

Notice of Meeting



THE CABINET

Tuesday, 15 March 2011 - 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 L A Reason, Councillor G M Vincent, Councillor P T Waker and Councillor J R White

Date of publication: 4 March 2011

Stella Manzie
Chief Executive

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AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests

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

3. Minutes - To confirm as correct the minutes of the meeting held on 15 February 2011 (Pages 1 - 9)

4. Smoking Cessation Scrutiny Review (Page 11)

The Health and Adult Services Select Committee's draft final report has been circulated to all Members under separate cover (Supplementary 1).
The Chair of the Select Committee, Councillor Twomey, has been invited to the meeting to present the report.

5. Community Cohesion Scrutiny Review (Pages 13 - 14)

The Safer and Stronger Community Select Committee's draft final report has been circulated to all Members under separate cover (Supplementary 1).
The Chair of the Select Committee, Councillor Rodwell, has been invited to the meeting to present the report.

6. Child Protection Practices and Policies in Schools Scrutiny Review (Page 15)

The Children's Services Select Committee's draft final report has been circulated to all Members under separate cover (Supplementary 1).

The Chair of the Select Committee, Councillor L Rice, has been invited to the meeting to present the report.

7. Corporate Grants Programme 2011/12 and Commissioning Programme 2011-14 (Pages 17 - 52)

8. Towards a Fairer Contributions Policy for Adult Social Care (Pages 53 - 99)

9. Adoption of Borough-wide Development Policies Development Plan Document (Pages 101 - 106)

The Development Plan Document has been circulated to all Members under separate cover (Supplementary 1)

10. Withdrawal of Permitted Development Rights for Houses in Multiple Occupation (Pages 107 - 113)

11. Calendar of Meetings 2011/12 (Pages 115 - 116)

12. Urgent Action - Future Management of Thames View Community Centre (Pages 117 - 129)

13. Budget Monitoring 2010/11 (to follow)

14. Grievance Resolution Procedure and Home Working Policy (to follow)

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

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

Private Business

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

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

THE CABINET

Tuesday, 15 February 2011
(5:00 - 5:50 pm)

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

Also Present: Councillor E Keller, Councillor J E McDermott and Councillor J Ogungbose

Apologies: Councillor J L Alexander and Councillor J R White

101. Declaration of Members' Interests

There were no declarations of interest.

102. Minutes (25 January 2011)

Agreed.

103. Extension of Contract for the Provision of Care Services within Colin Pond Court and Darcy Gardens (Extra Care Schemes)

Received a report from the Cabinet Member for Health and Adult Services on proposals to extend the current contracts for the provision of Extra Care services at Colin Pond Court and Darcy Gardens.

Extra Care housing is part of the provision of support which is available to older people who require extra help and services to enable them to continue living independently for as long as possible. The Cabinet Member advised that the proposal to extend these contracts will enable the existing services to continue while longer-term commissioning options, such as the current "Up2Us" national pilot schemes, are considered. The Cabinet Member also confirmed that savings of approximately 10% are expected to be achieved as a result of negotiations with the existing service providers on the terms of the contract extensions.

Agreed, in order to support the Community Priority "Healthy", to:-

- (i) Approve a two-year extension to the contract with Care UK Homecare Limited for the Provision of Care Services in Housing with Extra Care Schemes at Colin Pond Court and Darcy Gardens; and
- (ii) Authorise the Corporate Director of Adult and Community Services to negotiate and agree the terms of the extended contract.

104. Solar Panels for Council Housing and Schools under the Feed-In Tariff

Received a report from the Cabinet Member for Environment on the proposal to install electricity-generating solar photovoltaic panels to initially up to 1,000 Council

houses and buildings within the corporate estate, including up to 55 of the borough's schools, through the Government-backed Feed-in Tariff (FIT) scheme.

The proposal would involve the procurement of a private sector partner to supply, install, maintain, insure and finance the panels. The private sector partner would benefit from preferential generation and export rates under the FIT scheme while residents and occupiers have the opportunity to benefit from reduced energy bills. The Council would also benefit from the scheme by saving over 1,165 tonnes of carbon each year and receiving rental income from the private sector partner for the roof space.

The Cabinet Member advised that the proposal to initially limit the number of Council houses within the scheme to 1,000 and 50% of potential roof space for schools enables the Council to explore other renewable energy initiatives such as the Renewable Heat Incentive (RHI) which comes in to effect from April 2011. The contract would, however, be framed in such a way to give the Council the future option to expand the contract beyond these initial targets.

In noting the proposed procurement of the private sector partner via the Official Journal of the European Union (OJEU) Restricted Procedure, the Cabinet Member for Regeneration expressed his frustration at the constraints that EU contracting legislation places on local authorities letting medium / large contracts, as this typically prevents small local businesses that employ local people from successfully bidding for works. The Corporate Director of Finance and Resources advised that due to the value of the contract, procurement through the OJEU procedure is a legal requirement. She added that all the Council's major contracts include relevant clauses encouraging the use of local suppliers and employment of local residents but she confirmed that the legislation prohibits the Council from being more specific in its requirements or to break up contracts to make them more accessible to small local businesses. The Cabinet Member of Regeneration was encouraged to take up these concerns with the Secretary of State.

Agreed, in order to support the Community Priorities "Clean", "Prosperous" and "Inspired and Successful", to:-

- (i) Authorise the Corporate Director of Finance and Resources to procure and award a contract for a private sector partner to supply, install, maintain, insure and finance solar photovoltaic panels to Council properties and buildings within the corporate estate, including schools, on the terms detailed in the report;
- (ii) The housing project being restricted to between 500 - 1000 Council properties in the first instance;
- (iii) The school project initially being restricted to up to 50% of the potential roof space;
- (iv) The contract specification providing the Council with an option at a later date to expand the scheme beyond the initial targets in (ii) and (iii) above; and
- (v) The terms of the contract being designed to ensure that the investment is directed to areas within the Borough with particularly high levels of deprivation and fuel poverty.

105. Children's Personal Support Framework Agreement

Received a report from the Cabinet Member for Children and Education on proposals to procure a Framework Agreement for the provision of Personal Support Services principally for children with a disability.

The Cabinet Member advised that the Framework Agreement would be procured via an East London Solutions exercise, led by the London Borough of Redbridge and also including Havering and Waltham Forest Councils, with a view to securing more competitively priced services as well as significantly better quality assurance through the improved monitoring of providers.

Agreed, in order to support the Community Priority "Inspired and Successful Young People", to:-

- (i) The procurement, via East London Solutions, of a Children's Personal Support Framework Agreement on the terms detailed in the report; and
- (ii) Authorise the Corporate Director of Children's Services to enter into the contract on behalf of the Council.

106. In-Depth Review of Fly-Tipping Services

The Lead Member of the Living and Working Select Committee, Councillor Ogungbose, presented the Select Committee's draft final report of its in-depth review of fly-tipping issues within the Borough.

The Select Committee has made 11 recommendations which will be considered for adoption by the Assembly on 30 March 2011. These include proposals to raise awareness amongst businesses and local residents of the wide-ranging impacts of fly-tipping and how they can help to prevent it, closer cross-borough working and improving the Council's systems to enable local people to track progress of reported incidents.

The Cabinet very much welcomed the report and commended its adoption by the Assembly.

107. Urgent Action - Clarification of Joint Working Arrangements with NHS Barking and Dagenham

Further to Minute 55 (2 November 2010), received and noted a report from the Chief Executive on the action that he had taken under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in authorising the Corporate Director of Adult and Community Services to enter into an agreement with NHS Barking and Dagenham for the continued joint commissioning and delivery of services through formal arrangements under Sections 75 and 256 of the National Health Service Act 2006.

It was also noted that subsequent events outside of the Council's control meant that NHS Barking and Dagenham was unable to sign the agreements by the initial deadline of 28 January 2011, and this is now expected to take place towards the end of this month.

108. Budget Monitoring 2010/11

Received a report from the Cabinet Member for Finance, Revenues and Benefits on the Council's revenue and capital position for 2010/11 as at the end of December 2010.

The projected service overspends, taking account of in-year savings, have decreased from £2.7m to £2.2m since the last report, as a result of continued reductions in the projected overspends in the Customer Services and Children's Services departments. The Cabinet Member advised that efforts will continue in the drive to achieve a balanced year-end position but he stressed that the Children's Safeguarding and Rights budget continues to be under significant pressure as a result of the volume and complexity of cases.

The General Fund balance is now projected to be £8.8m at the year end, compared to a planned level of £10m, and the Housing Revenue Account (HRA) position has improved significantly, with a projected underspend of £1m which would result in a final balance of £4.4m.

In respect of the Capital Programme, the Cabinet Member reported on the proposed re-profiling of a number of further schemes and current projections suggest a £5.3m slippage in overall budgeted expenditure.

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

- (i) Note the current projected outturn position for 2010/11 of the Council's revenue and capital budget as detailed in paragraphs 3 and 5 of and Appendices A and C to the report,
- (ii) Note the position for the HRA as detailed in paragraph 4 of and Appendix B to the report;
- (iii) Note the position of the Contingency Fund as detailed in paragraph 3.1.5 of the report;
- (iv) Approve the changes to capital budgets as detailed in paragraph 6 of and Appendix D to the report;
- (v) Note the Financial Health Indicators for the third quarter as detailed in paragraph 7 of and Appendix E to the report.

109. Housing Revenue Account Estimates and Review of Rents and Other Charges 2011/12

Received a report from the Cabinet Member for Housing on the Housing Revenue Account (HRA) estimates, rents and other related charges for 2011/12, together with proposals to enable the implementation of the full first phase of the Council's Estate Renewal Programme.

The Government's rent restructuring policy has determined that Council dwelling rent levels must increase by 7.06%, which equates to an average weekly increase of £5.22. The Divisional Director of Housing Strategy confirmed that if the Council

was to resist implementing the mandatory increase it would not only receive a comparative reduction in subsidy from the Government but also that there would be an equivalent shortfall in HRA income. This would, in effect, place a double burden on the HRA and, in turn, Council tenants.

The same percentage increase is proposed for garage rents while communal heating and hot water charges need to increase by 22% to address recent energy price increases and the deficit accrued in 2009/10 when a projected reduction in energy prices did not materialise.

The Cabinet Member recognised that these enforced increases will place a significant extra burden on many tenants and he outlined some of the steps that are being taken by the Council to help mitigate the impact of the rent increase. The point was also made that current inflation levels and other price increases from April 2011 will only add to the difficulties that all local residents will face in the current economic climate. In response, the Divisional Director of Housing Strategy suggested that effective lobbying and also enhancing access to benefits could prove effective.

The Cabinet Member also referred to a range of reductions in expenditure which will enable the HRA working balance to be brought back to a prudent level without impacting of service delivery.

The Cabinet Member confirmed that the Council will be required to contribute £18.931m from the HRA to the Government's National Housing Subsidy System in 2011/12 (a revised version of Appendix 6 showing the detailed figures was tabled at the meeting). Although the Government is expected to introduce new, fairer arrangements by April 2012 the Cabinet Member stressed that the ability to move forward on key tenant aspirations will continue to be difficult until the Council is in a position to retain all of its income and have greater discretion over how it is spent.

With regard to the Estate Renewal Programme, capacity has been created to support the proposal to borrow £16.4 million which, together with the £7.1m agreed by Minute 49 (2 November 2010), will enable the full first phase to be implemented at a total cost of £23.5m.

Agreed, in order for the Council to meet its statutory responsibilities, ensure rent levels conform to the Government's rent restructuring proposals, produce a balanced HRA and support the Community Priority of "Prosperous", to:-

- (i) The HRA estimates for 2011/2012, as set out in Appendix 1 to the report, and in particular;
 - (a) A Council dwelling rent increase of 7.06%, calculated in accordance with the Government's rent restructuring policy, which represents an average weekly rent increase of £5.22;
 - (b) An increase to tenant service charges of 0.72% (an average of £0.20 per week);
 - (c) An increase to communal heating and hot water charges of 22.1% (an average of £2.11 per week);

- (d) An increase to garage rents of 7.06% (an average of £0.77 per week);
- (ii) The increases in (a) to (d) above taking effect on 4 April 2011;
- (iii) Note that rents for commercial properties will increase in line with lease agreements;
- (iv) Borrowing of £16.4m to pump prime the Council's Estate Renewal Programme, subject to (a) the finalisation of the "debt settlement" cap operating under the new HRA self-financing system and its impact on resulting borrowing capacity, and (b) confirmation by the Corporate Director of Finance and Resources and the Corporate Director of Customer Services that the conditions for prudential borrowing have been met; and
- (v) A further report being brought to the Cabinet following a review of HRA costs and charges with a view to identifying additional potential savings which may provide capacity for greater investment in services.

110. 2011/12 Budgetary Framework

Received a report from the Cabinet Member for Finance, Revenues and Benefits on the proposed budgetary framework for 2011/12 incorporating the following:-

- The three-year Council Plan;
- The Medium Term Financial Strategy (MTFS) and a two-year summary level financial model for the Council,
- The four-year Capital Investment Programme,
- The detailed annual revenue estimates for 2010/11 and 2011/12; and
- The proposed level of Council Tax for 2011/12

The Cabinet Member confirmed that the Council is facing a reduction of approximately £20m in its resources over the next two years. To this end, a range of savings options are proposed for 2011/12 to address the immediate budget gap and the MTFS also identifies detailed savings options for 2012/13 and 2013/14. The Cabinet Member explained that difficult decisions have had to be made to ensure that a robust budget is set which protects core services and provides value for money to local residents, while also achieving, for the third consecutive year, a freeze to Council Tax levels for residents.

The proposed Capital Investment Programme similarly focuses the limited capital resources on the Council's priorities, the principle schemes being the school expansion and improvement programme, Housing Futures and Council House New Build projects.

It was also noted that some assumptions have been made in the estimates for 2011/12 as not all Government grant allocations have been confirmed at this point in time, and therefore the final report to the Assembly on 23 February 2011 may include some updated information.

Agreed, in order to assist the Council to achieve all of its Community Priorities through the setting of a prudent budget and Council Tax, to:-

- (i) **Recommend the Assembly** to approve:
 - (a) The Council Plan "Building a Better Life for All" as set out at Appendices A and B to the report;
 - (b) The Medium Term Financial Strategy for 2011/12 - 2013/14 as set out at Appendices C and D to the report;
 - (c) The Capital Investment Programme for 2010/11 - 2014/15 as set out at Appendix G to the report;
 - (d) The savings summary for 2010/11 - 2013/14, revised budget for 2010/11 and base budget for 2011/12 as set out at Appendices E, J and K to the report;
 - (e) The position on reserves as set out in paragraph 2.7 of the report;
 - (f) The Council's Prudential Indicators as set out in Appendix H to the report.
 - (g) A freeze in Council Tax levels for 2011/12, for the third year in succession, as set out at Appendices L and M to the report (subject to the final precept announcement for the Greater London Authority);
- (ii) Authorise the Corporate Director of Finance and Resources, in consultation with the Cabinet Member for Finance, Revenues and Benefits and subject to further reports to the Cabinet on the detail of the proposals, to:
 - (a) allocate initial savings targets across all services for the 2012/13 budget process, to commence in April 2011;
 - (b) allocate Invest to Save Funds to support departments in achieving savings following receipt and acceptance of a robust business case
- (iii) Note the current capital accounting arrangements and Prudential Indicator capital guidelines as set out in section 3 of the report; and
- (iv) Note the continuing need to identify relevant efficiency gains throughout the organisation.

111. Treasury Management Annual Strategy and Prudential Indicators

Noted that this issue will now be considered at our meeting on 15 March 2011.

112. 2012 Olympics - Host Borough Membership

Further to Minute 64 (23 November 2010), received a report from the Leader of the Council on proposals for the London Borough of Barking and Dagenham to be formally recognised as the sixth Host Borough for the 2012 Olympic and Paralympic Games, alongside the London Boroughs of Hackney, Greenwich, Newham, Tower Hamlets and Waltham Forest.

Since 2006, the original Host Boroughs have been party to an Inter Authority Agreement aimed at fostering and developing co-operative joint working as well as securing local benefits and a sustainable legacy from the Olympic Games. In the summer of 2009 the five Host Boroughs also established a Joint Committee to facilitate the discharge of executive functions regarding joint arrangements in respect of the Games and legacy. In the light of the invitation to Barking and Dagenham to become the sixth Host Borough, it is necessary for each Council to enter into new Joint Committee arrangements via an agreed Memorandum of

Understanding and Terms of Reference.

Agreed, in order to support the Council's Olympic legacy ambitions, to:-

- (i) The London Borough of Barking and Dagenham joining and participating as a member of a Joint Committee of the six Host Boroughs for the 2012 Olympic and Paralympic Games with effect from 1 April 2011, subject to approval of same by all the current Host Boroughs;
- (ii) The London Borough of Barking and Dagenham
 - a. entering into and signing up to the revised Memorandum of Understanding, the revised Inter Authority Agreement and any other necessary documents to be entered into between the six Host Boroughs, and
 - b. Delegate power to the Chief Executive to do everything and give effect to any matter necessary to achieve their objectives.
- (iii) The Terms of Reference specified in Appendix 1 to the Memorandum of Understanding or any amended version thereof;
- (iv) All executive powers, duties and functions required to be executed by the London Borough of Barking and Dagenham to facilitate the objectives of the Host Boroughs in connection with the Games and their legacy, being delegated to and discharged by the Joint Committee with effect from 1 April 2011;
- (v) Appoint the Leader of the Council and Councillor McCarthy as the Council's representatives on the Joint Committee; and
- (vi) Authorise the Leader of the Council to nominate two other Members to be the Council's substitute representatives on the Joint Committee.

The Leader also referred to his meeting earlier today with JJ Jegede, a former pupil of Manor and Barking Abbey Schools and the current No. 1 ranked men's long jumper in Great Britain. The Leader spoke of his personal admiration for JJ's drive, enthusiasm and passion and was pleased to announce that he had given a commitment on behalf of the Council to support JJ in his efforts to win the gold medal at the 2012 Olympics.

113. Council Debt Write-Offs 2010/11 - 1 October to 31 December 2010

Received and noted a report from the Cabinet Member for Finance, Revenues and Benefits on the value and type of debts written off from the Income and Collection, Rents and Benefits Service areas as uncollectable for the third quarter (April to December 2010) of the 2010/11 financial year, together with comparable information for the first two quarters and previous years.

114. Private Business

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

115. Review and Commissioning Plan: Mental Health Accommodation, Employment and Day Services

Received a report from the Cabinet Member for Health and Adult Services on proposals in relation to the commissioning of services for people with mental health needs.

Reviews undertaken by the Council and NHS Barking and Dagenham, who jointly are the two commissioning bodies, indicated a need to modernise in the areas of supported accommodation, employment and day services. Feedback from service users, carers and other stakeholders has helped to shape the proposals and a way forward has been established which will deliver quality services that are tailored to meet individual needs.

Agreed, in order to support the Community Priorities “Safe”, “Fair and Respectful” and “Healthy”, to:-

- (i) The proposals for the provision of mental health services in relation to accommodation, employment and day services, as detailed in section 2 of the report; and
- (ii) Authorise the Corporate Director of Adult and Community Services to procure and award the related contracts.

116. Mr David Woods, Acting Chief Executive

The Leader of the Council announced that this was to be the last meeting of the Cabinet to be attended by David Woods, Acting Chief Executive, who will shortly be retiring from the Council after 40 years of service.

The Leader presented Mr Woods with his long service certificate and placed on record the Council’s sincere appreciation and very best wishes for the future.

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CABINET

15 MARCH 2011

REPORT OF THE HEALTH AND ADULT SERVICES SELECT COMMITTEE

Title: Smoking Cessation Scrutiny Review	For Comment
<p>Summary:</p> <p>The Health and Adult Services Select Committee (HASSC) has completed its scrutiny review on the issue of smoking. The draft final report setting out the Select Committee's findings and recommendations has been circulated to all Members of the Council under separate cover.</p> <p>In accordance with the Council's Constitution, Part C, Section E, paragraph 9, the draft final report is presented to the Cabinet before being passed to the Assembly to be formally adopted. The Cabinet can, if it wishes, issue a response to the report and recommendations which will be consideration by the Assembly on 30 March 2011 alongside the Select Committee's report.</p> <p>Following adoption of the report by the Assembly, the HASSC will ask the relevant departments and organisations to respond to the recommendations and an action plan for implementation will be drawn up. After six months a progress report will be presented to the HASSC for monitoring purposes.</p> <p>Wards Affected: All</p>	
<p>Recommendation</p> <p>The Cabinet is asked to consider the Health and Adult Services Select Committee's final report and, if appropriate, make comments to inform the Assembly on 30 March 2011.</p>	
<p>Reason</p> <p>To assist the Council in achieving its Community Priority "Healthy".</p>	
<p>Implications</p> <p>Financial: There are no specific financial implications or commitments associated with the report at this stage, although some of the recommendations if approved could ultimately lead to additional expenditure for partners involved. These decisions would have to be made as part of the normal budget approval processes.</p> <p>Legal: Legal implications are addressed in the body of the report attached.</p>	
<p>Lead Member: Councillor Dominic Twomey</p> <p>Officer Contact: Glen Oldfield, Overview and Scrutiny Officer</p>	<p>Contact Details: E-mail: dominic.twomey@lbbd.gov.uk</p> <p>Tel: 020 8227 5796 E-mail: glen.oldfield@lbbd.gov.uk</p>

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CABINET

15 MARCH 2011

REPORT OF THE SAFER AND STRONGER COMMUNITY SELECT COMMITTEE

Title: Community Cohesion Scrutiny Review	For Comment
<p>Summary</p> <p>The Safer and Stronger Community Select Committee (SSCSC) has completed its in-depth review of how the Council can support the Voluntary and Community Sector in building community cohesion. The draft final report setting out the Select Committee's findings and recommendations has been circulated to all Members of the Council under separate cover.</p> <p>In accordance with the Council's Constitution, Part C, Section H, paragraph 8, the draft final report is presented to the Cabinet before being passed to the Assembly to be formally adopted. The Cabinet can, if it wishes, issue a response to the report and recommendations which will be consideration by the Assembly on 30 March 2011 alongside the Select Committee's report.</p> <p>Following adoption of the report by the Assembly, the SSCSC will ask the relevant departments and organisations to respond to the recommendations and an action plan for implementation will be drawn up. A report setting out the progress against the recommendations will be presented to the SSCSC after six months for monitoring purposes.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to consider the Safer and Stronger Community Select Committee's final report and, if appropriate, make comments to inform the Assembly on 30 March 2011.</p>	
<p>Reason(s)</p> <p>To assist the Council to achieve the Community Priority "Fair and Respectful".</p>	
<p>Implications</p> <p>Financial: It is envisaged that recommendations adopted within this report can be contained within existing Council-wide budgets and resources.</p> <p>Legal: This report concludes a review of how the Council can support the Voluntary and Community Sector in building community cohesion. There are legal duties under the Equality Act (2006) for public agencies to work towards positive community cohesion. These duties are overseen by the Equality and Human Rights Commission and include:</p> <ul style="list-style-type: none"> - Eliminating unlawful discrimination, - Promoting equality of opportunity, - Promoting good relations between people of different groups. <p>The recent review of the commission's role by the Cabinet Office has confirmed its</p>	

retention with a greater focus on its core regulatory functions such as those highlighted above.

Section 38 of the Education and Inspections Act 2006 introduced a duty on all governing bodies of maintained schools to promote community cohesion.

The report's 21 recommendations are in line with the legislation as stated.

