

Notice of Meeting

ANNUAL ASSEMBLY

Wednesday, 16 May 2012 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor
Deputy Chair: Councillor

Date of publication: 8 May 2012

Stella Manzie CBE
Chief Executive

Contact Officer: Margaret Freeman
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E-mail: margaret.freeman@lbbd.gov.uk

AGENDA

- 1. Appointment of Chair and Deputy Chair**
- 2. Apologies for Absence**
- 3. 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.
- 4. Minutes - To confirm as correct the minutes of the meeting held on 28 March 2012 (Pages 1 - 4)**
- 5. Death of former Councillor Leonard Collins (Pages 5 - 6)**
- 6. Appointments to the Political Structure and Other Bodies - 2012/2013 (Pages 7 - 28)**
- 7. Response to Petition - Introduction of Parking Charges in Broad Street, Dagenham (Pages 29 - 33)**
- 8. Response to Petition - Introduction of Parking Charges in Faircross Parade, Barking (Pages 35 - 38)**
- 9. The Emerging Private Sector Rented Sector in LBBB (Pages 39 - 65)**

10. **Planning for Religious Meeting Places (Amendment to Planning Advice Note 4) (Pages 67 - 91)**
11. **Adoption of the Code of Conduct under the Localism Act 2011 (Pages 93 - 98)**
12. **Update on Constitution Review (Pages 99 - 105)**
13. **Members' Allowances Scheme - 2012/13 (Pages 107 - 115)**
14. **Pay Policy Statement Amendment (Pages 117 - 126)**
15. **Annual Reports (Pages 127 - 180)**

Cabinet
Ceremonial Council
Development Control Board
Licensing and Regulatory Board
Overview and Scrutiny
Personnel Board
Standards Committee

16. Motions

None received.

17. Leader's Question Time

18. General Question Time

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

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

Private Business

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

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

MINUTES OF ASSEMBLY

Wednesday, 28 March 2012
(7:00 - 7:40 pm)

PRESENT

Councillor N S S Gill (Chair)
Councillor E Kangethe (Deputy Chair)

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

APOLOGIES FOR ABSENCE

Councillor R Baldwin	Councillor J Davis
Councillor J E McDermott	Councillor H S Rai
Councillor C Rice	Councillor L Rice
Councillor S Tarry	Councillor G M Vincent

68. Declaration of Members' Interests

There were no declarations of interest

69. Minutes (22 February 2012)

The minutes of the meeting on 22 February 2012 were confirmed as correct.

70. Appointments

Assembly noted that Councillor Alasia had been appointed to the East London Solutions Members Review Group.

71. Beam Park Prospectus

Assembly received this report introduced by the Cabinet Member for Regeneration. The report focused on a revised approach to 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 it had been intended that the site be for residential-led development. However, 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.

In response to questions, the Cabinet Member welcomed Members' general support for the scheme. He explained the effects of the Community Infrastructure Levy referred to at paragraph 5.4 of the report and advised that the proposed redevelopment could create up to 3,000 new jobs, thus making the area more attractive to potential developers.

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

72. Housing Strategy 2012-2017

Assembly received and noted this report, introduced by the Cabinet Member for Housing, on the Housing Strategy 2012-2017, setting out the Council's ambitions for housing in Barking and Dagenham.

Assembly **agreed** to approve the Barking and Dagenham Housing Strategy 2012-2017 as set out at Appendix A to the report.

73. Pay Policy Statement 2012/13

Assembly received and noted this report on the draft Pay Policy Statement for the Council for 2012/13, introduced by the Cabinet Member for Customer Services and Human Resources.

It was noted that 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 favourably to the Hutton Review recommendation that the ratio should not be greater than 1:20.

The Cabinet Member referred to an amendment to figures in paragraph 5.6 of the report in that there were 9 posts at CO3 level and 3 posts at CO4 level.

Assembly **agreed** to approve the Pay Policy Statement for the London Borough of Barking and Dagenham for 2012/13 as attached at Appendix A to the report, subject to the amendment of paragraph 5.6 as set out above.

74. Statement of Licensing Policy 2012 - 2015

The Assembly received and noted this report on a revised Statement of Licensing Policy for the Borough, introduced by the Divisional Director for Environment (DDE).

The DDE 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.

In response to Members' questions, the DDE advised that:

- ❖ the policy was a requirement of the Licensing Act 2003;
- ❖ activities covered by the policy were set out in Part A of Appendix 1 to the report but did not cover the sale of adult books;
- ❖ he would provide Members with the number of applications that had been refused or revoked in the last year;
- ❖ any licensing concerns that Members might have should be addressed to him rather than Licensing Board Members so as to avoid the perception of pre-determination;
- ❖ concerns as to drug use in licensed premises would be a police matter;
- ❖ the policy would be effective when approved by the Assembly.

The DDE also explained the methodology for calculating the maximum 30% of retail space allowed in off-licences for the sale of alcohol.

The Cabinet Member for Crime, Justice and Communities commended the policy to the Assembly and thanked officers and stakeholders for their hard work in the consultation and preparation of it.

Assembly **agreed** to adopt the Statement of Licensing Policy 2012-2015 as attached at Appendix 1 to the report.

75. Extension of Term of Independent Members of the Standards Committee

Assembly received and noted this report presented by the Deputy Monitoring Officer, seeking an extension to the term of two Independent Members of the Standards Committee.

Assembly **agreed**:

1. to waive paragraph 11.5 of Article 7 of the Council Constitution; and
2. to an extension to the terms of office of Mr Kevin Madden and Mr Delbert Sandiford, Independent Members of the Standards Committee to 30 June 2012 or until such time as the Standards regime was implemented.

76. Leader's Question Time

None.

77. General Question Time

None.

78. Motions

None.

79. Dagenham Rugby Club *

Following a report from the Leader of the Council, the Assembly passed best wishes and good luck to Dagenham Rugby Club ahead of their next league game, which if they won would secure their promotion.

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

The meeting closed at 7.40 pm.

ANNUAL ASSEMBLY

16 MAY 2012

Title: DEATH OF FORMER COUNCILLOR LEONARD COLLINS	
Report of: The Chief Executive	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Margaret Freeman, Senior Democratic Services Officer	Contact Details: Tel: 020 8227 2638 E-mail: margaret.freeman@lbbd.gov.uk
Accountable Divisional Director:	Tasnim Shawkat, Divisional Director Legal and Democratic Services
Accountable Director:	Stella Manzie, Chief Executive
Summary:	
The Assembly is asked to note with deep regret that former Councillor Leonard Adolphus Collins passed away on Sunday, 22 April 2012.	
Recommendation	
The Assembly is asked to stand for a minute's silence as a mark of respect.	

1. Introduction and Background

- 1.1 Mr Collins was first elected as Councillor in 1967 and served as a Labour Councillor for 39 years until the local election in May 2006. He served on Valence, Eastbrook and Triptons wards. In addition to various Council Committees and School Governing Bodies, he served on the Dagenham Old People's Welfare Council, Association of Metropolitan Authorities Public Works Committee and was a member of the Institute of Maintenance and Building Management.
- 1.2 Mr Collins was a building surveyor and was employed by the LCC/GLC and London Boroughs prior to his retirement in 1988. He was also Liaison Officer to John Parker MBE, the Father of the House of Commons, and also to Bryan Gould MP for the Dagenham Constituency.
- 1.3 In 1979 Mr Collins was elected Mayor for the Borough and it was during his Mayoralty that he signed the Twinning Agreement with Witten, West Germany on behalf of the Council.

1.4 Mr Collins was awarded the Freedom of Borough in 1989 for his contribution to the local community and his longstanding service.

2. Proposal and Issues

2.1 The Assembly is asked to stand for a minute's silence as a mark of respect.

3. Options Appraisal - n/a

4. Consultation - n/a

5. Financial Implications - n/a

6. Legal Implications - n/a

7. Other implications - n/a

Background papers used in the preparation of the report – none

List of appendices - none

ANNUAL ASSEMBLY

16 MAY 2012

Title: APPOINTMENTS TO THE POLITICAL STRUCTURE AND OTHER BODIES 2012/13	
Report of: The Chief Executive	
Open	For Decision
Wards Affected: None	Key Decision: No
Report Author: John Dawe Group Manager, Democratic Services	Contact Details: Tele: 020 8227 2135 Email: john.dawe@lbbd.gov.uk
Accountable Divisional Director:	Tasnim Shawkat, Divisional Director Legal and Democratic Services
Accountable Director:	Stella Manzie, Chief Executive
Summary:	
<p>The Assembly is responsible for appointments to the political structure and various other internal and external bodies. The various positions to which appointments are required are set out in the attached Appendices A-D.</p> <p>The appointment of the Mayor and the Mayor's Chaplain will be dealt with at the Ceremonial Council on 18 May 2012</p>	
Recommendation(s)	
<p>The Assembly is recommended to:</p> <ol style="list-style-type: none"> 1. Agree the membership of the various Council meetings (Appendix A); 2. Appoint the Chairs and Deputy Chairs and Lead and Deputy Lead Members (Appendix B); 3. Appoint the representatives on various internal and external bodies (Appendix C); and 4. Appoint the Trustees of Local Charities (Appendix D) 	
Reason(s)	
<ol style="list-style-type: none"> 1. To meet statutory and constitutional requirements and to ensure relevant positions are appointed to enable the Council to proceed with business reserved to committees. 2. To ensure appropriate representation on internal and external meetings and other bodies. 	

1. Introduction and Background

- 1.1 The Assembly is responsible for appointments to the political structure and various other internal and external bodies.
- 1.2 The appointments meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to the committees.

2. Proposal and Issues

- 2.1 The various positions to which appointments are required for the municipal year 2012/2013 are set out in the attached Appendices A-D.

3. Options Appraisal

- 3.1 Any delay in reappointing Members to the various meetings and other bodies puts at risk the normal decision making process and business of the Council.

4. Consultation

- 4.1 Consultation has taken place with Members and officers as appropriate.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources
Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

- 5.1 There are no financial implications associated with this report. This concerns the annual appointment of elected Members to existing Boards and Committees; and there are no changes in terms of the number of representatives or Boards (or the running cost therein).

