

Notice of Meeting

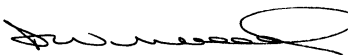
ASSEMBLY

**Wednesday, 23 February 2011 - 7:05 pm
or on the rising of
The Ceremonial Council
Council Chamber, Town Hall, Barking**

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

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

Date of publication: 15 February 2011


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Acting Chief Executive

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AGENDA

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

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.

Members are reminded that the provisions of paragraph 12.3 of Article 1, Part B in relation to Council Tax arrears apply to agenda item 9.
3. **Minutes - To confirm as correct the minutes of the meeting held on 8 December 2010 (Pages 1 - 10)**
4. **Appointments (Page 11)**
5. **Appointment of Monitoring Officer (Pages 13 - 14)**
6. **Response to Petition - The Advice Centre, Bastable Avenue, Barking IG11 0LG (Pages 15 - 19)**
7. **Local Development Framework - Adoption of Barking Town Centre Area Action Plan (Pages 21 - 28)**

8. **Review of Council's Financial Regulations (To follow)**
9. **2011/12 Budgetary Framework (To follow)**
10. **Motions**

No motions have been received.
11. **Leader's Question Time**
12. **General Question Time**
13. **Any other public items which the Chair decides are urgent**
14. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

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

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

ASSEMBLY

Wednesday, 8 December 2010
(7:00 - 8:35 pm)

PRESENT

Councillor J Davis
(Deputy Chair in the Chair)

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

APOLOGIES FOR ABSENCE

Councillor D Hunt	Councillor M Hussain
Councillor E O Obasohan	Councillor T Saeed

35. Declaration of Members' Interests

Councillor Carpenter declared a personal interest in agenda item 14 due to her membership of the Barking and Dagenham Adult College and the Corporation of Barking and Dagenham College.

36. Minutes - To confirm as correct the minutes of the meeting held on 15 September 2010

Agreed.

37. Appointments

Agreed that:

Councillor Keller be appointed as a member of the Licensing and Regulatory Board in place of Councillor Gafoor Aziz who resigned his position on 14 October 2010.

Councillor Burgon be appointed as a member of the Living and Working Select Committee in place of Councillor Letchford, who resigned his position on 6 October 2010.

Councillor L Rice be appointed as a member of the Safeguarding & Rights Fostering Panel in place of Councillor Perry who resigned his position on 19 July 2010.

The Leader of the Council and the Deputy Leader of the Council be appointed as member and deputy member respectively of the Reserve Forces and Cadets Association, following Councillor Letchford's resignation on 1 December 2010.

38. Parent Governor (Secondary) Co-opted Member of the Children's Services Select Committee

Received and noted the report introduced by the Divisional Director of Legal and Democratic Services.

Agreed the appointment of Mr Ishmael Ncube as the Secondary School Parent Governor Co-opted Member to the Children's Services Select Committee for a term of four years.

39. Living & Working Select Committee Recommendations - Communal Digital/Satellite TV System Petition Appeal

Received and noted the report introduced by the Lead Member of the Living and Working Select Committee.

To provide a greater understanding of issues that residents had complained about, the Lead Member also referred to photographs showing unconnected cables and the size and placement of the boxes.

Members commended the report and noted that it demonstrates to the public that when a petition is raised, it is taken seriously.

Agreed to:

1. note the lessons learned from the way that the system installation was progressed; and
2. agree the recommendations of the Living and Working Select Committee as set out in section 7 of the report, namely:

In respect of work carried out in the D'Arcy Gardens area:

- The Contractor, Stanley Security Solutions Limited, write to all affected residents and apologise for the sub-standard service provided.
- D'Arcy Gardens to be re-assessed for options where communal aerials and cables can be placed.
- Once viable options are found, residents will be written to and given 28 days to respond giving preference as to where the communal aerials should be placed.
- The Council to negotiate with the contractor to try and reduce the cost of the service to residents for the remaining life of the contract.
- To consider a refund of charges to those properties that have not been connected to the system.

Future contract related requirements:

- When the lease for the communal aerial expires in 2014, the contract to be reviewed and residents' views considered as to whether the communal aerial is to be maintained.
- The Council to improve the monitoring of contracts. Where appropriate, prior to appointment, a method statement be required from contractors on how they intend to liaise with residents/customers.
- Once a survey of potential works has been completed, a wide consultation, including surgeries and public meetings, take place to give residents an opportunity to clarify any concerns they may have.
- The Council to use the tenants' profile information as a guide on how to communicate with residents, for example, Braille to those who have a sight impairment.
- Communal aerials to be inspected by a qualified technician to check lightning protection.

40. Council Constitution

Received and noted the report introduced by the Divisional Director of Legal and Democratic Services.

Following discussion, the Corporate Director of Finance and Resources advised that the legislative requirement to amend Appendix A of the Financial Rules was in the interests of transparency and that the role of the Public Accounts and Audit Select Committee will continue.

Agreed that:

1. the proposed changes to the Council Constitution be accepted to take immediate effect; and
2. the thresholds for e petitions be a minimum of 1% of the total borough electorate as at 1 December each year for petitions to the Assembly and 0.5% for petitions to Select Committees.

41. 11th London Local Authorities Bill

Received and noted this report introduced by the Legal Partner, Corporate Law and Employment.

42. Local Development Framework - Adoption of Site Specific Allocations Development Plan Document

Received and noted this report introduced by the Cabinet Member for Regeneration.

Agreed to approve the Barking and Dagenham Local Development Framework Site Specific Allocations Development Plan Document.

