to develop the quality of services delivered via the telephone (B&D Direct) for transactional customer services, and for escalation of issues.

3.8 Mobile Phone

This sets out the actions required to enable the Council to use and engage with mobile phone technology to increase access to information and services to citizens through the use of SMS text messaging and smart phone apps. This will enable targeted communications to user groups, to reduce costs, increase speed of communications and reduce direct contact.

3.9 Email

The key principles of this are to "reduce the amount of email communication with customers through better use of electronic forms and other electronic channels, but also to encourage email correspondence over paper based letter writing". The Council will aim to do this by promoting email addresses on correspondence with our customers, and signposting to web enabled forms rather than paper forms where appropriate.

3.10 Post / Paper Communications

This aims to reduce the amount of post and paper communications by better use of electronic channels and document scanning and electronic document handling.

3.11 New Media

The purpose of the new media strategy is to identify what actions are necessary to enable the organisation to engage and interact with people using social media channels like Facebook and Twitter and facilities such as web chat. The key to succeeding in this area is to avoid being an early adopter of new and emerging media and to learn from the pioneers of such products and implement cost effective and tested new channels

4. Links to Corporate and other Plans and Strategies

- Community Plan
- Corporate Plan
- All service plans

5. Consultees

The following were consulted in the preparation of this report:

- Cabinet Member for Customer Services and Human Resources
- CMT
- One B&D Board
- Member's and staff workshops (including the Public Office event)
- Customer satisfaction, mystery shopping and journey mapping (including thinkpublic)
- Customer Service Excellence board (a strategy sub board of the One B&D programme including representation and sign off by all services).

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

- Executive report and Minute 141, March, RE: Customer Strategy
- One B&D Reports – Customer Strategy
- Customer Service Excellence Board reports
- CMT report – Customer Strategy

7. List of appendices:

Appendix 1 - Customer Access Strategy and Action Plan

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 LBB	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 LBB</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 this post can be met from within the existing Regeneration and Economic Development</p>	

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 LBBD. 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
Tracey Evans, Corporate Directors, 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:

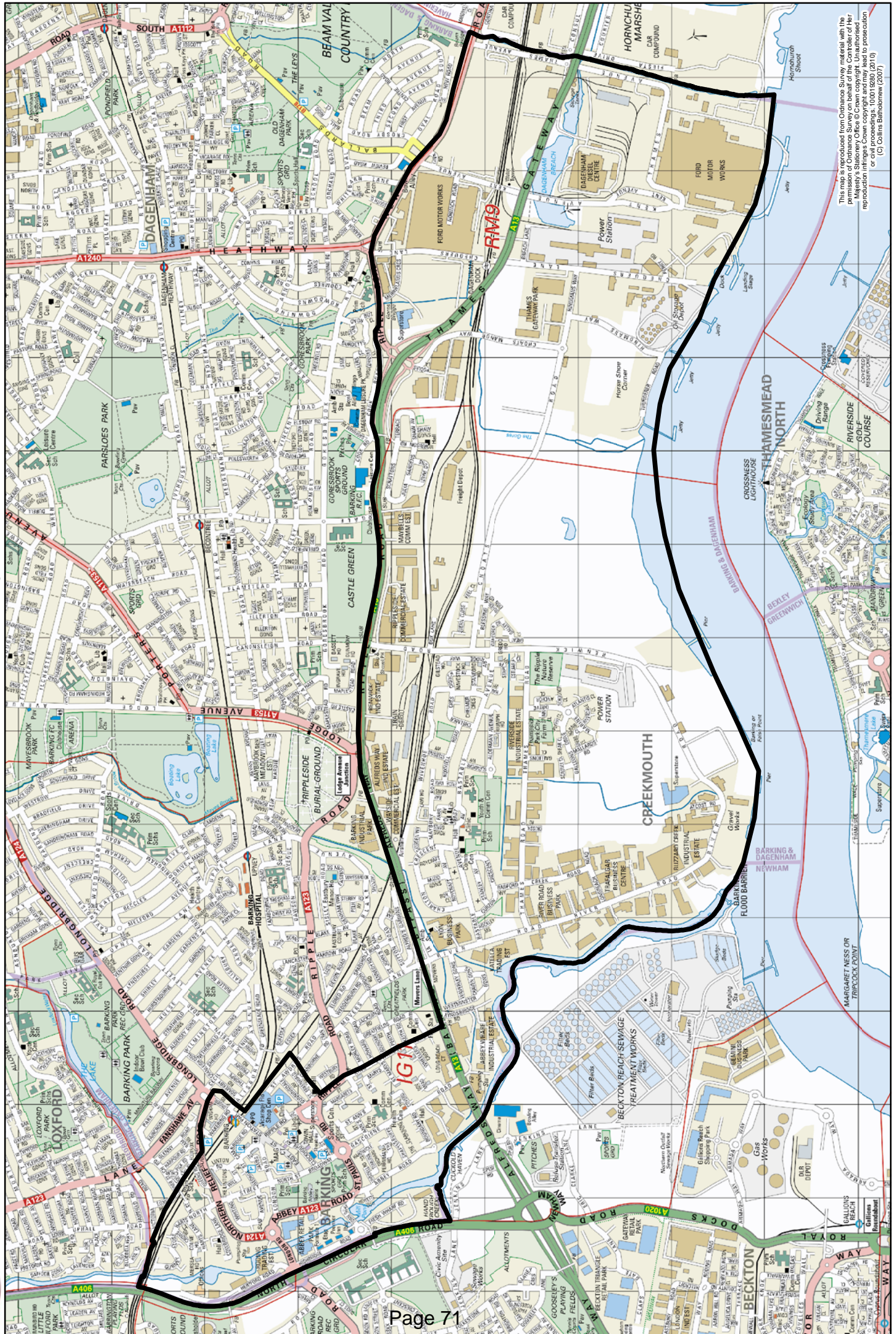
- Mayor of London Order 2008.
- London Thames Gateway Development Corporation Order 2005.
- Urban Development Corporations' Quinquennial Review, CLG. 2009
- Executive Report and Minute 149, 10 October 2005. Re: London Thames Gateway (Urban) Development Corporation: Proposed Planning Service Agreement.

5. List of Appendices

Appendix 1 – UDC Boundary

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UDC Boundary



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CABINET**8 JUNE 2010****REPORT OF THE CORPORATE DIRECTOR OF CHILDREN'S SERVICES**

Title: Proposed Expansion of Roding Primary School	For Decision
<p>Summary: This report presents a proposal for the expansion of Roding Primary School by providing a new school building on a separate site in Cannington Road, Dagenham with effect from 1 September 2010, thereby increasing the standard admission number to 144 pupils. Interim arrangements were made with effect from September 2008 to increase the intake for Reception, Year 1 and Year 2. Therefore this proposal, in effect, formalises that arrangement as well as introducing additional forms for Year 2 to Year 6 pupils.</p> <p>The benefits of this proposal will be to increase school places in the primary age range in order to meet the increasing demand for school places. This increase in demand for school places is being caused by the changes experienced in the age profile of the Borough, most notably the rise in birth rates.</p> <p>Wards Affected: Mayesbrook</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree the formal expansion of Roding Primary School from a two form to a five form entry Primary School with effect from 1 September 2010.</p>	
<p>Reason(s)</p> <p>To assist the Council in achieving its Community Priority of "Inspired and Successful" and in fulfilling its duty to provide every child in the borough with a school place.</p>	
<p>Implications</p> <p>Financial There are additional revenue costs associated with the increased intake of pupils and these will be met from the Dedicated Schools Grant (DSG) budget allocated for this purpose from Central Government. Schools receive funding based primarily on pupil numbers and the increase in pupil numbers will generate sufficient funding to meet revenue costs.</p> <p>Legal The expansion proposals have been published in accordance with the Education and Inspections Act 2006 and the required procedural and implementation arrangements are being followed, in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), and the related statutory guidance.</p> <p>The statutory four week consultation period commenced on the 1 May 2010 and concluded on 29 May 2010. The Local Education Authority (Cabinet) is required to make their decision as to the expansion proposal within two months of the end of the statutory</p>	

consultation period, i.e. 29 July 2010, otherwise the matter has to be passed to the Schools Adjudicator to be determined.

Contractual

No specific implications.

Risk Management

The Council has a statutory obligation to make provision for additional pupil places in the Borough and these proposals mitigate the risk of failing to provide suitable numbers of places for pupils' learning.

Staffing

The school will need to increase the numbers of teaching and non-teaching staff to support the increase in pupil numbers. This will be funded through the school's DSG budget and the increased share which the school will receive.

Customer Impact

The increase in pupil places at the school will improve the available places for parents expressing a preference for their children to attend Roding Primary. It will also ensure that pupils have better access to education provision in the primary sector and are more likely to be able to attend schools in their local area.

Safeguarding Children

No specific implications.

Crime and Disorder

No specific implications.

Property / Assets

No specific implications.

Options Appraisal

- Do Nothing - This is not practical due to the legal and statutory obligation placed on the Council to provide sufficient school places and the pressures currently faced across the Borough.
- Expansion of School to Five Form Entry – This preferred option has the support of the School Governing Body and the local community and forms part of the wider development of the School for which funding has been made available within the Capital Programme.