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager and Deputy Monitoring Officer
Telephone and email: 020 8227 3295 fiona.taylor@lbbd.gov.uk

- 6.1 The Assembly is a meeting of full council under Section 8 and Schedule 12 of the Local Government Act 1972. Chair and Deputy Chair and Lead and Deputy Lead positions and memberships of meetings are appointed for one year and are reviewed annually by the Assembly. The Scheme of Delegation in the Council's Constitution sets out the basis for delegation under Section 101 of the Local Government Act 1972, Section 15 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000. The appointments in this report meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to each committee.

- 7. **Other Implications** – There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix A - Councillor Membership of Council Meetings 2012/2013**
- Appendix B - Chairs and Deputy Chairs 2012/2013**
- Appendix C - Councillor Representation on various internal and external
bodies 2012/2013**
- Appendix D - Trustees of Local Charities May 2012**

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COUNCILLOR MEMBERSHIP OF COUNCIL MEETINGS 2012/2013

THE ASSEMBLY All 51 Councillors

THE CEREMONIAL COUNCIL All 51 Councillors

DEVELOPMENT CONTROL BOARD – 17 Seats (1 per ward) plus the Cabinet Member for Regeneration

LICENSING AND REGULATORY BOARD – 10 Seats

PERSONNEL BOARD – 9 Seats (3 Members per board)

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

PENSIONS PANEL - 6 Seats

The Panel to comprise the Cabinet Member for Finance and Education plus five Councillors to be appointed for a term of two years.

STANDARDS COMMITTEE – 4 seats

CHILDREN'S SERVICES SELECT COMMITTEE – 9 Seats

HEALTH AND ADULT SERVICES SELECT COMMITTEE – 9 Seats

LIVING AND WORKING SELECT COMMITTEE – 9 Seats

SAFER AND STRONGER COMMUNITY SELECT COMMITTEE – 9 Seats

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

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CHAIRS AND DEPUTY CHAIRS 2012/2013

Quasi-Judicial:	Chair	Deputy Chair
Licensing and Regulatory Board	Councillor	Councillor
Development Control Board	Councillor	Councillor
Personnel Board	Councillor	Councillor

The Select Committees:	Lead Member (for a term of 2 years – May 2012 to May 2014)	Deputy Lead Member
Children's Services	Councillor	Councillor
Health and Adult Services	Councillor	Councillor
Living and Working Safer and Stronger Community	Councillor	Councillor
Public Accounts and Audit	Councillor	Councillor

All Member Meetings:	Chair	Deputy Chair
Assembly	Councillor	Councillor
Ceremonial Council	The Mayor is automatically appointed as the Chair of the Ceremonial Council	The Chair of the Assembly is the Deputy Chair of the Ceremonial Council

	Chair	Deputy Chair
Cabinet	The Leader of the Council, is automatically appointed as the Chair of the Cabinet	The Deputy Leader of the Council is automatically appointed as the Deputy Chair of the Cabinet

Other Meetings:	Chair	Deputy Chair
Pensions Panel	The Cabinet Member for Finance and Education is automatically appointed as Chair	Councillor
Standards Committee	Mr Kevin Madden	Councillor

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COUNCIL REPRESENTATION ON VARIOUS INTERNAL AND EXTERNAL BODIES 2012/13

Key:

- ACS - Adult and Community Services Department
- CE - Chief Executive
- ChS - Children Services Department
- FRS - Finance and Resources Department
- HES - Housing and Environment Services

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
Admissions Forum	5 Councillors (4 year appointments)	Cllr R Gill (May 2009-2013) Cllr Poulton (May 2010-2014) Cllr Rai (May 2010-2014) Cllr Saeed (May 2010-2014) Cllr Salam (May 2010-2014)	ChS Jane Hargreaves 020 8270 4818
Barking and Dagenham Council for Voluntary Services	Relevant Cabinet Member (Crime, Justice & Communities)	Cllr Alexander	ACS Karen Ahmed Ext 2331
Barking and Dagenham Partnership:	Leader of the Council Deputy Leader of the Council plus 4 Councillors. Council membership excludes Chairs of the LSP Themed Groups	Cllr Smith Cllr R Gill Cllr Cllr Cllr Cllr	CE Stella Manzie Ext 2137

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> Skills, Jobs and Enterprise Board 	Relevant Cabinet Member Regeneration	Cllr Geddes	FRS Jeremy Grint Ext 2443
<ul style="list-style-type: none"> Children's Trust 	Relevant Cabinet Member Children & Adult Services	Cllr Reason	ChS Meena Kishinani Ext 3507
<ul style="list-style-type: none"> Clean, Green and Sustainable Borough Board 	Relevant Cabinet Member Environment	Cllr McCarthy	HES Robin Payne Ext 5660
<ul style="list-style-type: none"> Community Safety Partnership 	Relevant Cabinet Member	Cllr Alexander	ACS Glynis Rogers Ext 2827
<ul style="list-style-type: none"> Shadow Health and Wellbeing Board 	Relevant Cabinet Members ❖ Children & Adult Services ❖ Health plus two additional Cabinet members	Cllr Reason Cllr Worby Cllr Cllr	ACS Karen Ahmed Ext 2331
Barking and Dagenham Safeguarding Adult's Board	Relevant Cabinet Member Children & Adult Services	Cllr L Reason	ACS Glynis Rogers Ext 2827

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
Barking and Dagenham Safeguarding Children Board	Relevant Cabinet Member Children & Adult Services	Cllr L Reason	ChS Meena Kishinani Ext 3507
Barking Riverside Community Interest Company	Relevant Cabinet Member – Regeneration	Cllr Geddes	FRS Jeremy Grint Ext 2443
	One Thames Ward Member	Cllrs Channer or Poulton	
	One other Thames Ward Members as substitute representative	Cllrs Channer or Poulton	
Barking Riverside Limited Board	Relevant Cabinet Member Regeneration (observer status only)	Cllr Geddes	FRS Jeremy Grint Ext 2443
Broadway Theatre Company Ltd	Relevant Cabinet Member Culture, Leisure and Sport	Cllr Collins	ACS Paul Hogan Ext 3576
Community Legal Advice Centre	2 Councillors 2 year appointment	Cllr	ACS Karen Ahmed Ext 2331
		Cllr	(May 2012 – May 2014) (May 2012 – May 2014)
Corporation of Barking & Dagenham College	1 Councillor (4 year appointment)	Cllr Carpenter (Dec 2011 – Nov 2015)	ChS Helen Jenner Ext 5800

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
CREATE London	Relevant Cabinet Member Culture, Leisure and Sport	Cllr Collins	ACS Paul Hogan Ext 3576
East London Housing Partnership	Relevant Cabinet Member Housing	Cllr P Waker	HES Ken Jones Ext 5703
East London Solutions Leaders' Group	Leader of the Council	Cllr Smith	FRS Tracie Evans Ext 2108
East London Solutions Members' Review Group	Two Councillors and two alternates nominated by the Leader	Cllr Alasia (28 March 2012) Cllr Channer (to be appointed) Cllr Cllr	FRS Tracie Evans Ext 2108
East London Waste Authority	Relevant Cabinet Member Environment plus 1 Councillor	Cllr McCarthy Cllr	HES Robin Payne Ext 5660
ELEVATE (Joint Venture with Agilisys) Elevate Board	Relevant Cabinet Member Customer Services & Human Resources plus 1 Councillor as deputy	Cllr White Cllr	FRS Tracie Evans Ext 2108

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
Strategic Partner Board	Relevant Cabinet Member – Finance and Education as Chair plus Relevant Cabinet Member – Customer Services & Human Resources - and 1 non-cabinet Councillor	Cllr R Gill Cllr White Cllr	FRS Tracie Evans Ext 2108
Employee Joint Consultative Committee	Relevant Cabinet Member Customer Services & Human Resources plus 5 Councillors	Cllr White Cllr Cllr Cllr Cllr Cllr	FRS Martin Rayson Ext 3113
Employee Joint Health, Safety and Wellbeing Committee	Relevant Cabinet Member Customer Services & Human Resources plus 3 Councillors	Cllr White Cllr Cllr Cllr	FRS Martin Rayson Ext 3113
Greater London Enterprise	Relevant Cabinet Member - Regeneration	Cllr Geddes	FRS Jeremy Grint Ext 2443

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director																		
Housing Forum - Barking	One Councillor per Ward with voting rights. All other Councillors shall be members of their respective forum	<p>Barking</p> <table border="1" data-bbox="375 526 746 1308"> <tr><td>Cllr Laila Butt</td><td>Abbey</td></tr> <tr><td>Cllr Rob Douglas</td><td>Becontree</td></tr> <tr><td>Cllr Jim McDermott</td><td>Eastbury</td></tr> <tr><td>Cllr Chris Rice</td><td>Parsloes</td></tr> <tr><td>Cllr Nirmal Gill</td><td>Longbridge</td></tr> <tr><td>Cllr Dee Hunt</td><td>Maysbrook</td></tr> <tr><td>Cllr Barry Poulton</td><td>Thames</td></tr> <tr><td>Cllr Emmanuel Obasohan</td><td>Valence</td></tr> <tr><td>Cllr Dominic Twomey</td><td>Gascoigne</td></tr> </table>	Cllr Laila Butt	Abbey	Cllr Rob Douglas	Becontree	Cllr Jim McDermott	Eastbury	Cllr Chris Rice	Parsloes	Cllr Nirmal Gill	Longbridge	Cllr Dee Hunt	Maysbrook	Cllr Barry Poulton	Thames	Cllr Emmanuel Obasohan	Valence	Cllr Dominic Twomey	Gascoigne	HES Ken Jones Ext 5703
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Cllr Barry Poulton	Thames																				
Cllr Emmanuel Obasohan	Valence																				
Cllr Dominic Twomey	Gascoigne																				
Housing Forum – Dagenham	One Councillor per Ward with voting rights. All other Councillors shall be members of their respective forum	<p>Dagenham</p> <table border="1" data-bbox="853 526 1168 1308"> <tr><td>Cllr John Davis</td><td>Alibon</td></tr> <tr><td>Cllr Jeff Wade</td><td>Chadwell Heath</td></tr> <tr><td>Cllr Tony Ramsay</td><td>Eastbrook</td></tr> <tr><td>Cllr Graham Letchford</td><td>Goresbrook</td></tr> <tr><td>Cllr Dave Miles</td><td>Heath</td></tr> <tr><td>Cllr Eileen Keller</td><td>River</td></tr> <tr><td>Cllr Margaret Mullane</td><td>Village</td></tr> <tr><td>Cllr Tony Perry</td><td>Whalebone</td></tr> </table>	Cllr John Davis	Alibon	Cllr Jeff Wade	Chadwell Heath	Cllr Tony Ramsay	Eastbrook	Cllr Graham Letchford	Goresbrook	Cllr Dave Miles	Heath	Cllr Eileen Keller	River	Cllr Margaret Mullane	Village	Cllr Tony Perry	Whalebone	HES Ken Jones Ext 5703		
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Cllr Eileen Keller	River																				
Cllr Margaret Mullane	Village																				
Cllr Tony Perry	Whalebone																				
Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs	Leader of the Council Relevant Cabinet Member – Regeneration plus 2 deputy Councillors	<p>Cllr Smith Cllr Geddes Cllr Channer Cllr Butt</p>	FRS Tracie Evans Ext 2108																		

