

Notice of Meeting



CABINET

Tuesday, 24 April 2012 - 5:00 pm
Committee Rooms 3 & 4, 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 P T Waker, Councillor J R White and Councillor M M Worby

Date of publication: 16 April 2012

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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 20 March 2012 (Pages 1 - 9)**
4. **Review of Household Waste Collection Methods (Pages 11 - 19)**
5. **Performance House 2011/12 - October to December 2011 (Quarter 3) (Pages 21 - 49)**
6. **Planning for Religious Meeting Places - Amendment to Planning Advice Note 4 (Pages 51 - 75)**
7. **Proposed Extension of the Civil Contingencies Joint Service to include London Borough of Havering (Pages 77 - 84)**
8. **Term Contract for Maintenance, Repair and Minor Works on Security and Protection Systems (Pages 85 - 92)**
9. **Urgent Action - Procurement of Electricity and Gas Supplies (Pages 93 - 100)**

- 10. Any other public items which the Chair decides are urgent**
- 11. 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 items below are in the private part of the agenda as they relate to the financial and/or business affairs of third parties, in accordance with paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

- 12. Becontree Heath Masterplanning (Pages 101 - 115)**
- 13. Abbey Road Creative Industries Quarter - Options Relating to the Acquisition of 134 Residential Units (Pages 117 - 131)**
- 14. Modernisation of Cashiering Services (Pages 133 - 143)**
- 15. Establishing Sports Facilities at Barking Abbey School (Pages 145 - 157)**
- 16. Any other confidential or exempt items which the Chair decides are urgent**

CABINET

Tuesday, 20 March 2012
(5:00 - 5:32 pm)

Present: 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 P T Waker, Councillor J R White and Councillor M M Worby

Also Present: Councillor E Keller, Councillor G Letchford and Councillor J E McDermott

117. Declaration of Members' Interests

There were no declarations of interest.

118. Minutes (14 February 2012)

The minutes of the meeting on 14 February 2012 were confirmed as correct.

119. Budget Monitoring 2011/12 - April to January 2012

The Cabinet Member for Finance and Education presented a report on the Council's revenue and capital budget position for 2011/12 as at 31 January 2012.

The General Fund continued to show an improved position with a projected year-end underspend of £1.3m (before the planned £1.5m contribution to balances) compared to a projected £0.7m underspend as reported at the last meeting. The Cabinet Member referred to the main areas of overspend within the Children's Services directorate (Complex Needs and Social Care) and the Housing and Environment directorate (reduced income and cost pressures in the Environment division) and the steps taken to address the overspends. The Cabinet Member also advised on a proposed transfer of £235,000 to offset a budget gap that had arisen due to changes in Housing Benefit Subsidy.

The Housing Revenue Account (HRA) had a projected underspend of £693,000, an improvement of £44,000 on the previous month's position, and the Cabinet Member also referred to the Capital Programme which had an overall status of 'Green' at the end of January 2012.

Cabinet agreed:

- (i) To note the projected outturn position for 2011/12 of the Council's revenue budget as detailed in paragraphs 2.3 to 2.11 and Appendix A of the report;
- (ii) To note the progress against the 2011/12 savings targets as detailed in paragraph 2.12 and Appendix B of the report;
- (iii) To note the position for the HRA as detailed in paragraph 2.13 and Appendix C of the report;

- (iv) To note the projected outturn position for 2011/12 of the Council's capital budget as detailed in paragraph 2.14 and Appendix D of the report; and
- (v) A revenue budget adjustment of £235,000 from the Housing General Fund, Housing and Environment directorate, to the Revenues and Benefits service, Finance and Resources directorate.

120. Housing Strategy 2012 - 2017 and Council Housing Business Plan 2012/13

The Cabinet Member for Housing presented a report on the Housing Strategy 2012 - 2017 and the associated Housing Revenue Account (HRA) Business Plan 2012/13.

The Cabinet Member referred to the four main objectives within the Strategy of (a) delivering social and economic regeneration through building high quality homes and thriving communities, (b) investing in new council housing and establishing new ways to deliver affordable housing, (c) good quality services and (d) sustainable communities, and explained that the key measures of success would be higher levels of satisfaction and improved quality of life and well-being amongst residents. The Strategy was also designed to adapt to changing circumstances and new initiatives, and in the latter respect the Cabinet Member referred to the potential to support elderly residents in private properties.

The HRA Business Plan set out proposals that underpinned the operation of the Council's Housing service and would assist in the delivery of the Housing Strategy. The Cabinet Member commented that new Right-to-Buy discount arrangements may impact on the current proposals and annual updates would be presented to Cabinet on the Business Plan and the Council's Housing Asset Management Strategy.

Cabinet agreed:

- (i) To **recommend the Assembly** to approve the Barking and Dagenham Housing Strategy 2012 - 2017; and
- (ii) The HRA Business Plan 2012/13.

121. Improved Housing Management and Environmental Services in Town Centres and Flatted Housing Estates

The Cabinet Member for Environment presented a report on plans to improve front-line housing management and environmental services in the Borough's town centres and flatted housing estates through a new joined up service.

The Cabinet Member advised that pilot schemes in two areas of the Borough that had commenced last year had brought together services such as grounds maintenance, housing and street cleaning, with each area overseen by a Localities Manager. Those pilots had proved very successful by providing more responsive and accountable services to local people and, more importantly, improving the quality and consistency of the service provided. The proposal was to extend the arrangements to four further areas of the Borough and implement revised staffing and management structures to reflect the new 'localities' service model.

Cabinet **agreed**:

- (i) That an integrated Housing Management and Environmental service, as described in the report, be delivered in the targeted areas broadly outlined in Appendix A to the report, on the understanding that the exact boundaries would be subject to change to reflect operational requirements identified during implementation and development of the new localities model; and
- (ii) That formal consultation commence with Unions and affected staff on the restructuring proposals as detailed in the report.

122. Housing Repairs and Maintenance Service

Further to Minute 29 (23 August 2011), the Cabinet Member for Housing presented a report on proposals to extend the level of in-house provision following the expiry of the current housing repairs and maintenance contract in April 2013.

Since the Cabinet meeting in August 2011, further opportunities to provide services in-house had been assessed and the Cabinet Member stated that he was confident that the latest proposals would enhance the delivery of an efficient and effective service to the benefit of the local community, the workforce and the Council. The Cabinet Member added that the procurement of some external services referred to in the report were intended to supplement the new in-house services but would also be applied where in-house provision was not able to meet requirements.

Cabinet **agreed**:

- (i) That the day-to-day responsive housing repair, gas servicing and voids services be provided primarily as an in-house function from the end of the current contract in April 2013;
- (ii) The current Housing Repairs and Maintenance procurement exercise approved by Cabinet on 23 August 2011 be revised to provide for the procurement of a service provider for voids and repairs services (to supplement the in-house function) on a call-off term contract;
- (iii) A procurement exercise be conducted for the selection and award of one or more contracts to external providers of gas servicing and maintenance services (to supplement the in-house function) with contract lots based on geographic areas;
- (iv) The Council continue with its procurement exercises for the selection and award of contracts to external providers of mechanical and electrical services, aids and adaptations services, and a range of small contracts including asbestos testing and removal services;
- (v) A procurement exercise be commenced or incorporated in the existing procurement exercise for the procurement of a stores function, any necessary infrastructure requirements, equipment, vehicles, ICT hardware, software, licences and services, and all other necessary supplies and services, required for the operation of in-house services;

- (vi) The existing proposals to provide an in-house client and complaints team continue to be developed;
- (vii) The existing OJEU procurement strategy and process be revised as necessary to facilitate the implementation of the above recommendations, and that any new or revised notices in respect of voids, repairs and gas servicing services, values and scope, be issued and published;
- (viii) To reaffirm the earlier decision to delegate authority to the Corporate Director of Housing and Environment, in consultation with the Corporate Director of Finance and Resources, the Divisional Director for Legal and Democratic Services and the Cabinet Members for Housing and Finance and Education, to agree the procurement strategy (including the procurement procedure, contract structure, contractor selection and evaluation criteria and detailed proposals for client management) and take any other related or necessary actions to facilitate the implementation of the above recommendations, including assessing and agreeing TUPE requirements and associated staffing structures;
- (ix) That the existing proposal to provide an in-house call centre through Elevate East London LLP continue to be pursued subject to satisfactory delivery and cost proposals;
- (x) That Section 20 leaseholder consultation requirements be amended and reissued as necessary, and capital and revenue expenditure needed to deliver these revised arrangements be identified and funded from HRA balances and the Housing Capital Programme;
- (xi) That appropriate discussions and consultations with Trade Unions take place; and
- (xii) That a Communications Plan be developed and implemented.

123. Pay Policy Statement 2012/13

The Cabinet Member for Customer Services and Human Resources presented the draft Pay Policy Statement for the Council for 2012/13.

The Localism Act 2011 required all local authorities to publish an annual statement of its pay policy, covering areas such as the level and elements of remuneration for each chief officer and the relationship between the remuneration of chief officers, other officers and its “lowest paid employees”. The Cabinet Member advised that the Council’s previous decisions to reduce the level of Chief Executive pay and to implement the London Living Wage meant that the ratio between the highest and lowest paid employees was 1:10, which compared very favourably to the Hutton review recommendation that the ratio should not be greater than 1:20. The Cabinet Member also referred to an amendment that would be made to the policy prior to its submission to the Assembly.

Cabinet **agreed to recommend the Assembly** to approve the Pay Policy Statement for the London Borough of Barking and Dagenham for 2012/13, for publication with effect from 1 April 2012.

124. Parking and Traffic Enforcement Policy

The Cabinet Member for Crime, Justice and Communities presented a report on a proposed policy in respect of parking and traffic enforcement in the Borough.

The Cabinet Member advised that the new policy would assist the Council in achieving its wider transport objectives as well as provide a transparent and consistent approach to the enforcement regime, covering aspects including cancellation and discretionary arrangements, vehicle removals and debt write-off.

Cabinet **agreed**:

- (i) To adopt the Parking and Traffic Enforcement Policy at Appendix A to the report and the associated annexes listed below:
 - Cancellation Guidance
 - Description of Traffic Signs
 - Discretionary Policy
 - Vehicle Removals Policy
- (ii) To adopt the revised Write-off Policy at Appendix B to the report in respect of Parking and Traffic Enforcement, which would be incorporated into the Corporate Debt Management Policy later in the year.

125. Statement of Licensing Policy 2012 - 2015

The Cabinet Member for Crime, Justice and Communities presented a report on an updated Statement of Licensing Policy for the Borough.

The Cabinet Member advised that a number of changes had been made to the Council's current policy to reflect new legislative arrangements as well as local concerns. In this latter respect, the changes included restrictions on the hours of sale of alcohol both late at night and in the morning, the principle that alcohol licences would generally be refused for premises in the vicinity of schools, stricter requirements for the location of alcohol in off-licence premises and the active promotion of the existing Responsible Retailer scheme.

Cabinet **agreed to recommend the Assembly** to adopt the revised Statement of Licensing Policy at Appendix 1 to the report.

126. Beam Park Prospectus

The Cabinet Member for Regeneration introduced a report on a revised approach in respect of the regeneration of Beam Park, south Dagenham, an area of approximately 30 hectares of largely vacant land south of the A1306, two thirds of which was within Barking and Dagenham and the other third in the London Borough of Havering.

The Cabinet Member advised that the intention had been for the site to be for residential-led development but recent interest from the market had suggested that a major leisure-led project could provide the essential catalyst to secure regeneration and deliver growth in the wider south Dagenham / Rainham area.

With that in mind, a joint prospectus had been prepared which, although not changing or replacing current planning policy, provided an up-to-date statement of the two Councils' aspirations for the area and described the key development objectives, an illustration of the expected planning benefits and a summary of planning and transport requirements including planning policy considerations.

Cabinet **agreed to recommend the Assembly** to approve the Beam Park Prospectus at Appendix 1 to the report.

127. Single Equality Scheme 2012 - 2016

The Cabinet Member for Crime, Justice and Communities presented a report on the Council's Single Equality Scheme 2012 - 2016, which built on the Single Equality Scheme 2010 - 2013 and incorporated the nine Equality Objectives as required under the Public Sector Equality Duty 2011.

The Cabinet Member advised that a new Action Plan would be developed to ensure delivery of the Equality Objectives, set within the context of the resources currently available to the Council.

Cabinet **agreed:**

- (i) To formally adopt the revised Single Equality Scheme 2012 - 2016 as the Council's method of meeting the specific duty in regard to Equality Objectives; and
- (ii) To authorise the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Crime, Justice and Communities, to agree a four-year Action Plan commencing from April 2012.

128. Transitions Strategy for Disabled Young People with Support Needs 2012 - 2015

The Cabinet Member for Children and Adult Services presented a report on a strategy aimed at helping young people with long-term, substantial care and support needs due to a disability or impairment to have a seamless, well informed and well planned transition into adulthood.

The Cabinet Member advised that the Transitions Strategy was based on a national model of good practice but had been developed through a multi-agency Steering Group that involved officers from across the Council, voluntary sector partners and carer representatives, including several families with children at Trinity School. The three key areas for improvement identified within the Strategy were the need for (a) better comprehensive and co-ordinated planning from Year 9 of secondary education, (b) greater choice and control and (c) a wider range of local opportunities available for disabled young adults including education and employment.

Cabinet **agreed** the Transitions Strategy for Disabled Young People with Support Needs 2012 - 2015 and associated Action Plan at Appendix 1 to the report.

129. Amalgamation of Grafton Infant and Junior Schools and William Bellamy Infant and Junior Schools

The Cabinet Member for Finance and Education presented a report on the proposal to amalgamate Grafton Infant and Junior Schools and William Bellamy Infant and Junior Schools to become primary schools with effect from 1 April 2012.

The Cabinet Member referred to the key benefits of amalgamation and the Corporate Director of Children's Services outlined the responses to the consultation. It was noted that many parents and staff from William Bellamy Infant School had expressed concerns about the amalgamation and these had been fully discussed in parents' meetings.

Cabinet **agreed** the amalgamation of Grafton Infant and Junior Schools and William Bellamy Infant and Junior Schools to become all-through Primary Schools from 1 April 2012.

130. Retendering of Five Children's Centre Day Nurseries

The Cabinet Member for Children and Adult Services reported on proposals for the retendering of contracts to provide day-care nursery services at five of the Borough's Children's Centres, the current contracts for which were due to expire on 31 December 2012.

Cabinet **agreed**:

- (i) That a competitive procurement exercise be conducted for the appointment of a provider of full day-care nursery services at Eastbury, Ford Road, Furze, Leys and Wellgate Children's Centres, in accordance with the Council's Contract Rules and on the terms detailed in the report;
- (ii) That service contracts and coterminous leases for each of the Children's Centres be entered into with the appointed provider for the duration of the contracts; and
- (iii) To authorise the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Resources, to award the contract and coterminous leases upon conclusion of the procurement process.

131. Framework Contract for the Provision of Independent Travel Training for Children, Young People and Vulnerable Adults

The Cabinet Member for Children and Adult Services presented a report on proposals for the Council to act as lead on a multi-borough Framework Agreement for an Independent Travel Training Provision, primarily for young people with significant educational needs but also by other user groups such as vulnerable adults.

The Cabinet Member explained that the Council had a very successful programme in place that encouraged those with learning difficulties to travel independently and was therefore best placed to lead on the procurement. The new framework would help users to better access community resources while providing a more

responsive and cost-effective service.

Cabinet **agreed**:

- (i) That the Council act as lead authority for a two-year Framework Agreement (with an option to extend for a further two years) for an Independent Travel Training Provision to a number of other participating authorities, on the terms detailed in the report; and
- (ii) To authorise the Corporate Director of Children's Services, in consultation with the Corporate Director of Finance and Resources, to approve the appointment of the successful bidders to the Framework Agreement.

132. Re-tendering of Contract for Leasehold Property Insurance Services

The Cabinet Member for Housing reported on proposals for the retendering of the contract for the provision of insurance services for leaseholders, the current contract for which was due to expire on 29 September 2012.

Cabinet **agreed**:

- (i) The arrangements for the retendering of the Leasehold Property Insurance Services contract, as detailed in the report; and
- (ii) That the decision to award the contract be taken by the Cabinet.

133. Programme of Meetings 2012/13

The Leader of the Council reported on the proposed principles for the Programme of Meetings for the forthcoming municipal year 2012/13, which were largely unchanged from the current year.

Cabinet **agreed** the basis of the Programme of Meetings for 2012/13 as detailed in the report.

134. Debt Management Performance and Write-Offs 2011/12 (Quarter 3)

The Cabinet Member for Finance and Education presented a report on the performance during the third quarter of the 2011/12 financial year (October - December 2011) in respect of the debt management function carried out by the Revenues and Benefits Service within Elevate East London, together with details of the debts written-off as uncollectable during the period and comparable information from the previous financial year.

The Cabinet Member for Housing referred to the rent collection targets within the contract with Elevate and the need to ensure that the achievement of targets did not impact on other elements of the Housing service such as eviction levels. The Corporate Director of Housing and Environment advised that the service delivered by Elevate had resulted in the Housing Revenue Account benefitting by the equivalent of £1m per annum in additional revenue and that the ongoing relationship between the Council and Elevate would ensure that all contractual obligations were fulfilled. The Chief Executive added that achievement levels within the contract had been set above the levels achieved when the services were

provided in-house and the mechanisms within the contract were designed to achieve continual improvement.

Cabinet agreed:

- (i) To note the performance of the debt management function carried out by the Revenues and Benefits Service operated by Elevate East London as detailed in the report; and
- (ii) To note the debt write-offs during the second quarter of 2011/12 and that a number of those debts would be publicised in accordance with the policy agreed by Minute 69 (6 November 2007).

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CABINET

24 APRIL 2012

Title: Review of Household Waste Collection Methods	
Report of the Cabinet Member for Environment	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Tony Ralph, Group Manager for Refuse	Contact Details: Tel: 020 227 5660 E-mail: tony.ralph@lbbd.gov.uk
Accountable Divisional Director: Robin Payne, Divisional Director of Environmental Services	
Accountable Director: Darren Henaghan, Corporate Director of Housing & Environment	
<p>Summary:</p> <p>Members have approved savings for 2012/13 of £200k to modify the collection of dry recyclables. This report proposes changes that will deliver these savings by changing the current weekly orange bag collection to a fortnightly collection using a 240 litre wheelie bin.</p> <p>Following discussion at Informal Cabinet the proposal was put out to public consultation which ran over two successive editions of the News and online, and has asked residents to choose which method and frequency of collection they prefer. The results are as follows:</p> <p>The results of the consultation are as follows:</p> <ul style="list-style-type: none"> • No change and savings found some other way 420 votes • Orange lidded wheeled 240 litre bins collected fortnightly 1253 votes • Orange lidded wheeled 140 litre bins collected weekly 133 votes • Cease orange bags and residents pay for their own clear bags. 170 votes <p>On this basis there is a clear vote in favour of replacing weekly orange bag collections with a fortnightly wheeled bin collection.</p> <p>Any changes to existing arrangements will need to be backed up with strong communications that explain the benefits in carbon and costs to the borough. Officers will work with Members to ensure that these communications are properly designed and delivered.</p> <p>In addition to the proposed change to the collection of dry recyclables the following changes have been implemented with effect from 1 April.</p> <ul style="list-style-type: none"> • We have stopped the separate collection of mixed glass. This is now collected with the residual waste collection and recycled through treatment of the waste. • We have introduced the double-shifting of collections using nine domestic waste 	

collection vehicles

- We will continue with the current nine month green garden waste collection and will introduce one week full borough wide normal collection in January and February each year. This replaces the previous scheme relying on booking collections for the two winter collections.

Recommendation(s)

The Cabinet is recommended:

- (i) To approve the Council replacing disposable orange recycling bags with grey wheelie bins (with orange lid) for dry recyclable materials on a fortnightly collection, as detailed in option 8.1 of this report.
- (ii) To authorise the Corporate Director for Housing and Environment, in consultation with the Cabinet Member for Environment, to implement a replacement scheme for the current orange bag recycling scheme with a wheeled bin collection service.
- (iii) Subject to approval of recommendation (i) above, to approve the commencement of the procurement of 59,000 wheeled bins, through the established EU compliant East Shires Purchasing Framework Agreement.
- (iv) To indicate whether or not it wishes to be kept informed or consulted on the progress of the procurement and the award of the contract or whether it is content for the commissioning Chief Officer to award the contract to the successful Contractor.

Reason(s)

The proposals are part of a series of actions to deliver the borough's Waste Strategy with the objective of reducing the amount of waste produced by the borough and minimising the amount of waste going to landfill. This is part of delivering the Policy House objective of better homes through delivering a clean borough, with low levels of litter and graffiti and where residents look after their homes and gardens and also a borough that reduces its waste and CO2 emissions. Through more efficient delivery of the service we can demonstrate we provide a value for money service as part of a well run organisation.