Head of Service: Jane Hargreaves	Title: Head of Quality and School Improvement	Contact Details: Tel: 020 8270 4148 Fax: 020 8270 4799 E-mail: jane.hargreaves@lbbd.gov.uk
Report Authors: Janet Caliste	Title: Project Leader	Contact Details: Tel: 020 8227 3152 Fax: 020 8227 3148 E-mail: janet.caliste@lbbd.gov.uk

1. Background

- 1.1 The Council has planned for steady expansion of school places in the primary sector over the past few years. The requirement to make the right number of places available and being able to satisfy demand involves analysis of demographic data for which there are established methods for planning pupil places which we have followed.
- 1.2 However, the borough has seen an unprecedented rise in births since 2003/04 and the impact of this was first seen in the Reception Cohort in 2008/09. It followed, demand being such, that an additional seven Reception classes were made available in the borough in 2008/09 in addition to the two planned Reception classes.
- 1.3 Similarly, for 2009/10, ten additional Reception classes were made available in the borough together with the two planned classes.

Table 1

Number of births in Barking and Dagenham (adjusted to Academic Year)

Year of Birth	Number of Births
2000/2001	2,380
2001/2002	2,416
2002/2003	2,535
2003/2004	2,698
2004/2005	2,907
2005/2006	3,134
2006/2007	3,325
2007/2008	3,541

Source: Office for National Statistics

- 1.4 In addition to the increased births, Admissions are also receiving high numbers of late applications for reception age children and this has compounded the difficulty in planning for the right number of school places. As an example, the closing date for applications into Reception for 2010/11 was 29 January 2010. As at 24 March, Admissions had received 146 late applications. Last year, approximately 500 late applications were received.
- 1.5 A further issue is the change in the retention rate regarding the number of children born in the borough requiring a Reception place. This had been averaging 96 per cent but over the past few years has been over 100 per cent as new residents move to the Borough with larger families.
- 1.6 This increase in pupil numbers is being reflected in many London boroughs including our neighbouring boroughs Redbridge and Newham and to a lesser extent in Havering.

- 1.7 In response to this need for additional places, Roding Primary School admitted an additional two infant age classes in 2008/09 and seven additional infant age classes in 2009/10.
- 1.8 The Executive at its meeting on 18 November 2008 [minute number 90] approved the range of necessary actions by the Corporate Director of Children's Services over the Summer and Autumn of 2008 to respond to the demand for additional school places in the primary phase. This included the additional reception classes for Roding Primary School which was on an interim basis, pending any longer term expansion of the school. The discussions that have followed with the School Governing Body, parents and local community have placed the school in a position to permanently expand its intake to five forms of entry by providing a new school building at a separate site in Cannington Road, Dagenham, and therefore formalise these interim arrangements to meet current and future demand.
- 1.9 The procurement route and financial provision for these proposals were agreed by the Executive on 14 July 2009 (Executive Minute 26, 14 July 2009 refers).
- 1.10 Additional revenue costs associated with the increased intake of pupils will be met from the Dedicated Schools Grant budget (DSG). The part year funding for financial year 2010/11 with effect from September 2010 will be allocated from the amount earmarked within the schools budget for additional in-year children. The distribution of funding from the Government for children registered after the January pupil number count is on a retrospective basis. Funding for these additional in-year children will not be included in the DSG until financial year 2011/12.

2 Proposal and Consultation Process

- 2.1 Meetings with the Chair and Board of Governors of the school were held in 2008 and 2009 to discuss the wider proposals and support was received to expand the school permanently from two to five forms of entry with effect from 1 September 2010 subject to a new school building on a separate site at Cannington Road being made available which met the School's requirements.
- 2.2 Council officers and representatives of the School have worked together to move forward the necessary building improvements in order to enhance provision and support the objectives of the school. Capital budget provision has been agreed for this scheme as part of the Capital Programme, using grant income allocated from the DCSF.
- 2.3 A series of meetings have been held including meetings with teaching staff, personnel committee meetings, other various school committee meetings and Governing Body Meetings where plans for the new build at Cannington Road were presented.
- 2.4 Letters were sent to Parents, Carers and Guardians of Pupils, Staff and Governors of Roding Primary School informing them of the proposal to expand the school and the reasons for this on 21 January 2010.
- 2.5 The Council has published a formal statutory notice to expand the school by three forms of entry with effect from 1 September 2010 with a new standard admission number of 144 pupils. The notice was published in the local press on 1 May 2010

and copies of the notice were displayed in Roding Primary School and Barking Library and sent to other neighbouring local authorities. The notice period expired on 29 May 2010.

- 2.6 No responses have been received, at the time of writing this report, regarding the published notice or from the letter sent to parents, carers and guardians of pupils, staff and governors of the school. Any subsequent responses will be reported at the meeting.

3. Links to Corporate and other Plans and Strategies

- 3.1 The proposals in this report are in line with:

- The Children and Young People's Plan
- The Council Plan

4. Consultees

The following have been consulted in the preparation of this report:

Cllr R Gill, Cabinet Member for Children and Education
Cllr D Hunt, Ward Councillor
Corporate Management Team
Jane Hargreaves, Head of Quality and School Improvement
Bal Gill, Strategic Manager, Admissions
John Hooton, Strategic Finance Controller
Melanie Field, Legal Partner
Steve Cowley, Assistant Head of Finance
Leann Kenny, Communications Manager
Simone Mills, Internal Communications
Sue Lees, Divisional Director of Asset Management and Capital Delivery

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

- Legislation which allows this – Education and Inspections Act 2006
- Consultation letter dated 21 January 2010
- Notice Published 1 May 2010
- Executive report and Minute 118, 20 January 2009 Re: Demographic Change Influences on School Places Demand for Autumn Term 2008
- Executive report and Minute 26, 14 July 2009 refers Re: Proposal for Expanding Roding Primary School at Cannington Road
- DCSF Guidance: Expanding a maintained mainstream school by enlargement or adding a sixth form

6. List of appendices:

None

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CABINET

8 June 2010

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Title: Debt Write Offs January 2010 to March 2010 (4th Quarter)	For Information
<p>Summary:</p> <p>Barking and Dagenham Direct is made up of a number of service areas. The Revenues and Benefits Department are linked to the billing, collection and recovery of the vast majority of debts that fall due to be paid to the Council for chargeable services and statutory levies such as Council Tax and Business Rates.</p> <p>The value and type of debts written off as uncollectible within these two sections must be reported to the Executive on a quarterly basis in line with the Council's financial regulations.</p> <p>This report for the financial year 2009/10 provides a summary of debts written off for Quarter 4 (i.e. 1 January 2010 to 31 March 2010) shown in table 7 of Appendix A. In total £496,678 of debts has been written off for the 2009/10 year for Quarter 4</p> <p>The total debts written off for the period 1 April 2009 to 31 March 2010 is £2,608,808.</p> <p>Wards Affected: None.</p>	
<p>Recommendation(s)</p> <p>The Executive is asked to note the debt write-offs for the fourth quarter of 2009/10 as detailed in the report and that a number of these debts will be publicised in accordance with the policy agreed by Minute 69 (6 November 2007).</p>	
<p>Reason(s)</p> <p>As a matter of good financial practice and to accord with the Council's Financial Rules.</p>	
<p>Implications:</p> <p>Financial: All debts 'written off' will have been provided for within the Council's Bad Debt Provision and as such there should be no specific financial implications. However, there is the possibility that unforeseen and unplanned additional write offs occur, which lead to the value of debts written off in any year, exceeding the agreed bad debt provision.</p> <p>Where this is likely to happen, this quarterly report will act as an early warning system and will enable additional control measure to be agreed and taken, to either bring the situation back under control, or to make appropriate adjustments to the bad debt provision.</p> <p>Legal: The write of debts of the sums proposed in the report requires a decision of the Cabinet.</p>	

It was decided at the meeting of 6 November 2007 to publish the names of debtors whose debts have been written off subject to certain exceptions set out in the report. The publicising of the names of debtors constitutes processing of their personal data under Data Protection Act 1998 (DPA). In order to process i.e. publish this information lawfully the legislation sets out a number of requirements the most pertinent being that processing must be fair, lawful and that any one of the permissible grounds listed in schedule 2 DPA be found.

The relevant ground in schedule 2 DPA for the publication of debtor names is that 'the processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject'. This means that the Council may lawfully publish the data on the basis that it is thereby pursuing some legitimate interest. One possible interest through publication may be the identification of named debtors who the Council could then pursue to recover the debt. The Council must also be satisfied that no prejudice to the rights and freedoms of the data subjects (named debtors) would be occasioned by the publication. The Legal Partner has not seen any basis for suggesting such prejudice would be occasioned. If any individual had concern as to publication of their details they could raise objection with the Council who could then revisit the issue in the light of the legal considerations here outlined.

It is not suggested that the debtors named have committed any offence in which case the data would be 'sensitive' personal data requiring an further additional ground from schedule 3 to be also identified. This aspect can thus be discounted.

It has been highlighted in previous reports that the sums being written-off in the report were quite substantial. This report is no different. Councillors will be concerned as to what efforts are being made to recover debts before they are written-off. The Legal Partner for Corporate Law has advised that a summary of efforts to recover bad debt are addressed in these reports. The report author has indicated he is unable to do so for this report but can in relation to future reports. This will hopefully give members confidence that debt is only being written off after the fullest efforts to recover have been made.

Risk Management:

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

Social Inclusion and Diversity: No specific implications.

Crime and Disorder: No specific implications.

Options Appraisal: Not applicable.

Contact Officer: Mark Wilson	Title: Acting Group Manager (Income and Collection)	Contact Details: Tel: 020 8227 2739 Fax: 020 8227 2574 E-mail: Mark.Wilson@lbbd.gov.uk
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1. Introduction and Background

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

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

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

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

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

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

3. Authorisation to write off debts

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

- | | |
|------------------------|--|
| • Up to £500 | Service Managers |
| • £500.01 £2,000 | Group Managers |
| • £2,000.01 to £10,000 | Head of Revenues and Benefits |
| • Over £10,000 | Corporate Director of Customer Services or the
Corporate Director of Finance and Commercial
Services |

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

4. Current Position

4.1 The net value of debts written off for the first quarter (Q1) of 2009/10 (i.e. April 2009 – June 2009) was £ 279,212 as shown in table 4 of Appendix A.