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<p>Local Development Framework Steering Group</p>	<p>The Leader of the Council and Relevant Cabinet Member(s) :</p> <ul style="list-style-type: none"> ❖ Regeneration, Children & Adult Services, and Health (voting Members) The Chair and Deputy-Chair of the Development Control Board (non-voting) 	<p>Cllr Smith</p> <p>Cllr Geddes Cllr Reason Cllr Worby</p> <p>Cllr Cllr</p>	<p>FRS Jeremy Grint Ext 2443</p>
<p>Local Government Association</p>			
<ul style="list-style-type: none"> • General Assembly 	<p>Leader Deputy Leader plus 2 Councillors</p>	<p>Cllr Smith Cllr R Gill</p> <p>Cllr Cllr</p>	<p>CE Stella Manzie Ext 2137</p>
<ul style="list-style-type: none"> • Urban Commission 	<p>2 Councillors</p>	<p>Cllr Cllr</p>	<p>FRS Jeremy Grint Ext 2443</p>

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
London Borough of Barking and Dagenham Adoption and Permanence Panel	1 Councillor (3 year appointment)	Cllr Burgon (May 2010-2013)	ChS Christopher Martin Ext 2233
London Borough of Barking and Dagenham Fostering Panel	2 Councillors (3 year appointments)	Cllr Hunt Cllr L Rice (May 2010 – May 2013) (Dec 2010 – May 2013)	ChS Christopher Martin Ext 2233
London Councils		Note: London Councils have confirmed that deputies are NOT required to be appointed to the various fora	
<ul style="list-style-type: none"> Children and Young People Forum 	Relevant Cabinet Member Children and Adult Services	Cllr Reason	ChS Meena Kishinani Ext 3507
<ul style="list-style-type: none"> Crime and Public Protection Forum 	Relevant Cabinet Member Crime, Justice and Communities	Cllr Alexander	ACS Glynis Rogers Ext 2827
<ul style="list-style-type: none"> Culture, Tourism and 2012 Forum 	Relevant Cabinet Member Culture, Leisure and Sport	Cllr Collins	ACS Paul Hogan Ext 3576

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> Economic Development Forum 	Relevant Cabinet Member Regeneration	Cllr Geddes	FRS Jeremy Grint Ext 2443
<ul style="list-style-type: none"> Grants Committee 	Relevant Cabinet Member Crime Justice and Communities Up to 4 named deputies (who must be Cabinet Members) to be appointed by the Cabinet Member	Cllr Alexander Cllr Cllr Cllr Cllr	ACS Karen Ahmed Ext 2331
<ul style="list-style-type: none"> Greater London Employment Forum 	Relevant Cabinet Member Customer Services and Human Resources	Cllr White	FRS Martin Rayson Ext 3113
<ul style="list-style-type: none"> Health and Adult Services 	Relevant Cabinet Members ❖ Health ❖ Children & Adult Services	Cllr Worby Cllr Reason	ACS Karen Ahmed Ext 2331
<ul style="list-style-type: none"> Housing Forum 	Relevant Cabinet Member Housing	Cllr P Waker	HES Ken Jones Ext 5703

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> Leaders' Committee 	Leader of the Council plus 2 named deputies to be appointed by the Leader	Cllr Smith Cllr R Gill Cllr Reason	CE Stella Manzie Ext 2137
<ul style="list-style-type: none"> Transport and Environment Committee 	Relevant Cabinet Member - Environment plus up to 4 named deputies to be appointed by the Cabinet Member	Cllr McCarthy Cllr Cllr Cllr Cllr	HES Robin Payne - Ext 5660 FRS Jeremy Grint – Ext 2443
London Road Safety Council	2 Councillors (2 year appointment)	Cllr Cllr (May 2012-2014) (May 2012-2014)	HES Robin Payne Ext 5660
Members' Board (Enterprise)	Relevant Cabinet Member - Housing	Cllr P Waker	HES Maureen McEleneay Ext 3738
Members' Corporate Parent Group	1 Councillor	Councillor Letchford (April 2012)	ChS Christopher Martin Ext 2233
Public Transport Liaison Group	Relevant Cabinet Member plus 1 Councillor to be appointed by Cabinet Member	Cllr McCarthy Cllr	FRS Jeremy Grint Ext 2443

APPENDIX C

Organisation	Representation required	Representation 2012/13 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
Registered Provider Forum (formerly Registered Social Landlord Forum)	Relevant Cabinet Member Housing plus 2 Councillors to be appointed by the Cabinet Member	Cllr P Waker Cllr Cllr	HES Ken Jones Ext 5703
Reserve Forces and Cadets Association for Greater London	The Leader or Deputy Leader of the Council	Cllr Smith or Cllr R Gill	ChS Meena Kishinani Ext 3507
Schools Investment Board	Relevant Cabinet Members: ❖ Finance & Education ❖ Regeneration	Cllr R Gill Cllr Geddes	ChS Helen Jenner Ext 5800 FRS: Tracie Evans Ext 2108

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King George V Silver Jubilee Trust Fund

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

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

The Eva Tyne Trust Fund

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

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

Councillor Kangethe	(May 2011 - May 2014)
Councillor Letchford	(May 2010 - May 2013)

The Kallar Lodge Trust Fund (formerly The Brocklebank Lodge Trust Fund)

This was established some years ago following a bequest to Brocklebank Lodge. Following approval by the Charity Commission in 2008 the Trust Fund was transferred to Lake Rise Residential Home, which is now known as Kallar Lodge, and the Trust Fund was renamed as The Kallar Lodge Trust Fund. The Trust Fund provides extra amenity for Kallar Lodge, over and above that which is provided by the Council.

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

Councillors	and	(May 2012)
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ANNUAL ASSEMBLY

16 MAY 2012

Title: Response to Petition – Broad Street Parking Charges	
Report of: Corporate Director of Housing and Environment	
Open	For Decision
Wards Affected: River	Key Decision: No
Report Author: Ruth Du-Lieu, Group Manager, Street Scene	Contact Details: Tel: 020 8227 2641 E-mail: ruth.du-lieu@lbbd.gov.uk
Accountable Divisional Director:	Robin Payne
Accountable Director:	Darren Henaghan
<p>Summary:</p> <p>The Council has received a petition containing 106 valid signatures from separate addresses in the borough, requesting that the Council stop proposals to implement pay and display parking charges in Broad Street.</p> <p>The petition states:</p> <p style="text-align: center;">"Introducing parking fees will encourage people to shop where parking is free, and be severely detrimental to our shopping centre."</p> <p>In accordance with the Council's procedures for petitions, the lead petitioner, Richard Mackenzie of The Four Seasons Florist, 91a Broad Street has been invited to the meeting of the Assembly to present the petition.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree, for the reasons set out in this report, that it is unable to support the petition.</p>	
<p>Reason(s)</p> <p>Under the Council's Petition Scheme as set out on the Council's website, petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As this petition exceeds that threshold it has triggered the requirement for a debate at Assembly.</p>	

1. Introduction and Background

- 1.1. The Council is responsible for the highway and traffic network within the boundaries of Barking and Dagenham. This includes the provision of both on and off street parking facilities and the enforcement of parking legislation as set out in the Traffic Management Act 2004.
- 1.2. The Council uses a variety of mechanisms to control the parking of vehicles and the flow of traffic. These include parking bays, double yellow lines, controlled parking zones and signage. Parking bays, both on and off street, need to be regularly enforced for them to be effective. Enforcement can take the form of restricting the time a vehicle can park. For example in Broad Street the current arrangements are that vehicles can park for a maximum of two hours but then can not return within three hours. The alternative to this charging a fee up front either through a permit or by operating Pay and Display.
- 1.3. There are pros and cons to both forms of enforcement. Enforcing through Pay and Display tickets is far easier and far more cost effective than through time limited bays. The Civil Enforcement Officer (CEO) only needs to view an out of time ticket once then they are able to issue a Penalty Charge Notice (PCN). Compare this to the process for enforcing on a time limited bay where the CEO is required to view the vehicle on three separate occasions before they can issue a valid PCN, i.e. once to note the first time vehicle seen, then two hours later to note vehicle still in position and to record position of tyres and finally ten minutes after that to note vehicle still in position and again to note position of tyres which proves that the vehicle is in contravention of the traffic management order.
- 1.4. Using Pay and Display bays is being considered across all the smaller shopping parades borough-wide. This is so that the resources within Parking Services can be utilised more effectively and all shopping parades can be monitored and enforced properly. The Council is also looking to implement with residents and ward Members, localised parking schemes to improve capacity for residents and their visitors. By addressing the challenges of both residents and business parking the Council aims to take an holistic approach that ensures the traffic network keeps flowing whilst parking capacity is improved upon.

2. Proposal and Issues

- 2.1. The Council is proposing to introduce Pay and Display parking charges at the Broad Street Shopping Parade. Shop-keepers in many of Barking and Dagenham's smaller shopping parades rely on short term customer parking to support their business.
- 2.2. The issues currently being faced by motorists and shoppers are that the area is very busy as there is a good choice of shops, take-away and facilities such as the undertakers, public house etc. The parade is in the middle of a residential area and it encompasses two schools. Time limited bays run along the carriageway adjacent to the shopping parade. On the opposite side the carriageway is marked with double yellow lines to stop parking and ensure the traffic network is maintained. The road is lined with residential properties many of which sit back and are able to take advantage of off street parking. The economy of the area is split between daytime

shops such as chemists, cafes, florists, hairdressers etc and night time take-aways and restaurants.