1. Introduction and Background

1.1 In March 2006, Members adopted the Barking and Dagenham Waste Strategy which sets out three simple objectives to:

- To reduce the quantity of municipal waste produced by the borough
- To minimise the amount of municipal waste that that goes to landfill through increased reuse, recycling, composting and energy recovery;
- To provide an excellent, cost-effective waste containment and collection service to all residents

1.2 The Barking and Dagenham Waste Management Strategy also maps out the Council's current position, sets out the corporate and community vision of where the

service should be in the medium to long term and outlines the short to medium term actions that need to be taken in order to achieve these visions. Most notably, the strategy sets a course for the comprehensive review of waste collection methods, improvements in recycling performance and the borough's street scene.

- 1.3 This strategy has been developed to comply with the National Waste Strategy 2000, The Mayors' Waste Strategy and the East London Waste Authority's (ELWA) Joint Municipal Waste Management Strategy. The Mayor's Municipal Waste Strategy 2011 encourage boroughs to focus on methods which achieve the greatest waste reduction and greenhouse gas emissions associated with the collection, recycling and disposing of waste.
- 1.4 There is great scope for the council to add value to the 'front-end' services already provided by Shanks East London in the borough and make them more effective. There is also scope for the council to not only maximise the effectiveness of its own services, such as the Orange Bag and mixed glass schemes, but to reassess their collection method. This will be vital in order to meet and exceed the council's statutory targets in the long term and to improve value for money in the service.

2. Current waste collection service

- 2.1 The Council now provides householders with a variety of refuse storage methods and collection arrangements to facilitate recycling and the safe and secure collection and disposal of household waste, this being:
 - A weekly collection of residual waste (now including mixed glass) from a 140/240 litre wheelie bin.
 - A weekly collection of mixed dry recyclables (for example plastic bottles, aluminium cans and paper in orange bags placed beside the bin.
 - A fortnightly collection of green garden waste from a 140 litre wheelie bin.
- 2.2 The collected waste is then processed by our waste disposal partner where improved technology separates recyclable or compostable material from the collected waste and processes much of the remaining material into clean material which is used as fuel in the energy industry. This includes the ability to remove glass from residual waste.

3 Limitations with the Existing Service

3.1 Orange recycling bags

The kerbside orange recycling bags are collected weekly in separate refuse collection vehicles. All orange bags are provided free to residents.

The waste disposal partner is responsible for delivering the equivalent of one bag per week to each household in the borough. As household recycling has increased, demand for additional orange bags has increased. These additional bags are provided by the Council through an additional delivery and at 'top up' sites across the borough such as libraries and the one stop shops. This has increased the number of bags supplied to residents to the equivalent of 3 bags per week. There is some additional evidence that suggest that a small minority of borough residents use the bags inappropriately for general waste.

The cost of supplying these bags has been at least £149,000 per annum for the last two financial years, but is projected to be approximately £230,000 in 2011/12. As they are not reusable, the additional cost of orange bag disposal is estimated as a further £73,000.

4. Consultation

4.1 The Managing Director, East London Waste Authority has been consulted on proposals that will affect the Waste Disposal Authority arrangements.

4.2 Proposals for changes to the current dry recycling through orange bags were put out to public consultation. This consultation was run over two successive editions of the News and has asked residents to choose whether they prefer. The deadline for receipt of votes was 25 March. A total of 1976 votes were received. The results of the consultation are as follows:

- No change and savings found some other way 420 votes
- Orange lidded wheeled 240 litre bins collected fortnightly 1253 votes
- Orange lidded wheeled 140 litre bins collected weekly 133 votes
- Cease orange bags and residents pay for their own clear bags. 170 votes

4.3 On this basis there is a clear vote in favour of replacing weekly orange bag collections with a fortnightly wheeled bin collection.

5. Financial Implications

Implications completed by: Jo Moore, Group Finance Manager

5.1 There is a net Refuse budget of £2.6m within the Council's General Fund, and the service have put forward savings proposals for 2012/13 of £200k to modify orange bag collection.

5.2 The figures and calculations contained in this report have been reviewed and validated. However, it should be noted that there are a number estimated figures in the calculations.

5.3 The annual cost of capital in the second table of paragraph 8 has been based on a useful economic life of 15 years for the wheelie bins. Previous capitalisation has been applied over a period of 5 years.

5.4 There is an assumption within this report that the existing residual waste collection service will be able to accommodate the collection of the additional tonnage arising from the glass being placed into the residual waste bin

6. Legal Implications

Implications completed by: Eldred Taylor-Camara, Legal Group Manager

6.1 The Council is a Waste Collection Authority under the Environmental Protection Act 1990. The Household Recycling Act 2003 amended the Act to place a responsibility

on such authorities that by the end of 2010 they collect at least two forms of recyclable waste either together or separately.

- 6.2 Under the Environmental Protection Act 1990 the Council may specify the form of collection such as the use of a wheelie bin. The proposal is compliant with the Act as the collection of the material can be in a single receptacle.
- 6.3 This report is also seeking Cabinet's approval to tender a contract for the purchase of 59,000 wheelie bins.
- 6.4 The value of the contract as set out in section 8.1 of this report, is anticipated to exceed the EU threshold for supplies; therefore, there is a legal requirement to tender the contract in the EU.
- 6.5 Furthermore, the Council's Contract Rules (Contract Rule 3.6) require the strategy for the procurement of contracts of above £400K in value to be submitted to Cabinet for approval prior to procurement of such contracts.
- 6.6 As the value of the proposed contract is in excess of £400k, the proposed strategy for the procurement of the contract has been set out in Section 7.2 of this report, for approval by Cabinet.
- 6.7 It is proposed that the purchase of the wheelie bins will be through an EU advertised framework agreement established by Eastern Shires Purchasing Organisation (ESPO). The framework allows a procuring authority to either directly award to the supplier who represents the most economically advantageous offer or to undertake a mini-competition to identify the appropriate supplier. Members need to be satisfied that the proposed strategy provides the Council with best value for money.
- 6.8 This strategy complies with the EU public procurement rules as contained in the Public Contracts Regulations 2006 (as amended).
- 6.9 The report is furthermore seeking a decision pursuant to Council Contract Rule 3.6.4, as to whether or not Cabinet wishes to be kept informed or consulted on the progress of the procurement and the award of the contract or whether it is content for the commissioning Chief Officer to award the contract to the successful Contractor.
- 6.10 Under Contract Rule 13.3, in the absence of any direction to the contrary from Cabinet, a commissioning Chief Officer, acting in consultation with the Council's Section 151 Officer, has the power to accept a tender and award a contract where the value of a contract is in excess of £50,000.
- 6.11 It is expected that the Legal Practice will be further consulted on the procurement process and in the preparation of relevant contractual documentation.

7. Other Implications

- 7.1 **Risk Management** - The proposed scheme will require the management of a significant change in community behaviour to achieve the full benefit of the scheme. An extensive and detailed communication and awareness raising programme

accompanied by a firm but fair enforcement approach will significantly mitigate the risk of residents not understanding or wanting to participate in the scheme or deciding to illegally dispose of their waste.

The community behaviour change required to make this project a success is considerable. All households will need to change from presenting multiple orange recycling bags to using a 240ltr wheelie bin. Residents will be visited and provided with literature but with behaviour change on this scale it will take time to settle. Therefore, a strong communications strategy which will include door knocking, will be employed to ensure residents are made aware of the changes and how the changes will impact on the ways in which they separate and present their waste for collection. Two tasking teams made up of Enforcement officers and Waste officers will be touring the borough talking to residents who are having problems adjusting, supplying help and information. Where waste is being deliberately fly tipped Enforcement officers will seek to take enforcement action to stop this reoccurring.

The communications strategy will also have an internal focus, ensuring that refuse operatives and staff in Local Service Centres and the Customer Contact Centre is aware of the changes and is able to deal with enquiries from residents. Operatives will be trained to identify contaminated recycling bins in order to maximise the amount of waste that is recycled.

The fortnightly collection of dry recycling using 240 litres wheelie bin may not offer sufficient capacity to residents who may require more wheelie bins. To mitigate the additional cost of wheelie bins, it is proposed that residents obtain clear bags which is easy to get than orange coloured bags from most supermarkets (e.g. Tesco and Morrisons) at an average cost of £2 per roll of 20 clear bags, the same size as the orange recycling bags).

Consultation would be required by ELWA with Shanks as the contract states how and when waste will be delivered. Capacities need to be considered and contractual opening hours if delivery patterns are to be amended.

- 7.2 **Contractual Issues** - It is proposed that the purchase of the wheelie bins will be through an EU procured framework agreement established by Eastern Shires Purchasing Organisation (ESPO). The framework allows a procuring authority to either directly award to the supplier who represents the most economically advantageous offer or to undertake a mini-competition to identify the appropriate supplier.
- 7.3 **Staffing Issues** - There are no staffing issues.
- 7.4 **Customer Impact** - The initial equality impact assessment highlighted the following issues:-

Wheeled bins potentially present problems for our residents with mobility issues. The publicity surrounding the scheme will highlight the Council's assisted collection scheme that adapts the collection to meet the needs of the residents. This scheme has been successfully applied in the grey wheeled bin scheme for residual waste. In order to cater to the needs of larger families who are more likely to put out larger quantities of waste, extra bin capacity could be provided to these families on request. The scheme will benefit all residents irrespective of age, disability, religion

and cultural background, in order to build community cohesion. Some of the benefits of the scheme are:

- it will improve the quantity of recycling materials collected and divert more waste from landfill
- it will save money for the council tax payers because residents won't get orange bags anymore

7.5 **Safeguarding Children** - There are no Safeguarding Children issues raised in this report.

7.6 **Health Issues** - The neat storage of dry recyclable material will result in cleaner tidier streets.

7.7 **Crime and Disorder Issues** - The neat storage of refuse awaiting collection would improve environmental aspects, and so increase perception of an environmentally safe area. There is direct correlation between safety and good environmental management

7.8 **Property / Asset Issues** - There are no property/ asset issues.

8. Options Appraisal - Dry Recycling

8.1 Option 1 Fortnightly dry recycling collections - this option is to collect dry recycling every fortnight and to provide a wheelie bin to all residents for their recycled waste. A potential here risk is that the fortnightly collection of dry recycling using 240 litres wheelie bins may not offer sufficient capacity for larger households . Part of our support work will therefore need to include how we support residents reduce their waste generation as well as provision for exceptional circumstances.

The provision of a wheeled bin for dry recycling has agreed capital invest to save funding of £1,186,068, based on invest to save bid proposal. This proposal would mean a switch from a high-cost collection option to a much more cost effective service. The net financial savings are estimated to be in the region of £201,520 per year as detailed below.

Capital cost of Wheelie bins

Description	No of Properties	Quantity	Price per unit (£)	Total amount (£)
Wheeled bins	58,321	59,000*	18.00	1,062,000
Delivery cost	58,321	58,321	1.05	61,237
Delivery leaflet through L/Box	58,321	58,321	0.15	8,748
Information stickers bin	58,321	60,000	0.07	4,083
Sub-total				1,136,068
Resident engagement & publicity	58,321			50,000
Grand Total				1,186,068

Revenue cost of fortnightly collection with savings

Description	2012/13 (£)
Communications and resolving implementation issues	30,000
Estimate replacement for damaged/stolen bins	35,000
Cost of borrowing	96,000
Gross revenue cost	161,000
Less savings	
Cease supply of orange bags	(230,000)
Reduction of 5 loaders from the five orange recycling bag rounds	(132,520)
Total savings	(362,520)
Net revenue savings/surplus	201,520

If agreed we will put in place a communications plan that explains the benefits of this new scheme and how we will assess locations where space for and additional bin is limited.

A fortnightly dry recycling collection is the preferred option.

- 8.2 Option 2: Weekly dry recycling collections – this option is to collect dry recycling on a weekly basis and to provide a wheelie bin to all residents for their recycled waste. Funding here for the provision of bins will be the same as for fortnightly collections.

This option will also require additional revenue cost of £489,164 per annum, this cost relates to the extra four refuse vehicles, four drivers and eight loaders that will be required in addition to the five current orange recycling bag crews. A total of 9 crews are required to run a weekly wheelie bin collection service. Therefore, this is not the preferred option.

- 8.3 Option 3: Kerbside sort recycling collection system – To implement this system LBBDD would have to procure at least 10 new kerbside sort vehicles as the vehicle capacity is small, with 15 additional staff (driver+2 x 5 extra rounds) for a fortnightly collection, compared to our proposed 5 refuse collection vehicles under option 1 above. It would also require an additional capital investment of approximately 59,000 kerbside boxes with associated cost estimated at £295,000 (£3 per box, plus £2 for delivery and leaflet). Therefore, this is not the preferred option. The additional capital and revenue cost of this option compared to the proposed option 1 above is:

Description	Amount (£)
Capital cost	
59,000 kerbside boxes	£295,000
Revenue cost	
Additional salary cost of 5 drivers and 10 loaders	£557,880
Additional transport cost of 5 extra vehicles	£200,000
Additional fuel cost for 5 vehicles	£38,540
Total additional revenue costs	£796,420

Background Papers Used in the Preparation of the Report:

Cabinet Report – wheelie bin roll-out – 20 January 2009
ELWA 2011/12 waste data report – London Borough of Newham recycling data report

List of appendices:

None

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CABINET

24 APRIL 2012

Title: Performance House 2011/12 - October to December 2011 (Quarter 3)	
Report of the Leader of the Council	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Karen Wheeler, Group Manager Policy and Performance	Contact Details: Tel: 020 8227 2317 E-mail: karen.wheeler@lbbd.gov.uk
Accountable Divisional Director: n/a	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary:</p> <p>This report sets out an approach which will enable Members and senior officers to monitor and challenge performance and delivery of the policy priorities. A wide range of performance is monitored and managed across the Council and is reported in a number of ways including in portfolio holder meetings and to partnership boards. The Performance House provides a collective overview of performance across the Council/borough in order to inform decision making and use of resources.</p> <p>This report includes:</p> <ul style="list-style-type: none"> • A set of 19 key performance indicators (see 2.2.1 and Appendix A) extracted from the Performance House reflecting the Council's Statement of Priorities and a balanced overview of main functions • Performance House indicators reported by exception i.e. where performance has significantly increased or deteriorated (paragraphs 2.3.2 and 2.3.3) • Performance House (full set of indicators) for information only (Appendix B) • Complaints and Members' enquiry performance information (Appendices C and D) <p>Future development of the Performance House will include sourcing benchmarking data and setting targets which will aid the delivery of performance improvement.</p>	
Recommendation(s)	
That Cabinet agree:	
<ul style="list-style-type: none"> i) The approach being taken to report performance information to Members and agree the set of 19 key indicators at 2.2.1. ii) Note performance and action to be taken in paragraph 2.3.3 as at quarter 3 2011/12 and make any comments on it. iii) Note the complaints and Member enquiry data in Appendix C and make any comments on it. 	

Reason(s)

To enable Members and senior officers to more easily monitor and challenge performance and delivery of the policy priorities.

1. Introduction and Background

- 1.1 In 2010 the Coalition Government changed the national performance and inspection regime. Comprehensive Area Assessment (CAA) and statutory collection of the National Indicator set were abolished and Local Area Agreements were brought to an end. These changes enabled the Council to be more flexible in its approach to monitoring and reporting performance information appropriate for the local area.
- 1.2 Historically, a corporate performance report/dashboard had been produced which reflected the key issues of that time e.g. Comprehensive Area Assessment (CAA). The reports included a wide range of data, narrative and analysis.
- 1.3 As a result of the recent changes outlined above, it was agreed by Cabinet Members that the Performance House would be used as the tool to assist monitoring and managing performance. The Performance House is an agreed set of indicators which the Council uses to monitor its performance on a quarterly basis.
- 1.4 The indicators were drawn from the headline Local Authority Performance Solution (LAPS) Indicators (co-ordinated by London Councils and mainly 'old' National Indicators and Best Value Performance Indicators which have been collected for some time), all the Olympic host borough convergence indicators and local performance indicators.
- 1.5 The Performance House aims to provide Members and senior managers with a balanced overview of performance across the organisation in order to inform decision making and use of resources. Performance is monitored and managed across the Council and is reported in a number of ways including in portfolio holder meetings and to partnership boards. Detailed information is available on request and is used for management of services on a regular basis.

2. Proposal and Issues

- 2.1 It is important that Members and senior officers are able to easily monitor and challenge performance in order to effectively manage delivery of the policy priorities. The proposed approach to deliver this is set out below.
- 2.2 Set of key indicators
 - 2.2.1 A set of 19 key performance indicators has been developed from the Performance House which collectively provide a balanced overview of the Council's key functions, with many of interest to the public. They reflect the areas in which there is a focus for improvement, i.e. policy priorities in the Council's Statement of Priorities (agreed by Cabinet and Assembly in February 2012) and have been proposed by directorates as the main issues the Council will be focusing on in 2012/13. Data is available for reporting quarterly unless otherwise stated.

1. Percentage of care leavers in Employment, Education or Training (EET)
2. Percentage of 16 to 18 year olds who are Not in Employment, Education or Training (NEET)
3. Percentage of pupils achieving 5 GCSE grades A* - C (including Maths & English) in maintained schools (annual)
4. Percentage of primary schools rated as outstanding or good
5. Percentage of all school children eligible for Free School Meals (FSM) and percentage taking them up (annual)
6. Working aged population qualified to at least level 4 equivalent (FTE) (excludes school staff), (annual)
7. Percentage of economically active people in employment (annual)
8. Median earnings for full time workers living in the area, per week (annual)
9. Percentage of working age people on out of work benefits
10. Regular participation (at least once a week) in sport and physical activity for all those aged 14+ (annual Active People Survey)
11. Additional housing units: number of affordable homes delivered (annual)
12. Percent of non decent council homes (annual)
13. Satisfaction of tenants and residents with landlord services (bi-annual indicator)
14. Percentage of properties currently empty in the borough (all properties)
15. Percentage of land which has unacceptable amounts of graffiti, fly posting, litter and detritus (data is available three times a year).
16. Violent Crime levels per 1,000 population (and component parts: number of domestic violence offences, percentage of repeated domestic violence incidents, serious youth violence per 1,000 population)
17. Percentage of Council Tax collected
18. Current revenue budget account position (over spend and under spend)
19. Average sickness days per Full-Time Equivalent (FTE), (excludes school staff)

2.2.2 Performance against these indicators as at quarter 3 2011/12 is set out in Appendix A. The performance trend is shown with an arrow: upwards for improving performance and downwards for deteriorating performance when compared with the previous period. Where performance is above or below target this is shown using G (green) for on or above target, A (amber) slightly below target and R (red) significantly below target. Any indicators where performance has significantly deteriorated or improved are set out in section 2.3 below.

2.2.3 Each indicator in the Performance House, including the key indicators, is numbered for ease of reference. The next report (quarter 4 2011/12) will also show which indicator relates to which portfolio in addition to showing the relevant directorate.

2.3 Performance House Indicators – Exception Reporting and Analysis

2.3.1 An exception report which highlights where there has been significant deteriorating and improving performance of key indicators and indicators in the Performance House for quarter 3 2011/12 (September to December 2011) is set out below. This highlights where performance is significantly below target and/or the trend over the previous reporting period is declining performance and any indicators where performance has exceeded the target or there has been a consistently improving trend.

2.3.2 For deteriorating performance this shows where focus may be required or is already planned to improve. The table below provides a summary of recent performance

and action being taken in directorates or through partnership boards to address these.

Indicator	Performance	Analysis
1. Percentage of care leavers in employment, education or training (EET)	37.8% (Q3 2011/12) as compared with 32.0% Q2 2011/12 which is a slight increase but down on the same period last year and previous years - 55.3% (Q3 2010/11) and 49.0% in (2010/11) and 28.7% (2009/10)	Small numbers for this indicator. At the end of Q3 2011/12, 14 out of 37 care leavers were in EET (37.8%). The NEET Panel, comprising of Connexions and representatives from the Apprentice Scheme and other organisations, meet bimonthly to discuss each care leaver who is NEET with the aim of identifying suitable targeted options.
16c. Serious Youth Violence per 1,000 population	1.04 (Dec 2011) compared to 0.95 in November 2011 and 0.79 for December 2010. This compares to 1.14 in 2009/10.	Priority for Community Safety Partnership's Serious Youth Violence Partnership Group – activity includes developing exit strategies for gang members. Violent crime has reduced overall.
69. Obesity levels in school children in year 6 (percentage)	Increased to 24.2% (2010/11 academic year) from 23.6% (2009/10 academic year).	Higher than national and London averages and lower quartile. Health and Wellbeing Board target to reduce with programmes in place. 2011/12 data available December 2012.
72. Percentage of children in Reception who are obese	Improvement in 2010/11 to 13.8% from 14.1% in 2009/10 but remains higher than national and London averages/lower quartile.	Health and Wellbeing Board target to reduce with programmes in place. 2011/12 data available December 2012.
78. Proportion of children living in families on key benefits compared to London average	Improvement in 2009/10 to 36.6% from 38.3% in 2008/09. 2010/11 data not yet available.	Improving but still above London average of 29.6%
79. Percentage of CO ² reductions from local authority operations	24.7% (decrease) in 2009/10 to -5.17% (increase) in 2010/11	The Council has developed a Carbon Management Plan in consultation with the Carbon Trust. This is scheduled to be presented at the 24 th July Cabinet meeting for discussion and approval.