<p>Lead Member: Councillor Darren Rodwell</p> <p>Officer Contact: Paramjit Nijher, Senior Scrutiny Officer</p>	<p>Contact Details: E-mail: darren.rodwell@lbbd.gov.uk</p> <p>Tel: 020 8227 5069 E-mail: Paramjit.nijher@lbbd.gov.uk</p>
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CABINET

15 MARCH 2011

REPORT OF THE CHILDREN'S SERVICES SELECT COMMITTEE

Title: Child Protection Practices and Policies in Schools Scrutiny Review	For Comment
<p>Summary</p> <p>The Children's Services Select Committee (CSSC) has completed its in-depth review of child protection practices and policies in schools. The draft final report setting out the Select Committee's findings and recommendations has been circulated to all Members of the Council under separate cover.</p> <p>In accordance with the Council's Constitution, Part C, Section D, paragraph 7, the draft final report is presented to the Cabinet before being passed to the Assembly to be formally adopted. The Cabinet can, if it wishes, issue a response to the report and recommendations which will be consideration by the Assembly on 30 March 2011 alongside the Select Committee's report.</p> <p>Following adoption of the report by the Assembly, the CSSC will ask the relevant departments and organisations to respond to the recommendations and an action plan for implementation will be drawn up. A report setting out the progress against the recommendations will be presented to the CSSC after six months for monitoring purposes.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to consider the Children's Services Select Committee's final report and, if appropriate, make comments to inform the Assembly on 30 March 2011.</p>	
<p>Reason(s)</p> <p>To assist the Council to achieve the Community Priority "Inspired and Successful".</p>	
<p>Implications</p> <p>Financial: It is envisaged that recommendations adopted within this report can be contained within existing council wide budgets and resources.</p> <p>Legal: The legal framework and its implications for child protection are contained in the body of the report.</p>	
<p>Lead Member: Councillor Lynda Rice</p> <p>Officer Contact: Matt Whiddett, Scrutiny Manager</p>	<p>Contact Details: E-mail: lynda.rice@lbbd.gov.uk</p> <p>Tel: 020 8227 2995 E-mail: matthew.whiddett@lbbd.gov.uk</p>

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CABINET

15 MARCH 2011

REPORT OF THE CABINET MEMBER FOR CRIME, JUSTICE AND COMMUNITIES

Title: Corporate Grants Programme 2011/12 and Commissioning Programme 2011-14	For Decision
<p>Summary:</p> <p>The report seeks approval for grants under the Corporate Grants Programme for 2011/12 and for commissions for the Corporate Grants Programme for three years from 2011 – 2014. The assessment process used and the monitoring procedures put in place are summarised.</p> <p>This report proposes actions to implement changes agreed by Cabinet to the corporate grants and commissioning programme following the Strategic Grants Review which was agreed by Cabinet on 28 September 2010.</p> <p>The report outlines the impact of reductions to the London Councils grants programme in 2011/12, provides estimates of the reductions in the 2012/13 and 2013/14 and indicates how budget reductions required in response to funding cuts by the Coalition Government will be achieved.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree:</p> <ul style="list-style-type: none"> (i) The award of commissions to provide capacity building services for 2011/12 - June 2014 to a total value of £425,000 (as outlined in Appendix 2); (ii) The award of commissions to provide strengthening community services for 2011/12 - June 2014 to a total value of £156,000 (as outlined in Appendix 2); (iii) The delegation of authority to the Corporate Director for Adult and Community Services, in consultation with the Portfolio Holder, to let the contract for Strengthening Communities at a total value in 2011/12 of £52,000, as detailed in paragraphs 2.2 and 3.11 (iv) The award of grants from the Innovation Fund for 2011/12, to a total value of £60,000 (as outlined in Appendix 3); (v) The allocation of £5,000 for small grants for Pump Priming in 2011/12; (vi) The virement of £10,000 from the Community Cohesion divisional budget to the Leisure and Arts division to provide grants for talented and gifted young people; (vii) The allocation of an additional £170,000 to support the recommissioning where appropriate of services previously commissioned by London Councils Grants, and 	

the delegation of authority to the Corporate Director for Adult and Community Services, in consultation with the Portfolio Holder and relevant Directors, to allocate that funding as appropriate in full or part funding of such recommissioning;

- (viii) The delegation of authority to the Corporate Director Adult and Community Services, in consultation with the Portfolio Holder, to undertake an annual review of the corporate grants and commissioning programme contract values and grant awards, in light of the current level of uncertainty in this area and to enable adjustment to contract values where required;
- (ix) The delegation of authority to the Corporate Director Adult and Community Services, in consultation with the Portfolio Holder, to award the re-advertised contracts for the LGBT Forum and the Disability Forum, and for the Volunteering Support commission, as detailed in paragraphs 3.9 and 3.10.

Reason(s)

Agreement of the recommendations will enable achievement of the overall objectives of the grants programme, i.e. building capacity in the third sector and strengthening community services. In turn, this will contribute directly towards achievement of corporate and partnership objectives particularly the community priorities of “Fair and Respectful” and “Prosperous”.

Comments of the Chief Financial Officer

In 2011-12, the grants and commissions being recommended for approval will be funded within existing budgets, also delivering the corporate savings requirement of £250,000.

In future years, 2012/13 and 2013/14, further reviews of grants and commissioning are being proposed to ensure future corporate savings are achieved.

Comments of the Legal Partner

Legal issues in respect of the contract provisions are addressed throughout the body of the report.

In considering the recommendations Members should have regard to the Council’s duties under the equality legislation found at paragraph 5 to this report.

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<p>Cabinet Member: Cllr Jeanne Alexander</p>	<p>Portfolio: Crime Justice and Communities</p>	<p>Contact Details: Tel: 020 8227 2116 E-mail: jeannette.alexander@lbbd.gov.uk</p>

1. Background

- 1.1. The corporate grants programme has been an established way for the Council to support diverse voluntary sector organisations and individuals from all communities in the borough to meet local and national priorities.
- 1.2. In December 2007, the Cabinet agreed allocations to commission voluntary sector groups for a period of three years to provide specific services. At the time, providing support with smaller amounts as grant aid and larger sums as commissions was regarded as an innovative and progressive funding model. This has proved to be the case.
- 1.3. On 28 September 2010, Cabinet agreed a revised model for the corporate grants and commissioning programme and a new procurement strategy for the provision of Local Infrastructure support. The changes are designed to ensure that limited funds are targeted to where they will be most effective in achieving the programme's objectives. In particular, the focus of the programme is towards building the capacity of the third sector in the borough, and building community cohesion. At that time, Cabinet also agreed to receive a further report which would make proposals for the allocation of funding under this programme prepared in response to latest information about funding available at that time – this is that report.
- 1.4. Cabinet also agreed under the Grants Review that due to the timetable required to complete the tender process, new commissions will commence in July 2011. As these are three year contracts, the commissions will expire in June 2014. To allow maximum flexibility, and the achievement of this timetable, the following existing commissions will be continued for one further quarter beyond March until July 2011

Specification	Organisation
Local infrastructure organisation	Barking and Dagenham CVS
Community accountancy support	Accounting for Community Enterprise (HAVCO)
Volunteering support	Barking and Dagenham Volunteer Bureau
BAME Forum	RAMFEL
Disability Forum	CIIL
Faith Forum	Barking and Dagenham Faith Forum
LGBT Forum	Caress
Community Cohesion	Harmony House

- 1.5. Two services which have been previously commissioned under the Voluntary Sector Grants Programme will continue during 2011/12 as their contracts have not yet expired. These are the contract to tackle discrimination and promote cohesion, held by Harmony House, and the Community Legal Aid Centre contract for advice services, held by the Citizens Advice Bureau and Edwards Duthie. These two contracts are detailed in Appendix 1.
- 1.6. London Councils has completed a review of its Grants Scheme, and as a result the Council will be required to make a reduced contribution to that scheme in 2011/12 and years going forward. However, the Council has carried out a review of all grants previously made under this programme in light of local needs, including consideration of equalities implications, and proposes to continue to commission

some of those services in some form ongoing. Further information appears at paragraph 3.24.

- 1.7. The Cabinet is asked to endorse the commissions and grants which have now been tendered and assessed as set out in full in the Appendices to this report. The process used and the proposed length of contracts are consistent with government guidance (Office of the Third Sector, 2008). This will help to improve financial stability and for organisations to maximise the potential of the services they are delivering.

2. Financial summary

- 2.1 The following funding is available for the wider grants and commissioning programme (including contributions to the London Councils Grants Scheme for the next 3 years):

	2011/12	2012/13	2013/14 (indicative)*
Corporate grants programme	788,000	788,000	788,000
Contribution to London Councils	588,000	588,000	588,000
Community cohesion budget contribution to Strengthening communities commission	20,000	20,000	20,000
Less saving required by Medium Term Financial Strategy	-250,000	-500,000	-750,000
TOTAL	1,146,000	896,000	646,000

*See paragraph 2.5

- 2.2 A financial summary of the proposals for the programme appears below:

	2011/12**	2012/13	2013/14 (indicative) *
Strategic Commissions – Capacity Building			
Local infrastructure organisation	126,150	126,000	114,000
Community accountancy support	20,000	20,000	20,000
Volunteering support	50,000	47,000	45,000
Strategic Commissions – Strengthening Communities			
BAME & Refugee Forum	21,250	20,000	20,000
Disability Forum	16,000	16,000	16,000
Faith Forum	16,000	16,000	16,000
LGBT Forum	16,000	16,000	16,000
Older People’s Forum	16,000	16,000	16,000
Strengthening communities commissions	52,000	45,000	40,000
CLAC/ advice commission	205,000	196,500	196,500
Tackling discrimination commission	62,600	50,000	50,000

	2011/12**	2012/13	2013/14 (indicative) *
Innovation Fund (under £10k grants)	60,000	60,000	60,000
Pump Priming Fund	5,000	5,000	5,000
Talented & Gifted programme	10,000	10,000	10,000
Contribution to London Councils Grants Scheme	300,000	200,000	185,000
Support to recommission activities previously commissioned by London Councils	170,000	160,000	150,000
TOTAL	1,146,000	1,003,500	959,500

**The figures shown are the annual values of each contract / programme proposed, and include expenditure remaining for the previous contracts in the first quarter of 2011/12.

- 2.3 In order to ensure that the financial savings targets for 2012/13 and 2013/14 are met, it is proposed to review commissioning budgets in adult and children's services. Many of the commissions in these areas are reliant on there being a strong third sector locally: it is aimed to look at the commissioning of services across preventative and statutory functions so that the best mix of services can be commissioned. A balance between supporting people to remain independent and well and not require our services, and services which meet our statutory duty of care, needs to be reached. In addition, many voluntary sector organisations provide high quality social care services or are in a good position to provide services in the future. It would not be in the Council's best interest to destabilise good quality local providers and it is necessary to look at funding organisations across budgets rather than individually, and leveraging in additional funds.
- 2.4 It is also aimed to reduce further the contribution made to London Councils and therefore achieve further savings through this route. If the allocation made to support recommissioning of services previously commissioned through London Councils is not fully utilised, this too will contribute to achieving the budget reductions.
- 2.5 However, if it is not possible to achieve the budget targets through this route it will be necessary to make further adjustments to this programme in 2012/13 and 2013/14. This risk is increased since the Council does not yet have clarity about its funding from central Government for the year 2013/14. It is proposed to make it clear in the contract documentation that the value of each contract is subject to review in light of the changing financial climate. Cabinet is asked to delegate to the Corporate Director Adult and Community Services, in consultation with the Portfolio Holder, an annual review of the corporate grants and commissioning programme contract values and grant awards, in light of the current level of uncertainty in this area, and to enable adjustment to contract values where required.

3. Proposal

Strategic Commissions

- 3.1 Cabinet agreed in September 2010 that, due to the timetable required to complete the tender process, new commissions will commence in July 2011. As these are three year contracts, the commissions will expire in July 2014. This means that the commissions will not fit easily with the financial year. The financial summaries in the Appendices all give the cost for financial years, recognising that in each year the quarter April to June will be the last quarter of the previous year's contract.
- 3.2 Contracts will have the flexibility to be extended if required to enable appropriate consultation for the next round of commissioning.
- 3.3 Two themes have been previously agreed as the remit for this fund:
1. **Infrastructure** (Outcome: increased organisational capacity)
This will focus on capacity building and engagement. Under this heading there is a clear link to the themes of the Third sector strategy as this will focus on the "environment for a thriving third sector".
 2. **Strengthening communities** (Outcome: increased community cohesion)
This will include community resources such as community hubs and development, forums and networks which support and empower local communities.
- 3.4 Following a tendering exercise, the following organisations are recommended to deliver 2 key infrastructure commissions:
- Local Infrastructure Organisation: Barking and Dagenham CVS
 - Community Accountancy Support: Accounting for Community Enterprise (hosted by HAVCO)
- 3.5 Again, following a tendering exercise, the following organisations are recommended to deliver equalities fora:
- BAME & Refugee Forum: RAMFEL
 - Faith Forum: Barking and Dagenham Faith Forum
 - Older People's Forum: Harmony House
- (It should be noted that the BAD Youth Forum is separately funded by Children's Services).
- 3.6 Since these are three year contracts, there will be break points at the end of years one and two, and subject to satisfactory funding and performance, continuation of the contract will be approved by the Corporate Director of Adult and Community Services, in consultation with the Portfolio Holder.
- 3.7 Cabinet approved the procurement strategy for the Local Infrastructure Organisation commission at its meeting on 28 September 2010 because the total value (over three years) of the contract is over £400,000. The remaining commissions have been advertised and tenders assessed in line with the Council's standing orders.
- 3.8 The commissions agreed by Cabinet on the 28th September were advertised in line with the Council's procurement process. The application window ran from mid October to mid November with information workshops provided for each

commission. Once applications were submitted they were assessed and up to three organisations were invited to interview for each commission. A representative from the voluntary sector locally sat on the panel for the Local Infrastructure Organisation commission.

3.9 Whilst tenders have been received for all the services advertised, three commissions have not received tenders which meet the Council's requirements. These are:

- Volunteering Support (Theme 1)
- LGBT Forum (Theme 2)
- Disability Forum (Theme 2)

3.10 It is proposed to readvertise these three contracts, and if successful to delegate their award to the Corporate Director of Adult and Community Services in consultation with the Portfolio Holder.

3.11 In relation to the Strategic Commission for Strengthening Communities, 2 strong applications have been received. It is therefore proposed to clarify the bids of both tenderers with a view to identifying the best option including the possibility of joint working, built on the strength of both applications. It is therefore recommended to delegate the letting of this contract to the Corporate Director of Adult and Community Services in consultation with the Portfolio Holder.

One-Year Grants

3.12 Unlike the strategic commissions, the one year grants all relate to the financial year, i.e. from April 2011 to March 2012.

3.13 The Innovation Fund and Pump Priming fund are both focussed on an extension of theme 2 – strengthening communities, particularly:

- Building social capital – both to build community spirit and to assist in moving towards the community doing more and the public sector doing less
- Building volunteering (for similar reasons)
- Building community cohesion and social inclusion
- Capacity building of the organisations themselves (focused support)
- Market development- where gaps are identified in local capacity. Themes will be identified ahead of the annual process, to be included in the criteria. It is proposed in the first instance (2011/12) to seek proposals to support people to live independently in the community through local community activity.

Innovation Fund (under £10,000 grants)

3.14 The model agreed and applied since 2007, developed following consultation and discussion with the voluntary sector, has been employed again. The application process seeks to ensure that applicants were fully mature organisations before they applied but not predominantly large organisations which might be perceived to have an additional advantage in securing grants.

3.15 The Council received 28 grant applications in total. These were asking for a total of £234,942 - considerably more than the funding that is actually available. All organisations applying for funding were required to demonstrate that they had appropriate management policies in place including policies on safeguarding where they were intending to work with children and young people and other vulnerable groups.

- 3.16 Council officers checked each application to ensure that it had the necessary accompanying paperwork. Only those who provided the necessary paperwork were assessed further.
- 3.17 Each application was scored independently twice and then all scores were moderated to ensure a consistent approach. Points were allocated in each of 14 categories. The final results were then reviewed by a panel of officers to arrive at the final recommendations to the Cabinet.
- 3.18 Officers considered equalities implications as an integral part of the grant award process to ensure that the proposals are fair and equitable and that there would be no disproportionate adverse impact upon equality groups within the local community. The following actions will be taken to further mitigate impacts on organisations not funded:
- annual consultations with the equalities forums in relation to applications and process
 - Further analysis of unsuccessful bids. Grants workshops are held as an opportunity to discuss bids before they are submitted to drive up the quality of the applications.
- 3.19 All applications to the programme were also assessed in relation to their capacity to support delivery of the Community Priorities and to the organisation's demonstrated ability to generate funding from other sources.
- 3.20 All voluntary and community organisations recommended to receive funding through this process will be required to sign a service level agreement and to complete a quarterly return evidencing their performance against agreed outcome measures. These returns will be monitored by officers and, where funded organisations are not delivering as agreed, a range of remedies and sanctions are available to the Council up to and including the removal of grant aid.
- 3.21 Lists of the grants considered and recommended are contained in Appendix 3.

Pump Priming Fund

- 3.22 £5,000 has been allocated for small grants that will 'pump prime', low cost but high value local activities and initiatives, that is individual sums of £500 and below. Allocations to this fund will be made in consultation with the Portfolio Holder.

Talented and Gifted Young People

- 3.23 £10,000 has been allocated for Talented and Gifted young people, of which £5,000 is particularly targeted towards support for 'Living the Dream'. Because the young people benefiting from this programme are predominantly assessed as being talented and gifted in relation to arts and/or sports, it is proposed to transfer the assessment and administration of this programme to the Leisure and Arts division who will manage the grants in consultation with the Children's Services department, and to vire the funding accordingly.

3.24 London Councils grants review

The grants previously funded by the London Councils Grants Scheme which are now being ended have been reviewed in consultation with the Portfolio Holder and categorised as follows:

- Activities to cease supporting as no benefit has been identified for Barking and Dagenham
- Activities proposed to ask London Councils to recommission as they are more appropriately delivered at a London-wide level
- Activities which it is proposed to review and, where applicable, to continue to commission to some extent locally

This review has included consideration of the equalities implications of each activity, insofar as they related to benefits received by the residents of Barking and Dagenham.

3.25 The Council has asked London Councils to recommission (subject to clarification of cost) a variety of specialist advice services, which provide a level of highly specialist advice not available within the borough. This includes advice services in relation to social welfare law, discrimination law and advice for disadvantaged communities. The Council has also asked London Councils to review its commissions in this area to ensure that they are as efficient and effective as possible. London Councils has also been asked to recommission support for social enterprises. A response from London Councils is awaited: if a satisfactory response from London Councils is not received, the Council will seek to make alternative commissioning arrangements.

3.26 The Council proposes to recommission locally a range services, summarised as:

- Specialist support for permanent and temporary accommodation for ex-offenders on release
- Counselling and support services for vulnerable adults and BAME groups
- Targeted interventions to reduce youth homelessness
- Interventions with children and young people at risk of sexual exploitation
- Preventative work in relation to young people and gangs
- Diversionary activities for young people to reduce offending and anti-social behaviour and increase educational attainment
- Engage with and involve disadvantaged groups experiencing high levels of crime
- Activities to increase the engagement of disadvantaged communities with the arts

3.27 There has been a recent judicial review of the London Councils grants programme: London Councils are currently considering the implications of this. Action to cease London Councils grant funding before contract end dates has therefore been suspended. If London Councils' review of next steps continues for much longer beyond March 2011 then there is a risk that the full savings required from the programme will not be achieved. It is anticipated that this risk can be mitigated by the fact that recommissioning of services will not be needed until London Councils have completed their own review.

4. Financial Issues

4.1 The grants and commissions being recommended for approval in 2011/12 total £1,146,000, of which £601,000 is earmarked for commissioned services, £60,000 for the Innovation Fund (grants under £10,000 in value), £5,000 for the Pump Priming Fund, £10,000 for grants to Talented and Gifted Young People, £300,000 for London Councils and £170,000 for grants for priority services which are no longer being funded by the London Councils grants programme.

5. Legal Issues

- 5.1 The Equality Act 2010 imposes a general duty on a public authority when carrying out its functions to have due regard to the need to eliminate discrimination and advance equality of opportunity.
- 5.2 The current legal requirements relate to race, disability, and gender. Barking and Dagenham has already extended these equality areas to also cover the full range of protected characteristics of age, gender reassignment, religion or belief, and sexual orientation, in readiness for the new general equality duty.
- 5.3 Early consultation with a range of equality groups, including the Disability, BAME, LGBT and Faith fora, as well as completion of the equality impact assessment (EIA) as set out at Appendix 4 has given the Council the opportunity to ensure that there is a systematic assessment of the likely effects of this review of grants and commissions on those people in the community in the above categories. The EIA is an integral part of this review. Members in considering the recommendations to this report must have due regard to the findings of the EIA including whether opportunity has been taken to promote equality as well as whether any negative or adverse impacts have been mitigated or removed. Following any decisions officer will also be able to monitor the actual impact of this review.

6. Other Implications

- 6.1 **Risk Management** - There will be significant risk to the viability of a range of voluntary organisations in the Borough if these allocations are not agreed. Officers will engage with relevant organisations to mitigate the effects of this if it occurs.

There is a risk that the services which are recommended to be commissioned for three years may receive further reduced funding in the second and third years; this is dependent on the settlement of the London Councils grant programme in years 2012/13 and 2013/14, a review of wider commissioning budgets, and the outcome of the review of activities previously commissioned by London Councils.

There is a risk that the services receiving funding will experience increased demand as the impact of the recession continues. This will be monitored through the regular grant monitoring, and funded organisations supported to adjust the services offered within the contract price if appropriate.

- 6.2 **Contractual Issues** - None, apart from those addressed within the body of the report.
- 6.3 **Staffing Issues** - None.
- 6.4 **Customer Impact** - Corporate grants and commissions support the provision of services by the voluntary and community sector that address priority needs consistent with the Council's community priorities and are responsive to needs identified in the community. They particularly support building community cohesion.

New and emerging groups are encouraged to establish new initiatives in this field. These grants extend services that are not mainstream and reach a customer base

often beyond the normal reach of mainstream services that is diverse and reflects the rapidly changing population of the borough.

A full Equalities Impact Assessment of the recommended programme has been completed (see Appendix 4). In summary, its findings are:

- The Strategic Grants Review (which this report seeks to implement) was designed to ensure that limited financial resources were used to greatest strategic effect so that groups in need can receive quality support rather than seeking to spread limited resources too thinly and thus disadvantaging all groups
- Development funding for smaller and emerging groups has been continued, in order to support those in most need, and to enable emerging needs to be met. The majority of the recommended Innovation Fund grant recommendations explicitly support at least one of the Equalities Groups
- Provision has been made in the corporate grants and commissions programme as follows:
 - specific activities to meet the needs of equalities groups, ie the equalities fora,
 - all capacity building specifications require the provider to ensure services are accessed by all communities
 - specific provision is made in the Local Infrastructure Organisation Specification (proposed to be delivered by the CVS) for the delivery of services which meet the needs of BAME organisations
 - specific provision to tackle discrimination and promote cohesion exists in the commission currently held by Harmony House's Race Equality Project

The equalities implications of the London Councils grants review have also been considered when identifying which activities to cease and which to continue to commission locally. Proposals for activities to be continued in some form have taken account of particular needs in respect of the borough's population.

6.5 Safeguarding Children - It is a requirement for all funded organisations to be fully compliant with the provisions of the Children Act 2006 (and the increased safeguards introduced in October 2009) as well as being section 11 compliant or working towards section 11 compliance and to have written policies in place for the protection of vulnerable children and adults. Compliance with this requirement is routinely monitored through the grants programme. If a funded organisation failed to meet the requirements, a range of remedies and sanctions are available to the Council up to and including the removal of grant aid.

6.6 Health Issues - The voluntary and community sector play an important part in reducing health inequalities and tackling the wider determinants of health such as social cohesion, discrimination and social isolation. The grants and commissions contained within this programme have the potential to make a positive contribution to tackling health inequalities by building community capacity.

Where appropriate, funded organisations will be made aware of the Health and Wellbeing Strategy and the themed sub-groups, and required to make linkages as appropriate.

In order to continue to tackle health inequalities it is important that the grants have robust contract performance management which enables and encourages

development and capacity building, linking activity to outcomes, and supporting community organisations to income generate through alternative streams and resources to reach an ultimate aim of sustainability.

In implementing the larger grants relating to health there should be explicit reference to the Joint Strategic Needs Assessment and that the allocation and activity related to these grants is feedback into future JSNAs to ensure equity of provision and to reflect any gaps or inequalities developing. Looking forward the allocation and activity related to these grants should be mapped into the JSNA and Experian work to monitor an gaps in impact and investment.

The proposed restructuring of the grant allocations does not present any specific inequity or inequality through the reduced allocations and therefore in itself is unlikely to have any negative impact on health.

6.7 **Crime and Disorder Issues** - Some of the activities previously funded by London Councils Grants Scheme make a contribution to community safety in the borough. Discussions are underway with the relevant officers to identify the most appropriate way in which these can continue to be supported locally.

6.8 **Property / Asset Issues** - None

7. Options appraisal

7.1 Members may choose to agree the entire funding programme, part of the funding programme or to provide no funding at all.

7.2 Recommendations to Members for funding have been prepared as a result of a robust process of assessment. Any reductions or amendments to the funding programme would run the risk of challenge if a robust rationale for decisions could not be demonstrated. Reductions would also reduce the ability of the programme to build capacity in the third sector locally and to contribute to the community priorities.

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

- Completed Grant Applications from Voluntary Organisations together with supporting documents
- Completed Tender Returns from applicant organisations together with supporting documents
- Quarterly monitoring returns provided by funded organisations

9. List of appendices:

Appendix 1	Commissions previously let, continuing during 2011/12
Appendix 2	Strategic commissions recommended for 2011/12 – 2013/14
Appendix 3	Innovation Fund proposals received and recommended for 2011/12
Appendix 4	Equalities Impact Assessment

COMMISSIONS LET DURING 2009/10 CONTINUING THROUGH 2011/12

Harmony House To tackle discrimination and promote cohesion	2011/12	£62,600
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COMMISSIONS LET DURING 2009/10 CONTINUING THROUGH 2011/12

Community Legal Advice Centre Contract for advice services in partnership with Legal Services Commission	2011/12	£196,500
	2012/13	£196,500

NB: The total value of the CLAC contact in partnership with the Legal Services Commission is £2,137,784 over three years, and the contribution from this Council's grants programme is £598,000 in total for three years from 2010 - 2013.