- 2.3. There have been some recent issues with contractors working at Dagenham Park School. Commercial vehicles were using up parking spaces. Although some enforcement took place, the Council's ability to effectively enforce was hampered by the time limited bays and the lack of sufficient lines and signs to issue valid PCNs.
- 2.4. Using Pay and Display bays is being considered across all the smaller shopping parades borough-wide. This is so that the resources within Parking Services can be utilised more effectively and all shopping parades can be monitored and enforced properly. The current scheme may well be attracting residents and their visitors' vehicles as it is free to use. The Council is looking to implement with residents and ward Members, localised parking schemes to improve capacity for people who live locally. By addressing the challenges of both residents and business parking the Council aims to take an holistic approach that ensures the traffic network is maintained whilst parking capacity is improved upon.
- 2.5. Although putting in a Pay and Display scheme will not necessarily stop non-shoppers using the parking bays, it will deter people from taking advantage and simply moving their vehicle every two hours. The Council currently carries out some enforcement but this is not being effective as the bays are time limited. The move to Pay and Display will enable the Council to enforce in a more effective and robust manner and will lead to less abuse of the parking capacity and a better turn over of vehicles and so will become an incentive for shoppers to park in the area.
- 2.6. Pay and Display schemes at shopping parades have been used successfully in neighbouring boroughs to create additional parking capacity for visitors and shoppers. Although there is a nominal charge i.e. 20p one hour, 50p for two hours, £1.50 for three hours and £5.00 to park up to six hours, Pay and Display is the most effective form of enforcement and results in regular shoppers knowing they are more likely to find a parking space. It also provides the opportunity to choose if they wish to park for a longer period of time without being concerned that they may be penalised if they over stay.
- 2.7. The introduction of additional blue badge parking spaces will improve accessibility to the area for motorists with mobility issues.

3. Options Appraisal

- 3.1. If the Council does not implement Pay and Display charges at Broad Street then the current parking arrangements will continue. This will result in the Council being unable to robustly enforce the parking at Broad Street. Risks will remain around there being adequate capacity available. Localised parking plans may further exacerbate the situation as residents and customers compete for a limited number of free spaces.
- 3.2. At Cabinet on 20 September 2011, Members received a report outlining the arrangements for the move to Pay and Display in Council car parks and for consideration to be given to the same at local shopping parades. The subsequent charges for Pay and Display have since been agreed on 14 February 2012, as part of the Council's overall Fees & Charges report.

4. Consultation

- 4.1 Officers have attended the Broad Street Retail and Business Partnership twice to discuss the proposal and its implications. The main issues raised by businesses are they feel the Council does not adequately enforce the current arrangements and if they did there would be no need to change to Pay and Display. This was a particular issue when the contractors from Dagenham Park School were using the bays to park commercial vehicles. These discussions are ongoing.

5. Financial Implications

Implications completed by: Jo Moore, Finance Manager
Telephone and email: 020 8227 3415 Jo.moore@lbbd.gov.uk

- 5.1. There will be a cost to the Council to implement the scheme which will be to purchase the pay and display machines and review the traffic management order. There is also the ongoing cost of maintaining the machines and collecting the cash. Finally there is the cost of enforcing the pay and display scheme.
- 5.2. The revenue raised through the scheme will be used to offset these ongoing revenue costs of maintenance and enforcement.

6. Legal Implications

Implications completed by: Paul Field – Senior. Lawyer
Telephone and email: 020 8227 3133 Paul.feild@lbbd.gov.uk

- 6.1. The Council has powers to regulate parking on the highway under the Traffic Management Act 2004

7. Other implications

7.1 Risk Management

The new Pay and Display facilities at the Broad Street shopping parade seek to improve access for visitors and shoppers to this area.

7.2 Contractual Issues

No Issues

7.3 Staffing Issues

No issues

7.4 Customer Impact

By introducing Pay and Display charges at Broad Street shopping parade, there will be an impact on customers. Although parking will no longer be free, the benefit will be that customers will be able to park for longer than two hours. This will be

especially beneficial to customers visiting the hairdressers or a restaurant where they may need longer.

7.5 Safeguarding Children

No Issues

7.6 Health Issues

No Issues

7.8 Property / Asset Issues

No Issues

Background Papers Used in the Preparation of the Report: None

List of appendices: None

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ANNUAL ASSEMBLY

16 MAY 2012

Title: Response to Petition – Faircross Parade Parking Charges	
Report of: Corporate Director of Housing and Environment	
Open	For Decision
Wards Affected: Longbridge	Key Decision: No
Report Author: Ruth Du-Lieu, Group Manager, Street Scene	Contact Details: Tel: 020 8227 2641 E-mail: ruth.du-lieu@lbbd.gov.uk
Accountable Divisional Director:	Robin Payne
Accountable Director:	Darren Henaghan
<p>Summary:</p> <p>The Council has received two petitions containing a total of 285 valid signatures from separate addresses in the Borough, requesting that the Council stop proposals to implement pay and display parking charges in Faircross Parade</p> <p>The petition from Mrs Debbie Fraylich (269 signatures) states: "As the proprietor of Bodeb florists I have traded at Faircross Parade for twenty seven years and feel that my views are solid and valid."</p> <p>The petition from Mr Serdar Gopar (16 signatures) states: "We are writing to oppose your proposal 'pay and display parking arrangements' strongly. Furthermore we feel in this economic climate, it will have a detrimental effect on our businesses. Some of the customers' just pop in for minutes to purchase something very quickly. Your proposal will certainly deter a lot of our customers coming into our shops".</p> <p>In accordance with the Council's procedures for petitions, the lead petitioners have been invited to the meeting of the Assembly and Mrs Fraylich will be presenting both petitions.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree, for the reasons set out in this report, that it is unable to support the petition.</p>	
<p>Reason(s)</p> <p>Under the Council's Petition Scheme as set out on the Council's website petitioners, are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As these petitions reach that threshold, the requirement for a debate at Assembly has been triggered.</p>	

1. Introduction and Background

- 1.1. The Council is responsible for the highway and traffic network within the boundaries of Barking and Dagenham. This includes the provision of both on and off street parking facilities and the enforcement of parking legislation as set out in the Traffic Management Act 2004.
- 1.2. The Council uses a variety of mechanisms to control the parking of vehicles and the flow of traffic. These include parking bays, double yellow lines, controlled parking zones and signage. Parking bays, both on and off street, need to be regularly enforced for them to be effective. Enforcement can take the form of restricting the time a vehicle can park. For example in Faircross Parade the current arrangements are that vehicles can park for a maximum of one hour but then cannot return within two hours. The alternative to this charging a fee up front either through a permit or by operating pay and display.
- 1.3. There are pros and cons to both forms of enforcement. Enforcing through pay and display tickets is far easier and far more cost effective than through time limited bays. The Civil Enforcement Officer (CEO) only needs to view an out of time ticket once then they are able to issue a Penalty Charge Notice (PCN). Compare this to the process for enforcing on a time limited bay where the CEO is required to view the vehicle on three separate occasions before they can issue a valid PCN i.e. once to note the first time vehicle seen, then two hours later to note vehicle still in position and to record position of tyres and finally ten minutes after that to note vehicle still in position and again to note position of tyres which proves that the vehicle is in contravention of the traffic management order.
- 1.4. Using Pay and Display bays is being considered across all the smaller shopping parades borough-wide. This is so that the resources within Parking Services can be utilised more effectively and all shopping parades can be monitored and enforced properly. The Council is also looking to implement with residents and ward Members, localised parking schemes to improve capacity for residents and their visitors. By addressing the challenges of both residents and business parking the Council aims to take an holistic approach that ensures the traffic network keeps flowing whilst parking capacity is improved upon.

2. Proposal and Issues

- 2.1. The Council is proposing to introduce Pay and Display parking charges at Faircross Parade. Shop-keepers in many of Barking and Dagenham's smaller shopping parades rely on short term customer parking to support their business.
- 2.2. The issues currently being faced by motorists and shoppers at Faircross Parade are that the area is very busy and aside from shoppers, other users are taking advantage of the free parking. For example the shopping parade is in close proximity to the bus garage, Barking Park and also the Royal Oak public house.
- 2.3. Although putting in a Pay and Display scheme will not necessarily stop non-shoppers using the parking bays it will deter people from taking advantage and simply moving their vehicle every hour. The Council currently carries out some enforcement but this is not being effective as the bays are time limited. The move to pay and display will enable the Council to enforce in a more effective and robust

manner and will lead to less abuse of the parking capacity and a better turn over of vehicles and so will become an incentive for shoppers to park in the area.

- 2.4. Pay and Display schemes at shopping parades have been used successfully in neighbouring boroughs to create additional parking capacity for visitors and shoppers. Although there is a nominal charge i.e. 20p one hour, 50p for two hours, £1.50 for three hours and £5.00 to park up to six hours, Pay and Display is the most effective form of enforcement and results in regular shoppers knowing they are more likely to find a parking space. It also provides the opportunity to choose if they wish to park for a longer period of time without being concerned that they may be penalised if they over stay.
- 2.5 The introduction of additional blue badge parking spaces will improve accessibility to the area for motorists with mobility issues.
- 2.6 Faircross Parade borders houses and flats and there is the danger that if the Council allows the current scheme to continue there could be a knock on effect from localised parking plans being implemented. Localised parking plans including bays and yellow lines will restrict residents and shoppers from using local roads to park in. This could pose the risk that the current Faircross Parade scheme is abused and parking capacity is effected.

3. Options Appraisal

- 3.1 If the Council does not implement pay and display charges at the Faircross Parade then the current parking arrangements will continue. This will result the Council being unable to robustly enforce the parking at Faircross Parade. Risks will remain around there being adequate capacity available. Localised parking plans may further exacerbate the situation as residents and customers compete for a limited number of free spaces.
- 3.2 At Cabinet on 20 September 2011, Members received a report outlining the arrangements for the move to pay and display in Council car parks and for consideration to be given to the same at local shopping parades. The subsequent charges for Pay and Display have since been agreed on 14 February 2012, as part of the Council's overall Fees & Charges report.

4. Consultation

- 4.1 A consultation meeting was planned with local businesses but had to be rescheduled. A further meeting will take place and until all the issues raised have been fully discussed the current scheme will continue.

5. Financial Implications

Implications completed by: Jo Moore, Finance Manager
Telephone and email: 020 8227 3415 Jo.moore@lbbd.gov.uk

- 5.1. There will be a cost to the Council to implement the scheme which will be to purchase the Pay and Display machines and implement a traffic management order which allows the enforcement to take place. There is also the ongoing cost of

maintaining the machines and collecting the cash. Finally there is the cost of enforcing the Pay and Display scheme.