4.2 The net value of debts written off for the second quarter (Q2) of 2009/10 (i.e. July 2009 – September 2009) was £ 1,089,602 as shown in table 5 of Appendix A.

- 4.3 The net value debts written off for the third quarter (Q3) of 2009/10 (i.e. October 2009 - December 2009) was £ 745,878 as shown in table 6 of Appendix A.
- 4.4 The net value debts written off for the fourth quarter (Q4) of 2009/10 (i.e. January 2010 - March 2010) was £ 494,115 as shown in table 7 of Appendix A.
- 4.5 The total debt write off for 2009/10 now stands at £2,608,808.

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

- 5.1 Council Tax and Business Rates are both statutory debts and for the most part, regular monthly write offs take place.
- 5.2 General Income debts relate to debts raised for chargeable services that the Council either provides as a statutory duty or as a service where no other providers are available to provide a similar service. Home Care and Residential Care debts are also dealt with within the General Income section and are shown separately.
- 5.3 Housing Benefit overpayment debts written off relate to relevant adjustments in this area. Former tenant arrears relate to previous occupation of rented Council housing.

6. Publication of individual details of debts written off

- 6.1 A number of Authorities publicise the details (names, addresses etc.) of residents who have had debts written off. In the vast majority of cases, these debts have been written off where the debtor has absconded.
- 6.2 The Executive agreed in November 2007 (Minute 69, 6 November 2007) that a list showing the details of debtors, who have had debts written off, would be attached to this report. A list has been attached at **Appendix B**. The list has been limited to the top ten debts only
- 6.3 As outlined within recommendation 2 above, the Executive is asked to consider the publication of this list of debtors locally (e.g. within The News etc.).
- 6.4 As was previously outlined within the 6 November 2007 Executive report, it was recommended that the following types of debt write offs are excluded from this publicised list:
- a) Debts that have been written off following a corporate complaint being upheld
 - b) Debts that have been written off due to the debtor falling within one of the many vulnerable groups (e.g. elderly, disabled, infirm etc.)
 - c) Where the original debt was raised in error
 - d) Where debts have been written off, but no legal action has been taken to prove that the debt was legally and properly due
 - e) Where the debt has been written off following bankruptcy or insolvency action (the majority of these cases will be individually publicised)
- 6.5 The exclusion of the category of debts listed above will eliminate the possibility of any unnecessary and potentially costly legal challenges from debtors, who take issue with their details being publicised. It is intended that where the details or

whereabouts of debtors become known following publication, those debtors will be pursued as far as is possible, to secure full payment of the debt.

- 6.6 The list provided at Appendix B does not include any debts or debtors that fall within categories a-e above, so the list as it stands can be publicised after the removal of date of birth and national insurance number details.

7. Ongoing debt recovery and tracing work

- 7.1 It should be noted that debt recovery and tracing work is an ongoing activity within the Revenues and Benefits Department. Some form of tracing work continues on debts even after the debt has been written off. We have a number of management tools to find debtors, including national systems such as Experian. In many cases, tracing and follow-up work can continue for up to a year after the debt has been written off (e.g. in the case of higher debts) and debtors have been known to resurface up to five years after a debt has been written off.
- 7.2 Where debtors are located either by ourselves or other departments, for example often Tenancy audit find debtors, the section who owns the debt is advised and the recovery process can be resumed. The debt is often written back on so that legal action can commence or be restarted from where it was left.
- 7.3 Every effort is being made to support customers and minimise debt. A multi-disciplinary rent panel has been established to look at each individual case and take appropriate action. A business process re-engineering exercise has been carried out on temporary accommodation and income recovery procedures, to ensure the appropriate use of resources and efficient streamlined procedures are in place in preparation of the implementation of Capita I.T. system. This system will provide robust data for better charging, quicker response time, and improvement in customer experience.

8. Consultees

Tracie Evans - Corporate Director of Finance and Commercial Services
Ralph Wilkinson - Head of Revenues and Benefits
Winston Brown - Legal Partner and Deputy Monitoring Officer
Lee Russell - Finance Group Manager (Resources)
Tony McNamara - Group Manager (Customer Services, Finance)
Darren Henaghan – Corporate Director of Customer Services

9 Background Papers Used in the Preparation of the Report:

- Executive report and Minute 69, 6 November 2007, “Council Debt Write Offs”,
- Policy for write off of irrecoverable debts and unclaimed credits
- Income & Collection tracing procedure
- Executive Report, 25 August 2009, “Debt Write Offs April 2009 - June 2009 (First Quarter) & July 2009 to September 2009(Second Quarter) & October 2009 to December 2009(Third Quarter).

List of Appendices

Appendix A - Tables

Appendix B - Top Ten

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Debts written off during 2006/7
Table 1

Write Offs	Housing Benefit	General Income Debts	Former Tenant Arrears	Home Care	Residential Care	Council Tax	NDR	TOTAL
2006/07	£74,086	£209,571	£698,423	£32,234	£98,608	£1,965,030	£82,256	£3,160,208

Debts written off during 2007/8
Table 2

Write Offs	Housing Benefit	General Income Debts	Former Tenant Arrears	Home Care	Residential Care	Council Tax	NDR	TOTAL
2007-8 Totals	£335,194	£165,413	£373,275	£ -	£10,543	£ 668,163	£169,657	£1,722,245

Debts written off during 2008/09
Table 3

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	Home Care	Residential Care	Council Tax	NDR	TOTAL
2008-9 Totals	£413,313	£1,170,066	£641,637	£2,530	£693	£1,661	£435,088	£106,629	£2,771,617

Please note the Housing Benefit & Rents was not included in the 2008/2009 total.

Debts written off 2009/10

**Table 4
Debts Written Off during 2009/10 Quarter 1**

	Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home care	Residential Care	Council Tax	NNDR	TOTAL
Apr-09	Under £2k	£10,025.81	£8,179.31	£265.12			£82.00		£26,622.67		£45,174.91
	Over £2k	£4,080.00		£28,731.14							£32,811.14
	Over £10k										£0.00
	Total	£14,105.81	£8,179.31	£28,996.26	£0	£0	£82.00	£82.00	£26,622.67	£0	£77,986.05
May-09	Under £2k	£2,293.89	£21,291.31	£2,586.21	£994.10			£159.00			£27,324.51
	Over £2k		£7,674.22	£28,456.28							£36,130.50
	Over £10k										£0.00
	Total	£2,293.89	£28,965.53	£31,042.49	£994.10	£0	£0	£159.00	£0	£0	£63,455.01
Jun-09	Under £2k	£13,125.79	£24,632.82	£47,509.46				£228.52			£85,496.59
	Over £2k	£7,482.34	£35,233.48	£9,558.43							£52,274.25
	Over £10k										£0.00
	Total	£20,608.13	£59,866.30	£57,067.89	£0	£0	£0	£228.52	£0	£0	£137,770.84
Quarter 1 Totals		£37,007.83	£97,011.14	£117,106.64	£994.10	£0	£82.00	£387.52	£26,622.67	£0.00	£279,211.90

**Table 5
Debts Written Off during 2009/10 Quarter 2**

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
Jul-09	Under £2k	£3,810.63	£8,181.49					£121,645.98	£1,505.29	£152,972.70
	Over £2k	£7,255.49	£17,078.25							£26,559.89
	Over £10k	£41,275.69							£367,954.52	£409,230.21
	Total	£20,055.46	£52,341.81	£25,259.74	£0	£0	£0	£0	£121,645.98	£369,459.81
Aug-09	Under £2k	£11,875.34								£11,875.34
	Over £2k	£11,437.49	£7,840.34					£73,240.81		£92,518.64
	Over £10k	£13,045.30								£13,045.30
	Total	£36,358.13	£7,840.34	£0	£0	£0	£0	£73,240.81	£0.00	£117,439.28
Sep-09	Under £2k	£11,623.30	£8,612.29	£18,465.68				£149,864.99	£13,317.98	£201,884.24
	Over £2k			£52,300.17				£69,561.46	£48,519.70	£170,381.33
	Over £10k	£11,134.48								£11,134.48
	Total	£22,757.78	£8,612.29	£70,765.85	£0	£0	£0	£219,426.45	£61,837.68	£383,400.05
Quarter 2 Totals		£79,171.37	£68,794.44	£96,025.59	£0.00	£0.00	£0.00	£414,313.24	£431,297.49	£1,089,602.13

**Table 6
Debts Written Off during 2009/10 Quarter 3**

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
Oct-09	Under £2k	£10,629.30	£1,531.30				£282.92	£91,295.00	£906.81	£104,793.19
	Over £2k	£26,234.68	£2,323.71					£20,193.81		£48,752.20
	Over £10k	£115,378.18							£10,846.15	£126,224.33
	Total	£147.86	£152,242.16	£3,855.01	£0	£0	£0	£282.92	£111,488.81	£11,752.96
Nov-09	Under £2k	£16,603.07	£53,893.27				£73.75	£44,077.77		£117,793.86
	Over £2k	£22,430.31	£51,057.00		£10,339.11					£83,826.42
	Over £10k				£36,355.18					£36,355.18
	Total	39,033.38	£3,216.00	£104,950.27	£0	£46,694.29	£0	£73.75	£44,077.00	£0
Dec-09	Under £2k	£16,331.79							£52,329.10	£69,669.69
	Over £2k	£9,096.49	£13,751.16						£105,345.92	£128,193.57
	Over £10k								£30,190.98	£30,190.98
	Total	£25,428.28	£14,839.16	£0	£0	£0	£0	£0	£187,866.00	£228,054.24
Quarter 3 Totals		£170,297.32	£108,805.28	£0	£46,694.29	£0	£356.67	£155,496.58	£199,618.96	£745,878.62