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STRATEGIC COMMISSIONS RECOMMENDED FOR 2011 – 2014

Function	Commission / Provider	Funding proposed 2011/12	Funding proposed 2012/13	Funding proposed 2013/14 (Indicative)	Funding proposed for April – June 2014
Strategic commissions- Capacity Building					
Community accountancy	Accounting for Community Enterprise (hosted by HAVCO)	15,000	20,000	20,000	5,000
Local infrastructure organisation	Barking and Dagenham Council for Voluntary Services	97,500	126,000	114,000	27,500
	Total	112,500	146,000	134,000	32,500
Total Capacity Building recommended awards 2011/12 – June 2014					425,000

Strategic Commissions- Strengthening Communities					
BAME & Refugee Forum	RAMFEL	15,000	20,000	20,000	5,000
Faith Forum	Barking and Dagenham Faith Forum	12,000	16,000	16,000	4,000
Older people's forum	Harmony House	12,000	16,000	16,000	4,000
	Total	39,000	52,000	52,000	13,000
Total Strengthening Communities recommended awards 2011/12 – June 2014					156,000

Notes

- 1 The budget cycle for voluntary sector grants and commissions will run from 1 July to 30 June. For this reason, the figures given above for each financial year, from April to March, include the fourth quarter from the previous year for each service. For this reason, the funding for commissioned services proposed for 2011/12 includes the final quarter of previous contracts, and the final column, which is the first financial quarter of 2013/14, gives the last quarter of the commissioned services.

2 The tables above only include those services where it is currently possible to recommend a provider. A budget is recommended for the remaining commissions within paragraph 2.2. Those commissions are:

Function	Funding proposed 2011/12	Funding proposed 2012/13	Funding proposed 2013/14 (Indicative)	Funding proposed for April – June 2014
Strengthening communities	52,000	45,000	40,000	10,000
Volunteering support	50,000	47,000	45,000	12,500
Disability forum	16,000	16,000	16,000	4,000
LGBT forum	16,000	16,000	16,000	4,000
Total to be commissioned	134,000	124,000	117,000	30,500

INNOVATION FUND GRANT RECOMMENDATIONS

Activities are listed in the order in which they were scored against the published criteria, starting with the top score

ORGANISATION	SUMMARY OF ACTIVITY PROPOSED	AWARD REQUESTED	AWARD RECOMMENDED
Community Enterprise East London	Year 2 funding for a project in wards with highest proportions of ill health & highest number of older residents (Mayesbrook & Heath) working with volunteers to maintain the gardens of vulnerable adults and bring them back into use, thereby producing food and reducing eyesore gardens. Project will increase scope to one further ward, based on statistical need.	£9,999	£9,999
Barking & Dagenham Youth Dance	Mums can dance: young people being trained to teach and then deliver dance classes for Mums across communities	£5,176	£5,176
Barking & Dagenham Turkish Women's Association	'Elderly & disability independent living project': recruiting and training 10 volunteers to work with 60 elderly people from all communities around: <ul style="list-style-type: none"> ○ Supported independent living ○ Advice and info around personalised care ○ Assist clients to attend social activities and specialist provision 	£9,960	£9,960
PC Repairs community enterprise (Reach Africa)	Working with 15 individuals with little or no formal qualifications from all sections of the community, drawn primarily from the Dagenham area, to gain an IT industry recognised NVQ, building computers from scratch in a supportive environment, linking to mainstream learning providers.	£9,960	£9,960
Samaritans of Redbridge (serving East London)	Offering increased support to residents of the borough by increasing the number of volunteers locally and running targeted outreach programmes for people at risk e.g men aged 30-60 years.	£10,000	£5,000

ORGANISATION	SUMMARY OF ACTIVITY PROPOSED	AWARD REQUESTED	AWARD RECOMMENDED
St Thomas Becontree	Money coaching: a new project teaching budgeting skills to people struggling with debt, training volunteers to deliver the programme and setting up appropriate referrals.	£9,407	£9,407
Green Shoes Arts	Working with Chestnut Court Care Home and William Bellamy school to develop a 3-month reminiscence project focusing on Heath ward. The project will create a public exhibition, bringing in local residents and increasing intergenerational understanding and working.	£2,705.62	£2,705.62
Thames Tenants & Residents Association	The Community Garden project will develop a garden on the site of the old health centre on Bastable Avenue: <ul style="list-style-type: none"> ○ engaging the whole community, ○ providing a community space ○ building trust and friendship 	£9,999	£7,500
Rwandese Abagimigambi	Rwandese Abagimigambi Sustainable Community Development Project would seek to work with the Tutsi and Hutu (or Twas) communities in the borough breaking down barriers through social activities, dance classes and supplementary schooling.	£8,980	NIL
Health Psychology Management Organisation Services	Recruit 5 volunteers to be trained as coordinators and promote informal adult education. Recruit 5 volunteers to be involved in various projects – mental and physical health projects	£9,040	NIL
Grains Of Knowledge	‘Football manic’ and ‘flavours of Barking and Dagenham’: a ten week project based on the Gascoigne estate providing: <ul style="list-style-type: none"> ○ Football sessions with volunteers for 8-14 years ○ Healthy eating sessions for the whole community & a “taste of Barking” event 	£9,999	NIL

ORGANISATION	SUMMARY OF ACTIVITY PROPOSED	AWARD REQUESTED	AWARD RECOMMENDED
Ethnic Minorities Partnership Agency	BAME Employment Training Providers Consortium, (ETPC): working with 10 BAME employment trainers to: <ul style="list-style-type: none"> ○ Develop their capacity ○ Provide funding support ○ Facilitate 2 partnership bids ○ Provide 2 training and 2 networking opportunities 	£9,990	NIL
Advice & Learning Bureau (ALB)	Learning and Employment Advice service: working with French speaking Africans to provide training, legal advice, debt advice etc and encourage the accessing of mainstream services	£9,999	NIL
Disablement Information Advice Line (DIAL)	Home visits for welfare benefits: home visiting support service for elderly and house bound – 4 clients per week.	£6,850	NIL
Yu Hua Chinese Association (Barking & Dagenham)	Will support Chinese residents to: <ul style="list-style-type: none"> ○ Provide classes and activities ○ Encourage the community to access mainstream services and events ○ Help parents to understand the UK education system, ○ Work with other communities on community events 	£9,350	NIL
Barking & Dagenham Somali Women's Association	Bridging and community engagement project: Working with the Somali and wider community to: <ul style="list-style-type: none"> ○ Providing Information, support and advice ○ Act as a resource for other community groups and council departments and individuals ○ To sign post members to specialist advisors for learning English, housing, health and welfare benefits ○ Provide social functions and events for the community 	£9,982	NIL

ORGANISATION	SUMMARY OF ACTIVITY PROPOSED	AWARD REQUESTED	AWARD RECOMMENDED
Arabic Speaking Women's Group	Understanding and enjoying Barking and Dagenham: work with Arabic speakers to: <ul style="list-style-type: none"> ○ Hold weekly 3 hour sessions on citizenship and community organising in partnership with other voluntary groups ○ Provide advice and advocacy on housing benefits, access to hospitals and schools ○ Provide weekly 2 hourly ESOL classes for their client group ○ Provide a written Arabic Guide to public services 	£6,000	NIL
The Diaspora Community Project	This will focus on the long term unemployed by: <ul style="list-style-type: none"> ● Assist the unemployed back to work through Level 1 EDI accredited Training Programme ● Provide psychological and mental support ● Provide employability training ● Provide work placement and volunteer opportunities 	£9,990	NIL
Truth and Love Project	Youth Mentoring scheme: Work with 43 young people in a mentoring project to improve social skills and discuss issues.	£9,999	NIL

Applications not considered

ORGANISATION	REASON NOT CONSIDERED
B & D Forum for the Elderly	Initial documentation not complete
Becontree Heath Allotments & Garden Assoc.	Initial documentation not complete
Community Active Support	Initial documentation not complete
Global Action Research & Development Initiative Ltd	Not constituted for one year
Street Pastors B & D	Not constituted for one year
The Small Business Consultancy	Income too high
The Streetwyze Community Youth Music Project	Initial documentation not complete
Volunteer Reading Help - London North & East	Income too high

EQUALITIES IMPACT ASSESSMENT**Corporate Grants and Commissioning Programme 2011/12***Summary*

This assessment relates to recommendations for the Council's grants under the Corporate Grants Programme for 2011/12, for commissions for the Corporate Grants Programme for three years from 2011 – 2014, and the Council's contribution to the London Councils Grants Programme for 2011/12. The recommendations are based on the review of and the approach to grants and commissioning recommended by the Strategic Grants Review which was agreed by Cabinet on 28 September 2010. The recommendations have been further influenced by the impact of proposed reductions to the London Councils grants programme in 2011/12, estimates of the reductions in 2012/13 and 2013/14 and budget reductions required by the Council in response to funding cuts by the Coalition Government. This assessment considers all of these factors in the round.

Intended aims

The Grants and Commissioning Programme aims to support voluntary and community sector organisations from all communities in the borough to meet local and national priorities, particularly aiming to develop an environment for a thriving Third Sector. The completion of the current round of 3-year commissions in March 2011 and the challenging financial climate led to the strategic review being undertaken to inform the next round of commissioning to ensure that the available resources are used in the best possible way. This in turn will contribute directly towards achievement of corporate and partnership objectives particularly the community priorities of "Fair and Respectful" and "Prosperous".

Intended outcomes

- To meet the Council's required budget saving
- To achieve increased organisational capacity in the third sector through commissioned services
- To achieve increased community cohesion by strengthening communities through commissioned services, including providing community resources and development, forums and networks which support and empower local communities.

Name and job title of people involved in this Equality impact assessment

Monica Needs: Senior Community Development Officer
 Ray Descombes: Senior Community Development Officer
 Susanna Hancock: Equalities and Diversity Officer
 Heather Wills, Head of Community Cohesion & Equalities
 Paul Hodson, GM Community Cohesion

Equalities profile of staff within the service/ function which is being assessed.

As this is a grants and commissioning programme, it is more appropriate to consider the profile of staff and volunteers who are commissioned/funded to deliver services under this programme.

Organisations in receipt of funding through the Corporate Grants Programme are required to provide details of the numbers of staff from equalities categories as part of their annual monitoring returns. The monitoring process will include a clause that where staff profiles are not representative the organisation will take reasonable actions to rectify this.

Give details of any consultation that has already been done which is relevant to this policy/service/function in relation to the groups below

LBBB Grants and Commissioning Review 2010

A summary document on those engaged in the local consultation process is appended to this document as Annex A. The consultation process was contributed to by a wide variety of organisations including representatives from each of the equality groups and infrastructure organisations having a representative function in the voluntary and community sector.

The Grants Review was developed through substantial consultation to ensure that limited financial resources are used to greatest strategic effect, and so that groups in need can receive consistent, high quality support rather than seeking to spread limited resources too thinly and thus disadvantaging all groups

The consultation with the voluntary and community sector locally was conducted as a two stage process:

April 2010

Consultation with the Change-up consortium, key individuals and current grant recipients included a discussion on the nature of this strategic fund, the themes being proposed and the possible intentions within those themes. There was a clear dialogue about the nature of the proposed development continuum and what services the sector believes are necessary to create the environment for a thriving third sector locally.

June-July 10

Open discussions around the development of the commissioning profile incorporating a range of sizes and types of groups were arranged on three dates and invitations and the consultation document circulated through the Council for Voluntary Services and equality fora in the borough ensuring inclusivity and recognition of the changing borough profile. Further discussions were held with the bodies in phase one around the nature of the specifications.

Consultation also took place with internal and external stakeholders. This included NHS Barking and Dagenham and officers from Adult and Community and Children's Services in particular.

The consultation specifically addressed equalities issues and the feedback was used to develop the specifications for the commissions and the thresholds for the under £10,000 fund.

The findings from the consultation were:

1. On the question of moving from grants to contracts for the commissions, organisations supported the proposal for 3 year contracts to ensure the stability of the sector and provision locally.
2. There was strong support for the maintenance of the current funding profile as it allows funding to new and emerging groups and needs as well as the more established functions that support the infrastructure and capacity building functions.
3. There was representation from BAME umbrella groups who described a need for continued specific infrastructure support for groups working primarily with BAME communities.
4. Smaller groups, in particular, emphasised the need for fundraising support. This was also raised by some of the infrastructure bodies.
5. There was overwhelming support for continued funding for the equalities fora and several organisations mentioned that they had benefited from these, and found the engagement and consultation mechanisms helpful.
6. There was support to raise the income threshold for the innovation fund.
7. There was strong support for the profile of the commissions to consist of:
 - Infrastructure support
 - Community accountancy
 - Volunteering
 - Equalities fora
 - Work around strengthening communities
8. There was representation from one youth organisation in relation to specific capacity building support for informal youth organisations.
9. There was limited support for a Women's forum to be funded.

London Councils Grants Review

In parallel with the above there has been a review of the London Councils Grants Scheme. This funding covers grants against three priorities pan-London

- providing more opportunities for Londoners
- reducing social exclusion, poverty and disadvantage
- promoting equality and reducing discrimination

The Council contributed £580,000 per annum to this programme in 2010/11 and has for some time contended that residents of Barking and Dagenham receive little benefit from this investment.

In light of budget pressures London Councils instigated a review of the programme and consulted boroughs and voluntary sector groups in London, asking them to identify which activities should be placed in each of three categories:

1. Services which are Pan- London in nature
2. Services which are sub-regional
3. Services which are local in nature.

The review recommended that funding for sub-regional and local services be returned to boroughs for them to commission as appropriate.

Following pan-London consultation by London Councils, and the confirmation of the outcomes by London Councils, the Council was given a very short period of time to review the outcomes of the review and confirm a way forward. Officers consulted with commissioners at the Council and PCT, senior representatives of key voluntary and community organisations, and the Portfolio Holder assess the local impact of the activities currently funded by London Councils. Consideration was given as to whether activities proposed for London Councils to be ceased funding are commissioned through other means, as well as considering whether a need exists locally for the services.

What does the evidence tell us? – to what extent does the policy /service /function affect the **promotion of equality** and the **elimination of discrimination** in each of the equality groups below

The Strategic Grants review undertook a benchmarking exercise with other London boroughs. The consultation with other London boroughs, whilst recognising that each borough is unique, sought to compare our provision with that of other London boroughs in terms of the quality and quantity of provision. In particular the boroughs were asked:

- Total spend through the third sector locally
- The nature of their funding profile
- The spend on local infrastructure organisations (LIO) - defined as CVS type functions/volunteering/ accountancy support etc
- Their commissioning cycle with particular reference to local infrastructure support
- Outcomes and monitoring

The key findings were:

1. Barking and Dagenham's spend per head of the population on infrastructure support was at the lower end, particularly in relation to support for volunteering.
2. No two authorities use the same model or fund the same way from their corporate fund or equivalent. The options were:
 - Grant aid
 - Grant based commissioning
 - Commissioning under contract

Elsewhere in London there is currently a move towards commissioning under contract but Barking and Dagenham's open tendering process for infrastructure support is in advance of this. The current corporate grants development model, mainstream commissions and opportunities to bid for grants for smaller organisations/projects was reflected in other boroughs too but sometimes this is externally run. Barking and Dagenham's is more clearly defined than some.

There is no inspection regime for this kind of activity and there have been no complaints through the Council's corporate complaints procedure.

The overarching infrastructure support is seeking to provide services that are accessed by all voluntary and community groups in the borough across the range of the equalities profiles, therefore seeking to eliminate discrimination in any particular area. The findings of the benchmarking exercise, and the consultation process led to a number of actions

designed to ensure that the limited funds available are targeted to have most impact across the third sector, but being particularly mindful of the needs of equalities groups:

- The continued provision of equalities fora. There is anecdotal evidence that the provision of equalities fora in an area enables communities to have a voice, encourages joint working and promotes the roles of these communities in the borough. This perspective is certainly reflected in other boroughs, and the Barking and Dagenham Faith and LGBT Forums in particular have been asked to advise other fora on role and function.
- The specification of the Local Infrastructure Support Organisation (LIO) requires the provision of specific infrastructure support for BAME organisations. The LIO will be monitored as to the extent to which it provides this support appropriately and that it is taken up by BAME organisations in the sector.
- The nature of this programme is that it targets specific agendas and this has been reflected in the drawing up of the specifications for the commissions. So, for example, a commission remains for the Race Equality Project which tackles discrimination, and there is a strategic commission relating to building community cohesion.
- Each of the bids to the Innovation Fund were required to demonstrate the contribution they will make to building community cohesion: this has been achieved in the successful bids
- When reviewing the proposed changes to the London Councils grants review the Council gave particular attention to whether local residents, and particularly those from the different equalities groups had been benefiting from the activities funded. Where a local benefit had been identified, it is proposed to re-commission the service, either locally or via London Councils – for example, the provision of advice services for disadvantaged and BAME groups.

Once providers are commissioned for the new programme a monitoring regime will be established which will include:

- Access to services across the equalities groups
- The representativeness of the equalities fora.

In addition work will continue with other boroughs to assess the impact of infrastructure provision and equalities best practice.

Age

There was overwhelming support for the continued funding for the equalities fora, including the establishment of a commission for an Older People's Forum

It was recognised that the borough has a Youth Forum, commissioned separately by Children's Services.

The request for representation from one youth organisation in relation to specific capacity building support for informal youth organisations has been provided for in the specification for the LIO commission, which requires the provider to deliver appropriate support for groups working with all the protected characteristics.

Several of the London Councils grants that are scheduled to be ceased have provided services for young people: those activities which were assessed as having an important impact locally will be re-commissioned locally in some form, and provision has been made in the Corporate Grants and Commissioning budget to enable this.

Disability

There was overwhelming support for the continued funding for the equalities fora,

<p>including the Disability Forum.</p> <p>Several of the London Councils grants that are scheduled to be ceased have provided services relating to disabled people. In particular, there was one relating to support to enable disabled people to access sporting activities: this will be recommissioned in some form locally. London Councils has been asked to continue to provide support for services London-wide which provide advice on matters relating to disability discrimination. Provision has been made in the Corporate Grants and Commissioning budget to enable these.</p>
<p>Ethnicity</p> <p>There was overwhelming support for the continued funding for the equalities fora, including the BAME & Refugee Forum.</p> <p>There was representation from BAME umbrella groups around specific infrastructure support for BAME communities. This has been reflected explicitly within the specification for the Local Infrastructure Organisation, which will now be required to provide infrastructure support services specific and appropriate to BAME communities.</p> <p>Incorporation in the LIO contract will ensure that BAME groups receive all the benefits of services under the larger contract – such as a range of expert advice. The LIO provider will be monitored to ensure that this is delivered appropriately, and the BAME & Refugee Forum will continue to provide a place where any issues of concern can be raised.</p>
<p>Gender (including transgender)</p> <p>There was only limited support for a Women’s forum to be funded. and so it is not proposed to pursue this at this time. Instead, targeted work will continue to be done to look at specific issues relevant to particular services through the appropriate channels – eg Domestic Violence is focused on at the Community Safety Partnership.</p> <p>Several of the London Councils grants that are scheduled to be ceased have provided services relating to women. London Councils has been asked to continue to provide support for services London-wide which provide advice on matters relating to sex discrimination. Provision has been made in the Corporate Grants and Commissioning budget to enable these. Support to transgender people continues to be provided through local agencies, and discussions to improve provision take place via the LGBT Forum.</p>
<p>Religion or belief</p> <p>There was overwhelming support for the continued funding for the equalities fora, including the Faith Forum.</p>
<p>Pregnant or Nursing Mothers</p> <p>No specific issues were identified in the consultation, and no changes are being made in the local grants programme or in the London Councils programme which affect this group.</p>
<p>Sexual orientation</p> <p>There was overwhelming support for the continued funding for the equalities fora, including the LGBT Forum.</p> <p>Several of the London Councils grants that are scheduled to be ceased have provided services relating to lesbian, gay and bisexual people. London Councils has been asked to continue to provide support for services London-wide which provide advice on matters relating to LGBT discrimination. Provision has been made in the Corporate Grants and</p>

Commissioning budget to enable these. Support to LGB people continues to be provided through local agencies, and discussions to improve provision take place via the LGBT Forum.

How could this policy /service/ function reduce socio-economic disadvantage for all groups?

By increasing organisational capacity in the third sector through commissioned services, the Grant Programme will ensure that local voluntary sector and community groups are better able to attract funding and provide services. Such services are often aimed at those who are socio-economically disadvantaged. In particular, provision is made within the Local Infrastructure Organisation specification to provide support and advice on fundraising for local groups.

The provision of funding for the equalities fora enables groups and individuals that are at risk or are disadvantaged to have their views represented and offers the opportunity to shape policy and practice.

The ongoing contract for advice services provided in partnership with the Community Legal Advice Centre, held by the Citizens Advice Bureau and Edwards Duthie, provides substantial support for those on low incomes, including providing debt and welfare advice.

The Volunteering Support commission will ensure that support for volunteers is increased. This will provide support for those not in employment to use volunteering as a step towards employment, and provide skills and training to a wide range of people.

The smaller funding opportunities mean that new and emerging needs can potentially be identified and attract funding to seek to address issues as they emerge. The upper ceiling on the size of the organisation applying means this is targeted to less well established groups who may well represent those facing socio-economic disadvantage. Some specific work will address this issue: e.g.

1. PC repairs community enterprise – which seeks to help disadvantaged people learn a skill in a mixed/supportive environment
2. Money made clear programme – which provides training and workshops for those facing financial challenges.

How does the policy/service/function contribute to building Community Cohesion?

The new programme has been designed to support projects that build community cohesion. Each commission will include targets around community cohesion and regular activity is expected around this.

Specific examples are:

- The development of the “strengthening communities” commission aims to engage and empower individuals and potentially communities, bringing people together.
- The ongoing contract to tackle discrimination, held by Harmony House.
- The Green Shoes Arts project will increase intergenerational understanding and working.
- The development of a volunteering service and brokerage where individuals will

volunteer across communities.

All small grants applicants are asked to demonstrate in their application how their project contributes to community cohesion in the borough and the standard grant terms and conditions include a section laying out the Council's requirements of all funded organisations to promote community cohesion through their work.

All grant holders will be required to provide quarterly monitoring information, which will include a statement about the work they have done through the grant to promote community cohesion. If this is not consistent with the work committed to in the grant application, or if the Council has other reason to be uncertain about the service's work in this area, the next quarter's payments may be withheld by the Council while the matter is resolved. The information provided will also be used to gather evidence of the positive work carried out to promote community cohesion under the Programme.

Given all the information that you have gathered in the previous sections how will or how does the Policy/Service /Function meet the needs of individuals from different groups?

Provision has been made in the corporate grants and commissions programme for:

- specific activities to meet the needs of equalities groups, to enable equalities groups to identify and promote challenges and opportunities for public services to respond to their needs , i.e. the equalities fora,
- all capacity building specifications require the provider to ensure actions are taken to ensure services are accessed by all communities

Age

The Talented and Gifted Young People programme is designed to benefit young people, particularly those who are talented or gifted in an area of sport or the arts, which may not otherwise be able to progress in their chosen area.

The Barking & Dagenham Turkish Women's Association Project will benefit elderly people from all backgrounds.

The Older People's forum will seek to engage with groups working with older people. Some of the challenges faced by older people could be addressed through this forum.

Disability

The disability forum will seek to engage with groups working with older people. Some of the challenges faced by disabled people could be addressed through this forum

Race/Ethnicity

Development funding for smaller and emerging groups will be continued, in order to support those in most need, and to enable emerging needs to be met, for example where new BAME groups develop in the borough.

The BAME & Refugee forum will seek to engage with groups working with BAME communities. Some of the challenges faced by BAME communities could be addressed through this forum.

Provision for infrastructure support which is specifically appropriate to BAME groups will be delivered through the Local Infrastructure Organisation commission.
Gender (including transgender) The Samaritans of Redbridge (serving East London) project will provide targeted outreach to at risk groups, including men aged 30-60.
Pregnant / Nursing Mothers No specific changes are being made to services relating to this group as a result of this programme. However, it should be noted that services to support teenage mothers are commissioned by Children's Services.
Religion or Belief The Faith forum will seek to engage with groups working with Faith communities. Some of the challenges faced by Faith communities could be addressed through this forum
Sexual orientation The LGBT forum will seek to engage with groups working with LGBT communities. Some of the challenges faced by LGBT communities could be addressed through this forum
Socio-economic disadvantage The PC Repairs community enterprise (Reach Africa) project will provide 15 individuals with little or no formal qualifications from all sections of the community to gain an IT industry recognised NVQ. The St Thomas Becontree project will provide support to people struggling with debt.