43. Proposed Provision of a Shared Civil Contingencies Service for Barking and Dagenham and Waltham Forest

Received and noted this report introduced by the Cabinet Member for Environment.

Agreed:

- (i) That the Council and the London Borough of Waltham Forest form a single Civil Contingencies Unit to meet the needs of their joint populations and the requirements of the Civil Contingencies Act 2004;
- (ii) That the Council enter into a formal agreement with the London Borough of Waltham Forest in a form to be agreed by the Legal Partner, under which the Council accepts a delegation of function from the London Borough of Waltham Forest in respect of their duties and obligations under the Civil Contingencies Act 2004, in return for funding and other contributions to be made by the London Borough of Waltham Forest; and
- (iii) To delegate authority to the Cabinet to agree the extension of the joint service arrangement to include other Local Authorities in the event that it is considered to be in the Council's interests to do so.

44. Governance Arrangements for New Joint Venture with Agilisys

Received and noted this report introduced by the Cabinet Member for Customer Services and Human Resources.

It was noted that the Appendix 3, the structure of Commercial Services and Transformation Unit, shows two specific structures. This is because they are two separate work streams and to ensure that lines of responsibility are clearly drawn.

Agreed :

- (i) to appoint the Portfolio Holder for Customer Services and Human Resources and the Corporate Director of Finance and Resources as the two Council representatives on the Elevate Board;
- (ii) to appoint Councillor Carpenter as the nominated deputy for the Portfolio Holder for Customer Services and Human Resources and endorse the appointment of the Divisional Director of Assets and Commercial Services and the Divisional Director of Corporate Finance as the nominated deputies

for the Corporate Director of Finance and Resources;

- (iii) to appoint the Portfolio Holder for Finance, Revenues and Benefits, as Chair, the Portfolio Holder for Customer Services and Human Resources and Councillor Butt as the Member representation on the Strategic Partner Board; and
- (iv) that the necessary amendments be made to the Council's Scheme of Delegation to reflect the responsibilities for managing the Elevate Limited Liability Partnership agreement, the Strategic Partner Agreement and the Service Contract with Elevate and other associated legal documents, and that the Constitution be amended accordingly.

45. Pension Fund Annual Report

Received and noted this report introduced by the Corporate Director of Finance and Resources (CDFR).

Following questions from the Assembly, the CDFR advised that:

1. the Stock Market is strong and the Fund assets may well go up;
2. the draft Triannual report has just been received and will be taken to the Members' Pension Panel;
3. the difference in the figures £549,286 and £549,284 on pages 96 and 97 is probably as a result of "rounding", but that the CDFR would revert to Members on this;
4. the Council manages the London Borough of Barking and Dagenham Pension Fund but legislative changes are made by the Government through the Pension Scheme, over which the Council has no control. The Hutton Report on ensuring a sustainable LGPS is due and some significant changes to the Scheme are expected.

46. Motions

Motion 1. Increased tuition fees in adult and further education

Moved by Councillor Carpenter and seconded by Councillor McCarthy.

"This Council condemns the Tory/Lib Dem Government's proposals to increase tuition fees in adult and further education. For example, the Tory/Lib Dem Government is removing the entitlement to free training for over 25s wanting to get a basic Level 2 qualification (equivalent to 5 GCSEs). Adults studying for a level 3 qualification (equivalent to A level) will be asked to pay fees. In addition, there are proposals to increase tuition fees to recoup 80% of the cost of education and training for adults. These fee increases will be massive. Many of our hard-working residents on low incomes will not be able to afford to improve their qualifications, and their prospects for employment. These measures are harsh: many of our residents will be locked into unemployment or imprisoned in low paid unskilled jobs.

We, therefore, call upon the Council and our MPs to lobby the Tory/Lib Dem Government vigorously about the impact on the residents of Barking and Dagenham of their proposals to increase significantly tuition fees in adult and further education.”

Members spoke in support of the motion and expressed their concerns that increasing tuition fees was a direct attack on social mobility. Concern was also raised regarding increased pressure on the Colleges if people were no longer able to afford the fees.

In response, Councillor Carpenter expressed her thanks to Members for their supporting comments. She said that increasing the fees will affect people aspiring to get a second chance in their education, as well as those who attend for reasons of health and wellbeing. This will damage the quality of life of many of our residents.

In accordance with paragraph 3.2 of Part H of the Council Constitution, it was **agreed** to suspend paragraph 9.7 of Article 1 of Part B of the Council Constitution and vote by way of a show of hands.

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

Motion 2. Congratulations to Adult and Community Services

Moved by Councillor Burgon and seconded by Councillor Reason:

“This Council would like to congratulate our Adult and Community Services team for the fantastic news that the Care Quality Commission have announced that we are performing well in safeguarding vulnerable adults and also improving the health and wellbeing of people with learning disabilities. Moreover, they have stated in this year’s review that our future improvement in these areas is looking promising.

We would also like to congratulate them as our Adult Social Care Area Performance Assessment for 2010 has been deemed as excellent. Out of the 152 Councils who work within this area, 37 were judged as ‘excellent’, which means that as a Council we are in the top 24%. In London, only 10 of the 33 councils were given this rating and our score places us approximately 8th in London.

This is testament to the hard work and dedication shown throughout the directorate from top to bottom, in what is one of the most challenging service areas, and will be increasingly vital over the next few years.”

Members spoke in support of the motion, stating that this is a validation of the quality of the service being provided to residents in the borough. It was noted that the Adult College works closely with Adult and Community Services and is currently working with 129 adults with learning difficulties to help improve their quality of life.