**Table 7
Debts Written Off during 2009/10 Quarter 4**

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
Jan-10	Under £2k	£490.00				-£61.93		£91,841.90	£2,267.26	£99,181.18
	Over £2k								£2,619.60	£4,644.60
	Over £10k									
	Total	£6,265.95	£490.00	£0	£0	£0	-£61.93	£0	£91,841.90	£5,289.86
Feb -10	Under £2k	£3,028.83	£5,605.13			£376.50			£38,64	£21,658.78
	Over £2k				£40,485.63					£58,477.28
	Over £10k				£95,173.40					£119,583.39
	Total	£52,004.73	£3,028.83	£8,611.07	£0	£135,659.03	£376.50	£0	£0	£38,64
Mar-10	Under £2k	£5,707.12	£47,718.75	£1,600.90		£163.49			£42,881.02	£102,558.20
	Over £2k								£55,229.38	£60,751.25
	Over £10k	£16,284.00					£10,977.00			£27,261.00
	Total	£4,486.92	£21,991.12	£53,240.62	£1,600.90	£0	£163.49	£10,977.00	£0	£98,110.40
Quarter 4 Totals	£62,757.60	£25,509.95	£61,851.69	£1,600.90	£135,659.03	£478.06	£10,977.00	£91,841.90	£103,438.90	£494,115.03

Debts written off during 2009/10
Table 8

Write Offs	Housing Benefits	General Income Debts	Former Tenant Arrears	Rents	PSL Homeless	Home Care	Residential Care	Council Tax	NNDR	TOTAL
2009-10 Totals	£243,546	£361,613	£383,789	£2,595	£182,353	£560	£11,721	£688,274	£734,355	£2,608,808

Top 10 debts written off in Quarter 4

NAME	ACCOUNT NUMBER	AMOUNT	DEPARTMENT	REASON
Ms SA Heywood	000021807	£ 28,497	Rents PSL	Agreed by PSL panel
Ms T Lacey	090005981	£28,320	Rents PSL	Agreed by PSL panel
Mr J Clarke	090003680	£19,404	Rents PSL	Agreed by PSL panel
Mr AP Barker	000058561	£18,952	Rents PSL	Agreed by PSL panel
J Guidotti	62000820	£16,284	HH Finance	PSL – Agreed by panel
Mr K Nzita	516400	£13,720	Housing Benefit	Unable to trace customer
Miss C Fairs	309989	£10,690	Housing Benefit	Uneconomical to recover.
Direct Special Contacts Ltd	20021746	£9,072	NNDR	Company dissolved
KBS Design London Ltd	20020739	£8,970	NNDR	Company dissolved
BMKD Printer Ltd	20023755	£8,100	NNDR	Company Dissolved

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THE CABINET

8 JUNE 2010

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Urgent Action – Capital Programme 2009/10 Variation		For Information
<p>Summary</p> <p>In the light of an approximate underspend of £10m on the Capital Programme for 2009/10, the Corporate Director of Customer Services, in consultation with Executive Members, identified a number of items of catch up repairs, spend to save and environmental improvements totalling £1.65 million which could be undertaken using £1m of the slippage and existing provision of £0.65m in respect of Environmental Improvements. Details are set out in Appendix A.</p> <p>In order for these works to be undertaken in the 2009/10 financial year, the Chief Executive agreed, in line with the Urgent Action provisions of the Constitution, to amend the 2009/10 Capital Programme and to the transfer of the £1m borrowing costs to the relevant budgets within Customer Services.</p> <p>Recommendation</p> <p>The Executive is asked to note the action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in agreeing to the variation of the 2009/10 Capital Programme as detailed in Appendix A.</p>		
Report Author: Alan Dawson	Team Manager, Democratic Services	Tel: 0208 227 2348 E-mail: alan.dawson@lbbd.gov.uk

Consultation

The following were consulted in the preparation of this report:

Councillor L Smith, Chair of the Cabinet
David Woods, Acting Chief Executive
John Hooton, Strategic Finance Controller, Finance & Commercial Services
Yinka Owa, Legal Partner (Procurement, Property and Planning)

Background Papers

- Letter and enclosures from the Chief Executive of 4 March 2010 entitled "Capital Programme 2009/10 Variation - Urgent Action under Paragraph 17, Article1, Part B of the Constitution".

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**REPORT OF THE CORPORATE DIRECTOR OF CUSTOMERS SERVICES
SUBMITTED TO THE CHIEF EXECUTIVE WITH A REQUEST FOR URGENT ACTION**

Capital Programme 2009/10 Variation	For decision
<p>This request is submitted under the Urgent Action process (paragraph 17 or Article 1 of Part B of the Council Constitution) as delay would prevent the named schemes from being delivered/started in the current financial year .</p>	
<p>Summary</p>	
<p>The Capital Programme for 2009/10 is due to be under spent by approximately £10.317 million as set out in the Budget Monitoring Report to the Executive on 16 February 2010.</p>	
<p>Officers have identified, at Members' request, a number of items of catch up repairs, spend to save and environmental improvements totalling £1.65 million which could be undertaken by using some of the slippage in the current year's Capital Programme, together with an existing sum of £0.65 million in respect of Environmental Improvements – the breakdown is set out in Annex 1. These works include:</p>	
<ul style="list-style-type: none"> • Repairs to highways following the effects of the winter weather and to improve safety and amenity • Improvement to horticulture which will reduce maintenance costs in future years • Fencing, alley gates and environmental improvements which will reduce nuisance, complaints, anti-social behaviour etc. and help to reduce maintenance costs in future years • Improvements to housing estates and residential blocks to improve living conditions, reduce nuisance and maintenance costs in later years 	
<p>In order to allow these works to proceed without increasing the total of capital borrowing requirement in year it is proposed that the current programme be amended to allow slippage in the Capital Programme to be redirected as follows:</p>	
<p>Housing Capital Programme</p>	<p align="right">£500,000</p>
<p>Highways and paths</p>	<p align="right">£500,000</p>
<p>In addition there is the following provision already in the Capital Programme to fund part of this work:</p>	
<p>Environmental Improvements</p>	<p align="right">£650,000</p>
<p>In order to allow those projects which were originally funded from the Capital Programme to proceed in the next financial year it is proposed that the cost of borrowing of the £1.0 million be transferred pro-rata to the Housing Revenue Account and the budgets in Environment and Enforcement. These can be contained within the current year.</p>	
<p>The works described are mainly to environmental infrastructure and it is proposed that the final list of works be agreed by the Corporate Director of Customer Services having taken advice from Portfolio holders, the Chief Executive and other Corporate Directors.</p>	

Consultation

The Chair of the Executive and the Deputy Chair (in the absence of the Chair) of the Public Accounts and Audit Select Committee have been contacted and advised of the reasons for taking urgent action.

This matter was discussed at the Corporate Management Team on 4 November 2009, and the Corporate Director of Finance and Commercial Services has been consulted, together with the Legal Partner (Procurement, Property and Planning) and Democratic Services.

Recommendations

That approval is given to vary the Capital Programme as set out above.

Contact Officer David Woods	Job Title: Corporate Director of Customer Services	Tel: 020 8227 5700 Email: david.woods@lbbd.gov.uk
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SNAPs Works

Housing Estate Improvements	£325,000
Highways Post Winter Repairs	£426,000
Environmental improvements	£482,000
Amenity greens and fencing	£79,000
Parks and leisure improvements and repairs	£218,000
Shopping parade improvements	£120,000
	£1,650,000

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THE CABINET

8 JUNE 2010

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Urgent Action: Term Contract for Maintenance of Fire Protection, Detection and Emergency Lighting Systems within Public Buildings and Schools 2010/2014	For Information	
<p>Summary</p> <p>The attached report (Appendix A) was scheduled to be presented to the meeting of the Cabinet on 29 April 2010 which was cancelled. In view of the fact that a decision on the issue could not be delayed until this meeting, the Chief Executive agreed, in line with the Urgent Action provisions of the Constitution, to the following:-</p> <ul style="list-style-type: none"> • Authorise the seeking of tenders for a new term contract for the maintenance of fire protection, detection and emergency lighting systems within public buildings and schools over a three year term with the possibility to extend for a further 1 year subject to satisfactory performance; • Delegate authority to the Corporate Director of Resources, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the new term contract following the conclusion of the procurement process; and • In accordance with the Council's Contract Rules (Part D, paragraph 4.2.2.3), authorise a single tender action with the existing contractor to undertake the works commencing on 1 August 2010 and for this contract to expire by no later than 28 February 2011, and delegate authority to the Corporate Director of Resources, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the contract. <p>Recommendation</p> <p>The Cabinet is asked to note the action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in agreeing to contractual arrangements in relation to the maintenance of fire protection, detection and emergency lighting systems within public buildings and schools as detailed in Appendix A.</p>		
Report Author: Alan Dawson	Team Manager, Democratic Services	Tel: 0208 227 2348 E-mail: alan.dawson@lbbd.gov.uk

Consultation

The following were consulted in the preparation of this report:

Councillor L Smith, Chair of the Cabinet
 David Woods, Acting Chief Executive
 Nina Clark, Divisional Director of Legal & Democratic Services
 Winston Brown, Legal Partner (Corporate Law and Employment)

Background Papers

- Letter and enclosures from the Chief Executive of 30 April 2010 entitled "Urgent Action under Paragraph 17, Article1, Part B of the Constitution".