In addition, each of the Innovation Fund grants which have been recommend will benefit one of more of the equalities groups or promote community cohesion. The benefits of the programme are summarised below:

ORGANISATION	SUMMARY OF ACTIVITY PROPOSED	AREAS BENEFITTED
Community Enterprise East London	Year 2 funding for a project in wards with highest proportions of ill health & highest number of older residents (Mayesbrook & Heath) working with volunteers to maintain the gardens of vulnerable adults and bring them back into use, thereby producing food and reducing eyesore gardens. Project will increase scope to one further ward, based on statistical need.	Older people; Promotes community cohesion
Barking & Dagenham Youth Dance	Mums can dance: young people being trained to teach and then deliver dance classes for Mums across communities	Young people; women
Barking & Dagenham Turkish Women's Association	'Elderly & disability independent living project': recruiting and training 10 volunteers to work with 60 elderly people from all communities around:	Older people; disabled people; Promotes community cohesion

	<ul style="list-style-type: none"> ○ Supported independent living ○ Advice and info around personalised care ○ Assist clients to attend social activities and specialist provision 	
PC Repairs community enterprise (Reach Africa)	Working with 15 individuals with little or no formal qualifications from all sections of the community, in the Dagenham area, to gain an IT industry recognised NVQ, building computers from scratch in a supportive environment.	People on low incomes
Samaritans of Redbridge (serving East London)	Offering increased support to residents of the borough by increasing the number of volunteers locally and running targeted outreach programmes for people at risk e.g men aged 30-60 years.	Men
St Thomas Becontree	Money coaching: a new project teaching budgeting skills to people struggling with debt, training volunteers to deliver the programme and setting up appropriate referrals.	People on low incomes
Green Shoes Arts	Working with Chestnut Court Care Home and William Bellamy school to develop a 3-month reminiscence project focusing on Heath ward. The project will create a public exhibition, bringing in local residents and increasing intergenerational understanding and working.	Younger People; Older People; Promotes community cohesion

Thames Tenants & Residents Association	<p>The Community Garden project will develop a garden on the site of the old health centre on Bastable Avenue:</p> <ul style="list-style-type: none"> ○ engaging the whole community, ○ providing a community space ○ building trust and friendship 	Promotes community cohesion
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What more can be done? Challenges and Opportunities		
<p>Officers considered equalities implications as an integral part of the Council's grant award process to ensure that the proposals are fair and equitable and that there would be no disproportionate adverse impact upon equality groups within the local community.</p> <p>The following actions will be taken to further mitigate impacts on organisations not funded:</p> <ul style="list-style-type: none"> ● Annual consultations with the equalities forums in relation to applications and process ● Further analysis of unsuccessful bids. Grants workshops are held as an opportunity to discuss bids before they are submitted to drive up the quality of the applications. ● Work internally within the authority on the procurement thresholds in order to mitigate 		

the impact on smaller groups seeking to deliver a service

What will be done **to improve access** to, and **take-up** of, services and **understanding the policy**?

- Monitoring of performance against the equalities profile to ensure services and support are being accessed.
- Benchmarking with other boroughs/national practice as it develops
- Feedback to unsuccessful applicants to enable them to understand how to submit improved applications in the future

What will you do to **promote equality** and **eliminate discrimination** when you procure / commission for goods and service?

See above

What impact will the policy have **on helping different groups of people** to get on well together to **improve community relations**?

Community cohesion targets are included in specifications, and monitoring of delivery against those specifications will ensure that improved community relations are achieved.

The volunteering service and brokerage will facilitate individuals to volunteer across communities therefore helping people to get on well together by building respect and understanding.

Equality Impact Assessment

Please give a summary of your findings (including good practice within the policy /service /function) with a brief outline of your action plan based on the challenges and opportunities you have identified.

- The Strategic Grants Review and proposals for funding in 2011 - 2014 are designed to ensure that limited financial resources are used to greatest strategic effect so that groups in need can receive quality support rather than seeking to spread limited resources too thinly and thus disadvantaging all groups
- Development funding for smaller and emerging groups has been continued, in order to support those in most need, and to enable emerging needs to be met
- Provision has been made in the corporate grants and commissions programme for:
 - specific activities to identify and promote the needs of equalities groups across agendas throughout the borough, i.e. the equalities fora,
 - all capacity building specifications require the provider to ensure services are accessed by all communities
 - specific provision is made in the Local Infrastructure Specification to provide services which meet the needs of BAME organisations
 - Specific provision is to be funded to tackle discrimination and promote cohesion
 - The majority of the recommended Innovation Fund grant recommendations explicitly support one of the Equalities Groups
 - Commissioned services and grants will be monitored as the extent to which they are accessed by and meet the needs of the equalities groups

Action plan

Category	Actions	Target date	Person responsible
Improving Involvement and Consultation	Annual consultations to be carried with the equalities fora in relation to the small grants applications and process	July 2011	Group Manager – Community Cohesion
	Further analysis of unsuccessful bids. Grants workshops to be held as an opportunity to discuss bids before they are submitted to drive up the quality of the applications.	September 2011	Group Manager – Community Cohesion
How will you monitor evaluate and review this EIA (including publishing the results)	Each grant and commissioned service will be monitored quarterly. This includes monitoring of the services' support for the equality groups and adherence to the Council's Equality Opportunities Policy. The Equalities Fora will provide open feedback each year.	Ongoing	Group Manager – Community Cohesion
Developing procurement and partnerships arrangements to include equality objectives and targets within all aspects of the process (including monitoring of the contract / commission)	Local Infrastructure Organisation commission to require the provider to: <ul style="list-style-type: none"> • deliver appropriate support for groups working with all the protected characteristics including young people. • provide infrastructure support services specific and appropriate to BAME communities • provide support and advice on fundraising for local groups <p>The LIO monitoring process to be designed to ensure that this is delivered appropriately</p>	1 July 2011	Group Manager – Community Cohesion
	Implement strategic grants review, ie continuation of: <ul style="list-style-type: none"> • contract to tackle discrimination • contract for advice services to be provided in partnership with the Community Legal Advice Centre, 	1 April 2011	Group Manager – Community Cohesion

	<p>held by the Citizens Advice Bureau and Edwards Duthie, to provide substantial support for those on low incomes, including providing debt and welfare advice</p> <ul style="list-style-type: none"> • Support for Talented and Gifted Young People • Equalities fora to be commissioned, specifically BAME & Refugee, Disability, Faith, LGBT <p>Commencement of commissioning Older People's Forum</p>	1 July 2011	
	<p>Commission a Volunteering Support service to:</p> <ul style="list-style-type: none"> • ensure that support for volunteers is increased, to provide support for those not in employment to use volunteering as a step towards employment, and provide skills and training to a wide range of people • include brokerage to facilitate individuals to volunteer across communities therefore helping people to get on well together by building respect and understanding 	1 July 2011	Group Manager – Community Cohesion
	All service specifications require the provider to ensure actions are taken to ensure services are accessed by all communities	COMPLETE	
	New contracts to include a requirement for each commission to meet targets around community cohesion and monitoring process to assess this	1 July 2011	Group Manager – Community Cohesion
	<p>Monitoring process to require commissioned services to provide:</p> <ul style="list-style-type: none"> • details of the numbers of staff from equalities category as part of their annual monitoring returns. The monitoring process will include a clause that where staff profiles are not representative the organisation will take reasonable actions to rectify this. • quarterly monitoring information, which will include a statement about the work they have done through the grant to promote community cohesion. The information provided will also be used to gather evidence of the positive work carried out to promote community 	1 June 2011	Community Development Officer

	cohesion under the Programme.		
	Monitoring information from all commissioned services to be reviewed annually to monitor combined service profiles against the equalities profile of the borough and to monitor service performance against the equalities profile to ensure services and support are being accessed	1 July 2012	Group Manager Community Cohesion

Annex A: Corporate Grants and Commissioning Consultation with voluntary and community sector organisations

The Corporate Grants and Commissioning Review was conducted in two stages.

Stage 1: April - May 2010

Meetings were attended or convened on the following dates:

The Change-Up consortium - 27th April 2010
Consultation meeting- 10th May 2010-am
Consultation meeting- 10th May – evening

The following organisations attended consultation meetings in phase 1:

- Accounting for community enterprise
- BADAWA
Wellgate Farm
- Barking and Dagenham Council for Voluntary Services
- Barking Muslim Social and Cultural Society
- BME Forum
- Community Active Support
- Community Enterprise East London
- Disability forum
- Faith forum
- Harmony House
- LGBT forum
- Praxis
- RAMFEL
Starting Point
- Relate
- St Thomas, Becontree
- Victim Support
- Volunteer Bureau
- Women's Development Partnership
- YWCA Vineries

Stage 2: June – July 2010

Meetings were attended or convened on the following dates:

- The Change-Up Consortium – 3rd August 2010
- The Voluntary Sector Strategic Partnership – 7th July 2010
- The BAME forum- specific invitation- 30th June 2010

The Community Cohesion Team arranged three workshops which were promoted through the infrastructure organisations and the equalities fora:

1. The afternoon of 22nd June – Barking Learning Centre
2. The evening of 21st June – Starting Point
3. The evening of 29th June – Barking and Dagenham CVS

Representatives from the following organisations attended one or more of these meetings:

- Accounting for Community Enterprise
- Advice and Learning Bureau

- Arabic Speaking Women's Association
- Barking and Dagenham CVS
- Barking and Dagenham CVS
- Barking and Dagenham Somali Women's Association
- Barking and Dagenham Turkish Women's Association
- Barking and Dagenham Volunteer Bureau
- Barking Muslim social and cultural society
- Caress/LGBT Forum
- CIIL
- Community Enterprise East London
- Crossroads
- DABD
- Youth League UK
- East London Community Foundation
- EMPA
- Harmony House
- RAMFEL
- Relate
- Starting Point
- Studio 3 Arts
- Victory Youth
- Wellgate Farm

In addition, an opportunity was provided for written submissions in stage 2 and these were submitted by the following organisations:

- Accounting for Community Enterprise
- Barking and Dagenham CVS
- Diaspora Community Projects
- EMPA
- RAMFEL on behalf of the Barking and Dagenham BAME forum
- Youth League UK

CABINET

15 MARCH 2011

REPORT OF THE CABINET MEMBER FOR HEALTH AND ADULT SERVICES

Title: Towards a Fairer Contributions Policy for Adult Social Care	For Decision
<p>Summary: Statutory guidance provides a national legal framework for charges for residential care and nursing homes. There are powers to charge for community care services such as home care, and whilst there is some national guidance, the Council has a duty to develop its own policy which treats people fairly, takes account of their ability to pay and avoids hardship.</p> <p>This report, which is about community based care services, recommends a contributions policy which is fair, equitable and takes account of the level of income in Barking and Dagenham. It also meets the requirements of recent guidance on charging in the context of personalisation and recognises the need to deliver savings.</p> <p>There have been a series of national consultations on how adult social care will be funded in the future. These were driven by funding pressures caused by demographic changes. The coalition Government have set up the Dilnot Commission to identify ways of developing a sustainable system for funding adult social care. Locally, in Barking and Dagenham we have a history of heavily subsidising services which is unsustainable because of both demographic pressures and the financial challenges posed by the coalition Government. If we do not change how people contribute towards the cost of their care, we will need to reduce or close services.</p> <p>This report considers a set of proposals which, if agreed, will form the basis of consultation to make sure that we have a fair and equitable contributions policy that supports independence and choice and also generates income towards the cost of our quality services. The proposals have been designed to offer protection to people on the lowest income and to the very old through:</p> <ul style="list-style-type: none"> • Reducing the maximum payment from 100% to 75% of peoples' available income • The introduction of a £5 waiver • Building in an additional £10 allowance for people aged 85 and over • Not levying a charge on savings between £14,250 and £23,250 • Introducing transitional protection over 3 years. <p>The proposals relate to services received by about 1,100 people at any one time. We have modelled what would happen if these proposals were implemented using the financial information we hold, and we anticipate that:</p> <ul style="list-style-type: none"> • More than half of people (588) will continue to get free services, pay the same or even pay less. • Less than half (512) people will pay for the first time (356) or pay more (156). <p>Indicative estimates of additional income generated by the proposals is in the region of £150,000 in 2011/12 (half year effect) and £400,000 in 2012/3.</p> <p>Wards Affected: All</p>	

<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree:</p> <p>(i) The proposals for consultation on updating the Fairer Contributions Policy as set out in section 2; and</p> <p>(ii) To receive the recommendations arising from consultation and final report in July 2011.</p>		
<p>Reason</p> <p>In order to continue to provide services to our most vulnerable people, the contribution to the cost of those services needs to be increased.</p> <p>New guidance has been issued by the Department of Health which requires substantial changes to be made to the existing charging and contributions policy for non-residential care.</p>		
<p>Comments of the Chief Financial Officer</p> <p>The comments appear below in Section 3.</p>		
<p>Comments of the Legal Partner</p> <p>The comments of the Legal Officer appear below in Section 4</p>		
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1. Background

1.1 Funding Adult Social Care: the National Picture

The numbers of people who require social care are growing. The majority of the costs of adult social care are met through the taxation system and the proportion of workers to retired people has fallen from 19:1 to 4:1 over the past century and continues to fall. Developments in health technology mean that more people with complex needs are living longer and require more care.

The 2009 Green Paper “Shaping the Future of Care Together” estimated that people aged over 65 will need care and support costing £30,000 during their lifetimes with 5% having needs costing £100,000 or more (excluding the cost of accommodation). National consultation took place last year on how care would be funded including using Attendance Allowance to meet the costs of care and a variety of other options such as insurance or partnership arrangements with the state.

The Council response to the consultation was to challenge the proposals put forward by the government on the basis that the alternatives did not represent a fairer system.

The current government has set up a Commission on Funding of Care and Support headed by economist Andrew Dilnot to make recommendations by the end of July 2011. Its brief is to make recommendations on how to achieve an affordable and sustainable funding system or systems for care and support, for all adults in England, both in the home and other settings. There will be further consultation on the proposals when they come forward.

1.2 Charging for Adult Social Care: the Local Picture.

In November 2010 the Department of Health issued new statutory guidance on developing a contributions policy to meet the challenges of personalisation. The Fairer Contributions guidance states how Councils should calculate the contribution towards the cost of care services for people who have a personal budget. The current Council charging policy for non-residential services is not consistent with the new guidance.

Our current charging policy has grown incrementally with the Council agreeing to complex charging regimes for specific services. At the moment we only charge for home care and we provide a significant number of services free or heavily subsidised. Since 2003, the Council has used a banded system of home care charging which has proved with time to be unfair as the costs discriminate against people who receive lower levels of service. This level of subsidy is now unsustainable because of the funding pressures on the Council. More information on the current banded system can be found in **Appendix 1**, Section 3.

The London Borough of Barking and Dagenham has been extremely generous in the past in both how it assesses local residents financially and the level of charges applied. In Barking and Dagenham, as a result of the way we have calculated the level of residents' Net Disposable Income and the way we have calculated charges, we ask fewer people to pay, and those who do pay, pay less than people in nearly all other London boroughs. We currently also disregard 75% of disability related income when calculating the service user's income to find out what they are required to pay – most other London boroughs only disregard 25%.

Of the 30 London boroughs measured in 2009/10 only three receive less income than Barking and Dagenham in service user contributions for home care and day care. 21 boroughs recoup over £1,000,000 a year. Only Newham, Tower Hamlets and Hammersmith and Fulham receive less than the £425,000 we received last year. See **Appendix 4**, Table D for the full details.

Barking and Dagenham only recoups 4.5% of expenditure on non-residential care for older people. **Appendix 4** shows the disparity between the income the Councils generate and the expenditure on non-residential care for older people.

At present, the Council only charges users of home care services. The average cost of a home care package per week is £240. Where the Council contributes to the cost of a home care package, the maximum any individual is expected to pay is

£25.10 .A small number of people do not receive any financial help from the Council.

Compared to other London boroughs we have also increased the charges at a slower rate – e.g. in 2008-9 the inflationary increase applied was half of the national average. Indicative savings of £150,000 for 2011/2 have been factored into the savings required to achieve a balanced budget and maintain service provision.

For more information on the current system, how the charges are calculated and the legislative background, see **Appendix 1**.

2. The Proposals

This section describes changes which would enable compliance with new guidance and national practice, together with delivering the agreed cost savings. It is proposed that these changes are subject to consultation in line with the 2010 Fairer Contributions guidance and that the new contributions policy is implemented from 1 October 2011.

Proposals for consultation are outlined in the following section which address:

- Change to the treatment of Severe Disability Premium
- Maximum and minimum weekly payments
- Financial assessments and the determination of available income for making a contribution to charging
- The impact of personal budgets and the requirement of the 2010 guidance to charge against the amount of a personal budget or the cost of a package of care rather than individual services

In the detail below, we have given indicative figures of people affected by the proposals. These are based upon the financial figures we hold on people who used home care services in November 2010 and we believe that this gives a representative indication of the likely impact.

2.1 Severe Disability Premium

It is recommended that the Council changes the way in which Severe Disability Premium is considered when assessing service users' income. This income should be treated as income support rather than a disability benefit. This means that the full amount of £53.65 per week would be added to the calculation of the service user's Net Disposable Income in keeping with national practice. Currently, only £13.41 is added to the calculation.

The overriding principle will remain that service users will only contribute towards the cost of their services if their income is above the income support level + 25%. **Appendix 1**, Section 2 has more information on income support and how we make sure that people have enough money to live on.

This change means that an estimated additional 177 service users will have to pay a contribution towards the cost of their personal budget or care package. This is because their Net Disposable Income, including Severe Disability Premium would then be calculated as being above the income support level + 25%.

2.2 Maximum/Minimum Weekly Payment

Councils have discretion in how they implement the Fairer Contributions guidance. In the past, there has been a wide variation in the maximum weekly payment made by service users in different parts of the country. Some boroughs have fixed a maximum level of contribution as a monetary value, such as Havering with a proposed level of £320 and Redbridge with a proposed level of £350. Many, however, have agreed a policy whereby service users will contribute up to 100% of the costs of their care where they can afford it.

The Department of Health guidance has recommended that service users contribute up to 75% of the costs of their care so that people with higher care packages are protected against meeting the full costs. However, this also means the Council could be in the position of subsidising people who are better off and who have the ability to meet the full costs of their care package. It is therefore proposed that where people can afford to, they are asked to contribute to the full costs of their care. In Barking and Dagenham only 58 people currently pay the full costs of their care.

The average weekly benefits received by home care users is £175.74. This figure includes deductions for mortgage/rent and council tax. The figure also excludes housing benefits and DLA Mobility Component which cannot be included in income calculations by law

In calculating what people can afford, it is proposed that people are only required to contribute up to 75% of their Net Disposable Income towards the cost of their care. The effect of this is that people on lower incomes would be able to keep more of their income to meet their everyday expenses. This approach is recommended in the 2003 Fairer Charging Guidance, and permitted by the 2010 guidance. The London Borough of Havering are proposing to charge up to 90% of Net Disposable Income.

The examples below show how this would impact on people with different levels of income. All examples have used fictional names for the purposes of illustration

Example A - Increase in contribution

Katie Cromwell currently has 9.5 hours of home care and currently pays £22.50 per week for this in the banded system (see **Appendix 1**, Section 3).

The actual cost of the care package is £133.

Katie's total weekly income is £295.75. She receives a large Works Pension. After deductions her net disposable income is £130. 75% of her net disposable income is £97.50.

Therefore, potentially she would pay £97.50 per week.

Whilst this is a substantial increase in payment, if she lived in Havering or Redbridge she would be already be paying higher than this amount.

Example B - Decrease in contribution

Helen Anderson, 85, receives 38 hours of home care a week.
Helen has a total income of £192.95.
Her net disposable income is £27.24.
Currently she pays £25.10 a week for her home care using the banded system.

Her package of care costs the Council approximately:

Home Care:	38 x £14
Total:	£532

Under the proposal we would charge up to 75% of her net disposable income which is £20.43.

Therefore her contribution will go down in October by £4.67 per week because of the proposed protection measures.

As the examples show, the current policy can mean that those who are less well off pay more than someone who is better off. It is clearly not reasonable for this situation to consider.

If this proposal is implemented, 10 home care users will pay less, like Helen Anderson in Example B. These will be the people on the lowest income. Full funders will continue to pay the full cost of their home care package.

If an individual is financially assessed as being liable to pay less than £1 per week, the charge is currently waived. Havering Council are proposing this waiver is increased to £2.50 per week.

It is proposed that we waive charges of £5 and under to further protect service users with low income. This measure will mean that 30 people would not pay a contribution to the cost of their services and £3,000 income would not be collected.

This proposal will also protect those on the lowest of incomes.

2.3 Reduce the Level of Disability Disregard

As stated earlier, the Council has been extremely generous in disregarding 75% of disability-related income when assessing someone's eligibility to pay. Disability related benefits are awarded to meet the additional costs of living which are related to disability, such as care costs. However, many of these needs are already met through the subsidised services that the Council provide.

It is proposed that we reduce the level of disability disregard to 25% of disability related benefits in line with the current position of many other London boroughs. This will still be one of the highest disability disregards across London, since many London boroughs are proposing to move to a position similar to that of Havering where all disability-related income is included in the calculation of Net Disposable Income. Redbridge will include 100% of the middle rate of Attendance Allowance and Disability Living Allowance in their calculations.

If we reduced the disability benefit disregard to 25% and changed how we included Severe Disability Premium, an additional 344 people would become eligible to make a contribution towards the cost of their care package or personal budget.

Example C – The impact of reducing the amount of disability related benefits which are not included in the calculation of the Net Disposable Income.

Mr. Raj Akram, 76, currently receives 12.25 hours of home care a week. The current cost for this service is £171.25. If he lived in Havering, he would be paying about £80 towards the cost of his care.

The examples below illustrate what he would contribute under new proposals for disability disregard.

i) Current disregard (75%)

Attendance Allowance Higher:	£18.53
Pension Guarantee:	£132.60
SDP:	£13.41
Total income:	<u>£164.54</u>

Raj is aged over 60 so his Net Disposable Income calculated at the income support level + 25% which is £165.75.

$$£164.54 - £165.75 = -£1.21$$

Therefore Raj is not assessed as having to contribute to the costs of his care.

ii) 25% of disability benefits disregarded

AA Higher:	£55.58
Pension Guarantee:	£132.60
SDP:	£53.65
Total income:	<u>£241.83</u>

$$£241.83 - £165.75 = £76.08$$

Raj would be eligible to be charged 75% of £76.08 which is £57.06 per week.

Raj would still have £184.77 of income a week to spend on other expenses.

Because of the approach in previous years of disregarding 75% of disability-related benefits, a substantial number of people have been excluded from making a financial contribution. The proposed changes will still mean local residents are charged less than in neighbouring boroughs.

2.4 Further protection for over 85s

The national policy is that everyone is guaranteed a basic level of income to live on (Minimum Income Guarantee). The table below shows the nationally set levels of weekly living expenses that any charging policy cannot touch:

As a further protective measure for the most vulnerable it is proposed that we increase the Minimum Income Guarantee for all service users aged 85 and over by £10. This means over 85s will have a Minimum Guaranteed Income of £175.75.

Table A – Weekly Living Expenses

Age of service user	National Minimum Income Guarantee	Barking & Dagenham Minimum Income Guarantee
85+	£166.75	£175.75
60 -84	£165.75	£165.75
25-59	£133.82	£133.82
18-24	£116.87	£116.87

This proposal will mean, of the 331 home care users aged 85 plus, those eligible to be contribute, could pay up to £10 less than people in other boroughs. The proposal will mean an additional 4 four home care users aged 85 and over paying less than they currently do.

Consultation proposal – Respondents will be asked to comment on the proposal that the minimum income guarantee for service users aged 85 and above is increased by £10.

2.5 Contributions towards personal budgets and care packages

a) Services Exempt from the Fairer Contributions Policy

All service users are given a financial assessment following their needs assessment to determine what if any contribution they can make to a personal budget or care package. However, some services are exempt and cannot be charged for because of national guidance or legislation e.g. services provided to people with mental health needs under s117 of the Mental Health Act 1985.

It is also possible to take a local policy decision to exempt services, e.g. carers' services. We have never charged for community based services for carers in Barking and Dagenham, but the national picture does show that some councils are beginning to charge for these. The rationale for charging is that carers contribute funding towards residential respite care and so should be expected to contribute to community-based respite or other services. However, the alternative view is that community-based services often provide a dual function – respite for carers and an activity or support for the service user and it is extremely difficult to apportion service costs.

Other services for carers include support services such as advice, counselling, befriending and training. Informal (family) carers often perform an extremely valuable role in supporting people who would otherwise require care services and services for carers are extremely cost effective, enabling carers to continue in their supporting role.

It is therefore proposed that the Council maintains this policy position and does not charge for carers' community based services.

Councils are also able to charge £1 for every £250 savings people have above £14,250. This has not been implemented in Barking and Dagenham and there are no proposals to change this.

b) Services considered under the Fairer Contributions Policy

The 2010 Fairer Contributions guidance states that in determining the chargeable amount councils must take into account the total amount of the personal budget or care package. This approach ensures people are treated fairly and equitably.

Appendix 2 sets out those services which are not affected by this policy. All other services would be considered as chargeable. This would include:

- Home care
- Personal support
- Personal care
- Day care
- Transport
- Services previously funded under the Supporting People¹ funding stream where they form part of a care package.

Day services costs vary between £60 per day for older peoples' day care in the independent sector and £141.10 per day for people with learning disabilities and complex needs at Heathlands. Many people also receive a service which was part funded through the old Supporting People funding stream - it is proposed to include these costs in the calculation of the overall cost of the personal budget or care package.

Example D – Service User at Heathlands Day Centre

Ian Childs, 45, goes to Heathlands day centre for 5 days a week all day. He is a wheelchair user who needs a hoist to transfer and needs the assistance of two carers.

Heathlands Day Centre costs £141.10 per day and transport to and from Heathlands costs £30 a day. Therefore his overall package of care for a week is £855.50.