- 5.2. The revenue raised through the scheme will be used to offset these ongoing revenue costs of maintenance and enforcement.

6. Legal Implications

Implications completed by: Paul Field – Senior. Lawyer
Telephone and email: 020 8227 3133 Paul.feild@lbbd.gov.uk

- 6.1. The Council has powers to regulate parking on the highway under the Traffic Management Act 2004.

7. Other implications

7.1 Risk Management

The new Pay and Display facilities at Faircross Parade seek to improve access for visitors and shoppers to this area.

7.2 Contractual Issues

No Issues

7.3 Staffing Issues

No issues

7.4 Customer Impact

By introducing Pay and Display charges at Faircross Parade there will be an impact on customers. Although parking will no longer be free, the benefit will be that customers will be able to park for longer than an hour. This will be especially beneficial to customers visiting the bank or the undertakers where they may need longer to deal with transactions and make plans.

7.5 Safeguarding Children

No Issues

7.6 Health Issues

No Issues

7.8 Property / Asset Issues

No Issues

Background Papers Used in the Preparation of the Report: None

List of appendices: None

ANNUAL ASSEMBLY

16 MAY 2012

Title: The Emerging Private Rented Sector in Barking and Dagenham	
Report of the Chief Executive's Unit	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Cllr Josephine Channer (Chair, Living and Working Select Committee) Glen Oldfield, Scrutiny Officer, Democratic Services	Contact Details: Tel: 020 8227 5796 E-mail: glen.oldfield@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Legal and Democratic Services	
Accountable Director: Stella Manzie, Chief Executive	
Summary: <p>The Living and Working Select Committee was originally interested in scrutinising the impact of the Coalition Government's housing benefit reform as there was concern that inner-London borough rents would become unaffordable, sparking an exodus to cheaper rents on the outskirts of London and placing a burden on Barking and Dagenham's private rented sector.</p> <p>Through this issue Members became aware of a number of challenges facing the development of Barking and Dagenham's private rented sector and instead decided to dedicate their time to exploring this issue in detail. From the evidence collected, the Select Committee has devised six recommendations for the consideration by Cabinet and Assembly.</p> <p>The Select Committee would like to give particular thanks to everyone who participated in this scrutiny and gave evidence. Members especially valued the input of Shelter and the Citizen's Advice Bureau and would like to thank Surinder Pal, Deputy Chair of the Landlords and Letting Agents Forum, for engaging with the LWSC.</p>	
Recommendation(s) Assembly is asked to note, and comment on, the findings and recommendations of the Select Committee.	

1. Introduction and Background

- 1.1 The Living and Working Select Committee has undertaken an investigation into private sector rented accommodation as there is concern among Members that private tenants in Barking and Dagenham are living in poor conditions and are being subjected to bad practice from a minority of landlords who are taking advantage of a heated market caused by a lack of affordable lets and social housing. The Assembly is asked to note and comment on the findings and recommendations from the scrutiny review which are set out in Appendix A.

2. Proposal and Issues

- 2.1 The Living and Working Select Committee has made six recommendations which Members hope will contribute to the Council's objective of 'better homes' for residents. The recommendations seek to help empower tenants of private rented accommodation, propose ways in which the sector can be regulated, and ideas for increasing the availability of affordable homes in the borough.

3. Options Appraisal

- 3.1 An options appraisal is not necessary for this report.

4. Consultation

- 4.1 The Living and Working Select Committee has been consulted on the content of this report to ensure that it accurately reflects their findings and observations. Ken Jones (Divisional Director, Housing Strategy) and Darren Henaghan (Corporate Director, Housing and Environment) as expert officers have also approved the draft.

5. Financial Implications

Implications completed by: Tracie Evans, Corporate Director of Finance and Resources
Telephone and email: 0208 227 2108 // tracie.evans@lbbd.gov.uk

- 5.1 No implications at this time.

6. Legal Implications

Implications completed by: Eldred Taylor-Camara, Legal Group Manager
Telephone and email: 0208 227 3344 // eldred.taylor-camara@lbbd.gov.uk

- 6.1 No implications at this time.

7. Other Implications

If agreed, the full implications of the recommendations made by the Select Committee will be highlighted and addressed during the implementation phases. At this stage there are no noteworthy implications to bring to Members' attention.

Background Papers Used in the Preparation of the Report:

- Agendas and minutes, Living and Working Select Committee (2011/12)
- Department for Work and Pensions, Impact of changes to Local Housing Allowance 2011 – Reasons for the change
- Cambridge Centre for Housing & Planning Research – housing Benefit reform and the spatial segregation of low income households in London 2011
- Asserting authority: Calling time on rogue landlords, Shelter (September 2011)
- Progress with borough wide landlord licensing, London Borough of Newham (Cabinet, 23 February 2012)
- Protection for Tenants in the Private Rented Sector, London Borough of Newham (Cabinet, 21 July 2011)
- Response to the London Assembly Private Rented Housing Condition Review, Shelter (June 2011)
- Draft Housing Strategy 2012-2017, LBBD (February 2012)
- 2011-15 Affordable Homes Programme – Framework, Homes and Communities Agency (February 2011)

List of appendices:

APPENDIX A: The emerging private rented sector in Barking and Dagenham

APPENDIX B: List of recommendations

APPENDIX C: Citizen's Advice Bureau case studies

APPENDIX D: Headline findings from LWSC commissioned survey

APPENDIX E: Terms of reference

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Living and Working Select Committee



The Emerging Private Rented Sector in Barking and Dagenham

1. Background

Research from the University of Cambridge¹ predicts that, as a result of the Coalition's housing benefit reforms, most inner-London boroughs are likely to become almost entirely unaffordable to low-income tenants on Local Housing Allowance by 2016. It is expected that Barking and Dagenham, along with other outer-London boroughs characterised by deprivation and unemployment, will remain affordable and people will move outwards to these boroughs in search of lower priced rents. The potential impact of the housing benefit reforms acted as catalyst for this scrutiny and led the Living and Working Select Committee (LWSC) to explore the condition of the private sector rented market more generally and seek assurances that the sector is able to deal with this challenge as well as growing problems around housing supply, affordability and the quality of lets available.

1.1 Introduction

The house is in such a bad state and I pay £830 per month for a two bed flat - I can't afford any better.

Private tenant, Barking and Dagenham

1.1.1 House prices, particularly in London have risen to the point where first-time buyers are unable to get onto the property ladder without a substantial deposit; this means that younger people are renting privately owned accommodation whilst they save to buy a home. The challenge to become a homeowner is compounded by increasing rents, as a result of the collapse of the housing market, making it more difficult to save, creating a vicious cycle. Even in Barking and Dagenham which has some of the lowest house prices, land values and private rent levels in the London it is incredibly hard to become a homeowner.

1.1.2 Potential first-time buyers are only one piece of a heated market made up of different competing groups which also includes students, immigrants, housing

¹ Centre for Housing & Planning Research – housing Benefit reform and the spatial segregation of low income households in London 2011

benefit claimants and professionals - Shelter estimate that 20 tenants are chasing each let.

- 1.1.3 The demand for private rented accommodation is such that opportunistic landlords are in a position to take advantage of, and profit from, this set of circumstances. The Council is becoming increasingly aware of bad practice by a minority of landlords and instances where tenants are living in poor conditions because they have limited options and do not know, or do not exercise their rights. During this review Members have looked at case studies where tenants have fallen victim to poorly drafted tenancy agreements, unfair charges, excessive or withheld deposits, illegal evictions, and properties in a serious state of disrepair.
- 1.1.4 This scrutiny aims to suggest ways to tackle bad landlords, empower and educate tenants, and make private rented accommodation more affordable.

1.2 Membership

1.2.1 The members of the LWSC that contributed to this review are as follows:

- Councillor J Channer Lead Member
- Councillor L Rice Deputy Lead Member
- Councillor S Ashraf
- Councillor J McDermott
- Councillor J Ogungbose
- Councillor T Perry
- Councillor H S Rai
- Councillor A Salam
- Councillor M Worby
- Councillor L Waker (from December 2011)

1.2.2 The Scrutiny Champion for the Select Committee was Darren Henaghan, Corporate Director of Housing and Environment, and the Select Committee was supported by Glen Oldfield, Scrutiny Officer.

1.3 Methodology

- 1.3.1 The terms of reference for the review are set out in Appendix E of this report.
- 1.3.2 Evidence was gathered in four formal Select Committee meetings held between 11 July and 8 December 2011 and several ad hoc informal meetings. The Select Committee received presentations, reports and other forms of evidence from a range of stakeholders, including:
- Bola Oladimeji, Project Development Officer, Advice Plus
 - Alan Benson, Head of Housing and Homelessness, Greater London Authority
 - Surinder Pal, Deputy Chair, Barking and Dagenham Landlord and Letting Agents Forum

- East London Housing Partnership
- LBBD Housing Officers
- Local private rented tenants
- Rachael Orr, London Campaigns Manager, Shelter
- Mary Stallebrass, Head of Private Rented Sector Policy, Department of Communities and Local Government

1.3.3 The LWSC also conducted a survey to gauge the satisfaction levels of tenants and uncover some of the problems they have encountered since renting in Barking and Dagenham. Headline findings from the survey can be found in Appendix D.

1.3.4 The final report was agreed by the LWSC on 19 March 2012, before being presented to Cabinet on 24 April 2012 for comment, and Assembly on 16 May 2012 for agreement.

1.4 What happens next?

1.4.1 If agreed, an action plan (with responsible officers and timescales) outlining the implementation of the recommendations will be drawn up and progress will be monitored. The first monitoring update will be received by the LWSC in approximately six months' time.

1.4.2 When finalised and agreed, the findings of this report are to be publicised in the following ways:

- A downloadable copy will be made available from www.lbld.gov.uk/scrutiny
- A press release will be sent to local newspapers.
- A comprehensive summary of the report's findings will be sent to interested parties and relevant voluntary organisations.

2. Findings and recommendations

The LWSC has devised six recommendations based on the evidence collected during the review process; for ease of use, a list of recommendations can be found at Appendix B.