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REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Term Contract for Maintenance of Fire Protection, Detection and Emergency Lighting Systems within Public Buildings and Schools 2010/2014	For Decision
<p>Summary: This report concerns the tenders for a term contract for fire protection, detection and emergency lighting within schools and public buildings which covers planned preventative maintenance (PPM) and also day-to-day reactive repairs and minor works.</p> <p>This report asks for authority to seek tenders using the two part Restricted Procedure in accordance with the European Procurement Directives, for a three year term contract with the possibility of a one year extension subject to satisfactory performance of the nominated contractor. Work under the previous and current contract involve day-to-day reactive repairs together with planned maintenance of fire alarm systems and emergency lighting systems.</p> <p>It is anticipated that the new term contract will commence in January / February 2011. However, to enable compliance with the European Procurement Directive timescales and to ensure that there is no gap in cover between the end of the current contract and the beginning of the new term contract a single tender contract with the existing contractor would be needed.</p> <p>Wards Affected: All Wards Affected</p>	
<p>Recommendation(s) The Executive is recommended to:</p> <ol style="list-style-type: none"> (1) Authorise the seeking of tenders for a new term contract for the maintenance of fire protection, detection and emergency lighting systems within public buildings and schools over a three year term with the possibility to extend for a further 1 year subject to satisfactory performance; (2) Decide, in accordance with paragraph 3.6.4 of the Council's Contract Rules (Part D of the Constitution) if it wishes to be further informed or consulted on the progress of the procurement and the award of the contract; (3) Delegate authority to the Corporate Director of Resources, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the new term contract following the conclusion of the procurement process; and, (4) In accordance with the Council's Contract Rules (Part D, paragraph 4.2.2. 3), authorise a single tender action with the existing contractor to undertake the works commencing on 1 August 2010 and for this contract to expire by no later than 28 February 2011 and delegate authority to the Corporate Director of Resources, in consultation with the Corporate Director of Finance and Commercial Services and Legal Partners, to award the contract. 	

Reason(s)						
To provide a safe and cost effective maintenance and minor works service to all public buildings and schools and assist the Council in achieving the Community Priority of "Safe".						
Implications:						
Financial:						
Based on the historic pattern of expenditure and workloads the estimated contract cost over the full four year term is £648,000. Client departments hold the budget to fund this expenditure. Expenditure will be incurred on a "Call Off" basis and all expenditure will need to be contained within each departments overall budget.						
	Projected Contract Expenditure	Projected Contract Expenditure	Projected Contract Expenditure	Projected Contract Expenditure	Projected Contract Expenditure	Totals
Year	2010/2011	2011/2012	2012/2013	2013/2014		
Schools and Public Buildings	£162,000	£162,000	£162,000	£162,000		£648,000
Legal:						
The Council has power to enter into contracts for the provision of fire protection, detection and emergency lighting within Public Buildings and Schools ("the Services") under section 1 of the Local Government (Contracts) Act 1997 on the basis that such Services are properly required for the discharge of the Council's duties.						
It is anticipated that the estimated value of the Services will be in excess of the threshold for application of the Public Contracts Regulations 2006 (PCR 2006), of £156,442, and accordingly the procurement shall be undertaken in accordance with the requirements of the Regulations using the 'Restricted' tendering procedure. This tendering exercise will also satisfy the requirements of the Council's Contract Rules which require that any contract with a value above £50,000 will be procured following a competitive tendering exercise.						
The conditions of contract to be entered into between the Council and the successful tenderer(s) are yet to be agreed. A draft contract will be included in the tender documentation so tenderers know what terms and conditions they will be expected to enter into if they are successful.						
In deciding whether to award a contract, the Council must comply with the principles of administrative law including taking into account all relevant considerations, the outcome of the evaluation of each of the tenders and their financial implications. In particular in order to comply with the Council's fiduciary duty, the Council must be satisfied that the successful tender(s) represent value for money for the Council.						
The Council must also ensure that it evaluates tenders in accordance with the evaluation procedures described in the Regulations and ensure that the appropriate notifications are made to the Official Journal of the EU.						
The Council is required to comply with the requirements of the 17 th Edition of the IEE Regulations 2008, The Health and Safety at Work Act 1974, BS 5839 fire alarm Regulations, BS5266 Emergency Lighting Regulations and Part P of the Building						

Regulations 2003.

Contractual:

There are no specific implications

Risk Management:

Technical officers will administer the contract to pre-arranged service level agreements, strictly monitoring the performance levels of the main contractor. The contract will also be carried out in accordance with the Health and Safety at Work Act 1974.

Staffing:

There may be TUPE implications associated with this contract as staff employed by the current contractor may be required to transfer to a new contractor should a new contractor be successful following the tender process. However, this does not affect any Council employees. Relevant HR and Legal advice will be sought in relation to this matter.

Customer Impact:

The Race Relations (Amendment) Act 2000 (RRAA) places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Council has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age, and community cohesion. The tender process will be undertaken including current requirements for assessment of tenderers ability to meet the RRAA during contract performance. The subsequent contract will be managed in such a manner to include monitoring of RRAA requirements. Contractors will be encouraged to use local labour where practical and if possible to encourage local training schemes.

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

Safeguarding Children:

The contract will include testing of fire alarms and emergency lighting systems within public buildings and schools and this in turn will help protect children in the event of a fire, by giving early warning to vacate the building and giving escape route lighting from the building.

Crime and Disorder:

No specific implications.

Property / Assets:

The contract will include testing of fire alarms and emergency lighting systems within public buildings and schools this will give early warning of fire, alert the fire brigade and help minimise any damage to Council property.

Options Appraisal:

- To do nothing – Not considered as current legislation prevents this.
- Combine these works with the electrical minor works term maintenance contract – Not considered due to the specialist nature of these works.
- Re tender in line with previous contracts as recommended in this report.

Head of Service: Sue Lees	Title: Divisional Director of Asset Management and Capital Delivery	Contact Details: Tel: 020 8227 3300 E-mail: sue.lees@lbbd.gov.uk
Report Author: Martin Bell	Title: Senior Electrical Engineer	Contact Details: Tel: 020 8227 3671 Fax: 020 8227 3060 E-mail: martin.bell@lbbd.gov.uk

1. Background

- 1.1 This contract enables the mandatory routine testing of fire alarm and emergency lighting system as well as the day to day repairs and minor works within the Borough's schools and public buildings expediting the Council's responsibility to comply with all current legislative requirements and Health and Safety law.
- 1.2 The Council has a statutory responsibility to comply with the 17th Edition IEE Wiring, The Health and Safety at Work Act 1997, BS 5389 and BS 5266 etc. The existing contract for the fire protection, detection and emergency lighting within Public Buildings and Schools expires on 31 July 2010.

2. Current Position

- 2.1 The current term contract for the fire protection, detection and emergency lighting within Public Buildings and Schools was awarded to C.J.Bartley Ltd (novated to AJS Ltd in June 2008) for a three year term. The contract made provision for extension for up to a one year period, subject to satisfactory performance. This option was implemented on 31 July 2009 for a one year period.
- 2.2 To comply with European Directives on procurement and their timescales will result in a gap in cover between the end of the current contract and the commencement of the new term contract. To ensure that all statutory responsibilities are covered and any necessary works, to what are public safety systems, can be undertaken during this period, it is considered advisable that an interim contract is put into place. There is insufficient time to undertake a full tender and assessment for the interim contract before the current contract expires. In view of this, it is recommended that a single tender action with the existing contractor, AJS Ltd, is undertaken. This interim contract will expire no later than 28 February 2010.

3. Report Detail

- 3.1 The contract will utilise the K2 data base to receive the jobs via a dedicated e-mail address, and in time will use this system to allow invoicing this should greatly improve the administration of this contract. The system is also in accordance with current E-government aims.
- 3.2 It is proposed that the new contract will work on a "Call Off" basis from a priced schedule of rates for the duration of the contract. This will ensure that the Council enjoys the benefits of economies of scale. The "Call Off" arrangements do not commit the Council to guaranteed payments to the contractor by way of any stand-by

arrangements, but will ensure continued supply of important services during the contract term.

- 3.3 It is expected that the contract will be used to meet the Council's day-to-day repairs and service requirements for fire alarm and emergency lighting systems.
- 3.4 The estimated expenditure is a combination of small works and major upgrades up to a maximum single order value of £50,000 and planned service costs based on the priced schedule of rates to comply with all relevant regulations or changes in legislation including class B contracts rules. This contract will give the Council fixed costs for the first year, based on a schedule of rates, and will increase on every contract anniversary at rates in line with annual increases in the Retail Price Index (RPI). This will give the Council the benefits of economies of scale whilst improving maintenance efficiency and enabling the Council to standardize equipment used. All planned maintenance works will be carried out at regular pre-determined intervals in conjunction with regular service plans as generated by the Council.
- 3.5 With regards to the tender process. This contract is estimated to be valued at approximately £650,000 over the full four year term. The relevant provisions of the Contract Guidance Notes, Contract Rules, Contracts Codes of Practice and Financial Rules of the Council's Constitution and European Union (EU) Procurement Rules will have been fully adhered to. The precise contract value will depend upon the value of work that is placed with the successful contractor but is also dependant upon client budgets.
- 3.6 The tender will be advertised in the Official Journal of the European Union (OJEU) as a restricted procedure, under the Directive 2004/18/EC for Services Contracts, and the Barking and Dagenham Post. A posting will also be made on the Council web site. Applicants shall complete a Pre Qualification Questionnaire (PQQ). The applicants will also be asked to submit a wide variety of information, including environmental, equalities, references and financial accounts, together with the PQQ.
- 3.7 The applicants will be assessed on their economic and financial standing, health and safety standards and technical capability and references. Applicant's who's PQQs and references that are assessed as most advantageous will be offered the opportunity to tender for this work via a "Schedule of Rates" based on typical work types, as well as a qualitative assessment of submitted method statements. Applicants will be assessed on a range of criteria relevant to the contract throughout the tender process:
- Tender will be evaluated on a 70/30% quality price basis
 - Health and Safety including Risk Assessment and CDM Regulations
 - Environmental/Sustainability policy
 - Equality and Diversity policy
 - Previous Experience
 - Technical Capability defined by the following:
 1. Evidence of adequate technical knowledge base
 2. Certification/Accreditation of workforce
 - Arrangements for access to premises
 - Procurement, storage and distribution of replacement equipment and spares
 - Compliance and procedure for adherence to all statutory regulations and recommendations

The above list is not exhaustive and may be added to during finalisation of tender documentation.