2.3.3 Significant improvements can be seen in the following indicators:

Indicator	Performance
15b. Percentage of land that has unacceptable levels of <i>detritus</i>	9% in the second survey (of three) for 2011/12, a significant reduction from 17% in 2010/11 although a small increase since the first survey of 2011/12 (7%)
23. Percentage of children's core assessments completed within 35 days	84.6% Q3 2011/12, above the target of 80% for 2011/12
27. Average time to re-let local authority housing (voids), (in days)	27 days in Q3 2011/12 compared to 31 days in Q2 2011/12, 30 in 2010/11 and 52.47 in 2009/10. The reason for the improvement is due to the decision to convert decanted properties due for demolition for use as temporary accommodation. A dedicated

	team have been allocated to improve the properties.
Number of days to process housing and Council Tax benefit new claims and change of circumstances ⁴⁴ . Percentage of secondary schools rated outstanding or good	17.29 days (Dec 2011) exceeding the target of 21.68 (Dec 2011)
46.	

2.4 Performance House

2.4.1 The Performance House indicators are included, in full, in Appendix B for information. The trend rating for each indicator has been attributed in a number of ways. This ensures that the most relevant and accurate trend for each specific indicator is shown. In general where performance has improved by 10% or deteriorated by 10% since the last data was available a green (G) or red (R) rating respectively has been used. Where data can be compared nationally, and the Council are in an upper or lower quartile, this is reflected in the rating. This will be reviewed for quarter 4 2011/12 to ensure clarity of reporting and comparison with the most recent data available.

2.4.2 There are 79 indicators in the Performance House. Some indicators have component parts which mean that 86 items in total are included in this report. Of the 86, 6 have deteriorating performance (R), 24 have stayed the same (A), 36 have improved (G), 9 show only trend data and 11 have no trend data in quarter 3 2011/12.

2.4.3 Although it provides a comprehensive overview of performance, the Performance House does not seek to, nor could it include all performance areas which are measured. A wide range of performance is monitored and managed across the Council and is reported in a number of ways including in portfolio holder meetings and to partnership boards.

2.5 Targets and benchmarking of Performance House indicators

2.5.1 Future development of the Performance House will include setting of targets for indicators where it is applicable to do so and provision of benchmarking information.

2.5.2 Benchmarking information will enable the Council to compare its performance against other boroughs, establish baselines on which to set targets, look at best practice and prioritise improvement. The indicators which are part of the Olympic Host Boroughs Convergence set and the Local Authority Performance Solution (LAPS) have London benchmarking information available; however there may also be other relevant authorities to benchmark against for some indicators. The local indicators in the Performance House may not benchmarking information available, but this can be further researched to ascertain what may be relevant.

2.5.3 Setting targets for the indicators will enable clarity on the direction of travel expected and what can be achieved in specific time-frames; this will ensure improvement is focused and well managed, aligned to policy priorities and assist Members and senior officers in managing performance and resources.

2.6 Customer complaints and Member enquiry data

- 2.6.1 A summary of borough wide customer complaints, other formal customer contact and Member enquiries from April to November 2011 is provided in Appendix C. This includes all recorded complaints, including those areas in the Council in which response time deadlines are different to the standard corporate deadlines, such as in Adult Social Care. However, the number of stages in the corporate and Adult Social Care processes are the same.
- 2.6.2 Member enquiries are those formally reported through the Member enquiry process and it is recognised that not all issues are reported in this way and therefore the figures provide an indicative picture. Urgent issues are reported directly by Members to officers in the relevant service area. Members may wish to consider reviewing this process to ensure a more accurate picture of issues raised by Members is recorded and therefore reflected in the allocation of resources to specific areas. A breakdown of the information on Member enquiries by directorate is at Appendix D. This shows that Housing and Environment have the highest number of Member enquiries.
- 2.6.3 The summary indicates how many complaints or enquiries were received, those which were responded to within deadline and the outcome of the complaints. At present, Stage one and two complaints, Member of Parliament enquiries and Freedom of Information requests have not consistently been responded to within the deadline during this period. The majority of Member enquiries, Local Government Ombudsman (LGO) complaints and data protection access requests have been responded to within deadlines. Work is underway to join up the approach to dealing with complaints and other enquiries more, to ensure the processes are managed more efficiently and lessons learnt to improve service delivery.

3. **Options Appraisal**

- 3.1 There is no legal requirement to prepare a performance report, however, it is good governance to do so and provides a collective overview of performance across the Council/borough in order to inform decision making and use of resources.

4. **Consultation**

- 4.1 CMT and departments (through Departmental Management Teams) have informed the approach, data and commentary in this report and the Performance House.

5. **Financial Implications**

Implications verified by: Faysal Maruf, Group Accountant

- 5.1 There are no specific financial implications, however, some key performance indicators do have quantifiable cost benefits such as improved Council Tax collection rates. There is also a gainshare for Elevate if they achieve over the agreed Council Tax collection percentage stated in their contract.
- 5.2 Due to the financial constraints of the Council these key performance indicators must be achieved within the budgets of the relevant services.

5.3 If external funding is involved within these performance targets there can be a financial implication if these are not met funding may have to be returned to the provider.

6. Legal Implications

Implications verified by: Eldred Taylor-Camara, Legal Group Manager

6.1 The Legal Practice has been consulted in the preparation of this report and confirms there are no legal implications to highlight.

7. Other Implications

7.1 **Risk Management** - The identification of clear performance measures to deliver against the priorities is part of a robust approach to risk management.

7.2 **Contractual Issues** - Any contractual issues relating to improving performance measures will be addressed as part of the delivery plan for each project or action.

7.3 **Staffing Issues** - Any staffing issues relating to improving performance measures will be addressed as part of the delivery plan for each project or action.

7.4 **Customer Impact** - Improvements in performance indicators will have a positive impact on customers.

7.5 **Safeguarding Children** - A number of indicators related to safeguarding children are contained within the Performance House. Monitoring and management of these indicators will ensure safeguarding is maintained or improved.

7.6 **Health Issues** - A number of health and well being indicators are contained with the Performance House. Monitoring and management of these indicators will ensure areas related to health can be maintained or improved. It was agreed at Informal Cabinet in December 2011 that further indicators may need to be included from the Health and Wellbeing Strategy. This strategy is due for completion in September 2012 and this will be addressed in a future Performance House report.

7.7 **Crime and Disorder Issues** - A number of crime indicators are contained with the Performance House. Monitoring and management of these indicators will ensure areas related to crime and disorder can be maintained or improved.

Background Papers Used in the Preparation of the Report:

- Council Plan 2011/12
- Statement of Priorities 2012/13
- Directorate and partnership board performance dashboards/reports

List of appendices:

Appendix A –Key performance indicators Q3 2011/12

Appendix B - Performance House Q3 2011/12

Appendix C – LBBD Customer Complaints Highlight Report (April to Nov 2011)

Appendix D – Member Enquiries (April to Nov 2011)

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Key Performance Indicators – Quarter 3 2011/12 Performance

Ref	Directorate	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Previous month/quarter performance	Current Performance 2011/12	Target 2011/12 <i>Comments in italics</i>	Trend
1	CS	London Councils	Percentage of care leavers in employment, education or training (EET)	Monthly	48.7%	49.0%	32.0% (Q2 2011/12)	37.8% (Q3 2011/12)	60%	↑R
2	CS	London Councils	Percentage of 16 to 18 year olds who are NEET	Quarterly	7.9%	6.9%	7.2% (Q2 2011/12)	6.6% (Q3 2011/12)	5.9%	↑A
3	CS	Convergence	Percentage of Pupils achieving 5 GCSE grades A* - C (including Maths & English) in maintained schools	Annual (academic year – published October)	51.7%	57.2%	N/A	Data not available until October 2012 (provisional data August 2012)	Narrow the gap with the London average to 3-4% by 2014/15. Current gap across host boroughs is 6.2%. CYP 2011/12 target at or above national average of 58.3%	↑A
4	CS	Local	The percentage of primary schools rated as outstanding or good	Quarterly (Ofsted three year inspection cycle)	50% (August 2009)	47% (August 2010)	55% (August 2011)	57% (year to date)	>65% (Ofsted threshold)	↑A
5a	CS	Local	Percentage of all school children eligible for Free School Meals (FSM)	Once each term	25.3%	24.8%	N/A	28.7%	N/A	N/A
5b	CS	Local	Of those eligible, the percentage of children who take up FSMs	Annual (January)	84.4%	81.7%	N/A	74.3%	To be set for 2012/13	↓
6	F&R	Convergence	Working age population qualified to at least Level 4	Annual (Academic year)	22.4% (2009) 20.5% (2008)	26.7% (2010)	N/A	Data not yet available	Narrow the gap with the London average to 3-4% by 2014/15. Current gap between host boroughs and London average is 6.1%	↑A

7	F&R	Convergence	Percentage of economically active people in employment	Annual (calendar quarters, for the previous 12 months. 8 month time lag)	62.6% (2009)	62.9% (2010)	N/A	62.1% (2011)	Narrow the gap with the rest of London by 1- 5% by 2014/15. Currently host boroughs are 4.6% behind London.	↑A
8	F&R	Convergence	Median earnings for full time workers living in the area (per week)	Annual	£523.7 (April 2009)	£496.70 (April 2010)	N/A	£500.80 (April 2011)	Target for 2014/15 is to narrow the gap with the London average to £25. Current gap between host borough and London is £38.70.	↑A
9	F&R	London Councils	Percentage of working age people on out of work benefits	Quarterly (Rolling year basis, Calendar year figures)	19.0 (Jan-Dec 2009)	18.9% (Jan-Dec 2010)	18.9% (Q2 2011/12)	17.8% (Q3 2011/12)	To be set for 2012/13 (Out of work benefits include Jobseekers allowance, Income support and Incapacity benefit/Employment support allowance and a small number of on income related benefits) Figures recently re-calculated including all adults 16-64 (previously only aged 60 women included)	↑
10	ACS	Convergence	Regular participation (at least once a week) in sport and physical activity for all those aged 14+ (Active People Survey)	Annual (December)	14.8%	14.0%	N/A	Due from Sport England December 2012	Target for 2014/15 is to narrow the gap with the London average to 0.5%. Current gap between host boroughs and London is 2.0%. The Council target is to increase participation by 3% by 2015.	↓A
11	H&E	Convergence	Additional housing units - number of affordable homes delivered	Annual	69	144	N/A	182 provisional	Target for 12/13 is 470	↑G
12	H&E	London Councils	Percent of non decent Council Homes	Annual	32%	42%	N/A	Available April 2012	To be set for 2012/13	↑
13	H&E	Local	Satisfaction of tenants and residents with landlord services	Bi-annual	72%	N/A	N/A	73%	To be set for 2013/14	↑
14	Elevate	Local	Percentage of properties currently empty in the borough (all properties)	Monthly	3.2	2.9	1.74% (Nov 2011)	3% (Dec 2011)	To be set for 2012/13	↓

15a	H&E	London Councils	Percentage of land that has unacceptable levels of litter	3 times per year	14%	8%	3% (Tranche 1)	7% (Tranche 2)	To be set for 2012/13 Data is collected by a physical viewing/survey using the Keep Britain Tidy methodology	↓
15b	H&E	London Councils	Percentage of land that has unacceptable levels of detritus	3 times per year	33%	17%	7% (Tranche 1)	9% (Tranche 2)	To be set for 2012/13	↓
15c	H&E	London Councils	Percentage of land that has unacceptable levels of graffiti	3 times per year	19%	7%	4% (Tranche 1)	5% (Tranche 2)	To be set for 2012/13	↓
15d	H&E	London Councils	Percentage of land that has unacceptable levels of fly posting	3 times per year	7%	3%	7% (Tranche 1)	2% (Tranche 2)	To be set for 2012/13	↑
16	ACS	London Councils and Convergence	Violent crime levels per 1,000 population	Monthly	30.40	25.48	20.84 (Nov 2011)	15.30 (Dec 2011)	To narrow the gap to 3-4% across the host boroughs. Host borough baseline is 28.9 and London baseline 22.8 in 2009/10 – a gap of 6.1	↑G
16a	ACS	Local	Number of Domestic Violence Offences	Monthly cumulative	1997	1770	1427 (Jan 2012)	1537 (Feb 2012) 1663 (Feb 2011)	Reduction on baseline (2010/11)	↑G
16b	ACS	Local	Percentage of repeated domestic violence incidents	Monthly	19%	28%	22% (Jan 2012)	22% (Feb 2012) 35% (Feb 2011)	28%	↔G
16c	ACS	London Councils	Serious Youth Violence per 1,000 population	Monthly	N/A	1.14	0.95 (Nov 2011)	1.04 (Dec 2011) 0.79 (Dec 2010)	To be set for 2012/13	↑R
17	Elevate	London Councils	Percentage of Council Tax collected	Monthly cumulative	92.9%	92.9%	72.90% (Nov 2011)	81.5% (Dec 2011) 80.8% (Dec 2010)	80.8% (Dec 2011) 92.9% (2011/12)	↑G

18	F&R	Local indicator	Current revenue budget account position (over or under spend)	Monthly (year to date)	£4.4m	£2.8m	£0.7m under spend (end Dec 2011)	£1.3m under spend (end Jan 2012)	N/A	N/A
19	CXs	London Councils	Average sickness days per Full-Time Equivalent (FTE) (excludes school staff)	Monthly	10.5	9.1	8.64 (Dec 2011)	8.81 (Jan 2012) 9.19 (Jan 2011)	6 days by September 2014	↓A

PERFORMANCE HOUSE – Q3 2011/12

Theme: Better Together									
Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend	
20 Adult and Community Services	London Councils	Serious acquisitive ¹ crime rate per 1,000 population	Monthly	28.73	29.88	20.82 ² (Nov 2011) 20.85 (Nov 2010)	To be set for 2012/13	↓ A	
21 Adult and Community Services	London Councils	Overall crime rate per 1,000 population	Monthly	110.41	106.73	69.2 ² (Nov 2011) 72.7 (Nov 2010)	To be set for 2012/13	↓ G	
22 Adult and Community Services	Local	Percentage of Adult Safeguarding Alerts progressed to Investigation	Monthly	N/A	73.04%	9.00% ³ (Dec 2011)	To be set for 2012/13	N/A	
23 Children's Services	London Councils	Percentage of children's core assessments completed within 35 days	Monthly	60.3%	63.3%	84.6% (Q3 2011)	80%	↑ G	
24 Children's Services	London Councils	Percentage of child protection cases reviewed within required timescales	Monthly	100%	100%	100% (Q3 2011)	100%	G	
25 Children's Services	London Councils	Percentage of referrals to children's social care going on to	Monthly	24.6%	65.8%	67.9% (Q3 2011)	80%	↑ G	

Theme: Better Together								
Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
26 Children's Services	London Councils	initial assessment Percentage of children having a child protection plan for 2nd or subsequent time	Monthly	9.8%	9.3%	6.7% (Q3 2011)	10%	↓G
Comment								
<p>¹Acquisitive crime is defined as the following: Burglary in a dwelling, attempted burglary in a dwelling, distraction burglary in a dwelling, attempted distraction burglary in a dwelling, aggravated burglary in a dwelling, robbery of a business property, robbery of personal property, theft or unauthorised taking of a motor vehicle, aggravated vehicle taking and theft from a vehicle.</p> <p>²These figures come from IQuanta.com and December's figures are yet to be published</p> <p>³A comparison cannot be made with the 2010/11 data due to the introduction of Pan London Procedures.</p>								

Theme: Better Home								
Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
27 Housing and Environment	Local	Average time to re-let local authority housing (days)	Monthly	52.47	30	27 (Dec/Q3 2011) 37 (Dec/Q3 2010)	32	↓G
28 Housing and Environment	Local	Eyesore gardens - % of Eyesore gardens cleared following re-inspection (cases closed) – NB: This figure is broken down in the 3 boxes below	Quarterly	Not previously collected	Not previously collected	90% (Q3) 92% (Q2) (Cumulative totals)	Provisional target for 2012/13, 90%	↓A

Theme: Better Home									
Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend	
29 Housing and Environment	Local	Eyesore gardens - % that were closed without any further action needed.	Quarterly	Not previously collected	Not previously collected	52% (Q3) 52% (Q2) (Cumulative totals)	Provisional target for 2012/13 50%	↔A	
30 Housing and Environment	Local	Eyesore gardens – Percentage of gardens cleared up following a warning letter issued to owner. ¹	Quarterly	Not previously collected	Not previously collected	32% (Q3) 33% (Q2) (Cumulative totals)	Provisional target for 2012/13 33%	↓A	
31 Housing and Environment	Local	Eyesore Gardens - Percentage of gardens cleared up once owner has been served with a notice. ¹	Quarterly	Not previously collected	Not previously collected	6% (Q3) 5% (Q2) (Cumulative totals)	Provisional target for 2012/13 5%	↑A	
32 Housing and Environment	London Councils	Number of homeless applications accepted	Quarterly	232	113	68 (Q3) 56 (Q3 2010)	To be set for 2012/13	N/A	
33 Housing and Environment	London Councils	Number of households living in temporary accommodation ²	Quarterly	568	709	707 (Q3)	A target for this is not being set as the below indicator is the focus for monitoring.	N/A	
34 Housing and Environment	London Councils	Number of households living in temporary accommodation (Old Portfolio) ²	Quarterly	Indicator not collected in 09/10	259	188 (Q3) 204 (Q2)	Decrease of 5 properties per month	↓G	

Theme: Better Home								
Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
35 Finance and Resources	London Councils	Percentage of 'other' planning applications determined within 8 weeks ³	Quarterly	92.56%	80%	77.78% (Q3)	To be set for 2012/13	↓ A
36 Finance and Resources	London Councils	Percentage of 'minor' applications determined within 8 weeks ³	Quarterly	81.19%	60%	63.16% (Q3)	To be set for 2012/13	↑ A
<p>Comments</p> <p>¹ Eyesore gardens –Collection is in September, December and April. (Data will be supplied by month in future).</p> <p>² The temporary accommodation indicators relate to households in the borough which are classed as 'homeless' and are therefore being housed in properties used for temporary accommodation. The 'Old portfolio' Indicator specifically refers to the properties used for temporary accommodation before Housing Benefit Changes in April 2010. (These are properties which were used to accommodate homeless households on a Private Sector Licence. Private Landlords would lease their property to accommodation providers who in turn would licence them to the council.) Before April 2010 the cap on housing benefit rent levels for benefit purposes used to be very generous and enabled the Council to receive an administration fee. However the benefit changes brought about a significant reduction in the cap. In preparation for the benefit changes in April 2010 the Council tendered the contract to provide temporary accommodation and new housing providers are below the cap (thus will cost less). It therefore is important to ensure tenants in properties on the old portfolio move on to the new supply under the new contract, as properties on the old portfolio are subject to a subsidy charge as they are above the cap (hence cost more money). This indicator is therefore the focus for monitoring.</p> <p>The target for last year was to move 20 households per month which was constantly exceeded, but were mindful when further benefit changes came in this year it would become increasingly difficult. As expected the availability of new private rented accommodation has dried up completely, making conversion almost at a stand still. For this reason the 20 target was reduced to 5 per month in 2010/11 which has been achieved and the figures are still decreasing.</p> <p>³ Data is cumulative</p>								

Theme: Better Health and Wellbeing								
Department	Type of Indicator	Indicator	Frequency	Actual End of year 2009/10	Actual End of year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
37 Adult and Community Services	London Councils	Percentage of social care clients receiving Self Directed Support (Direct payments and individual budgets)	Monthly	16.4%	40.31%	47.06% (Dec 2011) 36.65% (Dec 2010)	Exceeded our target for 2011/12 (45%). Demonstrating how Self Directed Support and Direct Payments are an integral part of the social care process.	↑G
38 Adult and Community Services	London Councils	Percentage of vulnerable people supported to maintain independent living	Monthly	89.0%	98%	80.80% (Sept 2011/12) 80.40% (Sept 2010/11)	To be set for 2012/13	↑G
39 Adult and Community Services	London Councils	Percentage of carers receiving needs assessment or review	Monthly	28.7%	26.4%	63.13% (Dec 2011) 54.13% (Dec 2010)	To be set for 2012/13	↑G

Theme: Better Future								
Department	Type of Indicator	Indicator	Frequency	Actual End of year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
40 Adult and Community Services	Local	The percentage of adults with a learning disability in paid employment	Monthly	4.02%	4.77%	3.96% (Dec 2011) 3.11% (Dec 2010)	To be set for 2012/13	↑G

Theme: Better Future									
Department	Type of Indicator	Indicator	Frequency	Actual End of year 2009/10	Actual End of Year 2010/11	Current Performance 2011/12	Target 2011/12	Trend	
41 Adult and Community Services	Local	The percentage of adults receiving secondary mental health services in employment	Monthly	6.1%	6.0%	7% (Dec 2011) 4% (Dec 2010)	To be set for 2012/13	↑G	
42 Housing and Environment	London Councils	Kg of residual waste per household	Quarterly	802.16	824	606.99 (Q3 2011/12) 628.65 (Q3 2010/11)	Provisional target for 2012/13 820	↓A	
43 Housing and Environment	London Councils	Percentage of waste sent for reuse, recycling & composting	Quarterly	31.93%	31%	31.55% (Q3 2011/12) 31.05% (Q3 2010/11)	Provisional target for 2012/13 31%	↑A	
44 Children's Services	Local	The percentage of secondary schools rated outstanding or good ¹	Quarterly	56% (as at 14 th August 2009)	63% (as at 9 th August 2010)	67% (year to date)	>65%	↑G	
45 Children's Services	Local	The number of children without school place	Quarterly	0	0	0 (Year to date)	Meet statutory duty to provide a school place for every child	G	
Comments									
¹ Ofsted - 3 Year Inspection Cycle. Inspection outcomes across all Children's Services settings are reported by Ofsted in the Local Authority Performance Profiles quarterly. Results inform LA's Children's Services annual assessments.									