2.1 Private rented housing stock

Case Study

Client is married and lives in a privately rented property with his partner and their dependent child. Client works and receives some benefit to be able to make end meets. Due to her immigration situation, his partner can neither work nor have recourse to public funds. The property was not decent when they moved in – due to a gas leak, they had to shut off the gas supply and they therefore had no gas. They also had no lighting. Although client reported the matter to the council who came and investigated, landlady did not carry out the repair in the property. Out of desperation, client withheld the rent to compel landlord to fix the house. He was then served with a notice of eviction and had to leave the property.

- 2.1.1 The Private Sector Housing Stock Condition Survey 2009 highlighted that some of the poorest conditions and the least thermal comfort are found in the rented sector. Even where landlords are good, the condition of stock generally can still mean that tenants are living in properties that have low energy efficiency ratings or disrepair. Other noteworthy findings from the Stock Condition Survey show that in Barking and Dagenham:
- 38% of private rental property is non-decent
 - 18% of households are in fuel poverty²
 - 90% of private rented accommodation fails to meet the Government's target for energy ratings for dwellings
 - 23.5% of private rented accommodation contains a category 1 hazard, such as a leaking roof or no heating
 - 10% of properties are in a state of disrepair.
- 2.1.2 Officers calculate that it would cost £30million to bring all private rented stock up to decent homes standard – a massive challenge, even before the Coalition Government's spending cuts.

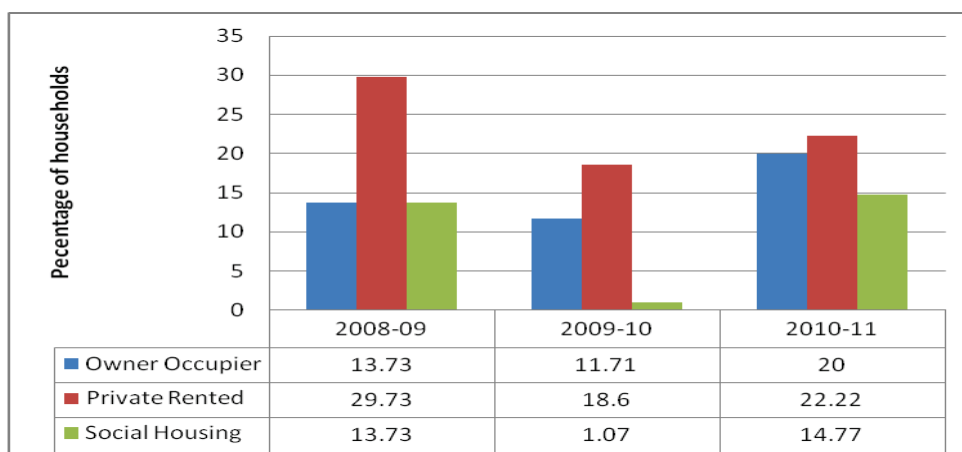
I had to decorate myself. I have also had to deal with damp. The gas bills are sky high because of how poorly insulated the flat is.

Private tenant, Barking and Dagenham

- 2.1.3 The LWSC is assured that the Council is doing everything in its power to improve the condition of private rented stock. Members are pleased that the Council is focussing its efforts to alleviate fuel poverty (which is particularly high in the private rented sector – see fig. 1) as household incomes are squeezed during the recession. To address fuel poverty, free insulation is being offered to landlords in the Barking Town Centre Low Carbon Zone to encourage the installation of energy conservation measures and, through the Landlord Energy Saving Allowance, local landlords are able to obtain up to £1500 to spend on energy efficiency upgrades.

² which is defined as spending 10% of available income on paying for energy

Fig. 1: Fuel poverty by tenure in Barking and Dagenham



2.1.4 Improving the private rented housing stock is a challenging agenda in the current economic climate, but it is not a lost cause. There are a number of initiatives that landlords can benefit from and the Council has a duty to see that awareness and take up of such offers is high. Through the London Landlords Accreditation Scheme and Landlords and Letting Agents Forum (which are discussed later on in this report) the Select Committee hopes that landlords are assisted to benefit from the range of initiatives that will result in tenants living in well maintained properties that meet decent homes and energy efficiency standards.

2.2 Collecting intelligence

2.2.1 The private rented market is constantly evolving and the Council needs to understand how this market is impacting on other areas of housing services and vice versa. The Select Committee understands that as back office functions are cut it is harder to find the money and human resources required to gather intelligence and conduct comprehensive surveys.

2.2.2 However, having up-to-date analysis is crucial in order for the Council to shape policy, adapt services and intervene as necessary. Therefore the Select Committee would like the Council to continue to closely monitor trends and developments in the private rented market to maintain oversight of an expanding and complex area.

Recommendation 1:

The LWSC recommends that the Private Sector Housing Team continues quarterly surveys of the private rental sector to include landlords, lettings agencies and private tenants and reports six monthly to LWSC.

2.3 Empowering and educating tenants

Case Study

Client is married with two children. Both parties work full time. Client signed an assured short hold tenancy in January 2011 with estate agents, Holland and Taylor for £950 per month. Due to insufficient funds for a deposit, Client also agreed to

pay the final rent, a month in advance. In June, Client notified the agent of plans to leave the property at the end of August and received a response from the estate agent acknowledging the notice. Estate agent advised Client that a £200 administrative charge will be deducted from extra £950 paid in July and the balance held as a deposit, which was contrary to the original agreement. Estate agent demanded an additional £950 from Client for rent falling due in the final month.

(Source: Citizen's Advice Bureau Case Study)

- 2.3.1 Through the evidence provided to the LWSC by Advice Plus (an arm of the Citizen's Advice Bureau) and Shelter, Members are aware that there is a small group of landlords operating in the borough who deliberately or unwittingly exploit tenants. Among other offences, these landlords harass tenants, demand unfair charges, withhold deposits and illegally evict tenants.
- 2.3.2 The LWSC has included further case studies, like the one above, that were presented by the local Citizen's Advice Bureau in Appendix C of this report to help illustrate the struggles tenants face when dealing with this type of landlord. The Select Committee was appalled by some of the experiences private tenants shared with us. Throughout the report we have used examples taken from the responses to a survey we conducted during the autumn of 2011:

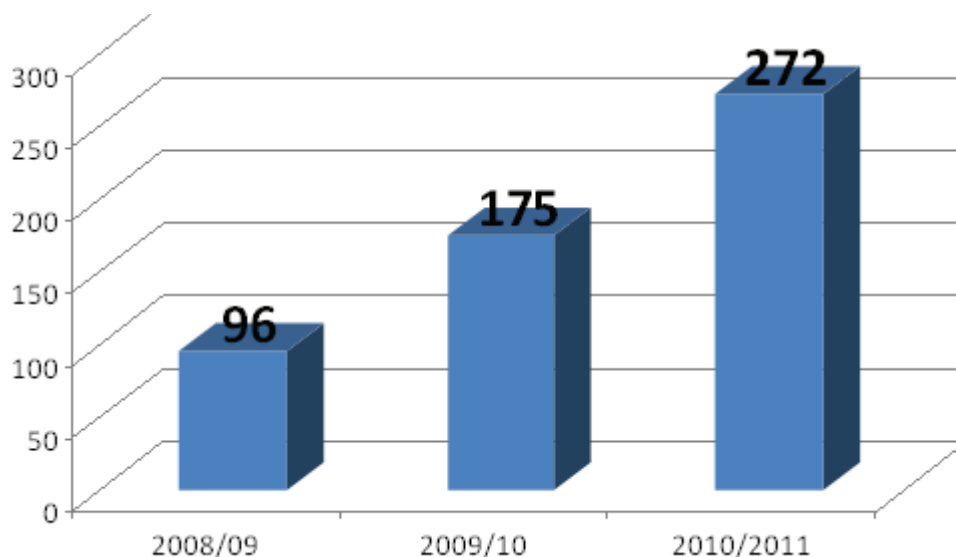
I have had no central heating for three years, the landlord refuses to fix it as he can't afford to. Both my front and back exterior doors are bowed and let in extreme amounts of draught.

Private tenant, Barking and Dagenham

The Landlord tried to get me out when he first purchased the property. There was lots of harassment, noise at night, large strangers calling at all hours. I also received threatening letters and had the water cut off for 9 days.

- 2.3.3 Sadly, the experiences dotted through this report are becoming more commonplace in Barking and Dagenham. The Citizen's Advice Bureau has seen the number of people coming to them for advice on tenancy issues rise from 96 to 272 in the space of three years (see fig.2).

Fig. 2: Clients living in Privately Rented Accommodation that have sought advice at the CAB from 2008 – 2011



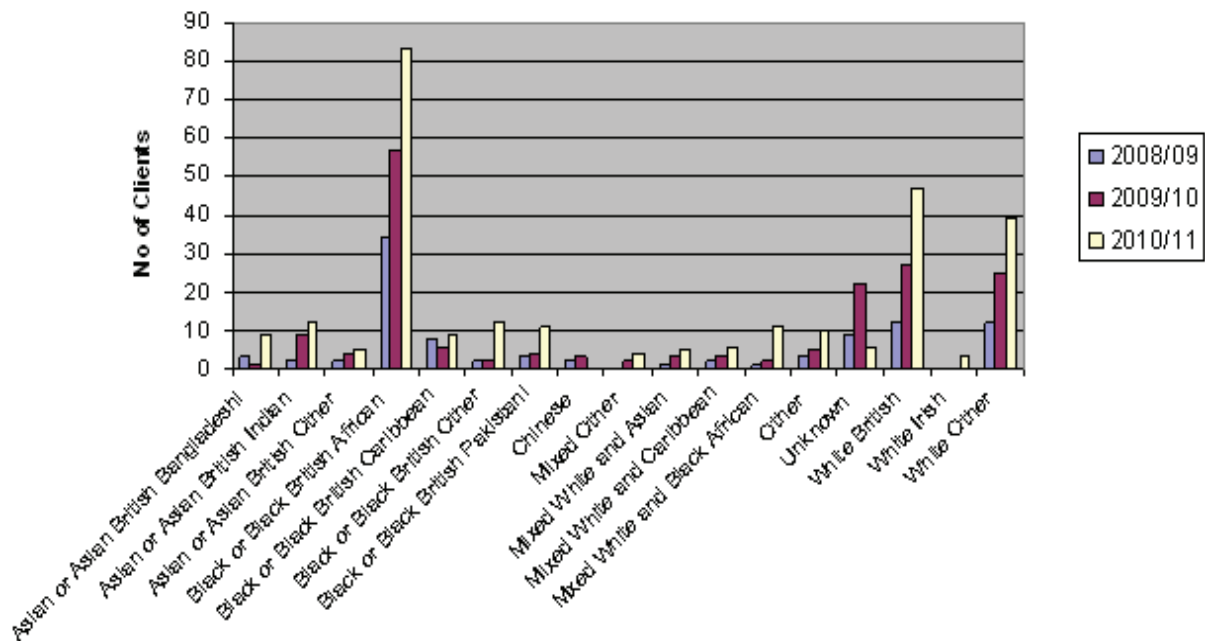
2.3.4 The rise in people seeking advice highlights the growing troubles tenants face in securing fit-and-proper rents. Although more people are seeking out advice, they are very much in the minority. The survey conducted by the LWSC for this review revealed that 81.5% of private renters did not get any advice before signing the tenancy agreement.