One note of concern was that this achievement was as a result of funding by the

last Labour government and that we need to ensure that funds are still available. These standards may be more difficult to achieve if we have to face a 20% cut.

Councillor Reason proposed a vote of thanks to the Corporate Director of Adult and Community Services and her dedicated and hard working staff. This was wholeheartedly supported.

In accordance with paragraph 3.2 of Part H of the Council Constitution, it was **agreed** to suspend paragraph 9.7 of Article 1 of Part B of the Council Constitution and vote by way of a show of hands.

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

Motion 3. Delivery of Good Quality Social Housing

Moved by Councillor Twomey and seconded by Councillor P Waker:

“This Council recognises the huge impact that the lack of affordable social housing has had on its residents over the last decade. To this end the Lead Members for housing and regeneration and the council officers involved have worked tirelessly, particularly over the last two years, to position us at the forefront of council house building projects. However, for all this hard work, the net result is plans to build only 141 council properties across the borough.

Further cuts to national housing investment by the current government, mean that there will be thousands of fewer affordable homes built this year, and the end of the council house building programme.

There are also many more barriers to building council housing than ever before. The national economic conditions are hampering our ability to attract development partners in an already challenging local housing market and with increasing uncertainty around infrastructure investment in the borough, regeneration of new housing has slowed considerably.

It is unrealistic that we can serve the housing needs of our residents/tenants by funding house building projects ourselves, as current estimates show the need to raise over £38 million to bridge the gap between our current level of estate renewal and the completion of the project.

As noted by the Living and Working Select Committee, we are currently drafting our new housing strategy document due for 2011/2012, which gives the Council an excellent opportunity to develop a substantial and robust vision for the future.

Although it is right to continue to lobby central government in pursuit of Council house building finance, I would move to the Assembly that we as a Council need to have as broad approach as possible, enabling us to explore the whole range of housing delivery options, such as with Registered Social Landlords, so that we can deliver good quality social housing that will facilitate our residents to have better homes, better health, better togetherness and a better future.”

Members spoke in support of the motion, noting that it was important to be

cautious when dealing with the private sector but nevertheless to keep an open mind. It was noted that in some parts of the borough tenants had indicated they would be against a Housing Association landlord. However, in the current climate, the Council must look at all alternatives, not least to ensure we take good advantage of any housing grants and avoid the risk of losing substantial monies.

Summing up, Councillor Twomey welcomed all Members' comments. He considered that we should be building more than the 141 properties that we have permission for. He said he was neither endorsing nor disapproving of Housing Associations, but that for every example of people who do not want to leave Council housing, he could provide an example of people who would be happy to move out. He stated that as a Council we need to explore every single angle as to what is best for us and our residents, working in partnership where relevant.

In accordance with paragraph 3.2 of Part H of the Council Constitution, it was **agreed** to suspend paragraph 9.7 of Article 1 of Part B of the Council Constitution and vote by way of a show of hands.

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

47. Leader's Question Time

Question from Councillor Baldwin:

"In light of the cynical and over-the-top politically motivated and very harmful cuts being ruthlessly directed at Baking and Dagenham by the Coalition, can the Leader please explain what key front-line services have been protected? Have we given priority to any policy area that highlights our values as Labour Councillors that we can articulate to the public whom we all serve?"

Response from Councillor Smith:

"This is a worthwhile question. We need to look at where we have come over the last thirteen years to the position of the Borough now – acknowledge where we are today.

The Budgets are set. How do we protect the frontline services, some of which are more expensive than others? It is almost impossible, so we need to look at value for money.

We must protect the Children's Centres. We have got 18 of them and we all know how valuable they are. We do not want to go down the route of shutting them down.

None of our schools in the Borough is under special measures. When I was at school we were the worst performing – we were under a Tory government. What we have now in our schools is as a result of a Labour government.

We gave a commitment last year that we would provide services in our parks to keep them safe. We are still keeping our parks safe.

Council housing – we have permission to build 141. It doesn't matter if it is one or

1,000, we do not want any families living in decaying properties. We have got to work smarter.

Fortnightly bin collections are not going to happen because we want to keep the borough as clean as possible.

One positive for us is being given Olympic Borough Status. I had previously said I would not watch any of the Olympics because we had been snubbed.

All 51 of us must look at these cuts year on year. More important is listening to the public. This is a Labour Council but we need to remember that a lot of the people in this borough voted Conservative.

Many people over the last few years expressed to me their dissatisfaction with the Labour government, however at the same time recognising what that government achieved. What I am surprised at is how quickly this feeling has moved on to this Tory led coalition. People realise that these cuts are an attack on the most vulnerable in society, and it is a shame that people have to go through this to realise the many benefits of a Labour government.

I was at a function where a speaker said "The worst, worst, worst, worst Labour government is better than any Tory government."

We must remember that and let the public know that we will fight this coalition government all the way with their decisions, which are unfairly affecting the people of this borough."

48. General Question Time

General Question from Councillor Tarry:

"Would the Cabinet Member for Education and Children please give us an update on the Playbuilder funding?"

Response from Councillor R Gill, Cabinet Member for Children and Education:

"I thank Councillor Tarry for this question.

This scheme was a brand new initiative from the Labour government of over £1 million to provide Playbuilder areas. We were able to roll out 11 schemes costing £530,000 in year 1. In year 2 the £600,000 that we were expecting was frozen following the general election. We thought this was shortsighted, bearing in mind the link to the Olympics and the emphasis on tackling obesity in the borough. However, I am pleased to announce that the Secretary of State for Education, Michael Gove, has notified us that we have secured £430,000. This is a big, big success thanks to the hard work of Members and officers.