- 3.8 Following tender evaluation and in line with the Council's constitution, unless otherwise instructed by the Executive, a recommendation report in the form of a Delegated Decision will be submitted to the Corporate Director of Resources for approval prior to award of the contract. The criteria of tender assessment will not be based on price alone, but on a 70/30 quality and price basis.
- 3.9 Although the environmental impact of this contract is minimal, regular service and maintenance will provide greater longevity of the Council's assets and equipment thus reducing costly breakdown and failure times. This is also in line with making and maintaining a safer borough and therefore compliant with the "Cleaner and Safer" mandate of the Council. An ongoing performance monitoring regime will be put in place to identify failure rates of individual manufacturer's equipment. This will allow the Council to identify unreliable plant and enable the future procurement more robust energy efficient and economical equipment. A standardisation of cost effective reliable equipment will be achieved on this basis.

4. Implications

- 4.1 In order to provide a safe environment for the community, visitors, staff, and contractors, which satisfies both legislative and customer requirements, it is essential that all fire and emergency lighting systems are tested in accordance with their relevant regulations. Failure to comply with this requirement could result in unsafe assets and buildings, with the potential of causing ill health or even death to the community, visitors, staff and contractors, which could result in criminal prosecution of officers and members under health and safety legislation. Failure to conduct work in accordance with this term contract will result in the Council not complying with its legal responsibilities under fire, emergency lighting and health and safety legislation.

5. Links to Corporate and other Plans and Strategies

Links to the borough's Property Asset Management plan and Asset Strategy Plan

6. Consultees

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

Cllr L Smith, Leader of the Council
Cllr Little, Deputy Leader, and Cabinet Member for Culture and Sport
Cllr Alexander, Cabinet Member for Safer Neighbourhoods and Communities
Cllr Collins, Cabinet Member for Adults and Public Health
Yinka Owa, Legal Partner, Procurement, Property and Planning
Stephen Howells, Procurement Officer
John Hooton, Strategic Finance Controller
Ian Saxby, Group Manager Corporate Client Construction
Kevin Sullivan, Group Manager Asset Management
Paul Hogan, Head of Leisure and Arts
Andy Knight, Group Manager Leisure Centre Business
Clive Bennett, Principal Engineer

Andy Bere, Corporate Asset Manager
Peggy Green, Asset and Facilities Management Officer
Steve Benning, Interim Assets Manager
Mike Freeman, Group Manager Asset Management and Capital
Maryam Collard, Procurement Manager
Heather Wills, Head of Community Cohesion and Equality
Ray Descombes, Senior Community Development Officer

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

Previous Executive Report 25/01/2005
Forward Plan 27/04/2010

8. List of Appendices:

None

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THE CABINET

8 JUNE 2010

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

Title: Urgent Action: Local Government Pension Scheme (Administration) Regulations 2008 – Admission Agreement		For Information
<p>Summary</p> <p>The attached report (Appendix A) was scheduled to be presented to the meeting of the Cabinet on 29 April 2010 which was cancelled. In view of the fact that a decision on the issue could not be delayed until this meeting, the Chief Executive agreed, in line with the Urgent Action provisions of the Constitution, to the entering into of an Admission Agreement in respect of the Council's Pension Scheme with Translinc Limited on the terms detailed in the report.</p> <p>Recommendation</p> <p>The Cabinet is asked to note the action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in agreeing to the entering into of an Admission Agreement in respect of the Council's Pension Scheme with Translinc Limited as detailed in Appendix A.</p>		
Report Author: Alan Dawson	Team Manager, Democratic Services	Tel: 0208 227 2348 E-mail: alan.dawson@lbbd.gov.uk

Consultation

The following were consulted in the preparation of this report:

Councillor L Smith, Chair of the Cabinet
 David Woods, Acting Chief Executive
 Nina Clark, Divisional Director of Legal & Democratic Services
 Winston Brown, Legal Partner (Corporate Law and Employment)

Background Papers

- Letter and enclosures from the Chief Executive of 30 April 2010 entitled "Urgent Action under Paragraph 17, Article1, Part B of the Constitution".

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REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICE

Title: Local Government Pension Scheme (Administration) Regulations 2008 – Admission Agreement	For Decision
<p>Summary:</p> <p>The contract for the Supply of Fleet Vehicles, Plant and Associated Services, which includes the outsourcing of the Council's Frizlands workshop, has been awarded to Translinc Limited. This report considers an application received from Translinc seeking admission to the Council's Pension Fund as an admitted body and thereby allowing Council staff transferred to its employ to remain as members of the Local Government Pension Scheme. Under the terms of the proposed agreement, Translinc would make appropriate employer contributions to the Fund, as advised by the Council's Pension Fund Actuary, and would provide an indemnity to protect the Council's interests in the event that Translinc were to go into administration at some point in the future.</p> <p>Wards Affected: None</p>	
<p>Recommendation(s)</p> <p>The Executive is recommended to agree to enter into an Admission Agreement in respect of the Council's Pension Scheme with Translinc Limited on the terms detailed in the report.</p>	
<p>Reason(s)</p> <p>To allow the Council's contractor to participate in the Local Government Pension Scheme, which in turn allows Council staff transferred to the contractor's employ to retain membership of the Local Government Pension Scheme.</p>	
<p>Implications</p>	
<p>Financial</p> <p>There are no financial implications for the Council as a result of entering into the Admission Agreement. Translinc will assume responsibility for the employer's pension fund contributions, as determined by the Council's Pension Fund Actuary. In addition, Translinc will be required to provide an indemnity bond to protect the Council in the event that they become insolvent during the period of the contract.</p>	
<p>Legal</p> <p>The existing workshop staff being transferred from the Council to Translinc's employ will have their terms and conditions protected under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE Regulations)</p> <p>The Admission Agreement is a legal document and if approved, will be drawn up by LBBB Legal Practice and signed by both parties.</p>	

Contractual

The Admission Agreement will be an integral part of the Contract for the Supply of Fleet Vehicles, Plant and Associated Services, currently being finalised by the Council's Legal Practice and to be signed by both parties.

Risk Management

The greatest risk associated with this arrangement arises in the event of Translinc becoming insolvent. Translinc will take out a pension bond to mitigate against this risk, in particular:

1. the risk that the company goes into liquidation
2. the likelihood that the employees are made redundant as a consequence
3. the unfunded liabilities that will arise as a consequence of redundancy.

Staffing

There are 10 staff that will transfer from Council employment to Translinc under TUPE Regulations from the contract start date. All 10 staff are currently members of the Council's Pension Scheme and would be eligible to continue their membership under the proposed Admission Agreement.

Customer Impact

No specific implications

Safeguarding Children

No specific implications

Crime and Disorder

No specific implications

Property/Assets

No specific implications

Options appraisal

- (i) Do nothing - The Council has a legal duty to provide identical (or better) contractual arrangements to all staff under TUPE Regulations. Doing nothing is therefore unlawful.
- (ii) Provide an alternative pension arrangement to the Council's Scheme - Negotiations with Translinc and discussion with the Trade Unions have all been based on transferred employees being able to participate in the Council's Pension Fund. A move away from what is seen as a fundamental component of the staff's terms and conditions would be viewed as unlawful
- (iii) Seek admission to the Council's Pension Fund via an Admissions Agreement - Retain the staff's membership of the Scheme but ensuring that the key risks to the Council are mitigated via an indemnity bond.

Head of Service: Darren Henaghan	Title: Divisional Director of Environmental and Enforcement Services	Contact Details: Tel: 020 8227 5660 E-mail: Darren.Henaghan@lbbd.gov.uk)
Report Author: Peter Jackman	Title: Interim Fleet Manager	Contact Details: Tel: 020 8227 2610 E-mail: peter.jackman@lbbd.gov.uk

1 Background

- 1.1 Under the Local Government Pension Scheme Regulations (“the regulations”), the Council can, at its discretion, enter into an Admission Agreement with any Transferee Admission Body (TAB). A TAB is a body that will provide a service or assets as a result of the transfer of the service or assets by means of a contract or other arrangement.
- 1.2 The Contract for the Provision of Vehicles, Plant and Associated Services has been awarded to Translinc Limited and the contract is currently being finalised with a view to commencing as soon as possible, anticipated as being May 2010 (Contract Start Date). From this date Translinc will provide a leasing facility for new vehicles required by the Council and will also assume responsibility for the vehicle repair workshop at Frizlands which will involve the transfer of 10 staff to Translinc under TUPE Regulations.
- 1.3 An Admission Agreement allows those employees transferred over to Translinc from LBBB to continue to participate in the benefits of the Pension Fund maintained by the authority.
- 1.4 The last such application for TAB status was in 2003 when the Council approved an application from Enterprise (formally Thames Accord) to allow those employees formally employed by the Council in the Housing Repairs service to continue to participate in the Pension Fund.
- 1.5 The Admission Agreement itself is a legal document and if approved, will be drawn up by the Council’s Legal Practice and signed by both parties.