Theme: Well run organisation

Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
46 Elevate	London Councils	Length in days of processing Housing Benefit / Council Tax benefit new claims and change of circumstances	Monthly	15.66	17.3	17.29 (Dec 2011) 21.70 (Dec 2010)	21.68 (Target Dec 2011) 17.32 (Target 2011/12)	↓ G
47 Elevate	London Councils	Percentage non domestic rates collected	Monthly	95.6%	94.8%	79.1% (Dec 2011/12) 78.1% (Dec 2010/11)	78.9% (Dec 2011/12) 96.0% (Target 2011/12)	↑ A
48 Finance and resources	Local	Number of new stage 3 complaints received to date in the year	Monthly	89	85	55 ¹ (Apr to Nov 2011) 58 (Apr to Nov 2010)	To be set for 2012/13	N/A ¹
49 Finance and Resources	Local	Number of stage 3 complaints processed within deadlines	Monthly	40	66	42 ¹ (Apr to Nov 2011) 45 (Apr to Nov 2010)	To be set for 2012/13	A (76%) ¹
50 Finance and Resources	Local	Number of LGO referrals received to date in the year	Monthly	59	68	39 (Apr to Nov 2011) 51 (Apr to Nov 2010)	To be set for 2012/13	N/A ¹
51 Finance and Resources	Local	Number of stage LGO referrals processed within deadlines	Monthly	57	65	36 (Apr to Nov 2011) 49 (Apr to Nov 2010)	To be set for 2012/13	G (92%) ¹

Theme: Well run organisation

Department	Type of Indicator	Indicator	Frequency	Actual End of Year 2009/10	Actual End of year 2010/11	Current Performance 2011/12	Target 2011/12	Trend
52 Chief Executive's	Local	Number of grievances reaching stage 3 (new and still open)	Monthly	0	1	1 ² (Jan 2012) 3 (Total year to date)	To be set for 2012/13	↓ G
53 Chief Executive's	Local	Number of new disciplinarys	Monthly	67	53	2 (Jan 2012) 52 (Year to date)	To be set for 2012/13	↓ G
54 Chief Executive's	Local	I would recommend the council as a good employer (Agree)	Quarterly	36% ³ (2006)	52.5% (Jun 10) 53% (Dec 10)	44.5% (Feb 2012) 52.3% (Apr 11)	To be set for 2012/13	↓ A
55 Chief Executive's	Local	The Council demonstrates a genuine concern for my well-being (Agree)	Quarterly	Not previously collected	Not previously collected for full year	28.2% (Feb 2012) 25.7% (July 11)	To be set for 2012/13	↑ A

Comment

¹One stage 3 complaints for April to November 2011 is still open and within deadline. As this could still be responded to within deadline, the performance could increase.

Complaints /LGO Targets: In February 2011 it was established that there was no formal target with regard to responding to complaints within timescales, and currently the complaints team are working with an informal target system as follows: (0-74% Red, 75-79% Amber, 80%-100% Green). This shows the percentage of complaints which have been responded to within the deadline. Benchmarking activity will be conducted to formulate formal stretch targets. The Direction of Travel shows whether performance has increased or decreased when compared to the last quarter.

²1st April 2011 to 31 January 2012

³ 2006 data is from the Mori Staff survey, more recent data is from the Staff Temperature Check. All workforce information excludes school staff

ANNUAL INDICATORS

Theme: Better Together							
Department	Type of Indicator	Indicator	Actual End of year 2009/10	Actual End of year 2010/11	Actual End of year 2011/12	Target 2011/12	Trend
56 Adult and Community Services	Convergence	Overall satisfaction with the local area (percentage) ¹	54%	56.6% (Data as of May 2011)	64% (Nov 2011)	Target for 2014/15 is to narrow the gap by 1.5-3.5% points from the baseline of 8.2% points gap between host boroughs and all of London ¹	↑G
57 Adult and Community Services	Convergence	Perceptions of anti-social behaviour ¹ (Question asked see ²).	39.9%	39.1% (Data as of May 2011)	30% (Nov 2011)	The target for 2014/15 has not been set by the host boroughs as they are unsure what data they will be using in future.	↓G
58 Adult and Community Services	Local	The percentage of people who agree that the local area is a place where people from different backgrounds get on well together ¹	55%	n/a	52% (Nov 2011)	To be set for 2012/13	↓A
59 Adult and Community Services	Local	The percentage of people who agree that they feel able to influence decisions affecting their local area ¹	36%	n/a	38% (Nov 2011)	To be set for 2012/13	↑G
60 Adult and Community Services	Local	Percentage of people who feel safe when outside in the local areas after dark ¹	28%	n/a	36% (Nov 2011)	To be set for 2012/13	↑G
61 Adult and Community Services	Local	Percentage of people who feel safe when outside in the local areas during the day ¹	72%	n/a	70% (Nov 2011)	To be set for 2012/13	↓A

Theme: Better Together							
Department	Type of Indicator	Indicator	Actual End of year 2009/10	Actual End of year 2010/11	Actual End of year 2011/12	Target 2011/12	Trend
62 Adult and Community Services	Local	The proportion of the adult population who participate in regular, formal volunteering (percentage) ¹	15%	n/a	20% (Nov 2011)	To be set for 2012/13	↑G
Comment ¹ From the residents survey (previously the place survey) ² Thinking about this local area, how much of a problem do you think each of the following areNoisy neighbours or loud parties, Teenagers hanging around on the streets, Rubbish and litter lying around, Vandalism, graffiti and other deliberate damage to property or vehicles, People using or dealing drugs, People being drunk or rowdy in public places and Abandoned or burnt out cars?							

Theme: Better Home							
Department	Type of Indicator	Indicator	Actual End of year 2009/10	Actual End of year 2010/11	Actual End of year 2011/12	Target 2011/12	Trend
63 Adult and Community Services	Local	The percentage of people satisfied with libraries ¹	71%	n/a	73% (Nov 2011)	To be set for 2012/13	↑G
64 Adult and Community Services	Local	The percentage of people satisfied with parks and open spaces ¹	66%	n/a	70% (Nov 2011)	To be set for 2012/13	↑G
Comment ¹ From the residents survey (previously the place survey)							

Theme: Better Health and Wellbeing

Department	Type of Indicator	Indicator	Actual End of Year 2009/10	Actual End of Year 2010/11	Actual End of Year 2011/12	Target 2011/12	Trend
65 Adult and Community Services	Convergence	Mortality rates from all circulatory diseases at ages under 75 (per 100,000) ¹	97.03 (2009) 101.15 (2008)	2010 data will be available in Jan 2011	2011 data will be available in Dec 2012	Target for 2014/15 is to narrow the gap with the London average to 25. Currently the gap between host boroughs and London is 25.7	↓ G
66 Adult and Community Services	Convergence	Mortality rates from all cancers at ages under 75 (per 100,000) ¹	143.57 (2009) 151.89 (2008)	2010 data will be available in Jan 2011	2011 data will be available in Dec 2012	Target for 2014/15 is to narrow the gap with the London average to 10. Currently the gap between host boroughs and London is 16.4	↓ G
67 Adult and Community Services	Convergence	Life expectancy (in years) - males ¹	76.5 (2007-2009)	Data for 2008-10 will be available in Jan 2011	Data for 2009-2011 will be available in Dec 2012	Target for 2014/15 is to narrow the gap with the London average to 2 years. Currently the gap between host boroughs and London is 2.2)	N/A
68 Adult and Community Services	Convergence	Life expectancy (in years) - females ¹	81.0 (2007-2009)	Data for 2008-10 will be available in Jan 2011	Data for 2009-2011 will be available in Dec 2012	Target for 2014/15 is to narrow the gap with the London average to 1.3 years. Currently the gap between host boroughs and London is 1.6	N/A
69 Children's Services	Convergence/ Local	Obesity levels in school children in year 6 (percentage) ²	23.6% (2009 measurement - counted in year 2009/10)	24.2% (2011 measurement but falls within the 2010/11 academic year)	Available in Dec 2012	Target for 2014/15 narrow the gap with the London average to 1%. Currently the gap between host boroughs and London is 2.3%	↑ R (lower quartile position)

Theme: Better Health and Wellbeing

Department	Type of Indicator	Indicator	Actual End of Year 2009/10	Actual End of Year 2010/11	Actual End of Year 2011/12	Target 2011/12	Trend
70 Adult and Community Services	Convergence	No Sport or Activity (0 times 30 mins per week - percentage) ³	58.4% (2008-2010)	61.4% (Oct 2009 - Oct 2011)*	Not yet available	Target for 2014/15 is to narrow the gap with the London average to 1% point. Currently the gap between host boroughs and London is 4.5%	↑ A
71 Children's Services	Convergence	Percentage of pupils who participate in high quality PE and School Sport	88%	Not available yet	Not available yet	The target for 2014/15 is to achieve 100% (Host boroughs are currently 0.1% higher than the rest of London).	G
72 Children's Services	Local	The percentage of children in reception who are obese	14.1% (2010 data but falls within the 2009/10 academic year)	13.8% (2011 measurement but falls within the 2010/11 academic year)	To be published in Dec 2012	To be set for 2012/13	↓ R (Lower quartile position - 2009)
Comment ¹ Annual (calendar year) e.g. 2008 reported for 2008/09 year ² Annual (with a requirement to collect within the school year) ³ From Active People survey							

Department	Type of Indicator	Indicator	Actual End of Year 2009/10	Actual End of Year 2010/11	Actual End of Year 2011/12	Target 2011/12	Trend
Theme: Better Future							
73 Children's Services	London Councils	Percentage of Looked After Children achieving 5 A*-C GCSEs (inc English and Maths)	12.5%	20%	Not published until next academic year	20.8%	↑G
74 Children's Services	London Councils and convergence	Percentage of pupils achieving level 4 or above in both English and Maths at Key Stage 2 ¹	70% (based on 50% of schools taking KS2 tests)	71%	Not published until next academic year	Target for 2014/15- Achieve convergence with London Average by 2015 (Across host boroughs increase required of 1.6%)	↑A
75 Children's Services	Convergence	Young people from low income backgrounds progressing to higher education ^{1,3}	Not published yet 2% (2007/08 – Latest data)	Not published yet	Not published yet	To be set for 2012/13	n/a
76 Finance and Resources	Convergence	Percentage of working age population with no qualifications ²	18.9% (Jan-Dec 2009)	17.1% (Jan - Dec 2010)	N/A	Achieve convergence with London average by 2015 (Gap between host boroughs and London 5.1%)	↓G
77 Children's Services	Convergence	Achievement of a Level 3 qualification by the age of 19 ¹⁹	40.3%	To be published March 2012	Not available yet	Narrow the gap with the London Average to 2% by 2014/15 (currently the gap between host boroughs and London is 5.8%). 55% by 2013 (CYPP target 2011-16)	TBC
78 Children's Services	Convergence	Proportion of children living in families on key benefits to London average	38.3% (2008/09)	36.6% (2009/10)	Not available	Target for 2014/15 is narrow the gap in the host boroughs to 5.6% (currently 8.4% across London)	↓R

Department	Type of Indicator	Indicator	Actual End of Year 2009/10	Actual End of Year 2010/11	Actual End of Year 2011/12	Target 2011/12	Trend
Theme: Better Future							
79 Finance and Resources	Local	Percentage CO ² reduction from Local Authority Operations	24.7%	-5.17%	Due post July 2012 ⁵	3% increase	↓R
Comment							
¹ Annual Academic year ² This indicator is not collected across 5 of the 6 host boroughs. It may be deleted. ³ There is a significant time lag on this data being published by DfE ⁴ Data will not be available until July when final energy bills for the last quarter are received.							

LBBB Customer Complaints and Member Enquiry Highlight Report: April – November 2011

LBBB CUSTOMER COMPLAINTS HIGHLIGHT REPORT APRIL - NOVEMBER 2011														OPEN CASES	
BOROUGHWIDE														Total	
	A	M	J	J	A	S	O	N	D	J	F	M	A		
S1	No. Received	166	185	183	160	155	177	181	204					1411	
	No. Responded Within	74	100	115	115	95	99	102	111					811	
	% Within	45% (R)	54% (R)	63% (R)	72% (R)	61% (R)	56% (R)	56% (R)	54% (R)					57% (R)	21
	% Agreed	68%	62%	55%	51%	57%	48%	51%	44%					54%	
	% Partly Agreed	8%	15%	16%	18%	13%	13%	16%	17%					15%	
	% Not Agreed	24%	23%	29%	31%	30%	39%	28%	33%					30%	
S2	No. Received	36	46	45	43	53	46	41	19					329	
	No. Responded Within	21	32	29	28	34	26	27	12					209	
	% Within	58% (R)	70% (R)	64% (R)	65% (R)	64% (R)	57% (R)	66% (R)	63% (R)					64% (R)	6
	% Agreed	53%	44%	38%	44%	42%	37%	49%	42%					43%	
	% Partly Agreed	14%	22%	31%	18%	21%	9%	7%	21%					18%	
	% Not Agreed	33%	35%	31%	37%	34%	50%	41%	21%					36%	
S3	No. Received	4	9	13	11	4	5	8	1					55	
	No. Responded Within	4	6	10	8	4	5	4	1					42	
	% Within	100% (G)	67% (R)	77% (A)	73% (R)	100% (G)	100% (G)	50% (R)	100% (G)					76% (A)	4
	% Agreed	75%	44%	46%	45%	50%	20%	38%	0%					44%	
	% Partly Agreed	0%	33%	23%	36%	50%	60%	13%	100%					31%	
	% Not Agreed	25%	22%	31%	18%	0%	20%	0%	0%					18%	
LGO	No. Received	2	6	12	4	5	2	5	3					39	
	No. Responded Within	2	6	10	4	4	2	5	3					36	
	% Within	100% (G)	100% (G)	83% (G)	100% (G)	80% (G)	100% (G)	100% (G)	100% (G)					92% (G)	2

ME	No. Received	176	223	210	208	212	186	248	295									1758	1
	No. Responded Within	140	180	179	175	170	135	211	220									1410	
	% Within	80% (G)	81% (G)	85% (G)	84% (G)	80% (G)	73% (R)	85% (G)	75% (A)									80% (R)	
MP	No. Received	98	145	111	121	132	114	108	99									928	0
	No. Responded Within	64	114	86	89	94	89	78	75									689	
	% Within	65% (R)	79% (A)	77% (A)	74% (R)	71% (R)	78% (A)	72% (R)	76% (A)									74% (R)	
FOI	No. Received	61	97	98	66	125	102	78	128									755	40
	No. Responded Within	36	67	69	45	78	69	55	88									507	
	% Within	59% (R)	69% (R)	70% (R)	68% (R)	62% (R)	68% (R)	71% (R)	69% (R)									67% (R)	
DP	No. Received	10	6	11	15	10	8	3	3									66	1
	No. Responded Within	10	5	11	15	6	4	3	1									55	
	% Within	100% (G)	83% (G)	100% (G)	100% (G)	60% (R)	50% (R)	100% (G)	33% (R)									83% (G)	

Key

S1	Stage 1 complaints
S2	Stage 2 complaints
S3	Stage 3 complaints
LGO	Local Government Ombudsman complaints
ME	Member enquiries
MP	Member of Parliament enquiries
FOI	Freedom of Information requests
DP	Data Protection access requests

Rating

(R)	Red
(A)	Amber
(G)	Green

LBBB Member Enquiry Highlight Report: April – November 2011

LBBB CUSTOMER CORRESPONDENCE HIGHLIGHT REPORT APRIL - NOVEMBER 2011																
BOROUGHWIDE		A	M	J	J	A	S	O	N	D	J	F	M	A	Total	OPEN CASES
ME	No. Received	176	223	210	208	212	186	248	295						1758	1
	No. Responded Within	140	180	179	175	170	135	211	220						1410	
	% Within	80%	81%	85%	84%	80%	73%	85%	75%						80%	
ME	ADULT & COMMUNITY SERVICES		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	24	12	22	19	18	17	9	15						136	0
	No. Responded Within	15	7	15	13	14	8	6	9						87	
% Within	63%	58%	68%	68%	78%	47%	67%	60%						64%		
ME	CHILDREN'S SERVICES		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	14	16	17	18	14	10	7	12						108	0
	No. Responded Within	11	10	15	16	13	7	4	11						87	
% Within	79%	63%	88%	89%	93%	70%	57%	92%						81%		
ME	CHIEF EXECUTIVES DIRECTORATE		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	0	0	0	0	0	0	0	0						0	0
	No. Responded Within	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A						N/A	
% Within	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A						N/A		
ME	ELEVATE SERVICES OVERALL		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	7	2	5	6	6	4	3	1						34	0
	No. Responded Within	7	2	4	6	6	4	3	1						33	
% Within	100%	100%	80%	100%	100%	100%	100%	100%	100%					97%		
ME	HOUSING & ENVIRONMENT		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	126	189	162	162	168	150	226	263						1446	0
	No. Responded Within	102	157	143	137	131	111	196	196						1173	
% Within	81%	83%	88%	85%	78%	74%	87%	75%						81%		
ME	FINANCE & RESOURCES		A	M	J	J	A	S	O	N	D	J	F	M	A	OPEN
	No. Received	5	3	4	3	6	5	3	4						33	0
	No. Responded Within	5	3	2	3	6	5	2	3						29	
% Within	100%	100%	50%	100%	100%	100%	67%	75%						88%		

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CABINET

24 APRIL 2012

Title: Planning for Religious Meeting Places - Amendment to Planning Advice Note 4	
Report of the Cabinet Member for Regeneration	
Open Report	For Decision
Wards Affected: All	Key Decision: yes
Report Author: Daniel Pope, Development Planning Manager, Development Planning	Contact Details: Tel: 020 8227 3929 E-mail: daniel.pope@lbbd.gov.uk
Accountable Divisional Director: Jeremy Grint, Divisional Director for Regeneration	
Accountable Director: Tracie Evans, Director of Finance and Resources	
<p>Summary:</p> <p>On 12 June 2007 Cabinet agreed a Planning Advice Note on Religious Meeting Places (Minute 11).</p> <p>On 28 September 2010 Cabinet agreed a revised Planning Advice Note on Religious Meeting Places (PAN) (Minute 39). The revisions to the guidance introduced more clarity on what were considered to be the preferred locations for religious meeting places.</p> <p>On 4 October 2011 the Local Development Framework Steering Group reviewed the revised PAN. The Group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and industrial sites safeguarded for industrial uses only.</p> <p>Consequently further revisions and updates to the Planning Advice Note on Religious Meeting Places have been proposed - the revised PAN is included as Appendix 1. These were reported to and supported by the Development Control Board on 16 November 2011. The adoption of LDF documents must be carried out by the Assembly, therefore the Cabinet is asked to support the revised PAN for adoption.</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend the Assembly to approve the revised Planning Advice Note on Religious Meeting Places at Appendix 1 to the report.</p>	
<p>Reason(s)</p> <p>The revised Planning Advice Note will assist in raising household incomes by assisting the delivery of the associated outcome in the Policy House of "a borough that is great for doing business in and where businesses are supported to thrive".</p>	

1. Introduction and Background

- 1.1 On 12 June 2007 Cabinet agreed a Planning Advice Note on Religious Meeting Places (Minute 11).
- 1.2 The Planning Advice Note identified premises within town centres and sites on the edge of employment areas as particularly suitable for religious meeting places. However it made clear that within town centres, policies which aim to protect the primary retail function of town centres, must be adhered to and that in employment areas any proposals must not undermine their primary employment function. It also highlighted the need to ensure that the impacts of religious meeting places, particularly noise and car parking are properly controlled to avoid unacceptable impacts on residents and businesses.
- 1.3 On 28 September 2010 Cabinet agreed a revised Planning Advice Note on Religious Meeting Places (PAN) (Minute 39). The revisions to the Guidance introduced more clarity on what were considered to be the preferred locations for religious meeting places.
- 1.4 The Planning Advice Note identified Thames Road and the Rippleside Commercial Area which are both designated industrial sites, and South Dagenham East (Beam Park) and South Dagenham West as preferred locations for religious meeting places.
- 1.5 On 4 October 2011 the Local Development Framework Steering Group reviewed the revised PAN. In particular it focused on how the guidance treats proposals for Places of Worship within designated employment areas. This was in response to evidence about the adverse impact such proposals were having on rent levels for business premises with these areas, the latest data on vacancy levels and concerns expressed from local businesses in response to recent planning applications on Thames Road and Wantz Road. Members of the group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and subject to DCB decisions it recommended that current applications for religious meeting places in designated industrial sites are approved in principle and then industrial sites safeguarded for industrial uses (B1 (b) (c), B2 and B8 uses) and other uses not allowed within them at ground floor level. The revised Planning Advice Note on Religious Meeting Places is attached as Appendix 1.
- 1.6 On 16 November 2011 Development Control Board agreed to recommend the PAN for adoption.