I can assure Members that we will roll out 10 schemes in year 2 throughout the borough from Chadwell Heath to Thames, from Eastbrook to Abbey."

49. Any other public items which the Chair decides are urgent

The Assembly passed congratulations to Stacey Solomon on her recent appearance on the television programme “I’m a Celebrity...Get Me Out of Here!” and on her being crowned “Queen of the jungle”. The Leader of the Council stated that Stacey is very proud of the Borough and it is important that this Council passes on its congratulations to her.

On closing the meeting, the Deputy Chair wished everyone a very happy Christmas and prosperous New Year.

ASSEMBLY

23 FEBRUARY 2011

REPORT OF THE ACTING CHIEF EXECUTIVE

Title: Appointments		For Decision
Summary:		
<p>An independent member vacancy has arisen on the Committee following the resignation of Jennifer Spearman. In the light of the Government's proposals as part of the Decentralisation and Localism Bill, the Standards Committee recommends that the position be left vacant at this time and be reconsidered in due course when the future of the Standards regime is more certain.</p>		
Wards Affected: None		
Recommendation(s)		
<p>The Assembly is recommended to agree that the independent member vacancy on the Standards Committee be left vacant at this time and reconsidered when the future of the Standards regime is more certain.</p>		
Reason(s)		
<p>It is suggested the independent member vacancy remain unfilled as the process to recruit a new member takes a little while and the future of the Standards regime should become clearer towards the end of the calendar year at which stage the Council will be required to make a local decision on how to proceed.</p>		
Comments of the Chief Financial Officer		
<p>There are no financial implications as a result of this report albeit there will be a small saving in the allowances budgets as a result of the vacancy.</p>		
Comments of the Legal Partner		
<p>The Decentralisation and Localism Bill proposes the abolition of Standards for England and removal of the current obligations on local authorities to adopt a national Code of Conduct. It will allow for local authorities to manage their governance issues under local arrangements, including the option to adoption a code of conduct on a voluntary basis. Members will be advised further by officers once the full details are known of the proposed changes.</p>		
Head of Service:	Title:	Contact Details:
Nina Clark	Divisional Director of Legal and Democratic Services and Monitoring Officer	<p>Tel: 020 8227 2114 Fax: 020 8227 2252 Minicom: 020 8227 2594 Email: nina.clark@lbbd.gov.uk</p>

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ASSEMBLY

23 FEBRUARY 2011

REPORT OF THE ACTING CHIEF EXECUTIVE

Title: Appointment of Monitoring Officer	For Decision
<p>Summary:</p> <p>At its meeting on 25 January 2011 the Cabinet agreed to a pilot under which this Council will second from Thurrock Council, on a part-time basis, their Head of Legal and Democratic Services. This position is held by Tasnim Shawkat. This appointment was confirmed by the Council's JNC Appointments Panel on 14 February 2011. The appointment is dependent on Thurrock Council also agreeing to the arrangement and their Cabinet will be considering the matter at their meeting on 18 February 2011. The outcome will be confirmed at the Assembly meeting.</p> <p>Ms Shawkat will jointly fulfil the role as head of service for both authorities on a shared basis. Her secondment will run from 1 April 2011 until 31 March 2012 and an appropriate agreement will be signed between the two authorities. The situation will be reviewed after six to nine months and a decision made by this Council's Cabinet before the end of 2011 about future arrangements.</p> <p>It is proposed that Ms Shawkat will also fulfil the role of Monitoring Officer during the pilot and it is this aspect which requires the Assembly's decision.</p> <p>The current Monitoring Officer is Nina Clark who will be leaving the authority. Deputy Monitoring Officers for Barking and Dagenham continue to be Winston Brown and Melanie Clay, Legal Partners.</p> <p>Wards Affected: None.</p>	
<p>Recommendation(s)</p> <p>The Assembly is asked to (1) appoint Tasnim Shawkat, Head of Legal and Democratic Services at Thurrock Council, as this Council's Monitoring Officer during the period of her secondment to Barking and Dagenham on a part-time basis from 1 April 2011 to 31 March 2012, and (2) authorise the Acting Chief Executive or his appointee to make any necessary contractual arrangements with Thurrock Council to give effect to the arrangement.</p>	
<p>Reason:</p> <p>To regularise the statutory position following changes.</p>	
<p>Comments of the Chief Financial Officer:</p> <p>As reported to the Cabinet, the joint position will save on the costs of the head of service during the pilot allowing the Legal Practice to fund the secondment of a much needed Business Support Manager pending formal restructure of the service.</p>	

Comments of the Legal Partner:

1. The appointment of a Monitoring Officer is governed by section 5 Local Government and Housing Act 1989 which obliges a local authority to appoint one of their officers as the authority's Monitoring Officer. It is proposed that the Council appoints Tasnim Shawkat, currently Monitoring Officer (and Head of Legal and Democratic Services) at Thurrock Council, as this Council's Monitoring Officer on a pilot basis during which both Councils would share the Monitoring Officer function with the aim of achieving savings and efficiencies. Under section 113 Local Government Act 1972 a local authority may place the services of one of its officers at the disposal of another authority in which case the relevant officer is deemed to also be an 'officer' of the recipient authority for any of its statutory functions. The authority providing the officer must consult with the officer concerned before exercising the power. Subject to formal approval by their Cabinet, it has been confirmed that Thurrock Council are making Ms Shawkat's services available to the Council on a shared basis pursuant to the power contained in section 113 Local Government Act 1972. As such the Council may in turn appoint Ms. Shawkat to the Monitoring Officer role as she is deemed to also be an officer of this Council for these purposes.