2 Report detail

- 2.1 Translinc has made a formal resolution that it wishes to apply for such an Admission Agreement from the Contract Start Date. There are currently 10 staff employed that would be eligible for membership.
- 2.2 If the Admission Agreement is to go ahead, the Council’s Pension Fund Actuary has advised that the employer’s contributions will initially be 21.5% of the pensionable payroll and this must be met by Translinc, together with the capital costs of any early retirements or excessive ill health retirements. However, the Actuary has pointed out that this rate is dependent on the performance of the fund and may change from time to time (as determined by the fund Actuary) and will therefore be investigated in more detail if and when the Admission Agreement contract commences.

- 2.3 It must be pointed out that if the Admission Agreement goes ahead and at sometime in the future, Translinc no longer existed, any liabilities to provide benefits would have to be met by the Fund and ultimately, the Council.
- 2.4 As part of the contract negotiations, Translinc will take out a pension bond to mitigate against the following risks:
 - (i) the risk that the company goes into liquidation
 - (ii) the likelihood that the employees are made redundant as a consequence and
 - (iii) the unfunded liabilities that will arise as a consequence of redundancy.
- 2.5 The level of the bond required has been calculated by the actuary to be approximately £333,100 and also takes account of the potential early retirement costs to the Fund in the unlikely event that all employees over the age 55 are made redundant.
- 2.6 The indemnity clause within the Admission Agreement will therefore underwrite certain liabilities that the Council would otherwise have to meet.
- 2.7 It is solely at the Council's discretion whether it wishes to enter into an Admission Agreement with Translinc. There is a financial implication to the Council in that it may ultimately have to bear the cost of providing some part of the pension benefits if Translinc should cease to exist. However, as mentioned in 2.6, the financial risk will be offset by provision of a pension bond.
- 2.8 The basis of the agreement with Translinc is that the existing staff will be transferred in line with TUPE Regulations and that the existing pension conditions are equal to or better than those currently provided. Should the application be rejected, an alternative pension provider would need to be arranged which would almost certainly add cost to the contract.

3. Consultees

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

Councillor Mrs V Rush – Cabinet Member
 David Woods – Corporate Director of Customer Services
 Yinka Owa – Legal Partner for Procurement Contracts and Property
 William Ssempala – Senior Lawyer, Corporate and Employment
 Debra Nicholls – Senior Lawyer, Procurement/Contracts
 Bruce Morris – Head of Adult Care Services
 Tracie Evans – Corporate Director of Finance and Commercial Services
 Katherine Maddock-Lyon – Head Of Customer Services Strategy
 Darren Henaghan – Director of Environmental & Enforcement Services
 David Robins – Group Manager for Procurement & Efficiency
 Tony McNamara – Interim Group Manager Corporate Finance, Customer Services
 Justine Wood – Pensions and Compensations Manager
 Ruth Du-Lieu – Group Manager for Business Support, Waste and Street Scene Strategy
 Hymans Robertson (Council's actuary)

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

Executive Report of 20/01/2009 'Contract for the Provision of Fleet Vehicles, Plant and Associated Services'
Local Government Pension Scheme Regulations 2008
Correspondence with Hymans Robertson
Formal resolution from Translinc

5. List of appendices:

None

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CABINET**8 June 2010****REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**

Title: Building Schools for the Future (BSF) Progress Report and Appointment of Information and Communications Technology (ICT) Selected Bidder	For Decision
<p>Summary:</p> <p>The Council has embarked on an accelerated procurement for its BSF programme.</p> <p>This report updates the Cabinet on the progress made and asks for a decision on the ICT Managed Service appointment of a Selected Bidder.</p> <p>The BSF programme should enable the Council to modernise all of its secondary schools, including Trinity Special School, and to build a new secondary school including special school provision on Barking Riverside. The Programme includes the modernisation of all of the Information and Communications Technology (ICT) provision in schools.</p> <p>Two schools: Dagenham Park Church of England School and Sydney Russell Comprehensive School are sample schools for the procurement process.</p> <p>The Outline Business Case was approved by Partnerships for Schools in July 2009, and since that date the Council has been in procurement for both a Local Education Partnership (LEP) to build schools and provide facilities, and an ICT Managed Service Provider (MSP) partner to provide a managed ICT service for schools.</p> <p>The normal procurement period is 18 months and the aim is to shorten this as far as practicable, to 12 months. This helps minimise cost to the Council and helps ameliorate risk that on a change of central government, the programme could be reduced or deferred.</p> <p>All bidders from the private sector for both ICT and the LEP have agreed with the accelerated programme. Factors beyond the control of either the Council or its prospective private sector partners (i.e. central government approval processes) may mean that this ambitious programme may not be achieved on projected timescales.</p> <p>Both procurements involve key stakeholders in schools as well as Councillors (see Appendix 1 for the Evaluation Team): an evaluation process is in place which generates a consensus view to arrive at recommendations to be approved by the Council. This has reached a conclusion in the case of the ICT Managed Services procurement, and the Cabinet is asked to agree the recommendation of the appointment of ICT Selected Bidder and to note the information relating to the LEP in this report.</p> <p>The Cabinet is asked to note the position on the LEP programme.</p> <p>Wards Affected: All Wards for the BSF programme and Parsloes and River wards for the two sample schools.</p>	

Recommendation(s)

The Cabinet is recommended to:

- 1 Note the results of the BSF ICT Managed Service Evaluation in **Appendix 2** (in the Private and Confidential part of this agenda) and that the highest scoring bidder resulting from the evaluation process is the recommended ICT Services provider;
- 2 Agree that the highest scoring bidder be appointed as the Selected Bidder, subject to the terms of the Selected Bidder letter and the provision of an updated model reflecting a change of Expiry Date to Sept 1 2019. This updated model should only reflect the changes agreed during Dialogue; and,
3. Note the position on the Local Education Partnership (LEP) procurement and to endorse proceeding to Selected Bidder as early as possible.

Reason(s)

This decision will assist the Council in achieving its core values of: 'Achieving Excellence' 'Treating each other fairly and respectfully' through improved school performance and better facilities to support community use of school facilities.

Implications

Financial

Approval of selected bidder status for ICT helps ameliorate the risks associated with a change of central government and the possibility of programme delay or deferment. For ICT the revenue costs are within the budget levels agreed with schools at £140 per student per year, and capital funding of up to £25m from central government will be released to support an improved service at Schools. For the LEP programme proceeding to selected Bidder as early as possible could help secure funding for the sample schools as well as for the programme in its entirety (the entire programme is valued at c. £250m). Financial impacts will need to be reviewed prior to reaching Financial Close with both procurements.

Legal

The Council's BSF procurement, for commercial reasons, has been undertaken as two separate streams: (1) procurement of an ICT Services provider to undertake the provision of ICT services to schools; and (2) procurement of a Local Education Partner (LEP) to facilitate building works and facilities management services.

Both procurements have been undertaken at an accelerated pace in order to minimise cost to the Council, and with a view to finalising contractual arrangements prior to the elections thereby ameliorating a risk that a change of central government could result in the a reduction or deferral of the Council's BSF Programme.

The BSF ICT evaluation process had now been concluded and this report is seeking the Cabinet's approval of a proposed appointment of the recommended ICT Services provider in Appendix 2 of this report, the bidder that achieved the highest scores in the evaluation, as the Selected Bidder in respect of the BSF ICT Services contract.

The Legal Practice has been involved in the BSF ICT and LEP procurements and confirms that the contracts were advertised in the Official Journal of the EU, and the Competitive Dialogue procedure, a contemporary procurement procedure recommended for use in respect of BSF procurements has been followed and that the recommended ICT Services provider in Appendix 2 successfully passed the various stages of the BSF ICT evaluation process and achieved the highest scores at the final stage of the process.

The BSF LEP evaluation process is yet to be concluded, but it is anticipated that the final stage of the evaluation process will commence in early June and conclude subject to Partnerships for Schools (PfS) approval.

This report is requesting the Cabinet to note the progress on the BSF LEP procurement and to endorse an accelerated progression to Selected Bidder stage in respect of this procurement. Selected Bidder stage is the stage at which the Council can proceed to fine-tune and conclude contractual arrangements with a selected bidder leading up to Financial Close of the procurement.

The report states that the BSF LEP Procurement needs to continue to progress at an accelerated pace because there is still a risk that a change in Central Government policy may adversely affect the BSF Programme.

It is anticipated that separate decisions of the Cabinet as to approval of the LEP Selected Bidder and Financial Close of the procurements will be sought following fine-tuning and conclusion of the contractual arrangements with the Selected Bidders.

The Legal Partner confirms that there are no legal reasons preventing the Cabinet from approving the recommendations of this report.

The decision to grant selected bidder status means that the Council would proceed up to the point of Financial Close of these procurements. The decision to close these contracts, commercially and financially would be a separate Council decision.

Risk Management

The BSF Programme is subject to a risk register which is updated monthly. Taking the decision now to appoint a Selected Bidder helps to ameliorate the risk of losing BSF ICT capital funding. The status of prospective ICT capital funding is potentially problematic as a result of the change of national government. Similarly, consideration of this factor for the BSF LEP may indicate that the appointment of the Selected Bidder for the LEP procurement should be progressed as quickly as possible.

Staffing

On the appointment of Selected Bidder, formal consultation with technical staff who will transfer under TUPE conditions when the procurement reaches financial close. 32 staff are potentially affected. Informal consultation has already taken place.

Customer Impact

The impact of the BSF programme is positive on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion.

Safeguarding Children

The BSF programme contributes strongly to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are

provided in an integrated manner, having regard to guidance issued under the Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people. This decision would facilitate the implementation of this programme.

Crime and Disorder

There are no specific implications.