2 Proposal and Issues

Loss of employment land and impact on economic development

- 2.1 Perhaps the single most significant issue experienced in planning applications received recently is the impact of religious meeting places on existing businesses. The data shows that the larger Pentecostal Evangelical Churches tend to favour vacant premises in industrial estates across the borough. This is because these premises give them the space they require which often is not available within the borough's town centres at the right price. The Council's Planning Advice Note has

facilitated this by accepting that in certain circumstances religious meeting places can be acceptable uses in designated employment areas. In particular the Planning Advice Note identifies the Rippleside Commercial Area and Thames Road as preferred locations for religious meeting places.

- 2.2 The Council's designated employment sites are either strategic or local industrial land.

Strategic Industrial Land

- 2.3 Strategic Industrial Land forms a vital part of the capital's main reservoir of industrial capacity. Policy 2.17 of the London Plan makes clear that development proposals within or adjacent to Strategic Industrial Land should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan goes on to say that development of Strategic Industrial Land for non-industrial or related uses should be resisted other than as part of a strategically coordinated process of consolidation, or where it addresses a need for accommodation for small and medium sized enterprises or new emerging industries, or where it provides local, small scale 'walk to' services for industrial occupiers or office space ancillary to industrial use. The following areas are designated as Strategic Industrial Land.

- River Road Employment Area
- Rippleside Commercial Area
- Dagenham Dock

Locally Significant Industrial Sites

- 2.4 Locally significant industrial sites are focused on providing smaller more affordable space for small and medium sized enterprises although they also contain larger employers. They will be important in providing move on space for businesses which establish themselves in the Borough's Business Centres. The following areas are designated as Locally Significant Industrial Sites:

- Hertford Road
- Freshwharf
- Gascoigne Business Area
- Dagenham Ford (PTA plant only)
- Sterling Industrial Estate/Wantz Road
- Sanofi Aventis site
- Lyon's Business Centre

- 2.5 The Local Development Framework released 74 hectares of designated industrial land taking into account supply and demand. The remaining designated industrial land is considered to represent the critical mass of land necessary to meet current and future business needs. This takes into account a churn rate of 5%. This is the necessary normal (frictional) vacancy rate to enable the property market to operate effectively, without this surplus capacity it would grind to a halt.

- 2.6 Currently there are just over 0.18m sq.m of vacant industrial premises comprising a total of 86 units. This represents only 7% of total floorspace (2.45m sq.m) excluding

the Ford estate. Including the Ford estate (1.9m sq.m) it represents 4% of total floorspace.

- 2.7 Within the designated industrial areas there is evidence that the current policy of allowing religious meeting places in vacant premises in certain circumstances is distorting the property market by increasing hope value and pushing up rents beyond a sustainable level for businesses.¹
- 2.8 The manager of the Midas Industrial Estate in Wantz Road considers that if premises are marketed at realistic rents they will attract businesses and submitted strong objections to recent applications for religious meeting places in this location. An added pressure is that from 1 April 2011 empty buildings with a rateable value over £2,600 pay full business rates.
- 2.9 Typically in Thames Road the going rate for industrial space is £5-7/sq.ft whilst the rate for religious meeting places is £10-12 sq.ft. Naturally when tenancies come to an end some landlords are targeting religious meeting places rather than traditional employment uses so they can maximize their rental income. This means that businesses are being priced out of the locations which have been safeguarded for their use. Agents advise that there is a good demand for small and medium sized premises but that letting larger units, that is those above 6500 sq.ft, is difficult. Traditionally landlords would invest in their properties to make them more marketable to reflect demand in this case by subdividing them into smaller units. Now landlords have less incentive to do this as they can target the demand from religious meeting places.
- 2.10 In the light of this information the Council's Local Development Framework Steering Group and the Council's Development Control Board agreed to remove the preferred locations of Thames Road and the Rippleside Commercial Area from the guidance and to not allow other uses within the borough's designated employment areas at ground floor level
- 2.11 The revised Planning Advice Note on Religious Meeting Places is provided in Appendix 1 and incorporates the following changes from the previous version:
- Revises the guidance on the acceptability of religious meeting places in the borough's designated employment areas. Now the guidance reverts back to the established Local Development Framework policy which proposals for developments within the borough's Strategic Industrial Locations and Locally Significant Industrial Locations need to satisfy. The guidance now makes clear that proposals for religious meeting places within these locations will not be permitted except in exceptional circumstances provided a number of criteria are met which ensure the proposal is not detrimental to existing businesses or the future viability of the employment area.
 - Removes "Thames Road" and "Rippleside Commercial Area" from the list of preferred locations for religious meeting places. This leaves South Dagenham

¹ Hope value is a term that is commonly used to describe the element of the market value of a property that is attributable to the hope of obtaining planning consent for development where there is no permission for that development at the valuation date.

West and South Dagenham East as the two preferred locations for religious meeting places within the borough.

2.12 The opportunity has also been taken to make the following minor changes to update the guidance and make it more user friendly.

- Updates references to the London Plan 2011 which was published since the last revision to the Planning Advice Note.
- Updates guidance on when Transport Assessments are necessary.
- Clarifies the Council's policy on development within retail frontages. Previously the guidance referred to the policies in the Local Development Framework but for ease of use it now explains what the Council's policy is.
- Includes a new reference to policy CC2 of the Core Strategy and explains the importance of applicants demonstrating that their religious meeting places is meeting a predominantly local need.

3. Options Appraisal

3.1 Members of Local Development Framework Steering Group were presented with two other options

- Leave the guidance as it is

This would not address the issues identified in this report.

- Set limits for the amount of floorspace within industrial sites for non-industrial uses based on evidence on the future demand for industrial premises

This is arguably a more sophisticated approach, however the low levels of vacancy mean that there is little scope currently to allocate land for non-industrial uses within industrial sites.

A third option is to extend the locations where religious meeting places might be acceptable outside of designated employment areas. However this would increase potential impacts on residential amenity and could risk raising community tensions.

4. Consultation

4.1 On 4 October 2011 the Local Development Framework Steering Group reviewed the Council's Planning Advice Note on Religious Meeting Places. Members of the group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and then industrial sites safeguarded for industrial uses (B1 (b) (c), B2 and B8 uses) and other uses not allowed within them at ground floor level.

4.2 Therefore a revised Planning Advice Note on Religious Meeting Places was reported to Development Control Board on 16 November 2011.

4.3 Members of Development Control Board raised a number of concerns regarding the revised PAN which include:

- It would have an adverse impact on those members of the community who wish to worship
- Two designated areas are being taken away and not replaced
- The current PAN does not support the growing demand for the borough and a suggestion was made that it goes back to a Select Committee for further debate. The revised PAN went to the Living and Working Select Committee on 30 January.

4.4 However DCB agreed to recommend the PAN to the Assembly for adoption. It has since been clarified that the Planning Advice Note needs to follow the same route as the previous iteration and that it why this report has been prepared.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant

5.1 The Council currently does not provide financial support / subsidy to aid the provision of religious meeting places, and the proposed amendments do not change this. Therefore the only costs to the Authority will be the minor ones of printing the planning advice note (which will be met from the existing Regeneration & Economic Development budget).

These amendments to the preferred meeting places will not result in any additional planning income, as there are no new requirements for a planning application that were not required before.

The preferred meeting places are modelled to ensure that there are no adverse impact on wider Council budgets (for example in terms of noise control, parking, rates, or employment opportunities).

6. Legal Implications

Implications completed by: Paul Field, Senior Lawyer

6.1 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 Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 provide that adoption of LDF documents are not an executive (Cabinet) function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly. By the same reasoning as the revised Planning Advice Note will be a material consideration when the Council determines planning applications for religious meeting places it would require a decision of the Assembly to endorse such a change

6.2 The Council has a statutory obligation under the Equality Act 2010 Section 149: Public sector equality duty to have due regard to specified matters when exercising their functions including acting as Local Planning Authority. The key matters are: advancing equality of opportunity between people who share a protected characteristic (i.e. race, religion and belief) and people who do not share it; and fostering good relations between people who share a protected characteristic and people who do not share it. To address that duty an Equalities Impact Assessment

of the proposal has been carried out and the merits of the effect of the PAN weighed up against the effect of the change leading to the final proposed PAN.

7. Other Implications

7.1 Risk Management - The guidance includes suitable safeguards to ensure that new religious meeting places do not give rise to issues around increased noise, disturbance, parking problems or lead to having an adverse effect on the amenities of neighbouring residents and occupiers. Indeed the revisions include more clarity on the preferred locations for religious meeting places taking into account these potential impacts thereby lessening the possibility of raised tensions.

7.2 Customer Impact - An Equality Impact Assessment (EIA) has been carried out for this update to the Planning Advice Note. The EIA identifies that the revised guidance will make it more difficult for religious meeting places to locate in designated employment areas. This will disproportionately affect Pentecostal and Evangelical Churches who tend to favour the larger premises available in designated employment areas. The Community Mapping Data shows that an estimated 15% of the borough's residents have a black or black British African background and that this percentage is likely to increase. There will continue to be a demand for Pentecostal and Evangelical Churches. However the EIA recognises that the guidance makes clear that other opportunities exist within the borough for places of worship such as this to locate to including vacant premises in out of town retail parks. Whilst it is accepted that data is lacking on the supply of and demand for such premises the guidance has been amended to clarify that applicants should demonstrate that their application is meeting a predominantly local need and that speculative applications are discouraged. This clarification will help make sure that local faith groups are not crowded out by speculative applications for unknown groups who may not draw their congregation locally.

It is further determined as part of the EIA process that the tightening of policy expressed within this PAN should have a positive impact on job creation which will benefit all groups in the borough.

This Planning Advice Note will be distributed to the Faith Forum. As recommended in the EIA the Faith Forum will continue to be invited to comment on relevant planning applications and attend relevant pre-application meetings and officers from the planning department will continue to provide updates to the forum on this and other relevant changes to planning policy and guidance. The original Equalities Impact Assessment has identified that it will be necessary to ensure that the PAN is accessible to all groups and therefore will need to be made available in different formats. The current PAN is available on audio tape, in large print or in Braille and can also be translated into seven different languages. It is intended to make the updated PAN available in the same way.

7.3 Crime and Disorder Issues - In line with Borough Wide Development Policy BC7 all new development would need to incorporate Secure by Design principles. When places of worship are placed in inappropriate locations this can lead to neighbour disputes, disharmony and conflict between the congregation and local neighbours. Parking can be a particularly problematic issue in this regard. The development of

the PAN is an important part of ensuring that places of worship are located in appropriate locations.

- 7.4 **Property / Asset Issues** - The Council is not able to provide financial support to aid the provision of religious meeting places and this revised Planning Advice Note does not change this.

Background Papers Used in the Preparation of the Report:

- Cabinet Report, 12 June 2007, Approval of Planning Advice Note on Religious Meeting Places, (Minute 11 - 12/06/07).
- Cabinet Report, 28 September 2010, Approval of revised Planning Advice Note on Religious Meeting Places, (Minute 39 – 28/09/10).
- Development Control Board, Approval of revised Planning Advice Note on Religious Meeting Places, 16 November 2011(Minute 57 – 28/09/10).

List of appendices:

Appendix 1 – Planning Advice Note 4 (2012 update)

**The London Borough of
Barking and Dagenham
Religious Meeting Places
Planning Advice Note 4 (2012 update)**

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Section 1- Introduction

1.1 What is the aim of this Planning Advice Note?

The aim of this Planning Advice Note (PAN) is to provide guidance for those people considering making a planning application for religious meeting places in Barking and Dagenham. The Council recognises that the provision of religious meeting places is both valuable and important for community cohesion and equality of opportunity; however provision of new or expanded religious meeting places needs to be given careful consideration. The need to be mindful is necessary so that religious meeting places do not give rise to issues such as increased noise, disturbance, parking problems or lead to having an adverse effect on the amenities of neighbouring residents and occupiers. The issues outlined here will be discussed in more detail in section 3 of this guidance.

If you are thinking of submitting a planning application for a religious meeting place, the Council encourages you to take advantage of the Council's pre-application process details of which are available at:

<http://www.lbdd.gov.uk/8-leisure-envir/planning/pdf/pre-application-fees.pdf>

It is important to emphasise that the Council is not able to financially support the provision of religious meeting places.

1.2 Do I have to follow the advice in this Planning Advice Note?

This PAN complies with local, regional and national statutory guidance and should be read in conjunction with the Council's Core Strategy and Borough Wide Development Policies. Further reference to what these are and more detail of the Council's planning policy is given in section 2 of this guidance.

This PAN provides guidance on implementing the policies in our Local Development Framework (LDF) – this is the document which sets out the Council's policies for the planning of the whole borough, and it is against these policies and the guidance in this document that planning applications for religious meeting places will be determined. Although you do not have to follow all of the advice in this PAN to get planning permission, it provides important guidance about how to meet certain LDF policies. When we are deciding whether to approve planning applications, we will consider whether you have followed the advice in this PAN.

1.3 What are religious meeting places and why are they important for Barking and Dagenham?

Religious meeting places have historically played an important part in the development of our nation, often being a focal point for people to meet, worship, socialise, exchange ideas and celebrate important milestones in their family and community lives. Barking and Dagenham is home to a very rich and diverse range of faith communities and the demand for religious meeting places in the Borough is increasing.

In 2001 the Census collected information about religious identity. In that survey, over three-quarters of the Borough's population reported belonging to a faith.

The 2001 Census figures clearly indicate that Barking and Dagenham is a multi-faith Borough; after Christianity (69%) the largest religious group in the Borough is made up of the Muslim population (4.4%), then Hinduism at 1,867 (1.1%), Sikhism at 1,800 (1.1%), Judaism at 500 (0.3%), Buddhism 400 (0.2%) and other religions at 308 (0.2%). More recent data indicates that there will continue to be demand for religious meeting places in particular for churches, mosques, mandirs and gurdwaras.

It is important that all sections of the community are catered for in the Borough. Barking and Dagenham is already home to a number of significant religious meeting places that attract congregations from both inside and outside of the Borough.

Resident population (percentage)

Religion	Barking and Dagenham	England and Wales
Christian	69.0	71.8
Buddhist	0.2	0.3
Hindu	1.1	1.1
Jewish	0.3	0.5
Muslim	4.4	3.0
Sikh	1.1	0.6
Other religions	0.2	0.3
No religion	15.3	14.8
Religion not stated	8.4	7.7

Source: 2001 Census, ONS

Religious meeting places can also have wider community functions. For example, religious meeting places can provide access to training and education opportunities and provide ongoing support for health problems such as drug / alcohol abuse. They can also act as banqueting halls for weddings and other functions of a religious nature. Providing facilities which can be used for such a variety of functions can contribute towards better community cohesion and offer a focal point at which people can come together.

Religious meeting places also help meet the challenge of social exclusion of disadvantaged groups in the Borough, such as Black and Minority Ethnic Groups (BME) and older people.

Section 2 - Relevant Policies and Legislation

2.1 The Use Classes Order

Under planning law, religious meeting places fall within Class D1, non-residential institutions, of the Town and Country (Use Classes) Order 1987(as amended). Following are a set of the key statutory policies and legislation at national, regional and local levels that have been considered in the preparation of this PAN.

2.2 National policy and legislation:

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

(2005) - paragraph 16 states, “development plans should promote development that creates socially inclusive communities.” Plan policies should (amongst other factors) “take into account the needs of all the community including particular requirements relating to age, sex, ethnic background, religion, disability or income.” Paragraph 27 (v) states; when preparing development plans, planning authorities should seek to “provide improved access for all to jobs, health education, shops, leisure, and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.”

Paragraph 27 (viii) further outlines that more efficient use of land should be promoted through higher density, mixed use development and through the use of suitably located previously developed land and buildings. “Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.”

Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth

Paragraph 4 makes clear that economic development includes development within the B Use Classes, public and community uses and main town centre uses and policy EC2.1 states that at the local level, local authorities should, where necessary safeguard land from other uses and identify a range of sites, to facilitate a broad range of economic development, including mixed use.

Planning Policy Statement 12: Local Spatial Planning 2008

Paragraph 2.5 states that spatial planning is critical in relation to economic growth and regeneration by providing a robust basis for assessing the need for, and providing supporting infrastructure and natural resources for economic development.

Planning Policy Guidance (PPG) 13: Transport (2001) - sets out that its key objectives include: to promote more sustainable transport choices for people, to promote accessibility to jobs, shopping, leisure facilities and services - by public transport, walking and cycling, and to reduce the need to travel especially by car. Paragraph 52 encourages the use of maximum levels of parking provision for broad classes of development.

Planning Policy Guidance (PPG) 24: Planning and Noise (1994) - section 2 specifies, “wherever practicable, noise-sensitive developments should be separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses.” Section 6 further outlines that “the Secretary of State considers that housing, hospitals and schools should generally be regarded as noise-sensitive development.”

The Disability Discrimination Act (DDA) (1995) - from 1 October 2004, Part 3 of the DDA 1995 has required businesses and other organisations to take reasonable steps to tackle physical features that act as a barrier to disabled people who want to access their services. This may mean to remove, alter or provide a reasonable means of avoiding physical features of a building which make access impossible or unreasonably difficult for disabled people. This includes access to services such as shops, restaurants, leisure centres and religious meeting places.

The Race Relations (Amendment) Act (2000) - under the Race Relations Act planning authorities now have a statutory general duty to promote race equality, including taking measures to: eliminate unlawful racial discrimination, promote equal opportunities and encourage good race relations.

2.3 Regional policy and legislation:

The London Plan 2011

The London Plan which was published in July 2011 recognises that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. It states in policy 3.16 that facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible the multiple use of premises should be encouraged. In Policy 3.1 it states that boroughs should make provision to ensure the needs of disadvantaged groups are met and makes specific reference to religious meeting places in this regard.

2.4 Local policy and legislation:

Barking and Dagenham's Community Plan (2009) aims to work together for a better borough that is safe, clean, fair and respectful, prosperous and healthy and where our young people are inspired and successful. It emphasises the importance of fairness and respect and endeavours to create an even stronger and more 'together' borough, so it is a place where we all get along, and a place we feel proud of.

Section 3 - What Do I Need to Consider If I Want To Use An Existing Building or Develop a New Building For a Religious Meeting Place?

3.1 Potential impacts of religious meeting places:

We have identified a number of potential impacts associated with religious meeting places; the extent of the impacts can depend on whether the religious meeting place is a local facility or whether it has a wider catchment area. Should you want to convert a building to a religious meeting place or build or extend a religious meeting place within Barking and Dagenham, you must consider the following impacts.

3.2 Increased noise:

Religious meeting places do not always increase noise levels. However, when planning a religious meeting place you should consider the level of noise that may be emitted in the area in which you plan to meet and worship, especially if the site or property you are interested in is located in or near a residential area. This is

particularly important if your religious meetings will involve loud music, or if events and celebrations (e.g. weddings) will take place at your religious meeting place, which may temporarily increase noise (for example from music, higher than usual number of visitors or additional traffic noise).

We would like to make sure that local residents are not affected by unacceptable levels of noise and disturbance. With this in mind we prefer religious meeting places to be located away from residential areas if at all possible (refer to section 4).

However, measures can be put into place to reduce noise levels including soundproofing insulation to buildings; this will help reduce the impact of noise on local residents.

3.3 Car parking and traffic:

A number of transport considerations should also be taken into account when planning a religious meeting place. You should consider the level of car parking that will be required for your religious meeting place and make sure that there are sufficient numbers of parking spaces to cover your needs at times of weddings and other events. In order to minimise noise and disturbance, on-site parking should be provided for religious meeting places. On-site parking is also important to help eliminate congestion in local roads.

You must also consider how well served the site is by public transport and make sure that local bus services can cope with the anticipated extra demand. Through the pre-application process applicants should advise the Council when their peak demands are likely to occur so that the Council can liaise with Transport for London and local bus operators to ensure sufficient capacity is available at these times.

As set out in Borough Wide Development Policy BR10 “Sustainable Transport” where a development is likely to lead to a significant increase in traffic around the site, or the traffic generated is going to have a significant impact on the local area, then you may be required to submit a Transport Assessment with your planning application. Where the development would have minor transport impacts a Transport Statement is suffice. Advice is available at the following link.

<http://www.tfl.gov.uk/assets/downloads/businessandpartners/transport-assessment-best-practice-guidance.pdf>

A Travel Plan is a package of measures aimed at promoting sustainable travel, with an emphasis on reducing reliance on car journeys. We will secure this either through what’s known as a Section 106 Agreement or a Planning Condition (refer to section 5 for more information about planning conditions).