2. Ms. Shawkat's terms and conditions would remain with Thurrock Council but both Councils would wish to be clear as to the terms of her work for both Councils. To this end it is recommended that the Acting Chief Executive or his appointee be authorised to make any necessary contractual arrangements with Thurrock Council regarding the secondment which would also include issues as to shared remuneration.

3. The Monitoring Officer is a statutory function with the role and powers listed in statute and the post holder will assume overall responsibility for advising the Council in relation to legal compliance issues.

Risk Management:

There is a risk that the shared role will impact on the needs of each authority in terms of Monitoring Officer capacity but this will be closely monitored during the pilot period and any issues taken into consideration when the situation is reviewed after six/nine months. The Cabinet is scheduled to receive a review report from the Chief Executive and make a decision in December 2011 as to the way forward (i.e whether the piloted sharing of a head of service with Thurrock should be continued on a permanent footing, or whether to revert to a full time post, or indeed any other option).

Contact Officer:

David Woods

Title:

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Background Papers Used in the Preparation of the Report: Report to Cabinet - 25 January 2011.

ASSEMBLY

23 FEBRUARY 2011

REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES

Petition regarding Advice Centre, Bastable Avenue, Barking	For Decision
<p>Summary:</p> <p>The Council has received a petition containing 288 signatures and addresses requesting that the Council 'save Thames Side Community Support', an advice centre based in Bastable Avenue, Barking. In accordance with the Council's procedures for petitions, the lead petitioner Ms M Woolston, has been invited to the meeting of the Assembly to present the petition and answer any questions members may have to help them respond to the petition. The relevant Cabinet Member has also been invited to respond to the petition.</p> <p>Residents are concerned that a lack of funding is causing the advice centre on Bastable Avenue to close. A petition has been completed seeking funding for the centre, and forwarded to the Council by Margaret Hodge MP.</p> <p>The petition states:-</p> <p><i>'Lack of funding is causing us to close: the advice centre has been on the estate for 25 years helping local people and is needed more than ever. This will be sent to Margaret Hodge MP. We, the undersigned, are concerned citizens who urge our leaders to act now to Save Thames Side Community Support'</i></p> <p>The Council recognises the valuable contribution made by the advice centre to the local community for many years. However, in 2010 the Council commissioned a Community Legal Advice Centre (CLAC) which has significantly increased the scale and quality of general and legal advice across the borough, including outreach provision. This model is designed to deliver better value for money in the context of limited resources. The Council is unable to provide financial support for advice services over and above this borough-wide service, particularly since the savings required arising from the cuts imposed by the Coalition Government.</p> <p>However, the Council does provide support to the Council for Voluntary Service which in turn provides advice and support to local voluntary and community organisations. The advice centre is recommended to use this support to help it in developing a business plan and making applications for funding elsewhere.</p> <p>Wards Affected: Thames</p>	
<p>Implications:</p>	

Comments of the Chief Financial Officer:

There are no specific financial implications with regard to this Petition report.

In the current financial climate, caused by significant cuts in funding to local councils by the Coalition Government, it is essential that decisions are made which offer the greatest value for money to local residents across the borough. Having entered into a contract with the CLAC to provide generalist and specialist advice services across the borough, funds are not available to provide local advice services in addition.

Comments of the Legal Partner:

There are no specific legal implications associated with this report.

The Council's petition scheme is referred to in the Constitution and set out in detail on the Council's website.

Under the Council's petition scheme petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough. The report confirms that 288 signatures from separate addresses have been received which therefore triggers the requirement for a debate at Assembly.

Members will note that if the petitioners are not satisfied by the response of members at the Assembly meeting they have a right to have the matter referred to the appropriate Select Committee as determined by the Designated Scrutiny Officer. In this instance that would be the Safer and Stronger Select Committee.

Options appraisal:

When the decision to tender for the CLAC service was taken, this was identified as the best option available since it would deliver increased quality and geographical coverage of advice services across the borough, and would be more affordable for the borough through partnership working with the Legal Services Commission.

In the current financial climate, there are no additional funds available which could be used to support separate advice services on the Thames View estate over and above those provided by the CLAC. Financial support by the Council for both the CLAC and separate provision on the Thames View estate is therefore not an option.

Recommendations:

The Assembly is asked to agree:

- (i) To acknowledge the concerns of the residents;
- (ii) To note the work of the Community Legal Advice Centre in providing generalist and specialist advice services across the borough;
- (iii) To note that, due to the current financial climate, it is not possible for the Council to fund separate local advice services in addition to borough-wide provision by the Community Legal Advice Centre.

Reasons:		
To inform Assembly of the wider context to the request for financial support for Thames Side Community Support.		
Head of Service: Heather Wills	Title: Head of Community Cohesion & Equalities	Contact Details: Tel: 020 8227 2786 E-mail: heather.wills@lbbd.gov.uk
Cabinet Member: Cllr Alexander	Portfolio: Crime, Justice and Communities	Contact Details: Tel: 020 8 227 2116 E-mail: jeannette.alexander@lbbd.gov.uk

1. Background

- 1.1 In previous years the Council provided funding (£12,000 revenue funding per annum) to the Thames View Advice Centre to support the delivery of advice services on the Thames View estate.
- 1.2 In December 2008 the Executive, in a report which gained approval for the programme of voluntary sector grants and commissions for the following year, was informed that

'...the Citizen's Advice Bureau, the Gascoigne Aid and Advice Centre and Thameside Community Support currently provide generalist advice services that will in future be commissioned through a tendering process to be run by the Council working in partnership with the Legal Services Commission.