I wasn't told how much rent was until I signed the tenancy agreement.

Private tenant, Barking and Dagenham

2.3.5 Interestingly, of those who do seek advice on tenancy matters from the Citizen's Advice Bureau, the majority (as shown in the graph below – fig.3) were from a black African or black British ethnic background. Perhaps one of the reasons for this is because information on tenancy issues is not in the appropriate format or is not available at the right location to reach this group of the community. One of the recommendations made to the Select Committee by the Citizen's Advice Bureau was for local agencies to invest in translation services as people with English as a second language find it harder to understand the measures that exist to protect them from abuses by landlords. The Select Committee would like assurances that the information and advocacy services that exist within the borough are sensitive to the needs of all groups within the community.

Fig. 3: Clients who have sought housing advice (2008 -2011 by ethnicity)



2.3.6 The LWSC believes that the Council has a responsibility to residents to ensure that tenants are informed and alert to bad practice so that they can secure good lets. Information about how to protect a deposit, the notice period a landlord must give to evict, the repairs a landlord has a duty to carry out, and where to go if a tenant is experiencing problems should be widely known. Well educated tenants are able to make better decisions and are empowered to defend their rights; this lightens the burden on the Council and other agencies to intervene or engage in enforcement activity.

2.3.7 There were two ways in which the Select Committee thought that education and empowerment could be achieved:

2.3.7.1 Information pack

There is a wealth of information available from organisations such as Shelter and the Citizen’s Advice Bureau about tenant rights. The Department of Communities and Local Government has also produced many informative guides for a range of issues that affect private renters.

Making people aware of their rights and the ways in which they can complain to change their circumstances is crucial - otherwise bad landlords will continue to act with impunity. The LWSC would like to see tenants, particularly those on low income or considered vulnerable, have access to high quality information that clearly spells out their rights, what they can expect from their landlord, and how to seek redress if they are living in poor conditions or are subjected to illegal practice.

Research from Shelter suggests that the fear of eviction is pervasive among lower income renters and as a result tenants are reluctant to complain about harassment, poor living conditions or unfair tenancy agreements. Information packs should therefore actively encourage tenants to complain and explain that a landlord is not able to punish, harass, or threaten any tenant that wishes to challenge their landlord.

Recommendation 2:

The LWSC recommends that the Council, in partnership with the Citizen's Advice Bureau, produces an information pack about private tenant's rights to people applying for Housing Benefit. This should be extended to cover those applying for tenancies in Lettings Agents too.

2.3.7.2 Private tenant's forum in the borough

The London Borough of Camden supports and funds an independent organisation run by and for private tenants. The Camden Federation of Private Tenants works closely with the Council to push for improvements to private tenants' housing conditions and for stronger tenancy rights. The Federation provides information, support and basic advice to tenants and campaigns at all levels to promote private tenants' rights.³

The Federation has 150 paid members but everyone in Camden is able to access the services and information provided. Through its outreach work, which has been recognised by Camden Council as adding value to the local housing agenda, the Federation has helped roughly 400 people in the last year. The intelligence gained by the Federation has been used in the development of Camden's housing strategy and a number of referrals have been made to the enforcement team so that action can be taken to punish bad practice.

As this section of the housing market grows, the Select Committee feels that a similar service may be required for Barking and Dagenham. Although setting up and administering an organisation similar to Camden's would be quite resource intensive, if there is an appetite locally for tenants to perform this role, the Council should lend what support it can. Therefore, the Select Committee would like officers to look more closely at the work being done in Camden and conduct a feasibility study to see if something similar would work in Barking and Dagenham and what resources the Council could commit to get such a project off the ground.

Recommendation 3:

The LWSC recommends that the Council explores the viability of establishing a private tenant's forum in the borough.

2.4 Landlord Accreditation

Case Study

Client is a married international student living in a three bedroom privately rented accommodation with his partner and his four dependent children. Client works part time and does not have recourse to public fund. Client had a fixed assured short hold tenancy agreement with the letting agency. His landlady endlessly tried to force him out of her property. Client's landlady began by repeatedly calling client and his partner on their house phone. The landlady then had new barrel locks fitted to back and front doors without the consent of the Client. Authorised by the estate agent, client called a locksmith to gain entry and fit new locks. Landlady wants to evict client on the ground that he refuses to terminate his contract. Reportedly, landlady has always been awful to her former tenants.

(Source: Citizen's Advice Bureau Case Study)

- 2.4.1 The London Landlords Accreditation Scheme (LLAS) is a pan-London scheme, launched in 2004. The Scheme helps to raise standards and recognise good practices in the private rented market. Through participating in the Scheme, landlords and agents have an opportunity to gain the wide range of skills and knowledge necessary to make renting a successful business and improve the condition and operation of the rented market. Although it costs £110 per year to become and remain accredited, members of the scheme are entitled to funding and grant that would not otherwise be available. Members of the scheme also benefit from a range of discounts on things such as builders, merchants, insurance, and fire safety equipment.
- 2.4.2 Barking and Dagenham has more than 220 accredited landlords and the Council has done much to encourage landlords and agents to join the scheme which is widely publicised at the borough's annual landlord day. By having a large pool of known landlords that comply with good practice the Council will be able to be more efficient and target its enforcement to unaccredited landlords.
- 2.4.3 The LLAS will probably not help to combat rogue landlords as it would not be in their interest to join the scheme, but it might attract and reform amateur landlords who unwittingly fail to follow good practice. Advice Plus, who gave evidence to the LWSC, estimates that 60% of private landlords have no relevant experience or qualifications to rent property.
- 2.4.4 The Select Committee hopes that the majority of landlords become accredited under the LLAS. More accreditation will make it easier for tenants to find good private landlords who will provide high standard accommodation and help the Council to identify good and bad practice.
- 2.4.5 Barking and Dagenham has also established a Landlords and Letting Agents Forum with free membership; this group discusses wide ranging matters including energy saving advice, tenancies and local housing allowance. The forum is seen by Council officers as a useful consultee on policy issues and a driver of improvements in this sector.

2.5 Licensing landlords?

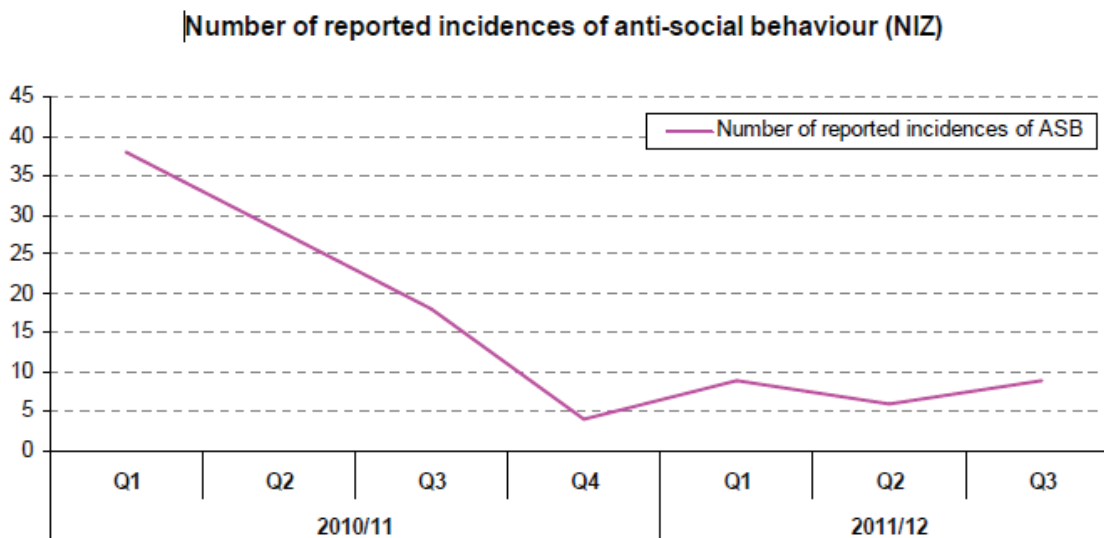
The landlord refuses to fix any disrepair, is rude and abusive and has no regards for my welfare or that of the children. The landlord visits without notice and jumps the fence if I don't let him in!

Private tenant, Barking and Dagenham

2.5.1 Beyond accreditation, the next step to tackle bad practice among landlords would be a mandatory licensing scheme. The London Borough of Newham is pursuing a major policy initiative which, if agreed, would see the Council exercise regulatory control across the whole of the private rented sector (35,000 properties).⁴

2.5.2 A pilot of a Neighbourhood Improvement Zone (which included selective licensing) was conducted in Little Ilford Ward (Newham); it showed that licensing made a clear and positive impact on that community. Through better management of properties in this area over the two years the pilot ran there was a significant fall in reported incidents of anti-social behaviour (including unlicensed street trading, prostitution, fly-tipping, littering and unauthorised trade waste).