Property / Assets

This proposed decision would facilitate the improvement and renewal of significant Council assets: School buildings and facilities.

Options appraisal

Two options were considered in proposing the ICT Services decision:

- a) Decline or defer decision making – either of which puts at risk ICT funding for schools
- b) Accept the recommendations of the BSF Project Board, which optimises the chances of gaining ICT funding

<p>Head of Service: Susan Lees</p>	<p>Title: Divisional Director of Strategic Asset Management and Capital Delivery</p>	<p>Contact Details: Tel: 020 8227 3300 Fax: 020 8227 3503 E-mail: Sue.Lees@lbbd.gov.uk</p>
<p>Report Author: James Hodgson</p>	<p>Title: BSF Project Director</p>	<p>Contact Details: Tel: 020 8270 6049 Fax: 020 870 4811 E-mail: James.hodgson@lbbd.gov.uk</p>

1. Background

1.1 The BSF ICT Managed Service Contract is an integral part of the Council's BSF programme. ICT forms a significant part of the programme's aims of improving attainment, inclusion, school specialisms, extended schools and support for a range of Children's Plan objectives. It was originally intended to form part of a single procurement for an all inclusive Local Education Partnership (LEP) as the preferred model promoted by Partnerships for Schools (PfS). This model ran into difficulties because it was perceived in the market that one bidder might well predominate, so that it was not worth while entering into competition. PfS indicated that the Authority would not get approval to proceed unless there was a competition.

1.2 In order to facilitate competition PfS proposed, and the Council accepted that the procurement should be split into a LEP – to build and operate school facilities, and an ICT Managed Service. Approval was then given (July 2009) to proceed into two separate procurements. This report concerns the appointment of a Selected Bidder for the ICT Managed Service, at the close of that procurement process.

1.3. Because of the date of approval, and the risks associated with a change of government, the Council decided to opt for, as far as practicable, an accelerated procurement process in order to help secure BSF funding.

2. BSF and ICT LEP procurements

2.1 The ICT procurement has gone through a procurement involving the use of Competitive Dialogue. The single ICT procurement opened up the field of competition significantly. Eight bidders submitted Pre Qualification Questionnaires.

2.2 At the Pre Qualification stage these eight bidders were assessed and reduced to five. Feedback was offered to those bidders not selected.

2.3 At the next stage, Invitation to Participate in Dialogue, the number of bidders was again reduced, on the basis of detailed bids using a points based published assessment model, from five to three. Feedback was offered to those bidders not selected.

2.4 At the subsequent stage, Invitation to Continue Dialogue the number of bidders was again reduced, on the basis of detailed bids using a points based published assessment model, from three to two. Feedback was given to the bidder not selected.

2.5 The next stage of procurement involved intensive use of the Competitive Dialogue process in order that bidders could understand better the Authority's requirements in order to refine their bids.

2.6 This is the final stage of the selection process: Evaluation of Final Bids. Bids were submitted on 23 April 2010 and evaluated on the points based published assessment model. The outcome was reported to The BSF Project Board.

2.7 The recommendations from the BSF Project Board are those resulting from the evaluation process of the ICT Evaluation Panel.

2.8 This shows that the recommended selected bidder had more points than the rival bidder, and recommends accordingly. The results are given in Appendix 2:

2.9 It should be noted that the Council's Strategic Partnering Procurement is proceeding along a similar timescale to this ICT Managed Service procurement. The question of how this has arisen and whether the two procurements should continue in this fashion is dealt with below. It should be noted that there has been continuing dialogue between the two procurement teams.

2.10 The BSF ICT Managed Service procurement arose from the competition problems affecting the proposed LEP Procurement. PfS control this programme overall and do not relinquish this control. Had the procurements been combined, this would mean that the SPP would by default fall under PfS influence and would proceed along the lines preferred by PfS. It would represent a very complex set of decisions and dependencies. It would have resulted in a unique procurement,

requiring bespoke legal documentation, resulting in a longer procurement process for both strands, leading to greatly increased advisor costs.

- 2.11 A related issue is one of whether there is a significant Value for Money (VfM) concern which results from the current procurements. There would be no legal cost savings if there were one procurement since PfS contracts are all Standard Form which means there would be no fewer derogations than there are now. There may be criticism that there would be two data centres, one for Schools and one for the Council corporately. The data centre for schools would lever existing scalable data centre resources that are shared with other local authorities. The service would be subject to National KPIs which are cultured to local needs, which helps inter – authority comparisons and is a demonstration of VfM. Overall the conclusion reached at the time of publishing both OJEU notices to commence procurement was that a better overall outcome would be secured through separate procurements.

3. LEP Procurement

- 3.1 The LEP procurement process is more complex than ICT, involving more central government controls from Partnerships for Schools (PfS) and Partnerships UK - now Infrastructure UK (IUK). As a result more approvals are needed, which add more business days before Close of Dialogue. The current position is that both bidders derogations have been considered by PfS and are now with IUK for their agreement. The best estimate for close of dialogue is early June 2010 but it must be emphasised that this is not within the Council's control.
- 3.2 There is a need to maintain momentum of this procurement in order to ameliorate any potential risk from changes to the BSF programme at a National level following policy review by the new Government.

4. Financial Aspects

- 4.1 Following the change of Central Government, there is a risk of potential adverse change to Central Government policy affecting the BSF programme. Public expenditure, including BSF, is due to be reviewed as part of a comprehensive spending review in the autumn. The outcome is not predictable, but could well be adverse.
- 4.2 Given the uncertain status of the BSF programme as educational policy is reviewed, moving forward as swiftly as possible to preferred bidder would mean that it is in practice more difficult (but not impossible) for Government to abandon or significantly delay the programme.

5. Links to Corporate and other Plans and Strategies

- 5.1 BSF is highlighted in the Barking and Dagenham Children and Young People's Plan. BSF will bring benefits including: extended schools, raising attainment and expanding education services as the borough's school age population grows.

6. Consultees

The following were consulted during the preparation of this report:

Cllr L Smith, Leader of the Council
Cllr R Gill, Deputy Deader and Cabinet Member for Children and Education
Helen Jenner, Director of Children's Services
Jane Hargreaves, Head of Quality and Improvement
Jonathan Bunt, Corporate Finance Controller
Sharon Roots, Risk and Insurance Manager
Yinka Owa, Legal Partner and Deputy Monitoring Officer

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

Executive Report and Minute 146, 25 March 2008; BSF Outline Business Case July 2009.

8. List of Appendices

Appendix 1 - Evaluation Team

Appendix 2 - Evaluation of ITSFB Stage of Procurement for the ICT Services Contract (in Private and Confidential section of this agenda)

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BSF ICT Procurement Evaluation Panels – Final Bids

This table shows which sections of the ITSFB Final Bid submissions were reviewed by each of the three panels.

ITSFB Volume	Heading	Evaluation Panel/Individual Responsibilities
Volume 1-D ICT Final Bid Requirements	All categories + Schedule 2, Bidder Responsibilities + Schedule 23, LA Requirements + Schedule 25, Legacy Protocol	ICT Evaluation Panel <i>Members responsible:</i> Sheyne Lucock, Roger Leighton, Neil Iles, Bob Knowles, Steve Sparrow, Pauline McBride, Gareth Rose
Volume 1-D ICT Final Bid Requirements	Category “Integration” <ul style="list-style-type: none"> integration with the built environment integrated services for primary schools interface Category “The Virtual Workplace” <ul style="list-style-type: none"> associated services environmental sustainability Category “implementation and transformation” all criteria	Partnering Evaluation Panel <i>Members responsible:</i> Andy Carr, Sheyne Lucock, Mike Freeman, Jane Hargreaves, John Torrie, Sue Lees, Andrew Sivess, Roger Leighton, Neil Iles
Volume 1-G	All Legal Final Bid requirements Including parts 3 & 4, Employment and Pensions	Financial / Legal / Commercial Evaluation Panel <i>Members responsible:</i> Andy Carr, Roger Leighton, Andrew Sivess, Ishmael Owarish, Sue Lees, Evelyn Akintola, Paola Scagnelli – Not parts 3 & 4, Employment & Pensions (* Justine Wood & Winston Brown only parts 3 & 4, Employment and Pensions (**) Antonia Asielue – expert comment only
Volume 1-E & 1-F	All Financial Final Bid requirements	Financial / Legal / Commercial Evaluation Panel <i>Members responsible:</i> Stuart Smith, Matthew Alexander, Ishmael Owarish, Jonathan Bunt

Please note that all panels fed in to the ICT panel:

<p>ICT Evaluation Panel: Chair: Roger Leighton Moderator: Antonia Asielue Minutes: Neil Iles</p> <p>Sheyne Lucock ,Neil Iles, Bob Knowles, Steve Sparrow, Pauline McBride, Gareth Rose</p>
<p>Commercial, Legal & Financial Evaluation Panel: Chair: James Hodgson Moderator: Antonia Asielue Minutes: Grant Thornton</p> <p>Michael Edwards , Antonia Asielue, Andy Carr, Evelyn Akintola, Paola Scagnelli, Stuart Smith, Matthew Alexander, Sheyne Lucock, Roger Leighton, Jonathan Bunt, Andrew Sivess, Ishmael Owarish, Neil Iles, Sue Lees</p>
<p>Partnering Evaluation Panel: Chair: James Hodgson Moderator: Antonia Asielue Minutes: Grant Thornton)</p> <p>Michael Edwards, Andy Carr, Evelyn Akintola, Paola Scagnelli, Sheyne Lucock, Mike Freeman, Jane Hargreaves, John Torrie, Sue Lees, Andrew Sivess, Sheyne Lucock, Sue Lees, Roger Leighton</p>

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