After financial assessment, Ian has £50 available for charging. He therefore will be charged 75% of income available for charging which is £37.50.

Ian will still have £146.32 of weekly income after making a contribution towards his care. This consists of £133.82 of income support +25% plus the £12.50 from his income available for charging.

At the moment 109 people in the borough receive funding from the Supporting People fund as part of their personal budget or care package. Because most of these already receive homecare (79), we estimate that less than six people will become eligible to contribute towards the cost of their services for the first time.

¹ Supporting People was the previous government's programme for funding, planning and monitoring housing related support services.

Around 54 day care users will be required to contribute (see **Appendix 2** for further information.) If the cost of new services is included in the care package, then it is estimated that a maximum of 60 additional people will be required to contribute towards the cost of their care package or services.

2.6 Transitional Protection

Transitional protection only applies to existing service users and all new service users assessed on or after 1/10/11 will be expected to pay the full contribution. People who have previously used a service in the past, but have not used a service for more than a year will be treated as new service users and expected to pay the full contribution.

The changes proposed will mean that for current service users, more people would be required to contribute towards the costs of their care for the first time and some people will contribute more.

These proposals therefore also recommend phasing in the changes by capping the level of increase for existing service users. Some Councils have adopted this approach. Havering and Redbridge have not.

In order to make sure that local residents can manage the transition, it is proposed that we cap any increase at:

- £10 a week from October 2011 to the end of March 2012 and
- £20 for the following two years.

Appendix 3, table C provides more details of the service users this may affect.

The impact of transitional protection on home care users is that the;

- The average increase in 2011/12 with £10 transitional protection is £9.21.
- The average increase in 2012/13 with £20 transitional protection would be £14.72

Example E - Impact of transitional protection on home care user

Katie Cromwell, 62, currently receives 9.5 hours of home care and currently pays £22.50 for this in the banded system.

The cost of the care package is £133.

Katie receives a large Works Pension so her net disposable income is £130. 75% of her Net Disposable Income is £97.50.

Therefore, potentially she could pay £97.50 per week.

To mitigate this, the introduction of the suggested £10 cap will mean that Katie would only pay £32.50 a week from October 2011.

Katie's weekly income will be, after taking away her £10 contribution, £85.75

From April 2012 her contribution can be increased by a suggested £20 a week to £52.50, and from April 2013 to £72.50.

Example F – Impact of transitional protection on day care user

Ian Childs' Heathlands Day Centre costs £141.10 per day and transport to and from Heathlands costs £30 a day. His overall package of care for a week is £855.50.

After financial assessment, Ian has £50 available for charging. He therefore will be charged 75% of income available for charging is £37.50.

With the transitional protection of the £10, Ian will pay £10 a week from October 2011.

This will leave Ian with a weekly income of £173.82.

From April 2012 his contribution will increase by £10 to £30 per week.

In April 2013, Ian will pay his maximum contribution level which is £37.50. Ian's contribution will not change after April 2014 unless his weekly income changes.

From April 2013, Ian's weekly income will be £146.32.

See **Appendix 3**, table B for further illustration of the impact.

2.7 Consultation

Guidance recommends there is adequate time for consideration on changes made to contributions policies. A draft consultation document has been produced based upon the proposals contained within the report. It is proposed that copies of the document will be made available on-line and are also posted to all current service users. A freepost reply envelope will be available and support will offered to those who need help completing the consultation form.

Consultation will take place with key organisations, particularly those representing carers and disabled people because of the recommendations around the reduction of the disability disregard. Consultation will also take place with existing fora such as the Learning Disability Partnership Board and Equalities fora.

2.8 Resource Implications

The proposals widen the number of people who would be required to make a financial contribution towards the costs of their personal budget or care package rather than increasing the financial burden on the group of people who currently pay for services. They also aim to protect service users on the lowest of incomes.

Whilst this spreads the financial burden more thinly across our service users, there are resource implications for setting up the new system as all existing service users will require a new financial assessment and benefits advice. It is imperative that all service users are offered benefits advice at the same time as a financial assessment to ensure that income is maximised and any additional contributions are offset by increased benefits as far as possible.

Once this intensive assessment period is completed during the summer, as more people are supported to transfer to personal budgets, the impact on managing the invoicing and income collection element of the service will be lessened. Instead of invoicing for a contribution, where people receive personal budgets the contribution will be deducted at source. This means people will receive personal budgets net of any contribution.

3 Financial Issues

It is anticipated that £450,000 will be collected from home care charging from April 2010 to March 2011.

The table below shows the money expected to be recouped through contributions from service users with or without implementation of the proposals.

Table B - Money recouped through contributions

	Income without changes plus estimated inflationary uplift	Income with proposed changes	Additional income generated
Total Income 2011-12	£450,000	£600,000	£150,000
Total Income 2012-13 +2%	£459,000	£1,00,000	£400,000
Total Income 2013-14 +2%	£468,000	£1,05,000	£450,000

4. Legal Issues

The legal framework for the charging policy is set out in Appendix 1 to the report.

The Equality Act 2010 imposes a general duty on a public authority when carrying out its functions to have due regard to the need to eliminate discrimination and advance equality of opportunity.

The current legal requirements relate to race, disability, and gender. Barking and Dagenham has already extended these equality areas to also cover the full range of protected characteristics of age, gender reassignment, religion or belief, and sexual orientation, in readiness for the new general equality duty.

The equality impact assessment (EIA) (see preliminary EIA attached at Appendix 6) gives the Council the opportunity to ensure that there is a systematic assessment of the likely effects on service users in the community of the proposed changes to the charging policy. The EIA is an integral part of this review. Members in considering the recommendations to this report must have due regard to the findings of the preliminary EIA including whether opportunity has been taken to promote equality as well as whether any negative or adverse impacts have been effectively mitigated or removed. Following the decision of Cabinet, officers will continue to assess the likely impact of the proposals through the consultation process to inform the final EIA that would be presented with any further report to Members, which is proposed for July 2011. Thereafter officers would need to monitor the actual impact of any changes to be implemented.

5. Other Implications

The majority of our service users have an impairment of some kind. This is most apparent in terms of the numbers of people who receive disability-related benefits and therefore will be affected by the proposals to reduce the disability disregard. The changes in how disability benefits are treated means that some disabled people will be expected to increase their financial contribution or begin to contribute towards meeting their support needs. Disability related benefits are provided to meet the costs of living with a disability such as meeting support needs. Local people will still be comparatively better off.

Consultation with equalities groups will be reflected in the report back to Cabinet in July and will inform a full Equalities Impact Assessment of these proposals. A preliminary EIA on the proposals is attached at Appendix 6.

5.1 Risk Management

Traditionally people on low incomes are reliant on state benefits and will regard any additional disability benefits as part of their overall household accommodation.

The phasing in of payments and the transitional protection will help people manage their household costs. Where people withdraw from services as a result of increased contributions, further investigation will take place to ensure that people are not at risk.

In order not to fetter the authority's discretion, it is proposed that the Corporate Director of Adult and Community Services, can as now, waive charges.

5.2 Customer Impact

Officers have carried out detailed analysis of the impact of the proposals on the people who currently receive home care services where we have detailed financial information. This is because this group of service users are financially assessed. We have also included the predicted the number of people who will be charged because of requirement to include all services.

Based on this information, we have modelled the impact for 1,100 non residential service users:

- **48% of people will get free services or pay less**
 - 519 (47%) service users will still receive free services
 - 14 (1%) will pay less than they pay now
- **5% (58) of people will pay the same**
- **46% of people will pay for the first time or pay more.**
 - 356 (32%) service users will start to pay for the first time
 - 156 (14%) existing home care users will be asked to pay more

All people who receive services also receive a full social care assessment and regular reviews. We will carefully monitor the impact on service users and any

decisions to no longer use services because of the financial impact. See **Appendix 3**, table A for more detail on the impact on home care service users

The proposals are designed to protect people on the lowest income and the very old through regarding only 75% of disposable income as chargeable income, introducing a £10 allowance for people aged over 85, the £5 waiver and the transitional protection. In extreme cases, service charges can be waived at the discretion of the Corporate Director.

5.3 Safeguarding Children

There are no direct implications for safeguarding children, but it needs to be recognised that where financial income is affected, there may be some risks, and these will be monitored.

There may be implications for vulnerable adults in terms of safeguarding, risk and financial abuse for example some family members could choose to cancel services on behalf of relatives which could put them at risk. Equally service users may also do this – where people have the capacity to do this, they are entitled to make unwise decisions.

Service cancellations will be monitored to ensure that where this does happen, risk assessments and further investigation will take place.

5.4 Health Issues

No health issues

6. Options Appraisal

The ‘do nothing’ option will see the continuation of the banded system for charging for home care. This is not advisable for three reasons:

- The continued provision of non residential services will be unaffordable
- The banded system would be contrary to Fairer Contributions Guidance
- The exclusion of other non-residential services means that an unfair burden is on home care service users to pay for resident’s social care.

7. Background Papers Used in the Preparation of the Report

1. Fairer Contributions Guidance: Calculating an individual’s contribution to their personal budget. Department of Health, November 2010
2. Fairer charging policies for home care and other non-residential social services: guidance for Councils with Social Services Responsibilities – Department of Health, September 2003
3. Prioritising need in the context of *Putting People First: A whole system approach to eligibility for social support* - Department of Health, February 2010
4. Report of the Cabinet Member for Finance, Revenues and Benefits ‘Fees and Charges 2011/12’, LBB, 21 December 2010

8. List of appendices:

Appendix 1 – Background and current charging process

Appendix 2 – Charging for Services

Appendix 3 – List of tables

Appendix 4 – Fairer Charging Income Collected per borough 2009/10 compared with expenditure on Older People

Appendix 5 - Consultation Document

Appendix 6 - Preliminary Equality Impact Assessment and Action Plan

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Background and current charging process

1. Legislative Framework

Section 17 of the Health and Social Services and Social Security Adjudications Act 1983, gives local authorities discretionary powers to charge adults for non-residential services.

Statutory guidance, "Fairer Charging Policies for Homecare and Non-residential Services" was issued in 2003 under section 7 of the Local Authority Social Services Act 1970.

This was updated by, "Fairer Contributions Guidance: calculating an individual's contribution to their personal budget", issued in November 2010. This guidance provides information about how Councils should calculate the user contribution for recipients of a Personal Budget. In future, users of social care services will receive Personal Budgets with which to purchase their support instead of being provided with available services.

The key themes of the 2010 Fairer Contributions guidance are :

- Charges should not be levied for any one service in isolation but for the overall package of care.
- Councils have discretion not to charge for services at all or to charge for services selectively. This will result in a reduction of the person's personal budget.
- Non personal budget holders should not be treated less favourably than personal budget holders.
- No one should be expected to contribute any more than the financial assessment shows is reasonably practical for them to pay.
- Consideration for charging is not purely budget based, but takes into account service needs.

2 Financial Assessment for Contributions

Currently local residents who can afford to do so are asked to make a contribution towards the cost of their homecare.

Identifying the Net Disposable Income

This is achieved by carrying out a financial assessment which compares the total income from all relevant sources with normal living expenses. Normal living expenses plus an amount for the costs of living with a disability are subtracted from the income and this leaves us with an amount of money which is called the Net Disposable Income (NDI). If someone's expenses exceed their income then their NDI will be "Nil" and no contribution will be payable. Normal living expenses are calculated at 125% of the basic level of Income Support plus actual housing costs.

Table 1 – Normal living expenses used in calculating Net Disposable Income

Age of service user	Income Support Level +25% per week
60+	£165.75
25-59	£133.82
18-24	£116.87

Welfare benefits advice is offered alongside the assessment to make sure that people receive all the income they are entitled to. In the event that some people choose not have an assessment, or have savings above £23,250, then they are expected to meet the full costs of their care.

Disability Related Expenditure

In Barking and Dagenham, we only include 25% of disability related benefits are included in calculating relevant expenses. This is unusually low. Most Councils in London include between 65 and 75%. By only including 25% of peoples' disability related benefits, it is estimated that a minimum of 344 people are not contributing towards the cost of their care because they live in Barking and Dagenham.

The Council have also applied this formula to the Severe Disability Premium and only taken 25% into consideration rather than 100% in keeping with national practice as it should be part of income support benefits.

3 Calculating Charges and Contributions

The Council heavily subsidises homecare and provides a significant number of services at no cost. This means that any changes will affect many people who currently do not contribute to the cost of services. The transitional protection proposals are designed to phase in changes.

The Council implemented a banding system for charging for homecare in 2003, having previously had a flat rate charge of £10 a week.

The level of banded contribution has risen annually since March 2003 increasing between 2.5% and 3.5%. This system was an attempt to design a contributions policy based upon fairness and ensured that no service users, no matter what their level of need is, pays more than £25.10 per week towards the cost of their care. This is less than the real cost of two hours care.

However, the banded system has proved with time to be unfair as the costs discriminate against people who receive lower levels of services, and in no way reflect the real costs of services as illustrated by the table below. This table shows the new banded charge agreed at Cabinet on 21 December 2010 compared with the real cost of care. The real cost of care is based on the average hourly rate of home care providers in the borough which is £14. It must be noted that the hourly rate agreed for home care full cost clients is still £1.75 lower than the average hourly cost of home care provision.

Table 2 – Current banding for home care

Current banding	Hours per week	Maximum Charge	Range of real cost of care	Current Contributors
Lower band	0 - 2	£19.60	Up to £28	2%
Middle band	2 - 10	£22.50	£28 to £140	49%
Higher band	10+	£25.10	£140 to £1372 (for 98 hours)	49%

Currently, 40 (4%) of all home care packages cost over £1,000 a week and another 55 (6%) home care packages are costing over £500. The maximum charged is £25.10. These charges can be compared to Redbridge and Havering where currently people will pay the full cost of their homecare up to £250 and £240 respectively per week.

Currently 3305 people receive community based services, including home care, day care transport and equipment. Of these 1100 people receive on-going services. We currently only charge for home care and of the 922 home care packages, 58 (5%) people pay the full cost of their care and 167 (15.5%) people pay a contribution towards their care.

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Charging for Services

- After Care Services under S117 Mental Health Act 1982 **These would continue to be provided free of charge.**
- Residential Intermediate Care Services for a maximum of 6 weeks **These would continue to be provided free of charge.**
- Re-ablement Services, for a maximum of 6 weeks, **These would continue to be provided free of charge.**
- Needs and Financial Assessments for Community Care Services. **These would continue to be provided free of charge.**
- Provision of Information, Advice, including Benefits Maximisation and Guidance. **These would continue to be provided free of charge.**
- Services provided to carers under S2 Carers and Disabled Children Act 2000. **These would continue to be provided free of charge.**
- Community equipment and minor adaptations. **Separate arrangements apply – Payment up to first £50 of equipment on each occasion.**
- Meals on Wheels. **Separate arrangements apply**

Currently 217 people receive day care and just under a third of these already receive homecare (64). 18 people pay towards their homecare costs. Some of these people will be affected by the changes to the level of disability benefit disregard and how we include Severe Disability premium. However we estimate that a maximum of 54 people who have never paid anything before would be asked to contribute towards the cost of their services.

At the moment 109 people have a Supporting People funded allocation as part of their budget. Six people receive the service as part of Section 117 aftercare services and so are exempt from paying. 79 people receive a home care service as well as a Supporting People service and so will already have been subject to a financial assessment to ascertain if they are eligible to pay. Of the remaining 24 people, it is estimated that up to 6 new people may become eligible to pay towards the cost of their care package.

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List of tables

Table A – Impact of new proposals on home care service users

HOME CARE	25% Disregard of Disability Benefits	0% Disregard of Disability Benefits
Maximum increase	£220 per week	£240 per week
Average increase	£40 per week	£47 per week
No. of people with no increase	397	343
No. of people paying less	14	9
Full funders	58	58
Total no. of payers inc full funders	521	580

Table B – Impact of proposals with transitional protection on home care users

HOME CARE	Apr 2011 – Sep 2011 (current band system)	Oct 2011 - Mar 2012 (£10 increase)	Apr 2012 - Mar 2013 (£20 increase)	Apr 2013 - Mar 2014 (£20 increase)
No. of people paying maximum increase	n/a	383	190	50
No. of people with increase less than maximum amount	n/a	66	193	140
No. of people with no increase	167	397*	80	273
No. of people paying less	0	14	-	-
Average increase		£9.21	£14.72	£10.72
Full funders	58	58	58	58
Total no. of payers inc full funders	225	521	521	521
No. of people not paying inc £5 waiver	697	401	401	401
Total no. of service users	922	922	922	922

*Inc £5 waiver – 34 people

Table C – Service Users not paying maximum chargeable amount by March 2014

At the end of March 2014, 50 people will not be paying the maximum they are eligible to be charged. Of the 50 people, the age breakdown is tabulated below:

Age Range	Number of Home Care Users
18-24	
25-49	10
50-65	4
65-74	9
75-84	19
85+	8

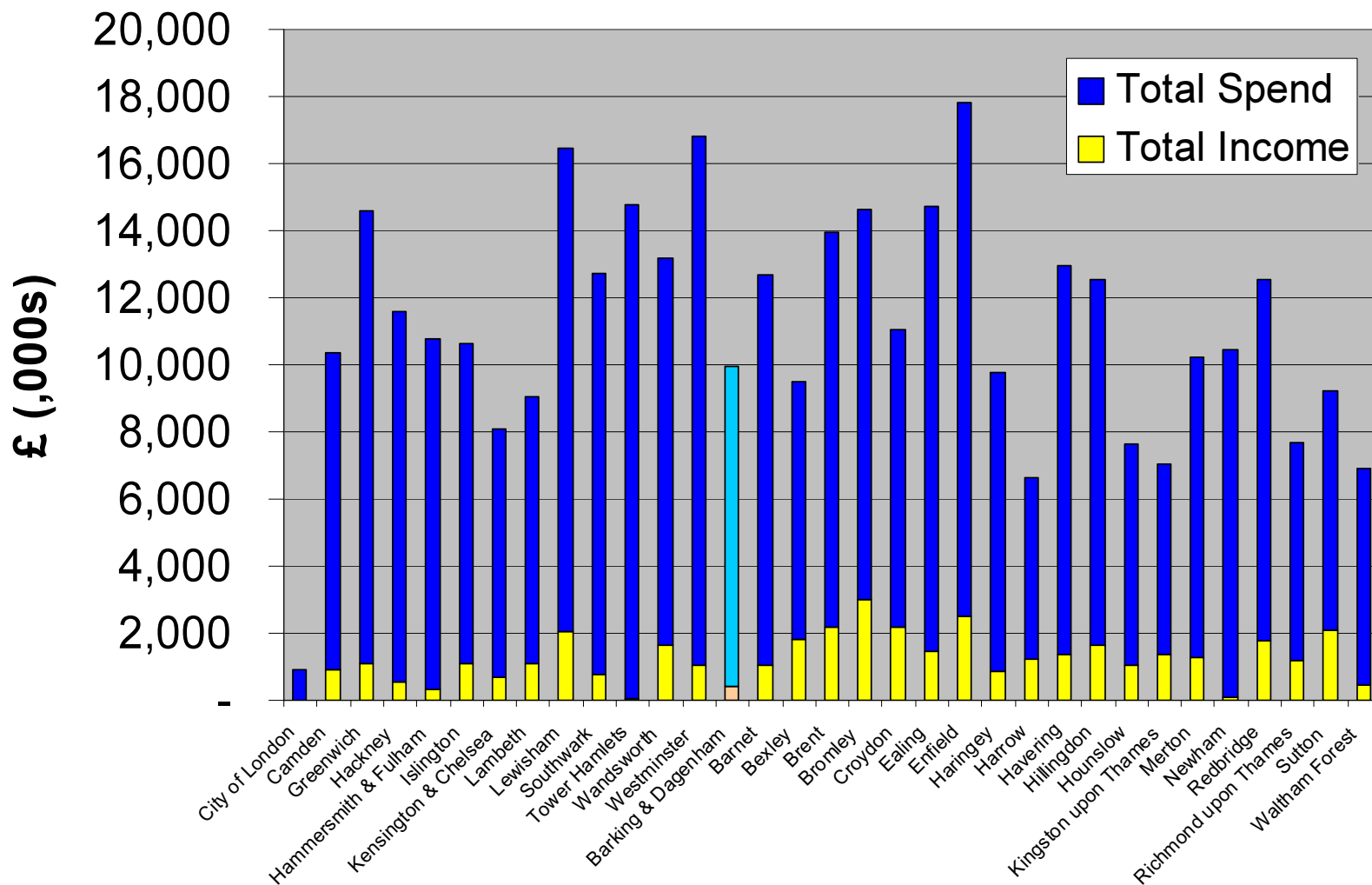
Over two thirds of the home care users above are aged over 65.

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Appendix 4 - Fairer Charging Income Collected per borough 2009/10 compared with expenditure on Older People

Table D - Income Generated:

Borough (2009/10)	£ ('000)
Bromley	2,993
Enfield	2,512
Croydon	2,205
Brent	2,169
Sutton	2,075
Lewisham	2,032
Bexley	1,835
Redbridge	1,765
Hillingdon	1,622
Wandsworth	1,620
Ealing	1,434
Kingston	1,365
Havering	1,350
Merton	1,281
Harrow	1,230
Richmond	1,196
Islington	1,157
Greenwich	1,087
Lambeth	1,087
Barnet	1,031
Westminster	1,029
Haringey	843
Southwark	762
Kensington &	692
Hackney	535
Waltham Forest	461
Barking & Dagenham	425
Hammersmith & Fulham	310
Newham	72
Tower Hamlets	45



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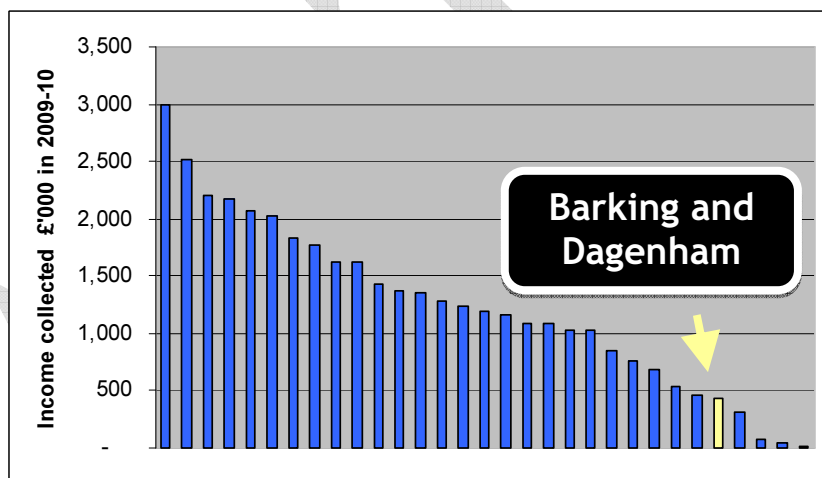
Fairer Contributions Policy

Tell Us What You Think – The proposals

Your Council currently subsidises your community based care services – this means you either receive free services or do not pay the full cost.

80% of our service users do not pay anything at all towards the cost of community based care services.

We receive considerably less money from our service users to pay towards the cost of the care than nearly every other London borough.



The Coalition Government has cut the money that the Council receives for social care.

This means that we will not have enough money to continue to provide quality services if we carry on subsidising them at the current levels.

We need to ask you to pay a reasonable contribution towards the cost of the services you use.

As a Barking and Dagenham resident if you pay something, you pay a lot less for your services than your neighbours in Redbridge and Havering. This will still be the case even if we implement these changes.



Any changes will be introduced on the 1st October 2011.

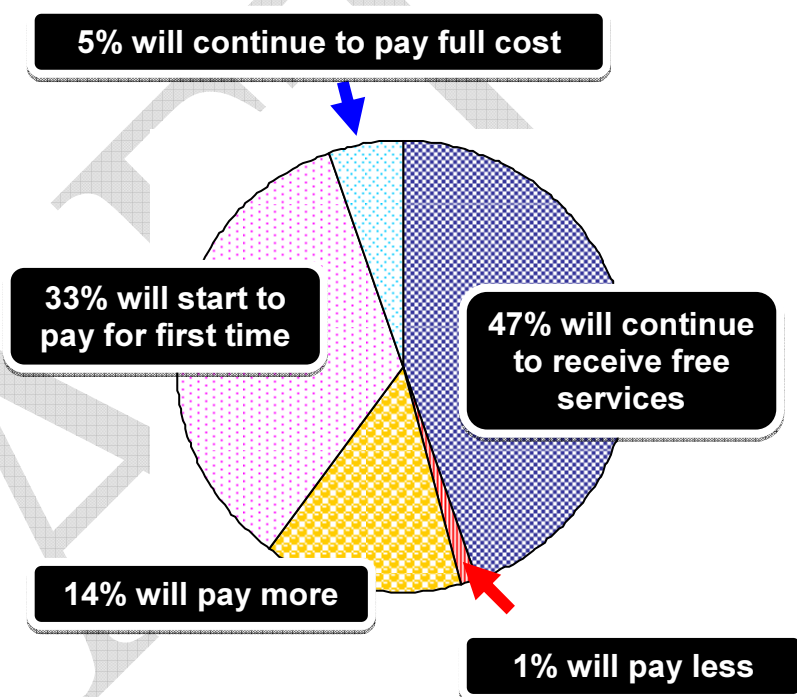
The Barking and Dagenham Fairer Contributions Policy will:

- ✓ Making sure that people on lower incomes have enough money to meet the rising costs of living
- ✓ Give additional protection to people aged 85 and over
- ✓ Increase charges gradually for current service users
- ✓ Raise enough income so that we can continue to provide quality services to our vulnerable residents

We have estimated that more than half the people who use our services would:

- either continue to get free services
- pay less or
- pay the same

Less than half of the people who currently pay for services would have to pay more or pay for the first time.