A further report, which gained approval for the grants and commissioning programme for 2010/11 in February 2010, noted that:

'The Executive was notified on 16 December 2008 that an integrated social welfare law service would be commissioned before 2012 (see minute number 104, paragraph 1.3). This commissioning process is being led by the Legal Services Commission, though it has not been completed yet. It is envisaged that the new law service (the Community Legal Advice Centre – "CLAC") will begin delivering services from 1 April 2010. As a consequence, the current contracts with the Citizens Advice Bureau, Thames View Advice Centre and Catch 22 (in the Gascoigne Ward) have been extended for further six months from October 2009 – March 2010.'

- 1.3 Through partnership working with the Legal Services Commission, the Community Legal Advice Centre has brought additional capacity and services to the borough which were previously unavailable. In addition to a full generalist advice service, specialist legal advice is available on the following subjects:

- Family issues
- Employment
- Housing

- Welfare benefits
- Debt
- Community care

- 1.4 The plans to replace provision in Thames and Gascoigne with the new Community Legal Advice Centre have therefore been clearly signalled in advance, and discussed in monitoring meetings with Thames Side Community Support.
- 1.5 The advertisement of the Community Legal Advice Centre commission was widely publicised, and local advice organisations were briefed that consortium bids would be welcome. There was therefore the opportunity for smaller local providers to join with larger providers in a consortium bid for the contract. In the event, the commission was won by the Citizens Advice Bureau working in partnership with Edwards Duthie solicitors.
- 1.6 The Community Legal Advice Centre opened to the public in May 2010. Based in Ripple Road, Barking, the Centre is open 5 days a week, with evening opening on Wednesdays: additionally, there is Saturday opening every other week. The Centre also provides outreach sessions at 6 venues around the borough. One of these is the Sue Bramley Children's Centre on Bastable Avenue, fortnightly, on Tuesday afternoons.
- 1.7 The Community Legal Advice Centre (CLAC) has been highly successful, exceeding early targets for the provision of advice services to local people.
- 1.8 The generalist advice team dealt with 1,530 unique client queries in the three months from August to October 2010. This is an average for the second quarter of 478, against a target of 467, per month. 131 of these were from the Thames Ward, representing 8.6% of the total for the borough (Thames ward residents make up 5.8% of the borough population). The specialist advice team dealt with 410 unique client queries in the three months from August to October 2010. Of these there is ward information available for 174. 8 of the 174 client queries were from the Thames Ward, representing 4.6% of the total.
- 1.9 In view of the success of the CLAC in reaching local people across the whole of the borough, including those living in Thames ward, and in the context of limited financial resources it is not possible for the Council to provide any further financial support to Thames Side Community Support to provide an advice service in the area. However, the Council does fund the Council for Voluntary Service (CVS) to support local voluntary and community organisations: the CVS will be able to advise local groups such as this on alternative sources of funding, and how to develop fundraising applications and business plans.

2. Other Implications

- 2.1 Customer Impact, Safeguarding Children and Adults** In light of the economic and social profile of the residents of the borough of Barking and Dagenham, it is essential that local people have access to good quality advice services, particularly with reference to employment, welfare benefits and debt advice. The move to commission the CLAC was informed by the aim of ensuring that access to quality advice services was provided to residents throughout the borough, whereas previously services were concentrated in a few areas.

Older people, people with disabilities and women with young children are more likely to find it difficult to travel out of the immediate area in which they live in order to access services. The risk that they might not access advice services at the CLAC in Ripple Road, Barking, is mitigated by:

- Improved transport links (particularly the East London Transit) between the Thames View estate and central Barking
- The provision of regular outreach sessions at the Sue Bramley Centre

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

Petition submitted by Ms Woolston

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THE ASSEMBLY

23 FEBRUARY 2011

REPORT OF THE CABINET

Title: Local Development Framework – Adoption of Barking Town Centre Area Action Plan		For Decision
<p>Summary</p> <p>At its meeting on 25 January 2011, the Cabinet considered the attached report (Appendix A) on the outcome of the public consultation and inspection process in respect of the Barking Town Centre Area Action Plan (BTC AAP), which provides town centre specific policies in line with the strategic policies set out in the Council’s Local Development Framework Core Strategy.</p> <p>The BTC AAP was previously circulated to all Councillors under separate cover and is available on the Council’s website at</p> <p>http://moderngov.barking-dagenham.gov.uk/mgConvert2PDF.aspx?ID=28396</p> <p>Recommendation</p> <p>The Assembly is recommended to adopt the Barking Town Centre Area Action Plan, which will form part of the Barking and Dagenham Local Development Framework.</p>		
Cabinet Member: Councillor McCarthy	Portfolio: Cabinet Member for Regeneration	Contact Details: Tel: 020 8724 8013 E-mail: mick.mccarthy@lbbd.gov.uk
Head of Service: Jeremy Grint	Title: Divisional Director of Regeneration and Economic Development	Contact Details: Tel: 020 8227 2443 E-mail: jeremy.grint@lbbd.gov.uk

Background papers used in the preparation of this report:

“Local Development Framework – Adoption of Barking Town Centre Area Action Plan” report and Minute 92, Cabinet 25 January 2011.