A Travel Plan will normally be required for a place of worship of 2500 m² or over in line with advice published by Transport for London. When a Transport Assessment is required this should always include a Travel Plan. Advice on Travel Plans is available at the following link - <http://www.lscp.org.uk/newwaytoplan/>

Generally, religious meeting places should be located in areas which can be easily accessed without the use of a car (refer to section 4).

Section 4 - Locations for Religious Meeting Places

4.1 Preferred locations:

Locations which are easily accessible by walking and cycling and benefit from good public transport links are preferred. Good public transport links will help to reduce the number of car journeys. This is better for our environment and helps to deliver the Government's sustainable development agenda, as well as help minimise the impacts associated with car parking and traffic, such as increased noise and congestion, as discussed in section 3.

This approach is compliant with Core Strategy policy CC2 which states that community facilities should be located where they can be accessed on foot, bicycle or public transport rather than by car.

For these reasons we prefer religious meeting places to be located in or near to **town or district centres** within the Borough i.e. Barking Town Centre, Dagenham Heathway District Centre or Chadwell Heath District Centre, because of their high levels of accessibility. These centres are defined areas which include the primary shopping area and areas of predominantly leisure, business and other main town centre uses adjacent to the primary shopping areas. The extent of these centres is defined on the Local Development Framework Proposals Map.

However in line with policy CE1 of the Council's Core Strategy, it is important to stress that the Council is permitted to ensuring that retail is maintained as the predominant ground floor use within town centres. For this reason, Borough Wide Policy BE1 states that in Barking Town Centre, 15% of the measured primary shopping frontage and 30% of the measured secondary shopping frontage will be permitted for non-retail uses. In the district centres of Dagenham Heathway, Chadwell Heath and Green Lane this is 30% and 60% respectively.

There are however a number of unrestricted frontages in Dagenham Heathway and Barking Town Centre. These are frontages with no restrictions on non-retail uses.

Within the borough's 32 neighbourhood centres, non-retail uses are restricted to a maximum of 35% of the measured frontage.

The extent of all the frontages in the borough's District Centres and Neighbourhood Centres are provided on pages 40-42 of the Site Specific Allocations Development Plan Document. The extent of the frontages in Barking Town Centre is provided in Policy BTC2 of the Barking Town Centre Area Action Plan.

Any development at ground floor level within the borough's town centres must satisfy the design criteria in Borough Wide Policy BE2

Religious meeting places should also provide safe and widespread public access to and from the premises, including disability access, and should be compliant with the requirements of the Disability Discrimination Act, as outlined in Core Strategy policy CP3.

Finally policy CC2 of the Core Strategy makes clear that where possible community facilities should be located in close proximity to the community that the facility will

serve. Therefore applicants should demonstrate that their religious meeting place is meeting a predominantly local need and the Council discourages speculative planning applications where this cannot be established or verified.

Employment areas or industrial sites. The borough's main employment areas are either designated as Strategic Industrial Locations or Locally Significant Industrial Sites. Policies CE3 and CE4 of the Core Strategy make clear that our first objective is to safeguard employment areas to retain and encourage employment opportunities in the Borough and therefore any proposal which is detrimental to this objective will not be permitted. The Core Strategy therefore aims to ensure that designated employment areas comprise an appropriate mix of employment uses including B1 (Light Industry), B2 (General Industry) and in certain locations B8 (Storage and Distribution)

Therefore proposals for religious meeting places within the borough's designated employment areas will not be permitted except in exceptional circumstances where it can be demonstrated that:

- The premises have been unused for at least 12 months and marketed during that time at reasonable rents for the permitted uses;
- It would not result in the amount of vacant employment floorspace falling below 8% of total existing employment floorspace in the area.
- There is a robust transport assessment which demonstrates that it will not lead to unacceptable impacts on the existing highway network;
- Car parking demands can be met within the curtailage of the development;
- There would be no conflicts between the proposed use and the day to day operation of existing businesses in the area.

We do not normally consider **retail warehouse parks** to be suitable locations for religious meeting places as these sites are designed for retail warehouse uses. However exceptions could be made if retail warehouse buildings become vacant and if it can be demonstrated that they are no longer needed for retail warehousing purposes.

With regard to these considerations and to help provide more certainty to applicants, the Council has identified the following locations where it will look favourably on proposals for religious meeting places, maps of these sites are provided in Annex 1:

- South Dagenham West. Site Specific Allocation SSA SM2
This is the site bounded by the A13, the A1306 (New Road), the Ford Paint Trim Assembly site and Chequers Lane.
- South Dagenham East. Site Specific Allocation SSA SM4
This is the site bounded by the London Tilbury Southend railway, Thames Avenue, the A1306 (New Road) and Kent Avenue.

SSA SM2 and SSA SM4 are policies within the Council's Site Specific Allocations document which is available at the following link.

<http://www.lbbd.gov.uk/8-leisure-envir/planning/local-dev-framework/site-specific1.html>

Residential areas and designated local centres and parades which are outlined on the Local Development Framework Proposals Map may be considered as appropriate locations for religious meeting places. However, it must be demonstrated that the proposal will have no significant adverse effect on surrounding neighbours (refer to section 3) and that there are no opportunities in the other preferred locations for the proposed facility.

As explained at the outset of this advice note, the Council will – in all instances - aim to make sure that planning applications do not give rise to issues and concerns including increased noise, disturbance, parking problems or lead to having an adverse effect on the amenities of neighbouring residents and occupiers. This applies equally to the preferred locations detailed in this section.

4.2 Suggestions:

We recognise that with the number and variety of faith communities in the Borough having increased significantly in recent years; finding suitable land and premises for religious meeting places can be challenging for faith groups. As a solution we suggest that religious meeting places are located in existing premises, which are either under-used or would be vacant at certain times or on certain days. We recommend that the following types of premises could be suitable for temporary dual or multi-use by faith groups, subject to residential amenity considerations and the beliefs of individual faith groups:

- Underused existing religious meeting places;
- Vacant buildings in retail parks;
- Community halls;
- Schools, colleges and public libraries (outside of operating hours)
- Other public venues (e.g. theatres and public houses)

Section 5 - What Do I Need to Know If I am Submitting a Planning Application for a Religious Meeting Place?

5.1 Checklist for potential planning applications for a religious meeting place:

When submitting a planning application to the Council, please make sure that the following information is provided:

- How many people will be using the religious meeting place, at what times of the day and which days of the week?
- How wide is the catchment area for the religious meeting place?
- Details about festivals and ceremonies and how often they occur?
- How much space is required and for what purpose (e.g. prayer rooms, offices or teaching rooms)?
- How would people get to the religious meeting place (e.g. walking / cycling, private car, minibus, coach or public transport)?
- The parking and access arrangements and whether drop-off facilities will be provided for larger vehicles or coaches?
- The level of noise expected to be generated?
- What disabled access is provided?

5.2 Planning conditions / temporary planning permission:

We may grant planning permission subject to certain conditions. Planning conditions may be used to restrict activities at the religious meeting place, for example by limiting operational times and helping to control noise levels, where it is considered necessary. Alternatively the Council may grant temporary planning permission to enable us to assess the impacts of a particular proposal or to allow time for you to seek alternative premises.

5.3 Pre-application discussions:

We strongly advise applicants to arrange to talk to a Planning Officer from the council's Development Management team before any commitment is made in buying or renting a property for a religious meeting place. This is important and could save you a lot of time and money later.

You should always arrange a pre-application meeting with a council Planning Officer before you submit your planning application as it will help identify any potential problems and allow them to be changed at an early stage.

<http://www.lbbd.gov.uk/8-leisure-envir/planning/pdf/pre-application-fees.pdf>

Section 6 - Useful Contacts

Development Management, Enforcement and Building Control London Borough of Barking & Dagenham 3 rd and 4 th Floor Maritime House 1 Linton Road Barking IG11 8HG Tel: 020 82273933 Fax: 020 8227 3490 Textphone: 020 8227 5755 E-mail: planning@lbbd.gov.uk	Barking and Dagenham Faith Forum c/o The Salvation Army 240 Ripple Road Barking IG11 7DJ Tel: 020 8594 2964 E-mail: lbbdfaithforum@yahoo.co.uk
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(Please note that these contact details were correct at time of writing and are subject to change).

Explanation of the Relevant Local Development Framework policies

- 1 Barking and Dagenham's Local Development Framework replaces the Unitary Development Plan. The Local Development Framework comprises:
 - Core Strategy
 - Borough wide development policies
 - Site Specific Allocations
 - Barking Town Centre Area Action Plan
- 2 The Local Development Framework contains a number of policies and proposals which set out our commitment to the provision and retention of religious meeting places in central and accessible locations.
- 3 Applicants are advised to consult the Local Development Framework in their site selection process and when drawing up their proposals. Of particular importance are:
 - Policy CC2 of the Core Strategy which sets out the criteria proposals for community facilities should meet
 - Policy BE1 of the Borough Wide Development Policies which sets out the proportion of non retail uses which are allowed in shopping frontages.
- 4 In addition there are a range of Core Strategy and Borough Wide Development Policies which set out criteria for the layout and design of new development including:
 - CR4 Flood Management
 - BR1 Environmental Building Standards
 - BR2 Energy and On Site Renewables
 - BR3 Greening the Urban Environment
 - BR4 Water Resource Management
 - BR9 Parking
 - BR10 Sustainable Transport
 - BR11 Walking and Cycling
 - BR13 Noise Mitigation
 - BR15 Sustainable Waste Management
 - BC7 Crime Prevention
 - BP8 Protecting Residential Amenity
 - BP11 Urban Design

Glossary of Terms Used

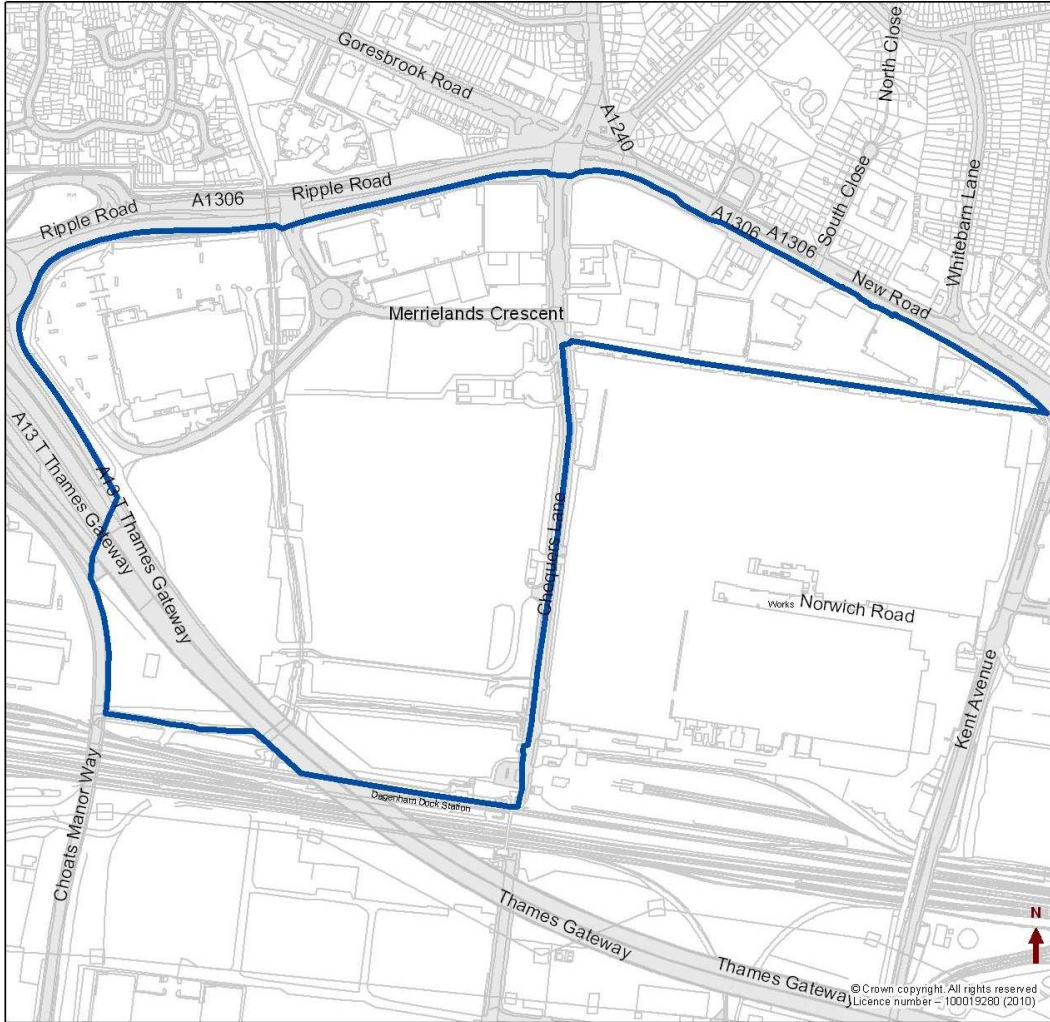
Term	Definition
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings or less material factors such as a pleasant atmosphere.
Black and Minority Ethnic (BME)	The term “Black or Minority Ethnic” refers to all groups that are not recorded under the “white British” census category. The term also includes minority ethnic groups in England who have white skin (i.e. those recorded under any of the "white" groups other than "white British"), such as Gypsies, Irish Travellers and people from Eastern Europe.
Borough Wide Development Policies	This document within the Local Development Framework will contain detailed forms of development policies. It will have the status of a Development Plan Document. <i>Also see Local Development Framework (LDF).</i>
Census	A counting of the population (as of a country, city or town) and a gathering of related statistics. In the UK Census information is collected every 10 years.
The Barking and Dagenham Community Plan	The Community Plan provides a long term vision and action plan for Barking and Dagenham. It outlines the aspirations, needs and priorities of the local community. It is prepared by the Barking and Dagenham Local Strategic Partnership.
Conditions / Planning Conditions	Requirements attached to a planning permission to limit, control or direct the manner in which a development is carried out.
Core Strategy	The Local Development Framework document which sets out the long term spatial vision for the local authority and the spatial objectives and strategic policies to deliver that vision.
The Disability Discrimination Act (DDA) (1995)	The Disability Discrimination Act is a UK parliamentary Act of 1995 which makes it unlawful to discriminate against people in respect of their disabilities in relation to employment, the provision of goods and services, education and transport.
Diversity	The difference in the values, attitudes, cultural perspectives, beliefs, ethnic background, sexuality, skills, knowledge and life experiences of each individual in any group of people constitute the diversity of that group. This term refers to differences between people and is used to highlight individual need.

Dual / Multi–Use	Premises which are used for more than one purpose, at different times of the day or week.
Infrastructure	Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities.
Local Development Framework (LDF)	The Local Development Framework comprises a portfolio of development documents which includes the Core Strategy, Borough Wide Development Policies and Barking Town Centre Area Action Plan. The framework will help implement a wide range of programmes, such as regeneration, environmental protection, transport improvements, and waste disposal and management.
London Plan (The)	The Mayor of London has produced a new planning strategy for London. The London Plan replaces the previous strategic planning guidance for London (known as RPG3), issued by the Secretary of State. The London Plan is the name given to the Mayor's spatial development strategy.
Planning Policy Guidance Note(PPG)	Guidance produced by the Government on planning matters (these are gradually being replaced by Planning Policy Statements).
Planning Policy Statement (PPS)	Statements of National Planning Policy issued by the Government (to replace Planning Policy Guidance Notes).
Primary / Prime Shopping Area	An area where retailing and the number of shops in a town centre is most concentrated.
Proposals Map	The adopted Proposals Map illustrates on a base map all the policies and proposals contained in the Local Development Framework.
Race Relations (Amendment) Act (2000)	Legislation seeking to prevent discrimination directly or indirectly in any functions carried out by public authorities.
Retail Park	A grouping of retail warehouses.
Secondary Shopping Area	A retailing area, secondary to the primary shopping frontage that provides greater opportunities for a diversity of uses.
Section 106 Contributions	Section 106 of the Town and Country Planning Act 1990 allows the local authority to enter into an agreement which can mean that a developer must make a financial or non–financial contribution to reduce the effect of a development and make it acceptable in planning terms. The contribution will usually go towards providing necessary “infrastructure.” For example, a developer may pay for a road to be built to service a new development. Section 106 agreements are known as planning obligations.

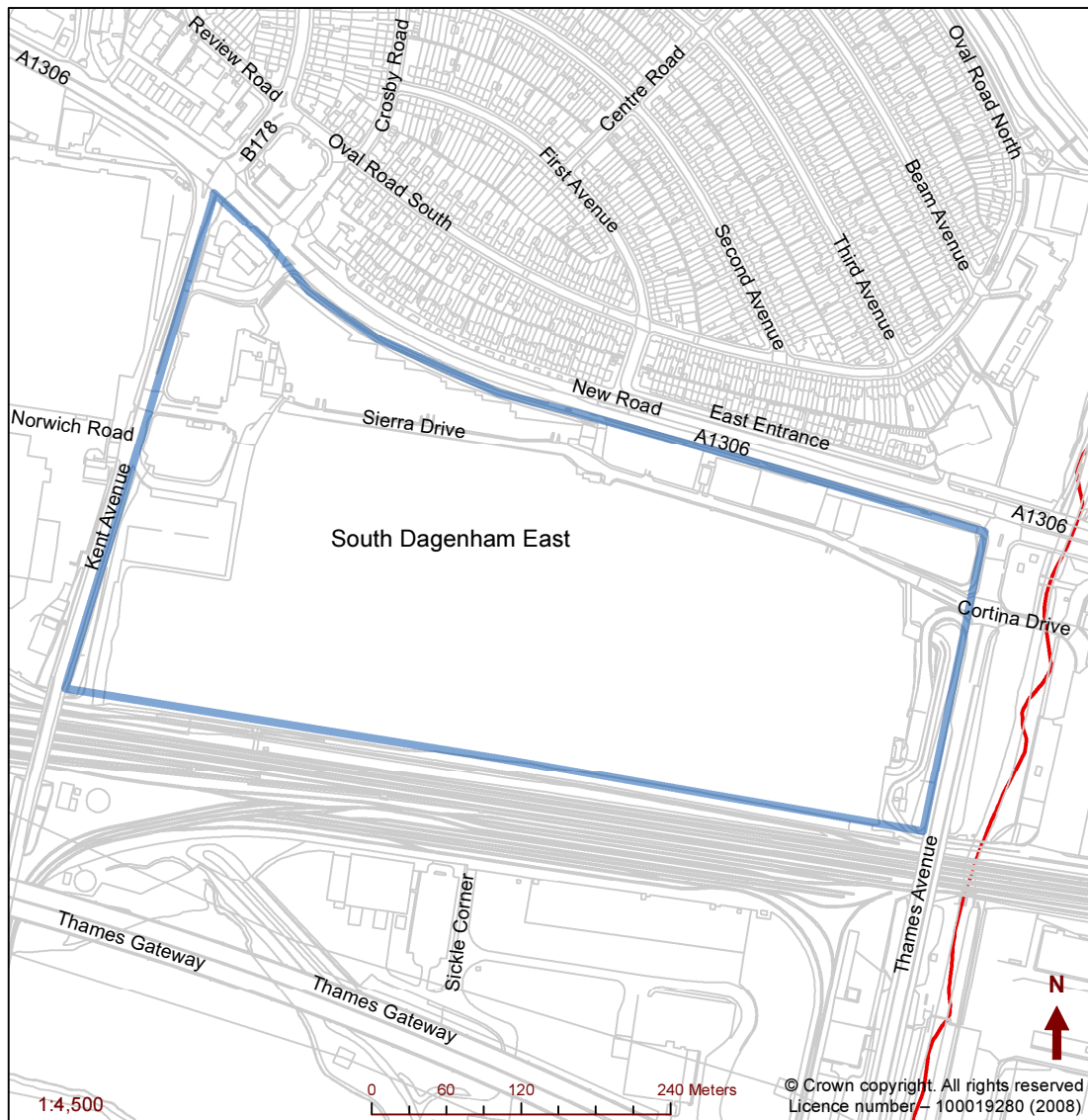
South Asian	People of Indian, Pakistani, Bangladeshi or Sri-Lankan origin.
Sustainable Development	<p>A widely used definition of sustainable development is drawn up by the World Commission on Environment and Development in 1987: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."</p> <p>The government has set out four aims for sustainable development in its strategy "A Better Quality of Life: A Strategy for Sustainable Development in the UK."</p> <p>The four aims to be achieved are:</p> <ul style="list-style-type: none"> • Social progress which recognises the needs of everyone • Effective protection of the environment • Prudent use of natural resources • Maintenance of high and stable levels of economic growth and employment
Unitary Development Plan (UDP)	This is the old-style development plan which is replaced by the Local Development Framework.
Use Classes Order	The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories. Planning permission is not needed for changes of use within the same use class.