What we will not change:

- ✓ You will only pay towards the cost of services if you can afford it
- ✓ We will not ask you to pay an additional £1 towards the cost of your care for every £250 savings that you have between £14,250 and £23,250
- ✓ We will continue to provide free community based services for family carers

What we want to change (please read before answering the questions in the questionnaire):

1. We want to change how we work out how much money you pay:

We will include all your Severe Disability Premium and 75% of your Disability related benefits in working out how much you can contribute. These benefits are to pay towards the costs of your care and other costs that you may have if you are disabled.



At the moment, unlike other London boroughs, we only include 25% of both benefits. This means that if you get these benefits your contribution may change.

2. We want to change which services you pay for:



At the moment we only charge for home care. In the future we want to include all the services you receive. The Government has issued new guidance on personalisation and contributions saying that we must do this. Personalisation is where we give you money and help to arrange the services that you want instead of just giving you a service.

3. We want to change who has free services:

At the moment people who are assessed as having more than £1 a week to pay towards their services, make a contribution towards their home care.

We know the cost of living is rising. We want you to have free services if we work out that your contribution should be less than £5. This is because people with the lowest income will be asked to make the lowest contributions.



Under this policy some people will pay less than they do now.

4. We want to increase the amount older people receive:

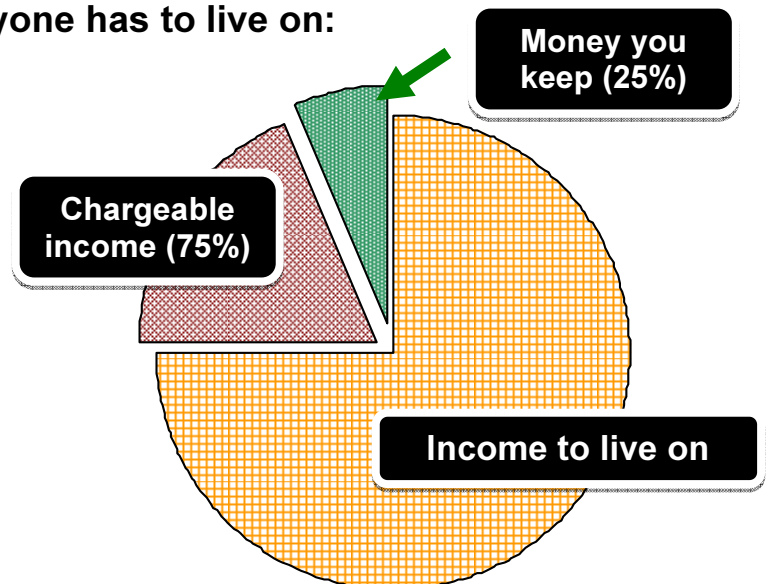


People aged 85 and over are guaranteed a minimum amount of £165.75 a week to live on after rent and other living expenses have been taken away. The minimum amount is set by Government. We want to increase this by £10 to £175.75 to make sure our most frail older people are protected.

5. We want to change how much everyone has to live on:

We will only ask you to pay what you can afford after we have carried out a financial assessment and a welfare benefits check (to make sure that you have all the benefits you should have).

When we work out how much you contribute to the cost of your care, we work out your income and then take away income to live on.



We can ask you to contribute 100% of the money that you have left or the full cost of your services, whichever is the lowest. We want to ask you to contribute up to 75% of all the money you have left or the cost of your services which ever is the lowest.

6. How we propose to increase our charges:

Under the new proposals about half of service users will still not be expected to pay anything towards their support because their income is not high enough.

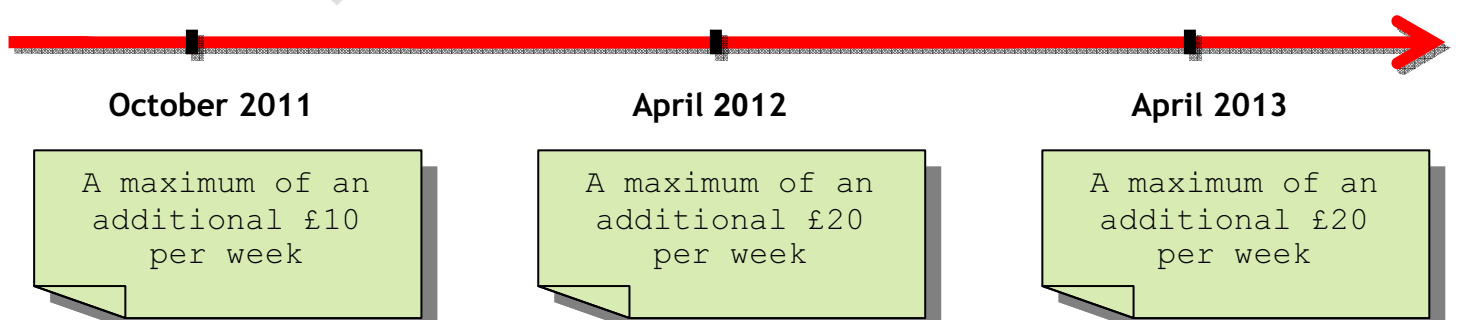


If you are assessed as having to pay more towards the cost of your care, then we will ask you to pay an increased the contribution, but we will do this gradually until you are paying what you can afford or what the services cost, whichever is the lower.

We will increase charges by:

- An additional £10 a week in the first year
- An additional £20 a week from April 2012 till the end of March 2013
- A further £20 from April 2013 till the end of March 2014

Very few people will be asked to pay the full cost of their services.



Fairer Contributions Policy

Tell Us What You Think - Questionnaire

We want to know what you about the proposed changes. If you need help completing this form, please phone and we will arrange for someone to come and help you. The accompanying notes will help to explain why and how we are proposing to make changes.

1. How we work out how much money you pay

We want to include all of the Severe Disability Premium and 75% of disability related benefits in working out how much you can afford to pay.

Do you think this is a fair approach?

Yes..... No..... Don't know

2. Which services you pay for

Government guidance says that we should ask for a contribution towards all services. At the moment we only ask for a payment towards homecare.

Do you think this is a fair approach?

Yes..... No..... Don't know

3. When you pay for services

We want to provide free services to people who are assessed as needing them to make a contribution of less than £5. This is because they will be on lower incomes and the cost of living is rising.

Do you think this is a fair approach?

Yes..... No..... Don't know

4. Older People

We want to make sure that people aged 85 and over have an extra £10 a week to live on.

Do you think this is a fair approach?

Yes..... No..... Don't know

5. How much everyone has to live on

We will ask everyone to contribute 75% of their available income or pay the full cost of their services, whichever is lower.

Do you think this is a fair approach?

Yes..... No..... Don't know

6a. Increasing charges

We will gradually increase the contribution that you make over the next three years.

Do you think this is a fair approach?

Yes..... No..... Don't know

6b. Increasing charges

We will increase charges by £10 a week in the first year and then an additional £20 a week for the next two years.

Do you think this is a fair approach?

Yes..... No..... Don't know

Please use this box to tell us what these changes would mean to you, or to make any other comments about the proposed changes.

Are you a:
Service User.... Carer..... Other (please state) _____

If someone else completed the form for you, please tell us who this was:

About You

Are you:

Male..... Female..... Transgender.....

Please indicate your age range:

18-24..... 24-34..... 35-44..... 45-54..... 55-64.....
65-74..... 75-84..... 85-94..... 94+

How would you describe yourself?

Black or black British:

African.... Caribbean..... Other black (please state) _____

Mixed or mixed British:

White and Black Caribbean..... White and Black African....
White and Asian..... Other mixed (please state) _____

White:

British.... Irish..... Other White (please state) _____

Asian or Asian British:

Bangladeshi... Indian..... Pakistani.....
Other Asian (please state) _____

Chinese or other ethnic group:

Chinese..... Other ethnic group (please state) _____

Traveller, Romany or Gypsy:

Irish Traveller. Romany..... English Gypsy.....

What is your faith?

Christian..... Jewish..... Muslim..... Sikh.....
Hindu..... No faith..... Other (please state) _____

Do any of the following apply to you?

Mental health difficulties.... Hearing difficulties.....
Sight difficulties..... Speech difficulties.....
Wheelchair user..... Problems with mobility.....
Learning difficulties..... Other (please state) _____

If you use social care services, please indicate which services you use?

Personal Budget..... Home Care..... Day Care.....
Borough Transport.... Equipment..... Other (please state) _____

Thank you for your time in completing this questionnaire. All responses will be kept strictly confidential. **Please return in the self addressed envelope**

What happens after I fill in the questionnaire?

1. We will be consulting on our proposed changes to contributions for non residential services until 31st May 2011.
2. We will then look in detail at all the feedback we have received and outline the responses in a report to Councillors in July. Councillors will then decide on the final details of a new charging policy.
3. When a decision has been made we will write with details about how the changes may affect you.

In the meantime we will be carrying out our annual financial review of your finances if you receive community care services.

Any changes will be introduced on the 1st October 2011.

Equality Impact Assessment and Action Plan Of Non Residential Fairer Contributions Policy (Preliminary)

Version Control				
Doc. Name	Fairer Contributions 2011 EIA			
Doc. location:				
Author:		Owner:	Approving Officer	
		Karen Ahmed	Anne Bristow	
Date:	Version:	Amended by:	Change / Reason for Change:	Approval status:
31/01/2011	0.1		First draft	
25/02/2011	0.2	Karen Ahmed	Second draft following changes to proposals	
02/03/2011	0.3	EH	FINAL	Approved
Review date			October 2014	

Full Equality Assessment

Non Residential Fairer Contributions Policy 2011-15 (Preliminary)

This Equality Impact Assessment (EIA) will investigate the proposals for changes to non residential charging (Fairer Contributions), including Home Meal Service, as well as incorporating the proposed changes to the Taxicard scheme. These proposals are subject to agreement by Members at Cabinet on 15 March 2011. If agreement is forthcoming, the proposals will go out to consultation for eight weeks. Therefore, this EIA is a preliminary version, with the document being updated following feedback from the consultation on the proposals.

Background – Fairer Contributions for Non-residential care

Currently, the London Borough of Barking and Dagenham (LBBD) charge for only home care, home meals and community equipment out of all non-residential social care services. The charging policy for home care was introduced in 1999 with a flat rate of £10 regardless of service levels and income. In a report to Executive on 11 March 2003 Members approved a new banded system for home care. Charges were split into three bands based on level of care. However, the banded system has proved, with time, to be unfair as costs discriminate against people who receive lower levels of service and those on lower incomes.

The Department of Health has issued new guidance on developing a contributions policy which meets the challenges of personalisation. The key themes of the Fairer Contributions guidance are:

- Charges should not be levied for any one service in isolation but for packages of care.
- Councils have discretion not to charge for services at all or to charge for services selectively. This will result in a reduction of the person's personal budget.
- Non personal budget holders should not be treated less favourably than personal budget holders.
- No one should be expected to contribute any more than the financial assessment shows is reasonably practical for them to pay.
- Consideration for charging is not purely budget based, but takes into account service needs.

Proposed changes

The proposed changes to the current system will address:

- The introduction of a £5 waiver
- Changes to levels of disability disregard considered in the income calculations
- Regarding 75% of disposable income as chargeable income rather than 100%
- Building in an additional £10 allowance for people aged 85 and over
- Not levying a charge on savings between £14,250 and £23,250
- Introducing transitional protection over three years.

The following services will be subjected to a new Fairer Contributions policy:

- Home care
- Personal support
- Personal care
- Day care
- Transport
- Services previously funded under Supporting People where they form part of a care package

Background – Home Meal Service

Alongside the proposed changes to the charging policy for the services above, the contributions towards the Home Meal Service have also been considered. The Home Meal Service is what was previously known as 'Meals on Wheels'. It is a service that delivers meals to individuals at home who are unable to purchase or prepare their own meals.

The Adult Commissioning team currently have a contract with one provider (Fresh Community Meals) to provide this service. The process is, in short:

- A member of the social services team identifies a resident's need for the service ensuring that they meet the eligibility criteria
- Inform and advise the resident on the service
- Arrange with the provider to start the service

The contracted service provides a hot lunch time meal 7 days a week, 52 weeks a year between 11.30am and 2.00pm. This is a very fixed timeframe which does not support a choice agenda. Currently all users of this service contribute £3.45 towards the cost of the meal (including preparation and delivery costs). LBBD subsidise a significant amount of the actual cost of the meal in addition to the service user's contribution.

Proposed changes

- Between 4 April 2011 and 31 May 2011 the amount service users contribute towards the cost of the meal will rise by £1.50 from £3.45 to £4.95. This decision was agreed by Cabinet in December 2010.
- From 1 June 2011 onwards service users will fund the entire cost of meals from a provider of their choosing.
- LBBD are currently looking at a range of options to ensure customers have increased choice in line with personalisation, but also to ensure that the most vulnerable people are supported to maintain their independence. The plan is for service users to be in a position to make an individual choice about going to the meal provider they want, accessing the food they want at the right price.

Background – Taxicard

Taxicard is a scheme that provides subsidised door to door transport for people who have serious mobility impairment and difficulty in using public transport. The scheme is growing in popularity but is unsustainable at the current levels of growth and charges (The Taxicard charge for service users has not increased for 15 years).

The current Taxicard scheme has just under 5,000 members. This consists of applicants

who range in age from two years old to 100+ years old.

Trip limits are given according to mobility needs and are allocated on the 1 April each year with no roll over:

- **Band A** - 120 trips for people who need total door to door service
- **Band B** - 60 trips for people who can drive themselves but on some occasions need door to door transport because they are unable or unfit to drive
- **Band C** - 36 trips these are given to people who can on some occasions use public transport but other times need door to door because of their medical condition

Cost of trips at present are £1.50 to the customer, so LBBD subsidise the trip by £10.30. If the journey goes over £11.80 on the meter the customer pays the difference or they have the option of double swiping the card and this journey comes off their trip allocation.

Proposed changes

- An increase in the minimum customer contribution to £2.50
- A reduction of the maximum trip subsidy by £2.00 per trip
- To end double swiping*
- Members currently on a trip limit of 120 per year will receive 104 trips per year from 1 April 2011
- There will be no change to the trip limits of those members currently on 36 or 60 trips per year.

*Double swiping allows for a return journey with another subsidy from the Council.

Intended outcomes from the proposals

- Develop a new charging policy to enable the continued provision of services to the most vulnerable people in the borough.
- Deliver a fairer, more equitable charging policy inline with current Department of Health guidance
- Take into account level of income and protect the most vulnerable residents in the borough
- Encourage more choice and control for the borough's service users inline with personalisation
- Deliver year on year savings set out in the budget setting process.

Name and job title of people involved in this Equality impact assessment

Karen Ahmed – Head of Adult Commissioning
Anne Bristow – Director of Adult and Community Services
Kevin Jeram – Group Accountant, Adult and Community Services
Jim Popkin – Performance Manager, Outreach - Elevate
Paul Hodson – Group Manager, Community Cohesion
Teresa Coe – System and Policy Manager
Debbie German - Manager Mobility Services
Stuart Whitaker- Customer Quality Assurance Advisor

Equalities profile of users within the service/ function which is being assessed.

The proposed changes for consultation to non-residential charging will have an impact on approximately 600 service users. The changes to Home Meal Service subsidy will impact on 210 service users. The changes to the Taxicard scheme will affect up to 5,000 current members.

Give details of any consultation that has already been done which is relevant to this policy/service/function in relation to the groups below

Fairer Contributions

The last consultation process for Fairer Charging was completed prior to the report to Cabinet on 11 March 2009. This included a sample postal survey and user/carer forum discussion.

The main findings from the consultation exercise were:

- The majority of users are happy with current charging levels.
- Users are strongly opposed to an intrusive means test.
- Over 70% of users are not opposed to a banded system.
- Majority of users want a maximum charge.
- Majority of users want a clear and consistent charge across all client groups.

This consultation verified the previous banding policy for another year. New Department of Health guidance has advised against the banding system and recommended new ways to ask service users to contribute in line with personalisation. This guidance, taken alongside LBBB's strides towards personalised social care and the need to meet savings targets means it is essential to update the Contributions policy.

The proposed changes to the Fairer Contributions policy affect approximately 600 people. It is therefore necessary to consult as widely as possible on the proposals if they are agreed in principle by Cabinet on 15 March 2011. Postal questionnaires will be sent to current service users who may be affected. The questionnaire will also be available on LBBB's website. LBBB will also consult directly with the following groups:

- Personalisation Customer Reference Group
- Learning Disability Partnership Board
- Equality Forums
- Carers groups

Home Meal Service

There are currently 210 service users accessing the home meals service. When considering making changes to the service in December 2010, the Adult Commissioning team conducted a telephone survey with a sample size of 40 people. Results showed that:

- The vast majority of people would prefer their main meal to remain at lunch time
- Nearly all would still buy the meals if the price went up
- Nearly all would consider paying more from a different provider

- Around 60% did not feel able to prepare a frozen meal without assistance.

Qualitative comments were also noted. An annual survey is sent to all customers each year to gain their feedback on the service. Care Management will ensure that every customer receives a review and reassessment.

Taxicard

Letter sent to all 5,000 users detailing/explaining changes December 2010.

On 27 January 2011 Debbie German, Manager Mobility Services, and Stuart Whitaker, Customer Quality Assurance Advisor, attended the Forum for the Elderly held at the Civic Centre, giving a briefing on changes to the Taxicard scheme in the borough. Further consultation is planned.

What does the evidence tell us? – to what extent does the policy /service/function affect the **promotion of equality** and the **elimination of discrimination** in each of the equality groups below

Age

Fairer Contributions Policy

The Fairer Contributions Policy proposals will have an impact on the borough's elderly population. For instance, 78% of home care users are aged over 65. If agreement from Members is reached, the elderly population will be consulted with about the proposals.

Taxicard

The changes to the Taxicard scheme were well received by the members of the Elderly Forum who generally accepted that changes have to be made as a result of the Governments spending cuts. During the briefing, alternative methods of transport that are currently available to elderly people were described and the relevant contact details included, as well as the contact details of the Mobility Services Team.

After the briefing an opportunity was given to the audience to ask any questions they might have regarding the changes or about the scheme in general. A number of questions were asked which focused on;

- Qualification requirements for the Taxicard
- Explanation on how the subsidy works
- Ways in which to utilise the Taxicard

Since the session, the Mobility Team has not experienced an increase in the volume of calls received, the total number remaining constant with previous months. Customers that have contacted the Mobility Team have commented positively on the alternative modes of transport/methods of utilising their Taxicard which were highlighted during the Forum for the Elderly. Customers have been most interested in the Patient Transport Service, an NHS run service which transports patients to and from their hospital appointments, and Dial-A-Ride, both of which are free services.

Home Meals Service

The majority of our 210 Home Meal service users are aged over 65 (95%). Indeed, over 50% are aged over 85. Therefore, any changes will have a disproportionate impact on the borough's aging population. LBBD will need to ensure that people still receive the meals and other services they require to meet their needs despite price rises.

Disability

Both the changes to the Taxicard scheme and to non-residential charging will affect people with disabilities in the borough disproportionately. In particular the changes to disability disregard and the inclusion of Severe Disability Premium will impact on people with disabilities despite the levels of protection that will be put in place. If agreement from Cabinet is forthcoming on the Fairer Contributions proposals, we will consult with the Disability Forum, Learning Disability Partnership Board, Carers groups and the Advisory Partners.

The Fairer Contributions consultation document will also be available in 'easy read'.

Ethnicity

Below is the ethnicity profile of the 1,100 service users who may be affected by the new Fairer Contributions proposals:

Asian or Asian British:	3.6%
Black or Black British:	5.9%
Chinese or other ethnic group:	0.7%
White British:	84.6%
Other White:	3.7%
Mixed or Mixed British:	1.5%

Over 15% of service users are from an ethnic minority. Therefore, LBBD must ensure that the consultation is in an accessible format. It is essential that service users, where English is not their first language, are able to understand the implications of the proposals. Help will be available, to go through the proposals. The proposals will also be presented at a variety of BAME forums.

8% of residents with a Taxicard are listed as being an ethnic minority. LBBD are planning to consult BAME groups in March, April and May 2011.

Gender (including transgender)

Below is the gender profile compared with age of the 1,100 service users who may be affected by the new Fairer Contributions proposals:

Age	Male	Female
18 - 24	0.4%	0.1%
25 - 39	2.1%	1%
40 - 64	6.8%	7.8%
65 - 74	4.6%	6.7%
75 - 84	6.2%	16.8%
85 - 94	5.9%	27.8%
95+	0.6%	5.5%

<p>The table shows this disproportionate impact on elderly women. Over 50% of service users affected are women aged 75 and over. We will ensure that the consultation reaches elderly women. The responses to the consultation will be sorted by age and gender and the results presented to Members at Cabinet in July.</p>
<p>Religion or belief</p> <p>Cultural specific and faith appropriate meals are provided by the current provider. Any future proposal will continue to consider faith and cultural dietary requirements.</p> <p>Consultation documents include faith monitoring.</p>
<p>Sexual orientation</p> <p>No specific implications</p>
<p>Pregnant and Nursing mothers</p> <p>No specific implications</p>

How could this policy /service/ function reduce socio-economic disadvantage for all groups?

The proposals will mean more people are paying for their care or paying higher amounts for their Taxicard journeys and Home Meal Service. We will consult widely on the proposals and the levels of protection we are offering and feed the results into this EIA.

Careful modelling has been completed on the proposals for home care users to ensure they still have enough money to live on. Extra protection measures have been built in to protect the borough's most vulnerable such as raising the minimum payment to £5, only taking up to 75% of disposable income and introducing transitional protection.

How does the policy/service/function contribute to building Community Cohesion?)

LBBD are currently working with local providers to introduce a new way of providing community meals. This includes liaising with a social enterprise who has agreed to be included in the list of options for service users. A social enterprise is a business with primarily social objectives whose surpluses are reinvested for that purpose in the business or the community, rather than being driven by the need to maximise profit for shareholders and owners. The promotion of social enterprises should have positive impacts on the community.

The Fairer Contributions proposals, in general however, have no specific implications for community cohesion. Nevertheless, the proposals are 'fairer'. Currently, service users may pay for their home care but not for their day care. Under the new proposals, service users may contribute for any non-residential service (except for information and advice and reablement). The equitable new proposals should not impact on community cohesion.

Given all the information that you have gathered in the previous sections how will or how does the Policy/Service /Function meet the needs of individuals from different groups?

The impact of the changes in Charging Policy for home care users has been analysed extensively. The impact of the proposed changes has been modelled for the 922 home care users financially assessed before 3 November 2010. This includes current home care users who are not currently charged but will be if the proposed changes are implemented following consultation. The impact on other service users such day care users and people funded through Supporting People has been included in the report for Cabinet on 15 March. It is impossible to predict as accurately the impact on these service users and new service users because these people have not been financially assessed. Instead, the trends from the home care user analysis has been used to gather indicative numbers affected by the proposals:

- 48% of people will get free services or pay less
 - 519 (47%) service users will still receive free services
 - 14 (1%) will pay less than they pay now
- 5% (58) of people will pay the same
- 46% of people will pay for the first time or pay more.
 - 356 (32%) service users will start to pay for the first time
 - 156 (14%) existing home care users will be asked to pay more

Age

Council Members and Officers are very aware of the impact any proposed changes have on the aging population as they are more likely to be receiving services that will be charged for. For instance, over one third of home care users are aged over 85. As an additional protection measure for this group, it is proposed that we increase the Minimum Income Guarantee for all service users aged 85 and over by £10. This means over 85s will have a Minimum Guaranteed Income of £175.75 giving them higher disposable income. The national guidance ensures that people aged 65 and over have a higher minimum income.

The increase in charge of the Taxicard scheme will also have an impact on 88% of Taxicard holders who are aged over 65. The majority of the Taxicard users above are also in receipt of non-residential services. The built in protection for older people in non-residential charges means that all Taxicard holders should have enough disposable income to fund these changes. It must also be noted that the majority of Taxicard users only use their Taxicard in emergencies – just once or twice a year.

Disability

In the proposed Fairer Contributions policy, including Severe Disability Premium in income calculations, will mean that an estimated additional 177 service users will have to pay a contribution towards the cost of their personal budget or care package. This is because their Net Disposable Income, including Severe Disability Premium would then be calculated as being above the income support level + 25%.

The proposal to reduce the level of disability disregard to 25% of disability related benefits means an additional 167 people would become eligible to make a contribution towards the cost of their care package or personal budget. In total 344 people may be affected by changes to the treatment of disability benefits.