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CABINET

25 January 2011

REPORT OF THE CABINET MEMBER FOR REGENERATION

Title: Local Development Framework – Adoption of Barking Town Centre Area Action Plan Development Plan Document	For Decision
<p>Summary:</p> <p>The Barking Town Centre Area Action Plan (the AAP) Development Plan Document (DPD) is focused on delivering the Local Development Framework Core Strategy which the Assembly adopted on 21 July 2010. The purpose of the Barking Town Centre AAP is to resolve the land use implications of the Core Strategy within the action plan area and provide town centre specific policies in line with the strategic policies set out in the Core Strategy.</p> <p>Following a successful examination in public and, prior to this, three stages of consultation, the Barking Town Centre Area Action Plan has been finalised and is ready to be adopted by the Council.</p> <p>The Barking Town Centre Area Action Plan has been circulated to all Members under separate cover.</p> <p>Wards Affected: Abbey</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend to the Assembly the adoption of the Barking and Dagenham Local Development Framework Barking Town Centre Area Action Plan Development Plan Document.</p>	
<p>Reason(s)</p> <p>To help deliver all the Community Plan priorities for Barking Town Centre.</p>	
<p>Comments of the Chief Financial Officer</p> <p>This report asks the Cabinet to note the various changes made to the Barking Town Centre Area Action Plan following the consultation and inspection process, and to approve its final adoption.</p> <p>In terms of its content, the Plan is site-specific to Barking Town Centre, but is consistent with the borough's approved overarching Core Strategy. Some of the proposals in the Plan specify increased standards and conditions for new developments, for example in respect of sustainable design. These new standards, as well as any additional capital costs associated with meeting them, would need to be met by all future developers and Housing Associations (as well the Council, where applicable). This may potentially have future implications around the cost of Council developments (such as schools), Section 106 receipts, and land values</p>	

where the Council wants to dispose of its own land or property.

In terms of the direct / imminent costs of adopting the Plan, there will be minor incidental costs associated with printing and advertising, which will be funded by existing Regeneration and Economic Development budgets.

Comments of the Legal Partner

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 (UDP). 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 made by the Assembly.

Head of Service: Jeremy Grint	Title: Divisional Director of Regeneration and Economic Development	Contact Details: Tel: 020 8227 2443 E-mail: jeremy.grint@lbbd.gov.uk
Cabinet Member: Cllr McCarthy	Portfolio: Cabinet Member for Regeneration	Contact Details: Tel: 020 8724 8013 E-mail: mmccarthy@barking-dagenham.gov.uk

1. Background

1.1 The Barking Town Centre Area Action Plan has been through three stages of consultation: issues and options; preferred options and pre-submission.

- Issues and Options. The Cabinet approved the Barking Town Centre Area Action Plan Issues and Options document 12 June 2007 and consultation was undertaken on it during July and August 2007. The feedback received informed the development of the Preferred Options Report.
- Preferred Options. The Cabinet approved the Barking Town Centre Area Action Plan Preferred Options report 20 May 2008 and consultation was undertaken on it during July and August 2008. The document was revised to address the feedback received.
- Pre-Submission. The Cabinet and Assembly approved the Pre-Submission Barking Town Centre Area Action Plan on 19 May 2009 and 16 September 2009 respectively for a six week consultation and for submission to the Secretary of State.

- 1.2 Following this consultation, a hearing was conducted by an independent Inspector to determine whether or not the Barking Town Centre AAP was “sound” and “legally compliant”. The Inspector issued his report on 29 September 2010 confirming the Barking Town Centre AAP meets this criteria subject to a number of changes being made to the document. The majority of the changes are minor in nature, however, a few significant changes are required and summarised below. Officers consider that with one exception, which is detailed below, these changes strengthen the Barking Town Centre Area Action Plan.
- Removal of reference to Core Strategy Policy CC1: Affordable Housing. This 50% target was found to be unjustified in the Examination of the Core Strategy in 2009. As such, there was a need to remove the reference to the target in the BTCAAP.
 - Inclusion of text to reflect the need to safeguard land for the implementation of the East London Transit Line (ELT) and the Barking to Royal Docks Bus Corridor, thus bringing it into line with the Core Strategy.
 - Clarification that developer contributions should take account of viability. This amendment brings the Barking Town Centre AAP in line with the Core Strategy.
 - Specifying a need to consider the impact of new bridges on the management of the River Roding tidal defences and the ecology of the River.
 - Removal of the identification of AAP sites which are considered potentially suitable to provide a reduced percentage of family homes (30%, not 40%). This is to be determined through the Core Strategy on a site by site basis which makes clear that on major housing developments between 30 % to 40% of new homes in Barking Town Centre should be family sized.
 - Improving and strengthening the tall buildings and heritage and conservation policies bringing them in line with advice given in the CABE/ English Heritage ‘Guidance on Tall Buildings’ (2007). In addition, the Plan now contains greater detail on the appropriate location and scale of tall buildings on particular sites. It also refers to the key views within, and of, the Conservation Areas identified within the Abbey and Barking Town Centre Conservation Appraisal and the Abbey Road Riverside Conservation Appraisal.
- 1.3 The Inspector has recommended the removal of references within the Plan to the Abbey Retail Park as a required location for the provision of a new three form primary school. Whilst the Inspector accepted that the supporting evidence to the Barking Town Centre AAP had established a need for an additional primary school, he found that it had not been demonstrated that the Abbey Retail Park was the only available location in the town centre. The Inspector’s Report advises the need for further, more comprehensive, evidence-based research to corroborate the Council’s earlier findings that the only and best solution is the provision of a new school within the Abbey Retail Park redevelopment. The Inspector’s Report accepts a need for a new primary school on the Gascoigne Estate and that there was a requirement to bring back into use the Westbury Centre as a primary school.