Preferred locations for Religious Meeting Places

South Dagenham West. Site Specific Allocation SSA SM2



South Dagenham East. Site Specific Allocation SSA SM4



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CABINET**24 APRIL 2012**

Title: Proposed Extension of the Civil Contingencies Joint Service to include London Borough of Havering	
Report of the Cabinet Member for Customer Services and HR	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Roger Brett, Civil Contingencies Manager	Contact Details: Tel: 020 8227 3119 E-mail: roger.brett@lbld.gov.uk
Accountable Divisional Director: N/A	
Accountable Director: Tracie Evans, Corporate Director of Finance and Resources	
<p>Summary:</p> <p>This report proposes the extension of the current Civil Contingencies Joint service between Barking and Dagenham and Waltham Forest to include the London Borough of Havering. This will provide the framework for the delivery of further efficiencies whilst allowing the resilience and flexibility of the service to be maintained. It also proposes that the potential of the joint service model continue to be explored with other Boroughs, particularly those in North East London.</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none"> (i) Agree to extend the joint Civil Contingencies service to Havering under a pilot arrangement; (ii) Agree to receive a report in December 2012 evaluating the pilot and making a recommendation as to whether to formalise the arrangement from April 2013; and (iii) Agree to continue the consideration of the extension of the joint service arrangement to include other Local Authorities in the event that it is considered to be in the Council's interests to do so. 	
<p>Reason(s)</p> <p>In order to meet the statutory requirements of the Civil Contingencies Act (2004) in a more resilient and cost effective way.</p>	

1. Introduction and Background

- 1.1 The Civil Contingencies Act 2004 has several implications for Local Government including a requirement for boroughs to cooperate in all stages of risk identification, planning, training, exercising and response.
- 1.2 Under the 2004 Act, Local Authorities are designated as Category One responders, alongside services such as the Police, NHS, etc. However all other Category One Responders in London have a Pan-London command and control process. In essence this means that all of their duties under the Act are carried out on a much wider base than any single London Local Authority is able to provide.
- 1.3 At the meeting of Assembly on the 8 December 2010 Members agreed the following resolutions:
- i. That the Council and the London Borough of Waltham Forest form a single Civil Contingencies Unit to meet the needs of their joint populations and the requirements of the Civil Contingencies Act 2004;
 - ii. That the Council enter into a formal agreement with the London Borough of Waltham Forest in a form to be agreed by the Legal Partner, under which the Council accepts a delegation of function from the London Borough of Waltham Forest in respect of their duties and obligations under the Civil Contingencies Act 2004, in return for funding and other contributions to be made by the London Borough of Waltham Forest; and
 - iii. To delegate authority to the Cabinet to agree the extension of the joint service arrangement to include other Local Authorities in the event that it is considered to be in the Council's interests to do so.
- 1.4 As a result of the resolutions passed in December 2010, The London Boroughs of Barking and Dagenham and Waltham Forest now have a Civil Contingencies Joint Service. The objectives of the joint service include improving resilience and flexibility; reducing the duplication involved in the formulation of single Borough strategies and plans; and making the best use of allocated resources to deliver a service that would follow the approach adopted by the other Category One Responders.
- 1.5 A number of benefits have already been derived from the joint working arrangements including;
- i. A reduction of duplicated work in key activities that each authority previously had to deliver
 - ii. Increased resilience of response to emergencies through common shared practices. As all plans, training and exercising are brought together the whole unit will be available for response to either Authority helping to meet the needs of the Minimum Standards for London Tranche 1.
 - iii. A greater number of trained Civil Contingencies staff delivering advice and support across both Authorities even if the lead person is not at their desk
 - iv. An established back up Borough Emergency Control Centre (BECC) from which to carry out the command and control elements of a Major Incident response allowing either emergency control centre to support either Authority.

- v. A unified approach to training and developing shared skills across both authorities.
- vi An improved and consistent level of delivery to all Service Heads across both authorities.
- vii A collective voice for views to be presented to partner agencies and other London Emergency Planning units and the ability to reduce attendance at meetings with one representative for both boroughs wherever possible.

1.6 The Partnership has also

- Achieved Customer Service Excellence in July 2010 and maintained it in September 2011. They are the only Joint Service to do so and the only service delivering both Emergency Planning and Business Continuity.
- Adapted and extended the Warning and Informing approach for use within Barking and Dagenham and a number of other Boroughs
- Created a greater pool of Civil Contingencies trained responders than any other single organisation in London.

2. The Opportunity

2.1 One of the aims of the joint service was to explore the potential to expand the model to other London Boroughs, particularly those in North East London. Boroughs have been discussing opportunities through East London Solutions and as a result Havering expressed an interest in joining LBBB and Waltham Forest in a single Civil Contingencies Unit to meet the requirements of the Civil Contingencies Act in a more resilient and cost effective manner. However initially due to the number of senior managers in post it was not considered viable.

2.2 The current Civil Contingencies Joint Service Manager will be retiring in 2012, and this therefore presents an opportune moment to reconsider the possibility of extending the joint arrangements to include the London Borough of Havering, initially on a pilot basis.

2.3 The benefits as illustrated above at s1.5 would continue and would be extended by further economies of scale.

3. Proposal and Issues

3.1 The original partnership was initiated through a pilot which took place to enable an evaluation before formalising the joint arrangement between the two boroughs including TUPE transfer of staff. This enabled the benefits to commence whilst providing time to resolve particular issues and test compatibility. It is intended that the same approach is adopted for Havering to join the Partnership. An evaluation would then take place in December 2012 with a view to making a formal decision on whether to formalise the arrangement from April 2013.

4. The proposed pilot

4.1 The pilot if approved will be taken forward on the following basis.

- a. Staff will work together and cover each borough as appropriate.

- b. Each borough will undertake a gap analysis of civil contingency requirements. The boroughs will work together to fill the gaps and enabled trust and relationships to be built. The working together will include:
- Using each others information where one had something the other did not
 - Undertake the preparation of plans together so these were a joint plan
- c. A proposal will then be built for a joint team which would be reviewed as part of the evaluation. Staff will remain employed with their existing employer however the staffing arrangements for a joint unit including consistent job profiles will be proposed. Shared resources in specialisms and support would also be piloted. Each borough remains individually responsible for resolving local accommodation and health/safety issues
- d. Joint team meetings will take place with the aim of some being virtual to avoid travelling. Communication facilities would be shared. ICT access arrangements already exist and an ICT facility is being developed in the existing Partnership for sharing documents and Havering can be party to this development.
- e. Local teams will be accommodated on each site. Each borough will maintain its own arrangements for Local Authority Liaison Officers and rest centre managers however if the partnership is formalised, the aim would be to review and align these to make further efficiencies.
- f. Each borough will maintain its own Borough Emergency Control Centre and uses each others as the secondary emergency control centre. There is access to back-up generation.
- g. All training will be done jointly which assists service officers in building relationships and resilience across specific services. The aim would also be that exercises would be planned jointly.
- h. Each borough will continue to have its own Resilience Board. The arrangements and priorities can differ although experience and reviews to date have shown that that the priorities are broadly the same namely:
- Olympics
 - Flooding
 - Flu Pandemic
 - Business Continuity
- i. During the pilot, the service would be governed through a Havering Corporate Director joining the existing management board. Individual borough members' involvement and decision making would remain as it is at present. The eventual Partnership if formalised would have the formal Governance arrangements included within the Partnership Agreement.
- j. The three boroughs will send one representative to regional or sub regional meetings where possible

- k. Boroughs will still operate separate support teams for each Chief Executive when taking the London Gold role as they would want teams that are familiar with working together.
- l. Each borough would maintain its own running expenses and the managers will allocate expenses as appropriate.

5. Evaluating the Pilot

- 5.1 An evaluation would take place in December 2012. It is proposed that the evaluation would take place against the following criteria:
 - Improved Resilience
 - Financial savings including cost avoidance
 - Increased skill, capacity and capability
 - Fit for Purpose operating model and structure.
- 5.2 If the evaluation confirms a formal partnership, it will receive clearance from management teams and members of all authorities and any necessary staff consultation would be put into effect. The shared service would be built on the principles that:
 - Each borough would maintain an office on site, however during leave etc cover can be provided.
 - Secondary Borough Emergency Control Centres will be provided by using partner borough's facilities avoiding unnecessary holding of assets and space.
- 5.3 There would be a formal partnership agreement between all the boroughs built on the existing one between LBBD and Waltham Forest.

6. Options Appraisal

Option 1: Do Nothing

This would forego the benefits

Option 2: Immediate merger

Experience has shown that a pilot arrangement to assess compatibility has proved to be the most effective approach. In addition, there would be more complicated human resource implications to address and there is also the need to ensure adequate resource given the Olympics. Given the timing it is felt that a delay until after the Olympics is completed is the best choice.

Option 3: Proceed on a pilot basis

This option allows for the expected benefits to be tested before entering into a formal arrangement. Any challenges can be identified and addressed, and an opportunity to evaluate the pilot will ensure that the arrangement is only formalised if it meets the requirements of all three boroughs. This option is proposed in this report.

7. Consultation

- 7.1 Consultation has taken place with the Lead Member and through CMT, and Cabinet via consideration of this report.

8. Financial Implications

Implications reviewed by: Jo Moore, Finance Group Manager

- 8.1 Staffing level for the existing partnering arrangements comprise a Group Manager (Emergency Planning) and five members of staff. Under these arrangements staff are directly employed by LBBD although three members of staff are designated to Waltham Forest and therefore their costs are fully recharged to Waltham Forest together with 50% of the Group Manager costs.
- 8.2 The Group Manager role will be deleted for 2012/13 as a result of the Chief Executive's savings proposal. Havering currently has a manager and two staff members to cover emergency planning. The pilot will enable boroughs to agree if staff savings can be achieved as part of the formal arrangements. Once staff have been consolidated into a single unit there also will be an opportunity to examine the true service cost and agree any necessary changes in the level of funding contributions from each Authority.
- 8.3 In managing the service, account will be taken of the needs of both Authorities to reduce expenditure (possibly by eliminating duplication between authorities) and it is anticipated that the Council will also benefit from reduced costs associated with investigating any new streams of work. For example work resulting from the introduction of Government Legislation such as the Flood and Water Management Act 2010, the Civil Contingencies requirements of the Olympic Games and any developments from the East London Solutions project about partnership working with other North East London Boroughs. This is because any work will only have to be done once for all three authorities rather than individually carried out.
- 8.4 During the pilot, financial arrangements will be considered including the practicalities of the merger, arrangements for changing funding levels and the process for invoicing employees, supplies and services costs as and when necessary between the Authorities.
- 8.5 In summary, there are no immediate financial implications from the inclusion of Havering in the joint working arrangements as the funding will remain separate from the current arrangements with Waltham Forest. Once sufficient operational experience has been gained, there will be a further review of the service to examine both its operation and costs which may lead to additional benefits and savings arising (although unlikely to be significant).

9. Legal Implications

Implications reviewed by: Paul Field, Senior Lawyer

- 9.1 As has been described earlier in this report, the Council has various duties and obligations to discharge under the Civil Contingencies Act 2004. Each local authority in England and Wales also shares these same duties and obligations, along with other types of authorities such as the police authorities and the fire and rescue authorities.

- 9.2 While there is this duty, it can be discharged by another local authority or jointly as local authorities do have the power to invite another local authority to perform the duties on its behalf in relation to civil contingencies. This is by the general delegation of functions provisions contained in section 101 of the Local Government Act 1972, which allows a local authority to arrange for the discharge of any of their functions by another local authority. In addition the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 contain specific powers in relation to civil contingencies duties. Under Regulation 8, local authorities may
- (i) perform duties jointly with another authority; or
 - (ii) make arrangements with another authority for that authority to perform their duties

- 9.3 The proposals in the report are sound and provide the ability to undertake the pilot. Should a formal arrangement move forward, each borough will need to arrange for appropriate delegation arrangements as part of agreeing the final arrangements.

10. Other Implications

- 10.1 **Risk Management** - The Joint Service between LBBB and Waltham Forest has been operating since 1 April 2009 and no risks associated with the Joint Service have been identified.
- 10.2 **Crime and Disorder** - Section 17 of the Crime and Disorder Act places a duty on all Local Authorities to have regard to crime and disorder reduction and prevention in service planning and delivery. In some emergency situations some members of the community will take the opportunity for criminal activity or anti-social behaviour. The Emergency Duty Teams are tied into all emergency services, including the Metropolitan Police, having some access to Airwave Radio system and also the use of CCTV. Both services work to address the emergency and also deal with the activity of criminals or aftermath of any criminal activity at the same time.
- 10.3 **Human Resource Issues** - The proposed pilot to share services with Havering will be dealt with in the same way as the original pilot with Waltham Forest. At that time trade unions and staff from both boroughs were invited to attend a formal meeting. Staff not attending the formal meeting were kept in the picture and reported back no concerns as the proposal did not impact on staff numbers.

Currently management has been talking with staff about the proposed sharing of services and managers from both boroughs have updated staff at several ad-hoc meetings.

- 10.4 **Customer Impact** - The customer base for Civil Contingencies is wide ranging and covers 'Before', 'During' and 'After' a Major Incident. Customers therefore include internal council services; multi-agency Category 1 responders under the Civil Contingencies Act; internal response staff and volunteers; Councillors and other politically elected representatives; residents and community groups; businesses in the boroughs of all sizes as well as London-wide bodies involved in Civil Contingencies; and Government departments. The stabilisation of the team into one cohesive whole will provide greater resilience to ensure that customer needs can be met in a more cohesive and structured manner.

10.5 **Property / Asset Issues** - Under the Civil Contingencies Act there is a requirement for each local authority to develop a control centre from which an incident can be managed. The Act also requires that boroughs can continue to supply their services despite any major incident. This includes the command and control functions for the incident. This proposal means that instead of each borough providing and funding their own back-up control centre they will have available to them the control centre of the other borough.

Background Papers Used in the Preparation of the Report:

- The Civil Contingencies Act (2004)
- “Proposed Provision of a Shared Civil Contingencies Service for Barking and Dagenham and Waltham Forest” report and minute, Cabinet 2 November 2010 and Assembly 8 December 2010

List of appendices: None

CABINET

24 April 2012

Title: Term Contract for Maintenance, Repair and Minor Works on Security and Protection Systems	
Report of the Cabinet Member for Finance and Education	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Martin Bell, Senior Building Services Officer - Electrical, Assets and Commercial Services Division	Contact Details: Tel: 020 8227 3671 E-mail: martin.bell@lbbd.gov.uk
Accountable Divisional Director: n/a	
Accountable Director: Tracie Evans, Corporate Director of Finance and Resources	
<p>Summary:</p> <p>This report asks the Cabinet for approval to enter into a procurement exercise for the award of a new Term Contract for Maintenance, Repair and Minor Works on Security and Protection Systems over a three year term covering the period from 3 September 2012 to 2 September 2015, with the possibility of two, one year extensions subject to satisfactory performance of the appointed contractor.</p> <p>This contract will be used to undertake the following works to Security and Protection Systems:</p> <ul style="list-style-type: none"> • Planned, preventative and cyclical maintenance; • Day-to-day reactive repairs and minor works <p>The work is currently carried out using the existing term contractor on an ad-hoc basis; however, the existing Term contract expired on 21 November 2009. A number of delays have been incurred due to investigations into various procurement options detailed in this report. To ensure there was no gap in maintenance and repair cover whilst the procurement exercise is completed, officers have negotiated an extension of the schedule of rates prices at 2009 rates with the existing contractor. Therefore, to formalise this arrangements the report also asks the Cabinet for approval to continue with the current ad-hoc arrangements until the start of the new contract, which is anticipated to be 3 September 2012.</p>	
Recommendation(s)	
<p>The Cabinet is recommended to:</p> <p>(i) Approve the procurement of a new three-year Term Contract for Maintenance, Repair and Minor Works on Security and Protection Systems commencing 3 September 2012 to 2 September 2015, with the possibility of two, one year extensions subject to satisfactory performance of the appointed contractor, on the</p>	

terms detailed in the report;

- (ii) Authorise the Corporate Director of Finance and Resources to extend the term of the contract for up to two, one year extensions, in accordance with the provisions of the contract and subject to satisfactory performance by the contractor during the initial term of the contract;
- (iii) Indicate whether the Cabinet wishes to be further informed or consulted on the progress of the procurement and the award of the contract, or whether it is content for the commissioning Chief Officer to award the contract to the successful contractor; and
- (iv) Authorise the Corporate Director of Finance and Resources, in consultation with the Divisional Director of Legal and Democratic Services, to formalise the existing ad-hoc arrangement with the existing contractor to undertake the works for the period until the start of the new contract on completion of the procurement exercise

Reason

To assist the Council in achieving its Policy House priorities of “Improve Value for Money across all services “and “Make better use of our resources and assets” as well as aiding the development of a well run organisation.

1. Introduction and Background

- 1.1 The Council has a statutory responsibility to comply with the 17th Edition IEE Wiring Regulations and Health and Safety at Work Act 1974. The Council’s security systems also comply with the Association of Chief Police Officers recommendations and **NACOSS** (National Approval Council for Security Systems) standards.
- 1.2 At its meeting on 22 March 2005, Cabinet agreed proposals to procure a new four-year term contract for Maintenance and repair of Security & Protection Systems in Public Buildings and Schools and subsequently the current term contract was tendered and awarded to Access and Lock on 21 November 2005. The contract made provisions for extension for up to a further two year period, subject to satisfactory performance. Having taken up the two year extension, this period has come to its end.
- 1.3 To enable officers to undertake lengthy options appraisal on other potential methods of procurement the current contract has been in continuance on an ad-hoc basis with the existing supplier at the 2010 schedule of rates prices. The various options appraisals investigated within this process are detailed in section three of this report.
- 1.4 To ensure that a suitable contract is put in place it is considered advisable to re-tender through a new term contract. The use of a term contract will remove the need to tender for each job and mitigate the administrative work involved in this process.

2. Proposal and Issues

- 2.1 Tenders will be sought through a full European Restricted Procedure following an

advertisement in the OJEU.

- 2.2 The contract will be awarded through a scoring matrix on the basis of 40% price and 60% quality.
- 2.3 It is proposed that this contract will be let as a MF1 Rev. 4, which is appropriate for use:
- By Employers who have a regular flow of maintenance and minor works, including improvements, to be carried out by a single contractor over a specified period of time and under a single contract;
 - Where the work is to be instructed from time to time and measured and valued on the basis of an agreed schedule of rates; and
 - Where a Contract Administrator (Engineer) is to administer the conditions. These roles are performed by the Building Services Officers within the Council's Building Services Maintenance Team.
- 2.4 It is anticipated that the new contract will commence on 3 September 2012 for a period of three years with the possibility of two, one year extensions subject to satisfactory performance of the appointed contractor. The contract has an estimated value of approximately £450,000 over the initial three year period to £750,000 for the full five year period (including the possible two, one year extensions).
- 2.5 The estimated contract value comprises a combination of small works and major upgrades, up to a maximum single order value of £50,000, and planned service costs based on a priced schedule of rates. The precise contract value will depend upon the value of work that is placed with the successful contractor but is also dependent upon client budgets.
- 2.6 In order to provide a safe environment for the community, visitors, staff, and contractors, which satisfies both legislative and customer requirements, it is essential that we have adequate security and protection systems in place and that these are appropriately maintained. Failure to provide this requirement could result in increased risks of an unsafe environment for the community, visitors, staff, and contractors.
- 2.7 The contract will work on a "call off" basis from the priced Schedule of Rates for the duration of the contract. This will ensure the Council enjoys the benefits of economies of scale. The "call off" arrangements do not commit the Council to guarantee payments to the contractor by way of any stand-by arrangements, but will ensure continued supply of important services during the contract term.
- 2.8 It is expected that the contract will be used to meet all of the Council's day to day repairs and service requirements for security and protection systems including intruder alarms, CCTV, door entry and access control. This will give the Council the benefits of economies of scale whilst improving maintenance efficiency and enabling the council to standardise equipment used. All planned maintenance works will be carried out at regular pre-determined intervals in conjunction with regular service plans as generated by the Council.
- 2.9 The applicants will be assessed on their economic and financial standing, health and safety standards and technical capability and references as well as a qualitative

assessment of performance targets and method statements on a range of criteria relevant to the contract.

- 2.10 Applicants who have policies and methods in place to measure quality and performance and are able to provide this information to the Council will be considered as suitable tenderers.
- 2.11 The successful contractor will be expected to maintain a full audit trail electronically of the work undertaken on behalf of the Council and this data must be accessible to LBBD Officers without additional data capture. The contractor will also be expected to work with the Council during the contract term to enhance the electronic data exchange to meet our ICT aspirations.

3. Options Appraisal

- 3.1 Option 1
Tender for a three year term contract with the possibility of two, one year extensions – This is the preferred option as it gives the benefits listed in Section 2 of this report.
- 3.2 Option 2
To undertake tenders / quotations for each individual project – This is not considered cost effective, both in terms of procedural costs of tendering and by offering no long term commitment to a specific contractor. This would also create delays and additional costs where emergency action is required and would not be feasible for reactive and planned maintenance works.
- 3.3 Option 3
Combine these works with the electrical minor works term maintenance contract – this option has not been considered due to the specialist nature of the systems and works required to maintain them.
- 3.4 Option 4
To combine this contract with the East London Buying Solutions security term contract – This option was thoroughly investigated at a number of combined meetings with other authorities such as Newham, Havering and Tower Hamlets. A number of utilisation obstacles needed to be overcome to achieve a solution that satisfied all clients and although many of them were overcome, some base fundamental security elements were proving to be a sticking point. It was felt that the protracted time period had already progressed beyond our cut off point and it would be more secure for the Council to undertake its own contract and revisit this option once its existing members had established an acceptable solution and had a proven contract in position in 2015.
- 3.5 Option 5
To buy into an existing OGC framework contract – Again this option was thoroughly investigated but proved fruitless due to the various combination packages that were available not being satisfactory to suit the requirements of the Council. All other solutions investigated appeared to compromise the Borough's security provision in some way or another hence the decision to recommend option 1 as documented.
- 3.6 Option 6
Do nothing – This option has not been considered due to current insurance implications.