Because of this impact on people with disabilities in the borough, several protection measures have been proposed. It is proposed that only 75% of net disposable income can be charged. It is also proposed that people will be protected by large increases in the chargeable amount by introducing transitional protection of a maximum £10 weekly increase from October 2011 and £20 increase in April 2012.

This will in particular protect new payers who visit day centres and currently pay nothing for this service. It is anticipated that 54 current day care users will also be expected to start contributing if the proposals are implemented. The 54 day care users will all be protected by the transitional protection.

Despite the aforementioned protective measures in place, disabled people in the borough are going to be expected to pay more across a range of services. The majority of Taxicard users have mobility problems and are going to be expected to pay more for their journeys. If they have home meals as well it is likely that they will pay more for their meals (though they may find cheaper alternatives). The increase in charge for Blue Badge holders from £2 to £10 owing to the design changing must also be considered. The Blue Badge scheme is for people with severe mobility problems. It allows Blue Badge holders to park close to where they need to go. Though the Blue Badge lasts for three years, the increases in costs for disabled people in the borough add up.

LBBDD will continue to consult with disabled people and undertake regular financial assessments to ensure they have enough disposable income despite the increase in charges and costs.

Race/Ethnicity

LBBDD will ensure all service users, including the 15% of ethnic minority service users affected by the Fairer Contributions proposals, clearly understand the benefits they are entitled to when they are financially assessed.

LBBDD are currently exploring the option of providing culturally sensitive meals to the local community. Future service options will ensure user's health and cultural meal needs are considered.

Gender (including transgender)

The impact on elderly women is disproportionate to other genders as discussed above. Cases will be reviewed where there are particular cases of individual hardship.

Pregnant / Nursing Mothers

The impact on this group has not been analysed.

Religion or Belief

Again, the future home meals service options will consider dietary requirements owing to religious belief. The current Home Meals provider offers:

- Kosher
- Halal
- Asian

Asian vegetarian
Afro Caribbean

Any new proposals for Home Meals will offer choice and control for service users.

Sexual orientation

The impact on this group has not been analysed.

Socio-economic disadvantage

Service users will be paying more if the proposals for Fairer Contributions are implemented. However, all the proposals have attempted to ensure that service users are not too economically disadvantaged by the proposals. In particular, the following proposals seek to prevent socio-economic disadvantage by:

- Ensuring only 75% of net disposable income can be touched by any charging policy. This will mean that 14 people will actually pay less for their home care than they currently do under the banded system
- Introducing a minimum payment of £5 meaning that 34 service users on low income do not have to pay towards their home care
- Introducing transitional protection to protect service users from large payment increases.
- Allowing home meal users to find cheaper alternatives rather than giving them no choice about their home meal provider
- Ensuring people are aware of other transport options other than the taxicard scheme, including the sharing of transport with other users.

Cases will be reviewed where there are particular cases of individual hardship with a possible reduction or waiver resulting. The impact of any proposals implemented will be monitored and evaluated annually.

What more can be done?

Challenges and Opportunities

1) The Revenues and Benefits Team will be conducting a financial assessment on 1,100 service users in the new financial year. This will mean the most up-to-date financial information will be gathered on service users to ensure they pay the correct amount. This Financial Assessment will be updated annually for each service user so any changes in financial circumstances are picked up and people are still paying the right amount. The Financial Assessment will be accompanied by a welfare benefits check to maximise each individual's income.

2) What **practical changes** will help reduce any adverse or potential adverse impact on particular groups?

Extra resources will be acquired by the Revenues and Benefits team to ensure they can manage the extra financial assessments that will be required as more people become eligible to be charged. Extra resources may be also required to ensure people are given welfare benefits checks at the same time as financial assessments. It is anticipated that one extra post will be required in the Revenues and Benefits team for six months. This will be confirmed by the Project Implementation team.

3) What will be done **to improve access** to, and **take-up** of, services and **understanding the policy**?

Frontline workers will be briefed about the changes. Social workers will therefore be in a position to assist with any queries and help with financial assessments if necessary. The new charging policy and Taxicard scheme will be explained on the website.

What impact will the policy have **on helping different groups of people** to get on well together to **improve community relations**

These proposals are likely to have no impact.

Equality Impact Assessment

While these proposals are designed to increase income for the Council to sustain the current levels of service they are also designed to be fair and equitable. Provision to be made to ensure:

- The consultation is as wide as possible. Groups need to be visited, questionnaires need to be posted to relevant people and the consultation document should be put on the Council's website. Assistance will available to help people complete the questionnaire if necessary.
- The results of the consultation should be presented to Members at Cabinet in July 2011, including the raw data.
- Frontline staff to be aware of proposed changes to charges and understand the rationale behind it.
- The new financial systems (SWIFT Financials) need to be set up and tested.

Action plan template

Category	Actions	Target date	Person responsible and their Directorate
Improving Involvement and Consultation	Eight week consultation to take place from beginning of April 2011 to ask questions around the proposals concluding on 31 May 2011. The results of this consultation will go to Cabinet in July 2011.	July 2011	Head of Adult Commissioning
Improving data collection and evidence	Financial Assessment of all non-residential service users will be carried out from April 2011.	September 2011	Project Manager Implementation Phase
	Welfare benefits checks will be offered and take up monitored.	September 2011	Project Manager Implementation Phase
Improving assessment and analysis of information	Payment system set up on SWIFT Financials	September 2011	Project Manager Implementation Phase
Developing procurement and partnerships arrangements to include equality objectives and targets within all aspects of the process (including monitoring of the contract / commission)	Monitor any drop off in service take-up because of the charges and ensure no equality group is adversely affected.	Ongoing	Head of Adult Commissioning
How will you monitor evaluate and review this EIA (including publishing the results)	EIA updated following consultation and included in appendix for July Cabinet report. This will be published on the Council website.	July 2011	Head of Adult Commissioning
	EIA to be reviewed annually, starting a year after implementation.	October 2012	Head of Adult Commissioning

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CABINET

15 MARCH 2011

REPORT OF THE CABINET MEMBER FOR REGENERATION

Title: Barking and Dagenham Local Development Framework – Adoption of Borough-wide Development Policies Development Plan Document	For Decision
<p>Summary:</p> <p>The Borough-wide Development Policies Development Plan Document (DPD) is focused on delivering the Core Strategy which the Assembly adopted on 21 July 2010. A key purpose of the Borough-wide Development Policies DPD is to set out the criteria against which planning applications for the development and use of land and buildings will be considered.</p> <p>Following a successful examination in public and, prior to this, three stages of consultation, the Borough-wide Development Policies DPD is ready to be adopted by the Council.</p> <p>The Borough-wide Development Policies DPD has been circulated to all Members of the Council under separate cover in advance of the Cabinet.</p> <p>Wards Affected: All</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to:</p> <ul style="list-style-type: none"> i) Support the material changes to the draft Borough-wide Development Policies DPD as proposed by the independent Planning Inspector, as outlined in paragraph 1.2 of this report; and ii) Recommend the Assembly to adopt the Borough-wide Development Policies DPD as appended to this report. 	
<p>Reason(s)</p> <p>To help deliver all the Community Priorities for the borough.</p>	
<p>Comments of the Chief Financial Officer</p> <p>This report asks Cabinet Members to note the various changes made to the Borough-wide Development Policies Development Plan Document (DPD) following the consultation and inspection process, and to approve its final adoption.</p> <p>In terms of the direct/imminent costs of adopting the Document, there will be minor incidental costs associated with printing and advertising, which will be funded by existing Regeneration & Economic Development budgets.</p> <p>In terms of its content, the Borough-wide Development Policies DPD and Core Strategy set</p>	

out higher standards and conditions for all 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 as 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 where the Council wants to dispose of its own land or property.

Comments of the Legal Partner

The legal implications of the recommendation in this report are incorporated at paragraph 4 of the report.

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1. Background

1.1 The Borough-wide Development Policies Development Plan Document (DPD) has been through three stages of consultation: issues and options; preferred options and pre-submission.

- **Issues and Options.** The Cabinet approved the Local Development Framework Issues and Options document 8 November 2005 and consultation was undertaken on it 22 November 2005 – 20 January 2006. The feedback received informed the development of the Preferred Options Report.
- **Preferred Options.** The Cabinet approved the Borough-wide Development Policies Preferred Options report 6 February 2007 and consultation was undertaken on it 19 March 2007 – 21 May 2007. The document was revised to address the feedback received.
- **Pre-Submission.** The Cabinet approved the Pre-Submission Borough-wide Development Policies DPD on 20 May 2008 for a six week consultation period and for submission to the Secretary of State.

1.2 Following this consultation, a hearing was conducted in September 2010 by an independent Inspector to determine whether or not the Borough-wide Development Policies DPD was “sound” and “legally compliant”. The Inspector issued his report on 3 December 2010 confirming the Borough-wide Development Policies DPD meets this criteria subject to a number of changes being made to the document. The majority of the changes are minor in nature and serve to improve the clarity of the document. However, a few significant changes are required and these are summarised below. Officers consider that these changes strengthen the Borough-wide Development Policies DPD.

- Referring specifically to the provision of a high quality bus route connecting Marks Gate to Dagenham Dock Station in Policy BR10 (Sustainable Transport) to ensure consistency with the adopted Core Strategy.
- Clarifying in Policy BC4 (Residential Conversions and Houses in Multiple Occupation) that the Council will resist (where planning permission is required) all proposals which involve the loss of housing of three bedrooms or more.
- Making clear in the justification text to Policy BC4 that the borough is vulnerable to high concentrations of Houses in Multiple Occupation (HMOs) due to the recent changes to the General Permitted Development Order¹, and that if necessary the Council will be implement an Article 4 direction to remove the permitted development rights and require planning permission for such changes of use.
- Recognising that there may be exceptional circumstances, including economic viability, which may mean achieving the environmental building standards in Policy BR1 (Environmental Building Standards) are not appropriate and specifying that these standards are to be encouraged rather than required.
- Shifting the focus of Policy BR2 (Energy and On-Site Renewables) away from on-site renewables to the need to minimise the overall carbon footprint of proposed buildings and specifying that the renewables energy target is to be encouraged rather than required.
- Amendments to Policy BR6 (Minerals) ensuring it is fit for purpose to deal with planning applications relating to the use of the Marks Warren Farm site for minerals recycling in association with the restoration of the site rather than minerals extraction as it is evident the operator at Marks Warren Farm does not anticipate any extension to mineral working.
- Clarifying in policy BR9 (Parking) that the car parking standards are maximum standards and the cycle parking standards are minimum parking standards.
- Clarifying the definition of a tall building in Policy BP4 (Tall Buildings) to ensure consistency with the Barking Town Centre Area Action Plan.
- Clarifying the requirements for the submission of travel plans alongside planning applications.
- Clarifying in Policy BP8 (Protecting Residential Amenity) that developments must provide high quality living conditions for future occupiers ensuring both existing and future occupiers are not exposed to unacceptable levels of pollution, noise and are not deprived of privacy, outlook, daylight and sunlight.
- Amendments to Policy BE3 (Retail Outside or on the Edge of Town Centres), Policy BP2 (Conservation Areas and Listed Buildings) and Policy BP3 (Archaeology) to reflect national policy changes (namely the removal of the needs test through replacement of Planning Policy Statement 6: Planning for Town Centres and the creation of a more holistic approach to the historic environment through the replacement of Planning Policy Guidance Note 15: Planning for the Historic Environment with Planning Policy Statement 5: Planning for the Historic Environment)

¹ As at 1 October 2010, the General Permitted Development Order was amended so that planning permission is not required for a change of use between Class C3 (dwelling houses) and Class C4 (Houses in multiple occupation occupied by up to 6 residents)

2. Proposal

- 2.1 The Cabinet is being asked to support the Borough-wide Development Policies DPD subject to the changes outlined in paragraph 1.2 of this report. The precise wording of the revised policies is set out in Appendix 1 to this report.
- 2.2 The Cabinet is being asked to recommend the adoption of the Borough-wide Development Policies DPD to the Assembly.

3. Financial Issues

- 3.1 The minor costs of adopting the Borough-wide Development Policies DPD will be met from within the existing Regeneration and Economic Development Division budget.
- 3.2 The policies in the Borough-wide Development Policies DPD set out criteria which development proposals will need to meet before being granted consent and will therefore have financial implications for land owners and prospective developers. These criteria are consistent with the policies in the Council's adopted Core Strategy.

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). The Borough-wide Development Policies DPD is a key LDF document.
- 4.2 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 states that adoption of LDF DPD documents is not a Cabinet function, so the resolution to adopt LDF DPD documents under Section 23 of the Act must be carried out by the Assembly.

5. Other Implications

- 5.1 Further implications of adopting the Borough-wide Development Policies DPD are set out below.

Risk Management

- 5.1.1 No specific implications.

Contractual Issues

- 5.2.1 No specific implications.

Staffing Issues

- 5.3.1 The adoption of the Borough-wide Development Policies DPD 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 borough.

Customer Impact

- 5.4 1 In line with the Council's adopted Statement of Community Involvement the Borough-wide Development Policies DPD 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.

- 5.4.2 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 Cabinet agreed the pre-submission version of the Borough-wide Development Policies DPD on the 20 May 2008 (Executive Minute 5, 20 May 2010). In finding the Borough-wide Development Policies DPD 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.
- 5.4.3 In preparing the overarching 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. For example policy BC4 which resists (where planning permission is required) all proposals which involve the loss of housing of three bedrooms or more including flat conversions has been developed in response to information on the borough's demographics and future housing need.
- 5.4.4 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.
- 5.4.5 Officers are confident that having undertaken comprehensive consultation and undertaken a through sustainability appraisal that the Borough-wide Development policies do and will respond to the needs of the borough's current and future residents.

Safeguarding Children

- 5.5.1 No specific implications

Health Issues

- 5.6.1 The Borough-wide Development Policies DPD includes Policy BC10: The Health Impacts of Development. This policy requires the health impacts of development to be considered from the outset and complements London Plan policy which requires Health Impact Assessments to be submitted for all major developments. The identification of land use requirements for health facilities is addressed through the Site Specific Allocations DPD (a separate LDF document) adopted by the Council on 8 December 2010 (Assembly Minute 42, 8 December 2010).
- 5.6.2 The Councils Hot Food Takeaway Supplementary Planning Document, adopted by the Council 21 July 2010, (Assembly Minute 15, 21 July 2010), Saturation Point: Addressing the health impact of hot food takeaways is appropriately referenced in the Borough-wide Development Policies DPD.

Crime and Disorder Issues

- 5.7.1 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 Borough-wide Development Policies DPD includes Policy BC7: Crime Prevention. This states that planning permission will only be granted for schemes where the developer can demonstrate to the Council's satisfaction that full account has been taken of the principles of Secured by Design. The impact of all other 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

- 5.8.1 All development proposals will need to be in line with the Borough-wide Development Policies DPD 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 Borough-wide Development Policies DPD 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 Borough-wide Development Policies DPD. However, the Cabinet previously approved the Borough-wide Development Policies DPD on 20 May 2008, 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, 8 November 2005, Local Development Framework Issues and Options Paper (Minute 173, 8/11/2005)
- Cabinet Report, 6 February 2007, Local Development Framework, Core Strategy and Borough-wide Development Policies Preferred Options Report (Minute 132, 6/2/2007)
- Cabinet Report, 20 May 2008, Local Development Framework, Submission of Core Strategy and Borough-wide Development Policies (Minute 5, 20/5/2008)
- Assembly Report 8 December 2010, Local Development Framework, Adoption of the Site Specific Allocations Development Plan Document (Minute 42, 8/12/2010)

8. List of appendices:

Revised Borough-wide Development Policies DPD – circulated under separate cover to all Councillors.

CABINET

15 MARCH 2011

REPORT OF THE CABINET MEMBER FOR REGENERATION

Title: Withdrawal of Permitted Development Rights for Houses in Multiple Occupation	For Decision
<p>Summary:</p> <p>On October 1 2010 the Government introduced permitted development rights for changes of use from use class C3 (dwelling house) to C4 (house in multiple occupation). This means that planning permission is no longer required to convert a dwelling house into a small home in multiple occupation (HMO). However the Council can withdraw permitted development rights through an Article 4 Direction where they would undermine local objectives to create or maintain mixed communities. This has been a concern of the Council for many years. The Council's Unitary Development Plan which was adopted in 1995 included policies to control HMOs for this reason. To exacerbate matters the Government's recently announced reforms to housing benefit are likely to increase demand for HMOs in Barking and Dagenham; in particular the extension of the single room restriction to people aged 35.</p> <p>Therefore this report recommends that an Article 4 Direction is introduced to withdraw permitted development rights for small HMOs across the borough. Any proposals for small HMOs would then be assessed against the Local Development Framework which resists the loss of housing of three bedrooms or more. It only allows other proposals for HMOs where a number of criteria are met including that:</p> <ul style="list-style-type: none"> • The number of houses that have been converted to flats and / or HMOs in any road (including unimplemented but still valid planning permissions) does not exceed 10% of the total number of houses in the road. • No two adjacent properties apart from dwellings that are separated by a road should be converted; <p>To avoid the need to pay compensation a non-immediate direction is recommended which would require 12 months notice to be given. The Direction would come into affect 12 months after the notice had been placed.</p> <p>Wards Affected: All Wards</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend to the Assembly the making of an Article 4 Direction, covering the whole borough, withdrawing permitted development rights for changes of use from use class C3 (dwelling house) to use class C4 (house in multiple occupation).</p>	
<p>Reason(s)</p> <p>To a greater or lesser extent this proposal will help deliver each of the aims of the Barking and Dagenham Local Strategic Partnership's Community Plan.</p>	

Comments of the Chief Financial Officer

This reports asks Members to agree to the introduction of an Article 4 Direction covering the whole Borough, in order to withdraw the development rights introduced by the Government in 2010 permitting a change in property class from that of 'dwelling house' to 'house in multiple occupation' (HMO's). Therefore any future proposals for HMO's would need to be assessed against the Council's current Local Development Framework, and satisfy certain criteria. However the Council would not be entitled to receive a fee for such planning applications that are only necessary because of an Article 4 Direction. In order to avoid any possible claims for compensation, the Council is to provide 12 months advance notice of the Article 4 taking effect (a non-immediate direction).

The only costs to the Council associated with implementing the Article 4 Direction are the minor ones of publicising and printing (as well as staff time), which will be met from existing Regeneration & Economic Development budgets.

Comments of the Legal Partner

As a general principle developments require planning permission from the Council as the Local Planning Authority. To avoid every single development being referred to planning authorities; the Town and Country Planning (General Permitted Development) Order 1995 (the "Order") gives the Secretary of State the power to issue directions that specified developments may be "permitted development" that is to say that they do not require planning consent.

Article 4 of the Order provides that a local planning authority may resolve to withdraw a specific "permitted development" and instead require that development will still need to seek planning permission from the authority.

Article 4 directions are one of the tools available to local planning authorities in responding to the particular needs of their areas. An article 4 direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the local planning authority for that development.

DCLG Guidance provides that Local planning authorities should consider making article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. For all article 4 directions the legal requirement is that the local planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application.

In deciding whether an article 4 direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address.

The Guidance also provides that in deciding whether an article 4 direction might be appropriate, local planning authorities may want to consider whether the exercise of permitted development rights would for example, undermine local objectives to create or maintain mixed communities, or undermine the visual amenity of the area or damage the historic environment.

Provided there is justification for both its purpose and extent, it is possible to make an article 4 direction covering any geographic area from a specific site to a local authority wide. However, the Guidance also provides that there should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area e.g. those covering the entire area of a local planning authority.

It should be noted that Article 4 directions cannot be used in relation to any type of development other than those explicitly granted permitted development rights through the GPDO, nor can they be applied retrospectively to development undertaken before a direction comes into force, or to development that has been commenced at the time that a direction comes into force.

Officers propose that the Council as Planning Authority should make an Article 4 direction covering the whole borough, withdrawing permitted development rights for changes of use from use class C3 (dwelling house) to use class C4 (house in multiple occupation). In making the direction Members should be satisfied that the legal provisions set out in this report and in the Government's Guidance are met in this case.

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1. The need for an Article 4 Direction

- 1.1 HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. However, HMOs are not without their problems. The 2008 report by CLG "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" identified a number of problems associated with HMOs including:
- anti-social behaviour, noise and nuisance
 - imbalanced and unsustainable communities
 - negative impacts on the physical environment and streetscape
 - pressures upon parking provision
 - increased crime
 - growth in private rented sector at the expenses of owner-occupation
 - pressure upon local community facilities and
 - restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population
- 1.2 In response to this the previous Government introduced a new C4 use class for small houses in multiple occupation and amended the 1995 (General Permitted Development) Order so that planning permission was required to change between the C3 (dwelling house) and C4 (house in multiple occupation) use classes. The

new Government has reversed this decision. On the 1st October 2010 the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 came into force. The Order amends the 1995 (General Permitted Development) Order and makes a change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation) 'permitted development' – i.e. planning permission is no longer needed to do this.

- 1.3 The Government has presented this change as part of wider reforms so that it moves from the current top down approach and creates a system which encourages local people to take responsibility for shaping their communities and gives power to Councils to make this happen.
- 1.4 In this case the power is an Article 4 Direction. The Government has advised that local planning authorities should consider making Article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area and that local planning authorities should identify clearly the potential harm that the direction is intended to address. The Government has advised that it might be appropriate to withdraw permitted development rights where they would undermine local objectives to create or maintain mixed communities. This has been a concern of the Council for many years. LBBB has had planning policies in place to control HMOs for at least 15 years. The previous Unitary Development Plan and the current Local Development Framework (LDF) seek to ensure that the number of houses that have been converted to flats and/or HMOs in any road does not exceed 10%. In addition the LDF now resists any proposals for residential conversions or Homes in Multiple Occupation which involve the loss of family sized houses. These policies were considered necessary to control the adverse effect that HMOs can have on the general character and amenity of an area and also to retain a reasonable stock of small/medium-sized dwellings suitable for families seeking to move out of flatted accommodation. The recent changes mean that the Council has no control over the loss of family sized houses to small HMOs nor can it restrict the number of small HMOs in any street.
- 1.5 To exacerbate matters the Government's recently announced reforms to housing benefit are likely to increase demand for Homes in Multiple Occupation in Barking and Dagenham; in particular the extension of the single room restriction to people aged 35. This would mean that single childless adults would only be entitled to the equivalent of a room share rather than a self contained one bed roomed flat. This applies from April 2012 and existing claimants are affected when their claim is reviewed.
- 1.6 Therefore officers recommend that an Article 4 Direction is introduced to withdraw permitted development rights for small HMOs across the borough. This would mean that proposals to change a dwelling house into a HMO would require planning permission. Any such planning application would then be determined against Policy BC4 of the Council's Local Development Framework. This policy resists proposals which involve the loss of housing of three bedrooms or more. It only allows other proposals for HMOs where a number of criteria are met including that:

- The number of houses that have been converted to flats and / or HMOs in any road (including unimplemented but still valid planning permissions) does not exceed 10% of the total number of houses in the road.
- No two adjacent properties apart from dwellings that are separated by a road should be converted.

This policy is scheduled to go to Assembly for adoption in March 2011.

2 Process for making an Article 4 Direction

2.1 The Government has recently published the Town and Country Planning (Compensation) (No. 3) (England) Regulations 2010 (2010 No. 2135). This reduces local authorities' liability to pay compensation where they make article 4 directions as follows:

- Where 12 months' notice is given in advance of a direction taking effect there will be no liability to pay compensation; and
- Where directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.

2.2 Therefore to avoid potential compensation claims the Council needs to provide 12 months notice in advance of an Article 4 Direction taking effect. This is called a non-immediate direction.

2.3 The procedure for making a "non-immediate" Article 4 Direction is as follows:

- Give 12 months notice of direction
- Seek representations
- Assembly approval
- Advertise direction and notify Secretary of State

2.4 The Direction would come into effect 12 months after the notice had been placed.

3. Financial Issues

3.1 The Council does not receive a fee for planning applications which are only necessary because of an Article 4 Direction.

3.2 To avoid potential compensation claims officers recommend that a non-immediate Article 4 direction is made.

3.3 The minor costs of publicising and publishing the Article 4 Direction will be met from the Regeneration and Economic Development budget.

4. Legal Issues

4.1 On 1 October 2010 the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 came into force. The Order amends the 1995 (General Permitted Development) Order and makes a

change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation) 'permitted development' – i.e. planning permission is no longer needed to do this.

4.2 Under Article 4 of the General Development Order (as amended) local planning authorities can make directions withdrawing permitted development rights from development listed in Schedule 2 of the same order. For all article 4 directions the legal requirement set out in paragraph (1) of article 4 of the GDO is that the local planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application. This report explains why it is expedient to withdraw permitted development rights for change of use from C3 to C4.

4.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that approval to make an Article 4 Direction is not a Cabinet function and therefore must be carried out by Assembly.