2. Proposal

- 2.1 The Cabinet is being asked to support the Barking Town Centre Area Action Plan (as amended following the examination in public which took place in May 2010 and in accordance with the Inspector's Report received by the Council on 29 September 2010) and to recommend its adoption to the Assembly.

3. Financial Issues

- 3.1 The minor costs of adopting the Barking Town Centre AAP (BTCAAP) will be met from within the existing Regeneration and Economic Development Division budget.
- 3.2 The site allocations in the BTCAAP determine what potential uses will be allowed on development sites and will, therefore, have financial implications for land owners and prospective developers. In addition, the policies set out criteria for the allocated sites which are consistent with policies approved in the Council's adopted Core Strategy. These will also have financial implications for landowners and developers.

4. Legal Issues

- 4.1 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).
- 4.2 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 BTCAAP is a key LDF Development Plan document must be carried out by the Assembly.

5. Other Implications

Further implications of adopting the BTCAAP are set out below.

Staffing Issues

- 5.1 The adoption of the BTCAAP will incur no additional burden to Council staff. Indeed, the Plan is a key tool in assisting Development Management Officers when considering planning applications in the Town Centre.

Customer Impact

- 5.2 In line with the Council's adopted Statement of Community Involvement (June 2007) the BTCAAP has been through three key stages of consultation; the Issues and Options consultation between July – August 2007, the Preferred Options between June and August 2008 and the Pre-Submission consultation between June and July 2009. The Council consulted the following groups, the Faith Forum, Forum for the Elderly, Lesbian, Gay, Bisexual and Transgender Forum, Refugee Forum, Tenants Federation, the Barking and Dagenham Youth Forum, the Equality and Disability Forum, Age Concern, the Citizens Panel and the Abbey and Gascoigne Ward neighbourhood management meetings. A Breakfast Briefing for local businesses was also organised jointly with the Chamber of Commerce in July 2008. .

- 5.3 Full details of consultees, those who responded, comments raised, and how comments made 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 Cabinet agreed the pre-submission version of the Barking Town Centre Area Action Plan DPD on 19 May 2009. In finding the BTCAAP legally compliant the Inspector judged that the Council met its legal requirement to comply with the arrangements set out in its Statement of Community Involvement (June 2007).
- 5.4 In preparing the BTCAAP 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 AAP, together with the baseline for the Sustainability Appraisal for its parent document the Core Strategy.
- 5.5 Officers are confident that having undertaken comprehensive consultation and undertaken a thorough Sustainability Appraisal that the BTCAAP policies can help deliver the spatial requirements of the Core Strategy whilst also responding to the needs of the borough's current and future residents.

Safeguarding Children

- 5.6 A key task in the preparation of the BTC AAP is the consideration of land use requirements up to the year 2025, including the social infrastructure requirements to support the anticipated increase in housing and population growth. In terms of school provision the BTCAAP makes provision for a new primary school on the Gascoigne Estate and sets out the requirement for the Westbury Centre to be brought back into use as a primary school. In addition, there is a need for an additional primary school in the Plan area. As detailed under Section 2 of this report, officers will conduct further work to confirm which site is the most suitable location for the provision of a new primary school in Barking Town Centre.

Health Issues

- 5.7 The identification of land use requirements for health facilities, up to the year 2025, has emerged through close working with NHS Barking and Dagenham and with regard to the Barking and Dagenham Joint Strategic Needs Assessment. There are no allocations for new health facilities in the Plan area.

Crime and Disorder Issues

- 5.8 Section 17 of the Crime and Disorder Act 1998 places a responsibility on councils to consider the crime and disorder implications of any proposals. The BTCAAP reflects policies and approaches aimed at contributing towards 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 / Asset Issues

- 5.9 All development proposals will need to be in line with the BTCAAP and, therefore, the Plan 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 BTCAAP and the Core Strategy set higher standards for new developments compared to the previous Unitary Development Plan (1995). This will therefore impact on the cost of new development.

6. Options appraisal

- 6.1 The Council could choose not to adopt the Barking Town Centre AAP DPD. However, the Cabinet previously approved the AAP on 19 May 2009, and Officers consider that the changes made during the examination as summarised in the report strengthen it.

7. 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.
- Cabinet Report, 12 June 2007, Local Development Framework: Approval for Consultation of the Issues and Options Report of the Barking Town Centre Area Action Plan (Minute 15 – 12/06/07)
- Cabinet Report, 20 May 2008, Local Development Framework: Approval for Consultation of the Preferred Options Report of the Barking Town Centre Area Action Plan (Minute 3 – 20/05/08)
- Cabinet Report, 19 May 2009, Local Development Framework – Submission of the Barking Town Centre Area Action Plan Document (Minute 3 – 19/05/09)
- Pre-submission Barking Town Centre Area Action Plan DPD, LBBD, June 2009
- Inspector's Report on the Barking Town Centre Area Action Plan DPD, Planning Inspectorate, September 2010
- Sustainability Appraisal of the Core Strategy DPD, June 2008
- Sustainability Appraisal of the Barking Town Centre Area Action Plan DPD, June 2009

8. List of appendices:

Revised Barking Town Centre Area Action Plan Document – circulated under separate cover to all Councillors.