4. Consultation

- 4.1 The proposals within this report have been discussed with all relevant officers across the Council.

5. Financial Implications

Implications completed by: Jo Moore, Finance Group Manager

- 5.1 The precise contract value will depend on the amount and urgency of the work that is placed with the successful contractor, but is also dependent on client budgets; however, the estimated contract value is approximately £450,000 over the initial three year period (September 2012 to September 2015) to £750,000 for the full five year period (including the possible two, one year extensions).

	Projected contract expenditure (non-domestic)						
Period	Sep - Mar 2012- 2013	Apr - Mar 2013- 2014	Apr - Mar 2014- 2015	Apr - Mar 2015- 2016	Apr - Mar 2016 - 2017	Apr - Sep 2017- 2017	TOTAL Full Term
TOTAL	£87,500	£150,000	£150,000	£150,000	£150,000	£62,500	£750,000

- 5.2 Provision may need to be made within capital budgets and projects to carry out system replacement works in Council buildings (non-domestic), including schools. There will be no guarantee given that the contractor will receive the full contract value.
- 5.3 The contract relates to planned and reactive security and protection system works and will be based on priced schedules of rates items plus an element of unspecified work where estimates have been used for materials and hourly attendance rates. Industry agreed adjustments will be applied to the priced schedule of rates annually where necessary.
- 5.4 The contract will be let on a cyclical maintenance and call off basis for reactive repairs.
- 5.5 The Children's Service Department has been advised that whilst schools are encouraged to use this contract (under best value principles), the Department cannot insist that they do. Should schools decide not to use this contract and make their own arrangements for security and protection system works they will be required legally to undertake the same Health & Safety assessment of potential contractors and to formally monitor their work once contracted, complying at all times with current legislation.

6. Legal Implications

Implications completed by: Eldred Taylor-Camara, Legal Group Manager

- 6.1 The Council is required to comply with the 17th Edition IEE Wiring Regulations, the Health and Safety at Work Act 1974, and the Association of Chief Police Officers and NACOSS (National Approval Council for Security Systems).

- 6.2 This report is seeking Cabinet's approval to re-tender a contract for the provision of Security and Protection Systems maintenance, repair and minor works services for a period of three years with an option to extend subject to satisfactory performance of the appointed contractor.
- 6.3 The value of the contract exceeds the EU threshold for services; therefore, there is a legal requirement to tender the contract in the EU.
- 6.4 Furthermore, the Council's Contract Rules (Contract Rule 3.6) require the strategy for the procurement of contracts of above £400K in value to be submitted to Cabinet for approval prior to procurement of such contracts. As the value of the proposed contract is circa £400k, the proposed strategy for the procurement of the contract has been set out in Paragraph 2 of this report, for approval by Cabinet.
- 6.5 It is proposed that the Security and Protection Systems contract will be tendered in the EU, using the Restricted Procedure - a two-stage tendering procedure which allows a procuring authority to shortlist the service providers to be invited to tender from a list of those who have expressed an interest in the contract, by undertaking a Pre-qualification exercise.
- 6.6 This strategy complies with the EU public procurement rules as contained in the Public Contracts Regulations, 2006.
- 6.7 The report is furthermore seeking a decision pursuant to Council Contract Rule 3.6.4, as to whether or not Cabinet should be kept informed on the progress of the procurement or would wish to be involved in the award of the contract or whether it is content for the commissioning Chief Officer to award the contract to the successful Contractor.
- 6.8 Under Contract Rule 13.3, a commissioning Chief Officer acting in consultation with the Council's Section 151 Officer has the power to award a contract of this value, in the absence of direction to the contrary from Cabinet.
- 6.9 The Legal Practice confirms that there is no legal reason preventing Cabinet from approving the recommendations of this report. It is, however, expected that the Legal Practice will be consulted in the planning and preparation of terms and conditions that will be applicable to this contract.

7. Other Implications

7.1 Risk Management

Current Risks

- 1) Works carried out may not meet the appropriate health and safety standards or current legislation relating to security systems or CCTV management.
- 2) Priority works may not be properly procured or delayed by procurement processes.
- 3) Inadequately maintained security and detection systems.

How these risks are managed

- 1) The contract will be managed in accordance with the Health and Safety at Work Act 1974 and all works will be carried out in line with the Association of Chief Police Officers and NACOSS standards.

- 2) The use of the proposed contract will facilitate the planning of works where possible and will negate possible delays and costs incurred by the use of a separate quotation process. It will also provide the ability to undertake necessary reactive repairs without delay as and when they arise.
- 3) Building Services Officers will administer the contract to pre-agreed service level agreements, strictly monitoring the performance levels of the contractor.
- 4) Should the Term Contract option not be pursued, Officers would be required to seek competitive tenders for all works. This is likely to be in the region of 700 to 1000 individual quotations / tenders per financial year which would not be considered cost effective or practical, especially in a reactive repair situation.

7.2 **Contractual Issues** - There are no specific implications except the potential TUPE issues explained in 7.3 below.

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

7.4 **Customer Impact** - The contract covers a number of security aspects with a potential to impact on customers daily use and requirements:

- Access Control – Provides security via restricted access to buildings or particular areas of buildings and can also be used to restrict access to dangerous areas, hence a potential health and safety implication.
- Intruder Alarm Systems – A fully functioning intruder alarm system will reduce the customer's insurance contributions as well as providing an early warning system of building intrusion.
- CCTV - Provides the customer with a valuable recording tool in the event of an incident, although this in itself cannot prevent crime it is a useful visual deterrent for the customer producing evidential quality pictures if well maintained and functional.
- Electronic Gates & Barriers – Provides the customer with the ability to restrict access to open areas such as car parks and playgrounds. This is a growing area of development particularly within the schools around the Borough.

7.5 **Safeguarding Children** - Well maintained and functional security systems as mentioned in 7.4 above can assist greatly in safeguarding children:

- Access control can restrict access to the sites that contain vulnerable children and prevent unwanted egress by children into areas that may be harmful to them. All contractors engaged on this contract and all other term contracts will have been CRB checked which will be on file and will be part of their Barking and Dagenham contractor's identification card, which will display their CRB number and expiry date.
- CCTV can record movement of people around sites containing children ensuring that any inappropriate movements or actions are evidenced. This also acts as a visual deterrent to those who may wish to harm children.
- Intruder alarm systems are an effective deterrent to would be burglars' who are intent on causing destruction of property and theft to schools and children's centres making the area unsafe for use or ill equipped to carry out daily lessons. Panic alarm systems often attached to these systems can also provide an early

warning of danger in an area occupied by the young and vulnerable.

- Electronic gates and barriers are an effective method of providing a secure safe area for children to operate in by restricting access to dangerous areas and containing activities to a particular area.
- All electrically operated gates and barriers that fall under this contract will fully comply with the relevant British standards for safe use, to include safety edges, sensors and stops to prevent crushing. All existing gates will have a complete risk assessment carried out and all relevant safety measures implemented.

As this is a call off contract, schools are not obligated to sign up to this particular security provision and are quite at liberty as with any Council-run term maintenance contract to “opt out” of the service provision. This particular contract as with all other term contracts will be offered to the schools as part of Asset Management’s Traded Services package. In the financial year 2011/12, 22 schools out of 56 decided to “opt out” of all Asset Management’s service provision for maintenance.

7.6 Crime and Disorder Issues - This contract will maintain and keep the systems as mentioned in 7.4 in full operational order that can assist in the reduction of crime and disorder to our public, staff and customers in our buildings throughout the borough:

- Access control can restrict access to property that contains the public, staff, customers, and valuable equipment and assist in the prevention of crime and disorder being carried out in close proximity to or upon our building users. By visual presence alone it can assist as a deterrent to casual criminals or people with damaging or public disorder intent.
- Intruder alarms in the same vein produce another barrier to be overcome by potential criminal’s intent on personal gain or wanton damage to our buildings. Panic attack systems will provide an early warning to on/off site staff and potential assurance to front line staff that assistance is on its way in the event of public disorder within their buildings.
- CCTV can assist in identification and recording to evidential quality of people intent on committing crime and disorder in our buildings and provide the police with useful leads when trying to track down criminals.

7.7 Property / Asset Issues - In order to provide a safe environment for the community, visitors, staff, and contractors, which satisfies both legislative and customer requirements, it is essential that all alarm, CCTV and access control systems are tested in accordance with their relevant regulations. Failure to comply with this requirement could result in unsafe assets and buildings.

Background Papers Used in the Preparation of the Report:

- Cabinet report and minute 361, 22 March 2005
- Cabinet report and minute 194, 29 November 2005

List of appendices:

None

CABINET

24 APRIL 2012

Title: Urgent Action - Procurement of Electricity and Gas Supplies	
Report of the Chief Executive	
Open Report	For Information
Wards Affected: None	Key Decision: No
Report Author: Alan Dawson, Democratic Services Manager	Contact Details: Tel: 020 8227 2348 E-mail: alan.dawson@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Divisional Director of Legal and Democratic Services	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary:</p> <p>Attached at Appendix A is a report by the Corporate Director of Finance and Resources in respect of the Council's arrangements for the management and purchase of electricity and gas supplies.</p> <p>As the attached report explains, the service is currently provided through Kent County Council's Utilities Division, LASER. The current contract does not expire until 30 September 2012 but in order for this Council to be named as a participant in a new LASER contract it was necessary to sign up before 31 March 2012. It was not possible to take this matter to the last Cabinet meeting and as it could not wait for a decision at this Cabinet meeting due to the deadline, the Chief Executive considered it to be in the best interests of the Council to deal with the matter under the Urgent Action provisions within the Council's Constitution. The Leader of the Council and the Lead Member of the Public Accounts and Audit Select Committee were consulted prior to the Chief Executive agreeing the proposals on 29 March 2012.</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to note the following action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution:</p> <ul style="list-style-type: none"> (i) The appointment of LASER (Kent County Council's Utilities division) as the Council's professional Electricity and Gas procurement provider / broker; (ii) To enter into a four year agreement with LASER for the provision of the management and procurement services for Electricity and Gas to become effective on 1 October 2012; (iii) To adopt the Purchase Within Period (PWP) procurement route to market, which 	

would provide the Council with value for money in a fluctuating market;

- (iv) That a bill validation audit be conducted in relation to the previous utilities service to ensure the Council had paid the correct amounts; and
- (v) That an application for dispensation from the Section 20 consultation requirements be made to the Leasehold Valuation Tribunal.

Background Papers Used in the Preparation of the Report:

- Letter and enclosures from the Chief Executive OF 29 March 2012 entitled “Urgent Action under paragraph 17, Article 1, Part B of the Constitution - Procurement of Electricity and Gas Supplies”.

List of appendices:

- **Appendix A** - Report re “Procurement of Electricity and Gas Supplies”

REPORT TO THE CHIEF EXECUTIVE

29 March 2012

Title: Procurement of Electricity and Gas Supplies	
Report of the Corporate Director of Finance and Resources	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Euan Beales, Category Manager, Elevate Procurement	Contact Details: Tel: 020 8227 5226 E-mail: euan.beales@lbbd.gov.uk
Accountable Divisional Director: Not Applicable	
Accountable Director: Tracie Evans, Corporate Director of Finance and Resources	
<p>Summary:</p> <p>The current contract for the provision of management and purchase of Electricity and Gas will expire on 30 September 2012 and upon expiration will leave the Council without contractual coverage, and open to potential commercial and financial risk.</p> <p>This report details the required actions to ensure a compliant route to market is provided for the purchase of the Council's Electricity and Gas services and to also appoint a professional management and procurement service.</p> <p>Key Timelines are:</p> <ul style="list-style-type: none"> • Procurement route to market is required by 31 March 2012. • Access agreement for LASER to conduct the procurement by 31 March 2012 (to become effective 1 October 2012 to 30 September 2016). • Commencement of Utilities supplies agreements with LASER 1 October 2012 to 30 September 2016. • Commencement of Service Level Agreement with LASER 1 October 2012 to 30 September 2016. 	
<p>Recommendation(s)</p> <p>The urgent action required is to agree:</p> <ol style="list-style-type: none"> (i) The appointment of LASER (Kent County Council's Utilities division) as the Council's professional Electricity and Gas procurement provider / broker; (ii) To enter into a four year agreement with LASER for the provision of the management 	

and procurement services for Electricity and Gas to become effective on the 1 October 2012;

- (iii) To adopt the Purchase Within Period (PWP) procurement route to market, which would provide the Council with value for money in a fluctuating market; and
- (iv) That a bill validation audit is conducted in relation to the previous utilities service to ensure the Council had paid the correct amounts; and
- (v) That an application for dispensation from the Section 20 consultation requirements be made to the Leasehold Valuation Tribunal.

Reason(s)

To ensure the provision of the services are compliant with EU Procurement legislation and the Council's procurement rules.

To enable the Council to access market competitive prices throughout the purchasing period, with the ability to hedge the volumes purchased on a daily basis.

1. Introduction and Background

1.1 On 10 March 2009 a report was submitted by the then Head of Procurement) requesting Members to approve:-

- The appointment of LASER to continue as the Council's agent for the purchase of its energy supplies.
- The adoption of a "fully flexible purchasing with variable price" for all its gas and electricity energy requirements for the next four years, subject to officers agreeing a risk management strategy and service level agreement with LASER.
- The delegation of authority to LASER to make day to day energy buying decisions on the Council's behalf in line with the agreed risk management strategy.

All of the above recommendations were approved at the Cabinet Meeting held on the 10 March 2009.

1.2 Due to a Council oversight, the actual expiry date of the Kent County Council (LASER) and the Utilities contract is 30 September 2012 and not the 30 September 2013 as expected.

1.3 In addition the procurement route to market currently being conducted on behalf of the Council is PIA ('Price In Advance' or fixed annual pricing) not PWP ('Purchase Within Period' or fully flexible purchase) as previously approved.

2. Proposal and Issues

2.1 It is proposed that the Council agrees to the implementation of the following:

Procurement Process for Utilities

There are two options for the purchase (route to market) of the Council's utilities as follows:

1. PWP (Purchase Within Period) or Fully Flexible Purchasing:

The Council's utilities would be purchased in two segments. Firstly in advance of the supply period (the exact percentage would be determined by LASER) and secondly throughout the supply period. At the end of the supply period (or 2 x 6 month periods) a reconciliation of the account would be conducted and either a credit or debit raised at the end of the supply period. Utilities could also be forward purchased at this stage for periods up to 2016. This is the recommended route for the Council to approve.

2. PIA (Price In Advance):

The Council's utilities would be purchased by LASER from 1 April until 31 August, the price obtained would then be fixed for the annual period of supply. This option allows the Council to set its budget for the following 12 month period, however as the price is fixed the Council would not benefit if during the 12 month supply period the costs decreased, this is also the case if the costs rise during the supply period. Utilities could also be forward purchased at this stage for periods up to 2016.

Preferred Broker/Agent

Kent County Council via LASER has provided a high level of service for a number of years and it is recommended that the continuance of service is maintained.

To change Brokers/Agents at this stage would potentially expose the Council to financial and commercial risk, due to the scale of information required to be transferred and interpreted. It is recommended that the service provision continues with LASER.

Contract Period

The contract period for the Service Level Agreement with LASER and the Tripartite agreements with the utilities suppliers will be from 1 October 2012 until 30 September 2016.

The Bill Validation Audit would be initiated early May 2012 to validate sums paid for the services provided under the previous 3 year agreement.

3. Options Appraisal

3.1 Three options have been identified as potential routes to market for the Council, which are as follows:

- (i) Eastern Shires Purchasing Organisation (ESPO) Framework. The current framework expires 30 September 2012, and is in the process of being re-tendered. It is expected that a new framework will be in place, but this would not allow the Council to conduct a process and obtain indicative pricing to enable a comparison.
- (ii) Government Procurement Service (GPS) offers a utilities procurement service. Again, the timescales would not allow the Council sufficient time to agree on its preferred route to market as for October purchases would only be allowed on a fixed price tariff. In addition a vast amount of data will need to be issued, validated and approved by both the GPS and their energy providers.
- (iii) Kent County Council (LASER). This route to market is open and accessible, with a minimum of disruption and risk. The framework allows for the Council to continue its service provision as part of a complaint process.

4. Consultation

- 4.1 Discussions have been ongoing with representatives of LASER and Council Officers.

5. Financial Implications

Implications completed by: Jo Moore, Finance Group Manager

- 5.1 The Authority spends around £3.5m per year on gas and electricity consumption and therefore a stable and predictable pricing structure for energy procurement is essential.
- 5.2 Time constraints have meant that a full procurement exercise could not be undertaken. There a number of different energy brokers/agents in the market place, however, a full procurement process would take around 9 months and this would mean that the existing agreement with LASER would expire before any new agreement could be put in place.
- 5.3 We will not be able to test whether of the three options, the LASER route represents the best value for money for the Authority in terms of a brokerage cost, however, under the circumstances, it will maintain compliance with EU Procurement Rules and give protection against the considerable energy price increases which would be incurred if the current flexible price agreement is allowed to expire.

6. Legal Implications

Implications completed by: Antonia Asielue on behalf of Eldred Taylor-Camara, Legal Group Manager

- 6.1 The Council's electricity and gas requirements are currently procured via a Framework Agreement established by Kent County Council's Energy buying Group (LASER) and Eastern Shires Purchasing Organisation (ESPO) on behalf of other UK public bodies.

- 6.2 The current arrangement, and indeed the overarching Framework Agreement, are due to expire on 30 September 2012.
- 6.3 In anticipation of expiry of the Framework Agreement, LASER and ESPO have tendered a replacement Framework Agreement in Europe, on behalf of UK public bodies.
- 6.4 Public bodies intending to procure their electricity and gas requirements via the new Framework Agreement will however need to confirm this intention to LASER/ ESPO by 31 March 2012.
- 6.5 This report is therefore seeking urgent approval of the proposal to procure the Council's its electricity and gas requirements via the new Framework Agreement tendered LASER and ESPO, upon expiry of the current contract.
- 6.6 The Legal Practice has been involved in the review of the proposed Framework Terms and Conditions and other related contractual documentation and confirms that the proposed procurement via the Framework Agreement complies with the Council's Contract Rules and with the EU public procurement regulations.
- 6.7 Fresh consultation under Section 20 of the Landlord and Tenant Act 1985 will be required to be undertaken with leaseholders if the Council is to be able to legally recover contributions towards electricity and gas costs from leaseholders.
- 6.8 However, officers have indicated that due to time constraints, it will not be possible to meet the notice periods required under Section 20, and it has been proposed that an application for dispensation from the Section 20 consultation requirements will be made to the Leasehold Valuation Tribunal.
- 6.9 The Leasehold Valuation Tribunal has the power to determine to grant a dispensation in respect of section 20 consultation requirements, in appropriate cases.

7. Other Implications

- 7.1 **Risk Management** - There are a number of risks associated with this project as follows:
- The Council fails to agree its utilities procurement route prior to 31 March 2012, which would lead to the Council being placed on standard tariffs from the 1 October 2012 for its Gas and Electricity Non Half Hourly and unmetered supplies (increase and fluctuating cost) and from 1 November 2012 for its Electricity Half Hourly supply (increased and fluctuating cost).
 - Utilities costs increase (by default to standard tariffs) on expiry of the current contract (30 September 2012).
 - The Council fails to agree to access the Kent County Council (LASER) utilities framework, which would leave the Council in breach of EU Procurement Rules. The minimum timescales required to conduct a full OJEU procurement would be 9 months (December 2012 as a minimum).
(Note: The above would also impact on the Council's leaseholders.

To mitigate this risk it is advised that the Council enters into a new four year agreement with Kent County Council (LASER), which will enable to Council to access competitive market rates.

- 7.2 **Contractual Issues** - The services will be covered by tripartite agreements between Kent County Council (LASER), London Borough of Barking and Dagenham and the Utilities provider
- 7.3 **Customer Impact** - There should be minimal impact in the provision of this service on the Councils customers, but it should be noted that a Section 20 Ruling Dispensation application should be made to the Leasehold Valuation Tribunal.
- 7.4 **Property / Asset Issues** - It will be the responsibility of the Council to keep the utilities providers and Kent County Council (LASER) up to date with all changes which affect the ownership of premises i.e. the Council builds or purchases new property or sells or relinquishes ownership of land. Failure to do so may result in Council having to pay for services it or its residents have not received.

Background Papers Used in the Preparation of the Report:

“Procurement of Electricity and Gas Supplies” report, Cabinet 10 March 2009 (Minute 152)

List of appendices:

None

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