5. Other Implications

- **Risk Management:** Officers consider that there is a legally sound basis for making this Article 4 direction. Whilst the Council has to notify the Secretary of State when the direction is published it is unlikely he/she would intervene. Please see the options appraisal section for the risks associated with making immediate and non-immediate directions.
- **Contractual Issues:** No specific implications.
- **Staffing Issues:** No specific implications.
- **Customer Impact:** HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. Whilst black, Asian and other minority ethnic (BAME) communities are probably disproportionately represented in the HMO stock they are on balance likely to be advantaged by the Article 4 Direction for two reasons. BAME communities are more likely to require the family housing the Article 4 direction is seeking to protect and withdrawing permitted development rights will allow the Council more control over the location of small HMOs and therefore the associated problems cited earlier from the CLG Evidence Gathering report. This will be to the benefit of all residents.
- **Safeguarding Children:** Withdrawing permitted development rights will help preserve the borough's stock of family housing. Many of the problems associated with HMOs cited in the CLG Evidence Gathering report will have an impact on the environment children are brought up in.
- **Health Issues:** No specific implications
- **Crime and Disorder Issues:** The CLG report cited earlier in this report identified that increased crime was a problem associated with HMOs. Therefore withdrawing permitted development rights will help address this impact.

- **Property/Asset Issues:** No specific implications

6. Options appraisal

- 6.1 Failure to make this direction would leave the Council without the controls it has deployed for the last 15 years to manage the impact of small HMOs.
- 6.2 For the reasons set out in the report officers consider that doing nothing is not an option.
- 6.3 Making a non-immediate direction does mean that there is an intervening 12 month period when people can take advantage of the new permitted development rights. There may be a rush of HMOs in this period as people avoid the impending removal of permitted development rights. However as covered in the report an immediate direction would leave the Council open to compensation claims payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.
- 6.4 Compensation may be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of the permitted development rights. For example the Council could be liable for the loss of income a property owner suffers by not being able to convert their property to a HMO where this is due to the Article 4 Direction. However an immediate direction may incentivise property owners to claim for compensation for HMO conversions they would not otherwise have carried out. This could leave the Council with a very significant liability. For this reason officers recommend that the non-immediate direction is the most appropriate course of action.

7. Background Papers Used in the Preparation of the Report

- 7.1 The following papers / reports were used in the preparation of this report:
1. Evidence Gathering – Housing in Multiple Occupation and possible planning responses, CLG, 2008
 2. Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010
 3. 1995 (General Permitted Development) Order (as amended)
 4. Town and Country Planning (Compensation) (No. 3) (England) Regulations 2010 (2010 No. 2135).
 5. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (2000 No. 2853)
 6. Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995
 7. Barking and Dagenham Unitary Development Plan, LBBD, 1995
 8. Barking and Dagenham Local Development Framework, post submission Borough Wide Development Policies, LBBD, 2010

8. List of appendices

None

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CABINET**15 MARCH 2011****REPORT OF THE LEADER OF THE COUNCIL**

Title: Calendar of Meetings 2011/12	For Decision
<p>Summary:</p> <p>This report sets out the proposed principles around the Calendar of Meetings for the forthcoming municipal year 2011/12 and seeks the Cabinet's confirmation to the principles in order for the full Calendar to be developed and finalised.</p> <p>There are no proposed changes to the core political structure arrangements that were agreed for the 2010/11 municipal year, these being:-</p> <ul style="list-style-type: none"> • Assembly - to meet six times a year at 7.00pm at the Town Hall, Barking (preceded by All Member Briefings at 6.00pm) • Cabinet - every month at 5.00pm at the Civic Centre, Dagenham • Licensing and Regulatory Board - every fortnight at 6.00pm at the Civic Centre • Development Control Board - every three weeks at 6.00pm at Town Hall • Standards Committee - every two months at 3.00pm at the Civic Centre • Select Committees (x5) - every 6/7 weeks at 6.00pm at the Civic Centre or Town Hall <p>The meeting structure for the Local Strategic Partnership will form part of the full Calendar as will other non-core meetings, such as school governing bodies.</p> <p>Wherever possible clashes between meetings are avoided and meetings scheduled outside of school holiday periods, although this is not always possible when statutory deadlines and/or other legitimate reasons dictate otherwise.</p> <p>Wards Affected: None</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree the basis of the draft Calendar for 2011/12 as detailed above:</p>	
<p>Reason(s)</p> <p>To accord with the requirements of the Council Constitution.</p>	
<p>Comments of the Chief Financial Officer</p> <p>There are no direct financial implications associated with this report.</p>	
<p>Comments of the Legal Partner</p> <p>The proposals in this report accord with the relevant provisions within the Council's Constitution.</p>	

Head of Service: Nina Clark	Title: Divisional Director of Legal and Democratic Services	Contact Details: Tel: 020 8227 2114 E-mail: nina.clark@lbbd.gov.uk
Cabinet Member: Councillor L Smith	Portfolio: Leader of the Council	Contact Details: Tel: 020 8227 2101 E-mail: liam.smith@lbbd.gov.uk

Background papers used in the preparation of this report:
Council Constitution

THE CABINET

15 MARCH 2011

REPORT OF THE CHIEF EXECUTIVE

Title: Urgent Action – Future Management of Thames View Community Centre		For Information
<p>Summary</p> <p>At its meeting on 21 December 2010 the Cabinet received the attached report (Appendix A) on proposals to grant registrable long leases for a number of Community Centres to their respective Community Associations, subject to certain terms and conditions. The body of that report correctly referred throughout to Thames View Community Centre as being one of the Centres to be included within the proposals but due to an administrative error it was not listed under recommendation (i) of the report, nor included in the approved minute of the meeting (see Appendix B).</p> <p>Before the formal arrangements could be entered into with the Thames View Community Association it was necessary to gain the appropriate consent which, in normal circumstances, would have meant a further report to the Cabinet. However, to enable the lease to be entered into with the Thames View Community Association without any further delay, thus ensuring that the savings required by the budget were achieved as soon as possible and to meet the expectations of Cabinet and the Community Association, the (former) Acting Chief Executive dealt with the matter under the Urgent Action provisions of the Constitution (paragraph 17, Article 1, Part B).</p> <p>Recommendation</p> <p>The Cabinet is asked to note the action taken by the Acting Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in approving the inclusion of the Thames View Community Centre in the list of Centres to be transferred under lease and management agreements to the respective Community Associations, and the related delegations to officers as referred to in Minute 76 of the meeting on 21 December 2010.</p>		
Head of Service: Heather Wills	Title: Head of Community Cohesion & Equalities	Contact Details: Tel: 020 8227 2786 E-mail: heather.wills@lbbd.gov.uk

Background Papers

- Letter and enclosures from the Acting Chief Executive dated 25 February 2011 entitled "Urgent Action under Paragraph 17, Article 1, Part B of the Constitution – Future Management of Thames View Community Centre".

List of Appendices

- **Appendix A** – Report to Cabinet 21 December 2010 entitled "Future Arrangements for the Management of Community Centres"
- **Appendix B** - Extract from the Minutes of Cabinet 21 December 2010

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CABINET

21 DECEMBER 2010

REPORT OF THE CABINET MEMBER FOR CULTURE AND SPORT

Title: Future Arrangements for the Management of Community Centres	For Decision
<p>Summary:</p> <p>Voluntary and community organisations bring a wide range of activities and benefits to local people. There is potential for community organisations to realise significant benefits for local communities by taking on the management and ownership of local assets. This transfer will also deliver significant financial savings to the Council.</p> <p>In the current challenging financial climate, the Council cannot afford to continue to run Community Centres where community groups are not willing to take them on long-term leases.</p> <p>This report seeks approval to grant a registrable long lease to Community Associations in respect of Abbey, Hatfield, Heath Park, Ted Ball, Teresa Greene, Thames View, Village and Wantz Community Centres.</p> <p>Wards Affected: Abbey, Eastbrook, Goresbrook, Heath, Mayesbrook, River, Thames, Village</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to agree:</p> <p>(i) To authorise officers to grant a registrable long lease for the following Community Centres to their respective Community Associations, subject to satisfactory negotiation of the lease and associated legal agreements:</p> <ul style="list-style-type: none"> • Abbey • Hatfield • Heath Park • Ted Ball • Teresa Greene • Village • Wantz <p>(ii) In the event that it is not possible to enter into a lease agreement with any of the relevant Associations at (i) above, to authorise officers to advertise more widely the opportunity to enter into a registrable long lease for the relevant Community Centre.</p> <p>(iii) To delegate authority to the Corporate Director of Adult and Community Services, in consultation with the Corporate Director of Finance and Resources and on the advice of the Legal Partner, to agree the terms of the lease and management agreements.</p>	

Reason(s)		
<p>The proposals are designed to support the achievement of the Council's aim, 'Better Together', and specifically the objective 'To build a stronger, more cohesive community by building social capital, building capacity in the third sector and building pride in the borough'. The proposals will also assist the Council to achieve a balanced budget.</p>		
Comments of the Chief Financial Officer		
<p>Proposals contained within the report if approved will deliver £300,000 savings from the Community Centres budgets, over the next two financial years. This will go towards the Adult and Community Services three year savings target of £10.77m.</p>		
Comments of the Legal Partner		
<p>The Council will retain the freehold interest and grant a long lease of 30 years for a peppercorn rent to the relevant Community Association.</p> <p>The Council will enter into a management agreement with the relevant Community Association to deal with the management of the Centre.</p> <p>The Council and the relevant Community Association will agree heads of terms for leasing arrangements.</p> <p>The Corporate Director, Adult and Community Services can agree the terms of the lease and management agreements in consultation with the Corporate Director of Finance and Resources (Constitution Land Acquisition and Disposals Rules refer) and on the advice of the Legal Partner.</p>		
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 Herbert Collins	Portfolio: Culture and Sport	Contact Details: Tel: 020 8724 2892 E-mail: Herbert.collins@lbbd.gov.uk

1. Background

- 1.1 Increasing the ownership and management of land and assets by community organisations was a particular focus of the previous Government. The Coalition Government has built on this in its approach to 'Big Society': indicating that this approach is one means by which to give our communities more power and for them to take more responsibility and control of local resources.
- 1.2 The 2006 Local Government White Paper set out the Government's intention to increase opportunities for community asset ownership and management and promoted asset transfer as part of a local authority's 'placeshaping' role. The Government established the £30 million Community Assets Fund to help achieve this, managed by the Big Lottery Fund. From this fund almost £1 million was

awarded to the Ripple Hall development which has created a resource centre for the voluntary sector in the borough, through granting a registrable long lease to the Council for Voluntary Service (CVS) for the premises.

1.3 A policy was established in Barking and Dagenham in 1986 permitting local community associations to manage Community Centres under a management agreement on weekdays. A 2003 report to the Cabinet considered the possibility of formally leasing the premises to these community groups with the Council retaining responsibility for the maintenance of the centres. In 2005 a further report to the Cabinet recommended that an asset transfer take place under full repairing and insuring leases.

1.4 Following the Central Government endorsement of the value of asset transfer as detailed above, a 2008 report to the Council's Cabinet restated the case for asset transfer in this borough and the Cabinet agreed a policy which included:

Community Halls may be transferred on a long lease to voluntary sector organisations where a business case has demonstrated social or community benefits which would arise from such a transfer and where the management capacity of the organisation has been demonstrated to be sufficiently robust.

1.5 The Council's current network of Community Centres is:

Abbey	Heath Park	Ted Ball
Fanshawe	Marks Gate	Thames View
Gascoigne	Ripple	Village
Hatfield	Teresa Green	Wantz

A map showing the locations of these centres appears at **Appendix A**.

1.6 The Council is facing significant challenges due to the shortfalls in budgets and the reduction in Local Government Funding through the Comprehensive Spending Review (CSR) 2010. The latest estimates for 2011/12, indicate the Council as a whole needs to save at least £17.79 million, and within that figure the Adult and Community Services Department has been tasked to find £4.77m. The Director of Finance has recently advised that due to the timing and phasing of the recently announced Coalition Government savings requirements, additional savings may be required across the Council.

1.7 A proposal has been developed to deliver the following savings from the Community Centres budget. If approved this will go towards the Department's savings target, and totals £300,000 (phased over the next two years):

2011/12 - £125,000
2012/13 - £175,000

1.8 In addition to the network of Community Centres owned by the Council, there is a number of other facilities available for community use:

i) Spaces for hire in **schools and Children's Centres**: the Labour government stated that:

“Where a school has facilities suitable for use by the wider community (e.g. playing fields, sports facilities, IT facilities, halls), it should look to open these up to meet community needs in response to an assessment of local demand”

The Council provides guidance to schools to support them in their role of extended school provision, and every school in the borough does provide wider community access in some form, although this may be through the provision of groups and classes specifically linked to the school, such as activities for parents.

In recent years Government capital funding has enabled works to 16 primary schools in the borough to enable wider access to their facilities (e.g. ‘zoning’ off areas to enable the public to come in).

Currently 18 primary schools, 8 secondary schools and one special school let their halls out for access by the community.

- ii) Premises owned by **faith organisations**: most faith organisations in the borough make their space available for hire to the wider community, and the Faith Forum is aware of at least 50 who do so.
- iii) Spaces in **leisure centres** at Goresbrook, Abbey – and soon to be at Becontree Heath, plus **heritage buildings** at Valence House Museum and Eastbury Manor House.
- iv) Premises owned by **other community organisations and private companies** such as Kingsley Hall, Harmony House and Dagenham and Redbridge Football Club

2. Proposal

2.1 Transferring Community Centres as assets to the community would deliver a number of key objectives and outcomes:

- To enable the Council to achieve significant revenue savings while still enabling valued community services to be available to the community
- To provide a stable and ongoing infrastructure of community centres as community hubs in the borough for the foreseeable future
- To increase the capacity of Community Associations to manage and deliver diverse programmes to meet local needs and interests, and to contribute to wider partnership objectives such as building a strong community
- To enable Community Associations to leverage funding from other sources (not available to the Council) to enable continued investment in the facilities, delivering continuous modernisation, upgrading and maintenance of the community centres’ infrastructure

2.2 Proposals have therefore been prepared to deliver the required savings through granting a registrable long lease for the premises, with the exception of the following, for the reasons below:

Centre	Reason
Fanshawe	The Council is currently reviewing options for the future of the hall.
Gascoigne	The Gascoigne Community Centre has recently been refurbished as a joint Community and Youth Centre. Further work is required to re-establish a robust Community Association, with the aim of transferring the Centre at a later date.
Marks Gate	Discussions are currently underway with ward Councillors and St Marks church around options for development in the area: it is proposed to revisit the potential to transfer the Community Centre when these discussions are further developed.

Consultation with Community Associations

2.3 On 21 October, meetings were held with representatives of Community Associations to discuss proposals for asset transfer. The Associations were advised:

- The Council's commitment to transfer assets to Community Associations, previously discussed with them, remains. The Council has invited groups to take over the centres at a peppercorn rent, on a long, full repairing lease.
- The Council will not be able to continue to fund the centres beyond the end of March next year: the future of the centres can only be secured if groups are willing to take them on.
- Cabinet would, on 21 December, review proposals for the way forward for Community Associations, including proposals to grant registrable long leases where associations are willing to take them on, and to close centres where there is no such willingness.
- Due to the budget situation, no repairs or maintenance beyond that required for urgent health and safety reasons will be carried out this year, if works have not already been agreed.
- Condition surveys for community centres were being completed, and would be copied to Community Associations as soon as they were received. This would enable Associations to have a clear picture of the nature of works which would be required for the centre into the future, for which they would be liable.
- If a Community Association agreed in principle to take a lease, there would then be detailed discussions to clarify the basis on which all relevant costs for the centre (or the relevant part of the premises if it is part of a site with several different occupants) would be allocated to the Association.
- The precise length of the lease is subject to detailed discussion, but it was envisaged that it would be 25 or 30 years.
- A draft form of lease currently proposed was being sent to Associations for review. A management agreement will also be developed to supplement the lease, to include provisions such as the requirement that Community Associations must ensure that the centre remains fully accessible to all sections of the community.

2.4 The Associations were additionally advised that there are a number of sources of support and advice available to them, which they were strongly advised to make

use of during and after their considerations. These included:

- Advice provided by the CVS on how to develop organisations and issues relating to legal constitutions
- A temporary additional resource at the CVS, working specifically to support Community Associations and Tenants' and Residents' Associations. This resource will be supplemented and then replaced by a new Centre Manager at the Ripple Centre, currently being recruited
- The organisation Community Matters, which Associations in the borough are members of.

Contact details for these sources of support and advice were provided to Associations. Officers will continue to work closely with the Associations to ensure that issues of governance, policy and sustainability are appropriately addressed by the Associations prior to leases being completed.

- 2.5 Associations were asked to respond in writing by 25 November, to confirm whether or not they were willing in principle to take a long lease on the Community Centre they currently occupy.
- 2.6 Associations not able to be represented at the meetings on 21 November were sent letters containing the information discussed at the meetings.
- 2.7 Condition surveys for each of the centres have been carried out, and shared with the Associations when received (week beginning 15 November). They show that a range of repair and maintenance works is required. This is reflected in the offer of leases at a peppercorn to Community Associations. Associations are aware of the need to make provision for regular repairs and maintenance as part of their annual budgeting.
- 2.8 The Big Lottery has recently announced that, in addition to its existing funding programme for improvements to facilities such as community centres (which can provide up to £50,000 for capital projects), a new programme will fund centres in areas of greater deprivation, for capital projects between £100,000 and £500,000. From the community centres currently proposed for consideration, Abbey, Teresa Greene, Village and Thames View Community Associations would be eligible to apply for funding under this programme.
- 2.9 Community Associations are also able to use the services of the Reparation Service for low-level, decorative works.
- 2.10 The following Community Associations have agreed in principle to take on a long lease for their respective community centre:
 - Abbey
 - Hatfield
 - Heath Park
 - Ted Ball
 - Teresa Greene
 - Thames View
 - Village
 - Wantz

It is therefore proposed to work with these Associations to complete lease agreements with them, and to ensure they are supported to develop robust business plans for their centres.

- 2.11 If for any reason it does not prove possible to enter into a lease agreement with the relevant Community Association by 31 March 2011, then it is proposed to advertise more widely the opportunity to take on the lease, on the same terms as before.

3. Financial Issues

- 3.1 The total net budget of the community centres service, excluding provision for recharges from corporate services and depreciation of buildings is £357,000.

- 3.2 Savings proposed to be achieved from the community centres budget in the forthcoming budget years are:

2011/12 - £125,000

2012/13 - £175,000

- 3.3 A saving of £27,900 will be made as a result of the transfer of Ripple Hall to the CVS, which was achieved in October 2010.

- 3.4 The transfer of the centres proposed at paragraph 2.10 above, the transfer of Ripple Hall and the transfer to another organisation or closure of Thames View Community Centre, will deliver the £125,000 savings for 2011-12, as required by the proposal.

4. Legal Issues

- 4.1 The legal issues are set out in the comments of the Legal Partner above.

5. Other Implications

5.1 Risk Management

The following risks have been identified in relation to these proposals:

- i) Community Associations do not have the necessary skills or capacity to successfully manage the Centres. This risk is mitigated by the provision of advice and support to enable Associations to get appropriately constituted, and to build capacity.
- ii) Community Associations fold for some reason. It is recognised that many groups have been run ably by individuals for many years but they will not be able to do so for ever. The support available to Associations includes advice on sustainability and succession planning. However, if an Association were to fold, the lease would be terminated, and the property would return to the control of the Council. There would then be another opportunity to re-advertise it to the community to seek another managing organisation for a long lease.
- iii) Community Associations themselves activate the lease break clause. In this case, the Council would need to consider its position at the time, and again

could proceed to re-advertise, but the continued availability of the Centre to the community could not be guaranteed.

- iv) If Community Associations do fold and / or the lease is terminated, charges on the property and / or external funding obligations may remain unfulfilled. This is considered to be a small risk, mitigated by advice and support provided to the Associations. The drafting of the lease and associated management agreements will seek to ensure that any obligations entered into by Community Associations remain the legal duty of the Associations and do not revert to the Council in the case of termination.
- v) Community Centres become used exclusively by one group in the community, without achieving the wider social objectives for which they were designed. This risk will be mitigated by the insertion of a requirement in the lease's management agreement that the facility must remain fully accessible to all in the community: failure to comply would constitute a breach of the lease agreement.
- vi) There may be an impact on the affordability and accessibility of space available to groups currently using community centres, as Associations review pricing policies to ensure that they reflect the need to cover repairs and maintenance costs, and seek to fill them at all times. The Council may need to rationalise provision if this becomes an issue for any services which it provides.
- vii) In the recession, Community Associations cannot find funding sources to enable them to do the necessary works to the centres. Support and advice is available to Community Associations to enable them to bid to all relevant funding bodies. It is also anticipated that Associations may wish to use the skills of local people where appropriate to complete works with the aim of increasing their affordability.

5.2 **Contractual Issues**

No contractual issues have been identified.

5.3 **Staffing Issues**

The savings proposals have been developed based on the assumption that the level of caretaking provision will be reduced as the number of Community Centres is reduced. The impact of this has been allowed for through the use of a temporary contract for relevant caretaking staff and thus no redundancy costs are anticipated.

In due course, depending on the number and phasing of Centres transferred, the role of Community Centres Manager will be reviewed.

5.4 **Customer Impact**

Provisions will be inserted into lease and / or management agreements with the community associations to ensure that halls remain accessible by all groups in the community. This should mitigate the risk of impacts on equality groups and customers.

The transfer of Centres to community groups has the potential to positively impact on customers and community cohesion, since the facilities will remain open for

community use, activities will continue to run which bring people from different backgrounds together, and there will be the potential for Community Associations to leverage funds not currently available in relation to Community Centres to enable their further development.

If Community Associations or other organisations cannot be found to take on the centres and closures are necessary, then, depending on the geographical location and presence of other facilities in the area, there is a risk that there will be a negative impact on services to customers, and to the ability to build community cohesion. As older people and people with young children are less able to travel to alternative facilities, they may be particularly affected by such closures.

5.5 **Health Issues**

Community Centres provide important social networking and interaction spaces, including venues for peer support health related community groups, which are beneficial to individuals' mental and physical health as well as increasing social capital and sense of community well-being. If there were insufficient alternative premises in areas where Centres are closed, this could have a negative impact on health and well-being locally.

In order to mitigate this impact, where it is not possible to identify an alternative leaseholder then a rapid mapping of facility usage should be undertaken and alternative venue space identified at comparable rent and accessibility and communicated to community groups prior to closure to allow relocation and continuation of community support.

5.6 **Crime and Disorder Issues**

Community Centres provide space for the provision of diversionary activities, particularly for children and young people. If there were insufficient alternative premises in areas where Centres are closed, this could have a negative impact on crime and disorder locally. In addition, where Community Centres were to close and not be taken on by Associations there is the opportunity for vandalism to disused buildings. Consideration should be given as to how to protect the asset should closure be necessary.

5.7 **Property / Asset Issues**

Regular monitoring by Property Services will ensure that Community Associations are complying with the lease conditions, enabling action to be taken as appropriate if any are in breach.

6. **Options appraisal**

6.1 The options considered are as follows:

- i) **Status quo:** this was rejected both because this will not enable the Community Associations to develop the Centres as community assets and to raise funds for them, and also because it will not deliver savings required by the Council.
- ii) **Close all Community Centres:** it was decided not to pursue this option to achieve savings without first pursuing the option of transferring the assets to the community in order to seek to retain the centres for community use.

- iii) Seek enter into registrable long leases for the Centres en bloc to an alternative provider: this remains an option for any Centres for which the Association does not wish to take a lease. However, given the work that Associations have done to date in developing their Centres, and the closeness of their members to the community, it was considered appropriate to give them the first option to take on the centres.
- iv) Offer Community Associations the opportunity to take on the Centres, proceeding to closure if no organisation can be found to take them on: this option is recommended as providing the best balance of achieving savings options while retaining facilities for the community.

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

Report to Cabinet, Community halls – savings package, 8 July 2003
Report to Cabinet, Community halls – leasing to community associations- rent plan, 13 December 2005 (Minute 202)
Report to Cabinet: Community Facilities Review, 9 September 2008 (Minute 38)

8. List of appendices:

Appendix A: Map of community centres in the Borough

Extract from the Minutes of the Cabinet meeting, 21 December 2010**76. Future Arrangements for the Management of Community Centres**

Received a report from the Cabinet Member for Culture and Sport on proposals to transfer the management of a number of community centres within the Borough to the local Community Associations.

In addition to the potential for the Community Associations to realise significant benefits for their local communities by taking on the management and ownership of the centres via long-term leases, the transfer of responsibility will also deliver financial savings to the Council. Noted the reasons why the Fanshawe, Gascoigne and Marks Gate Centres are not included in the current plans.

Agreed, in order to assist the Council to achieve the Community Priority “Fair and Respectful” and a balanced budget, to:-

- (i) Authorise the Corporate Director of Adult and Community Services, in consultation with the Corporate Director of Finance and Resources and on the advice of the Legal Partner, to agree the terms of and enter into registrable long leases and management agreements with the respective Community Associations for the following Community Centres:
 - Abbey
 - Hatfield
 - Heath Park
 - Ted Ball
 - Teresa Greene
 - Village
 - Wantz
- (ii) Authorise officers to advertise more widely the opportunity to enter into a registrable long lease for the relevant Community Centre in the event that it is not possible to enter into a lease agreement with any of the relevant Associations at (i) above.

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