Fig. 4: Impact of Neighbourhood Improvement Zone pilot on Little Ilford Ward (London Borough of Newham)

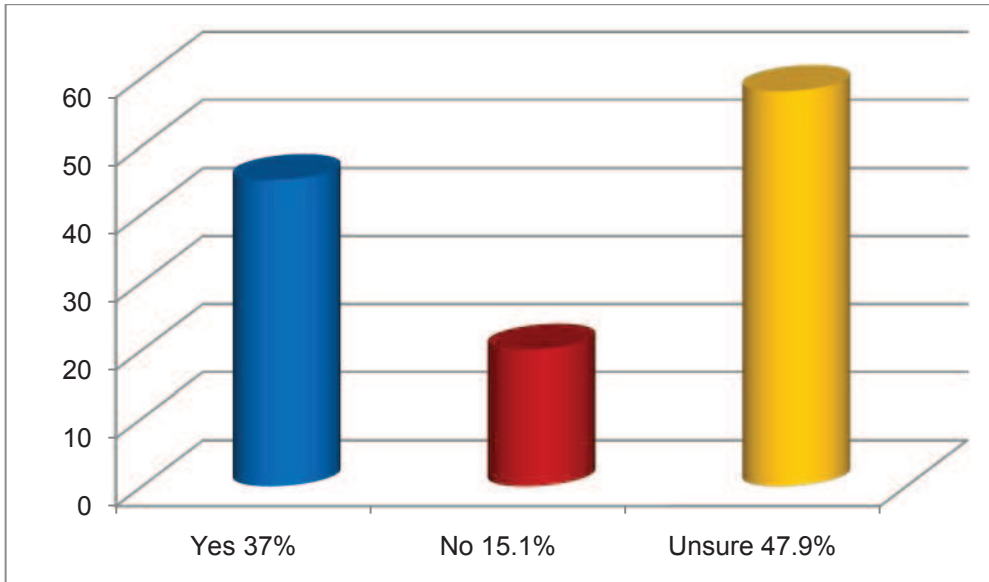


2.5.3 As well as a reduction in anti-social behaviour and enviro-crime, it is hoped that the licensing scheme in Newham will force landlords to comply with specified standards resulting in tenants living in better conditions with fairer tenancy agreements. A subsidiary aim of selective licensing in Newham is to build 'community resilience' in neighbourhoods and attempt to reduce population churn. The survey conducted by the LWSC showed that in Barking and Dagenham, 47.9% of private rented tenants did not know whether their tenancy would be renewed (see graph overleaf). As local

⁴ Progress with borough wide landlord licensing, London Borough of Newham (Cabinet, 23 February, 2012)

councillors we want to see strong, stable communities where residents consider the borough as their long term home. Having lets that are affordable and secure long term is very important, especially because more families are living in private rented accommodation.

Fig. 5: When your current tenancy agreement runs out, is it likely to be renewed? (LWSC Survey, 2011)



2.5.4 Newham’s Cabinet will be receiving a further report on the next steps for implementing its borough-wide licensing scheme on 24 May 2012; this report will include the outcomes of the second phase of the consultation process and demonstrate the need for borough-wide selective licensing.

2.5.5 The Select Committee is interested to know if selective licensing could work in Barking and Dagenham and whether this degree of regulation (or red tape) is required to address similar problems of anti-social behaviour, bad property management, and security of tenure in this borough. Further information from officers on licensing schemes would be welcome before members commit to such action.

Recommendation 4:

The LWSC recommends that the Council gives consideration to a scheme for targeted, area based, mandatory licensing and continues to promote accreditation for private landlords.

2.6 The benefits of the Affordable Rent Product for LBB

We only wanted a one bedroom flat but we couldn't get one suitable as the standards were dreadful. We had to increase our budget and sell some of our possessions to afford to rent. In the end we got a very small two bedroom place for £840 per month which is way too expensive.

Private tenant, Barking and Dagenham

- 2.5.1 In order to maintain affordable housing development in the face of spending cuts, the Government has introduced a new tenure of housing, "Affordable Rent," where rents can be charged at up to 80% of local market rent. In this new model the Government sees the higher levels of income produced by higher rents as allowing a social housing provider to borrow more, thereby making up for the grant reduction.
- 2.5.2 Because of Barking and Dagenham's specific circumstances (land holdings which are suitable for residential development; comparatively affordable local rent levels, and a large programme of estate renewal) it is in a unique position to exploit the Affordable Rent Product to bring forward new development which will include lower social rent level homes in a range of rent levels and, where appropriate, homes for sale.
- 2.5.3 It is understood that the use of the Affordable Rent Product has been earmarked for the redevelopment of the estate renewal sites at Goresbrook Village, Leys and Gascoigne. The Select Committee regards the Affordable Rent Product as a good solution to develop affordable housing in the current climate and would like to endorse future uses of this approach.

Recommendation 5:

The LWSC recommends that the Council supports the selective use and development of the Affordable Rent Product in the borough for specific areas where the application of this type of tenure will yield maximum impact.

2.6 Street purchases

- 2.6.1 A shortage of housing supply against increasing demand is a major factor in increasing rents, but it also diminishes the power tenants have in their relationship with landlords to challenge poor standards and rent increases. For those renting at the lower end of London's private rented sector, the problems of affordability and lack of choice mean tenants are likely to have to settle for property in poor condition. Households on low income find it difficult to afford decent privately rented accommodation, which becomes a major housing issue when no social housing alternative is available. A combination of the large scale sale of Council housing under the Right to Buy Scheme, an increasing population, rising rents and the current economic situation has put massive pressure on the demand for social housing.

- 2.6.2 Street purchases, whereby the Council purchases property on the open market to add to its social housing stock, are a possible answer to the shortage of social housing locally, and one which all members would undoubtedly support as it adds to the Council's stock. Unfortunately the scheme is very challenging financially as the Council lacks the capital to make street purchases. Despite this the LWSC believes that officers should explore the feasibility of making street purchases and channel any surpluses from the Housing Revenue Account towards this initiative and others that help to increase the Council owned social housing stock.

Recommendation 6:

The LWSC recommends that a scheme of street purchases is adopted to provide more Council housing stock.

2.7 Conclusion

- 2.7.1 From the evidence this Select Committee has collected, it is clear that a small group of bad landlords are unscrupulously taking advantage of the current market conditions at the expense of tenants. There are three key challenges to overcome before the emerging private rented sector in Barking and Dagenham becomes less frenetic and open to bad landlords and lettings agencies. Firstly, it is unlikely that the demand for private rented accommodation will become less frenetic as potential first-time buyers will continue to be trapped renting until favourable loan-to-value mortgages return or house prices fall further. Secondly, the decent homes agenda has stalled in the face of cuts to grant, so living conditions are also unlikely to improve unless landlords are pro-active in carrying out works. Thirdly, again because of government cuts and a long and painful recession, new housing is not being built quickly enough meaning that demand is outstripping supply further tipping the balance of power in favour of landlords.
- 2.7.2 In these difficult circumstances it falls to the Council, in partnership with other agencies, to intervene and create safeguards to protect residents until circumstances in the private rented sector improve. The Council can empower tenants by providing information and advocacy and it can provide soft regulation through landlord accreditation schemes and perhaps even mandatory licensing in certain areas. The Select Committee would like the Council to continue to encourage good practice and send a tough message to bad landlords that poor practice will not go unpunished. The Select Committee hopes that it has raised the profile of this issue among Members and that the recommendations will contribute to achieving more accessible, affordable, and secure rents for tenants.

2.8 Beyond Barking and Dagenham

- 2.8.1 Many of the problems outlined in this report are universal and are being experienced by tenants across London and the UK. The Select Committee would therefore like to share its research more widely and suggest solutions that could be adopted at a regional or even national level. To this end, the Select Committee will be sending this report to the Greater London Authority and the Department of Communities and Local Government to note, asking for them to give consideration to the following recommendations:

2.9 Regional

Recommendation:

The LWSC recommends that a London-wide lettings agency is formed to improve the security of tenure and affordability across the capital. As highlighted in this report, security of tenure is a major issue for private tenants who are uncertain how long their tenancy will last. The uncertainty surrounding tenants' futures and rising rent prices are leading to a high population churn which undermines strong communities and a sense of place.

Recommendation:

The LWSC recommends that all London boroughs set up private landlords and tenants forums to recognise that Londoners increasingly need information and advocacy as in most areas private renting is the most common form of tenure.

Recommendation:

The LWSC recommends that there is a London-wide cap placed on rents to ensure that Londoners are not pressured into moving away from their homes and communities in search of more affordable rents. Such a measure would level the playing field and prevent rogue or amateur landlords from exploiting an unregulated market.

2.10 National

- 2.10.1 The LWSC would like the Coalition Government to take notice of, and act upon, the recommendations outlined in Shelter's policy document '[Asserting Authority: Calling Time on Rogue landlords](#)'. Through the Evict Rogue Landlords campaign Shelter is lobbying for clear guidelines for the courts about punishing rogue landlords, raising the maximum fines for landlord offences, funding to prosecute large-scale persistent rogue landlords, and legal measures to protect tenants against retaliatory eviction. As well addressing these judicial issues, Shelter is calling for local authorities across the UK to step-up their enforcement, support tenants in bringing complaints against landlords, and work with private landlords to incentivise best practice.

Recommendation:

The LWSC recommends that, as a matter of urgency, the Government conducts a review of the legislation that exists to protect private tenants from abuses. The Select Committee would like to see a national consumer rights body established for tenants to help deal with problem landlords, bringing them to justice where necessary.

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List of recommendations**Recommendation 1:**

The LWSC recommends that the Private Sector Housing Team continues quarterly surveys of the private rental sector to include landlords, lettings agencies and private tenants and reports six monthly to LWSC.

Recommendation 2:

The LWSC recommends that the Council, in partnership with the Citizen's Advice Bureau, produces an information pack about private tenant's rights to people applying for Housing Benefit. This should be extended to cover those applying for tenancies in Lettings Agents too.

Recommendation 3:

The LWSC recommends that the Council explores the viability of establishing a private tenant's forum in the borough.

Recommendation 4:

The LWSC recommends that the Council gives consideration to a scheme for targeted, area based, mandatory licensing and continues to promote accreditation for private landlords.

Recommendation 5:

The LWSC recommends that the Council supports the selective use and development of the Affordable Rent Product in the borough for specific areas where the application of this type of tenure will yield maximum impact.

Recommendation 6:

The LWSC recommends that a scheme of street purchases is adopted to provide more Council housing stock.

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Citizen's Advice Bureau case studies

These case studies were presented to the LWSC on 19 September 2011:

1. Client works full time and signed an assured short hold tenancy with Estate Agent, Woodhouse St John but tenancy agreement was withheld by agent. When Client decided to move out of the property and notified the Estate agents, they accepted the notice and demanded half a month's rent to end the tenancy. An inspection of the property was carried out by the agent with the client present and deemed satisfactory. A month later, client received a text from Estate Agent requesting for additional funds to cover property damage and the landlord's inability to find a new tenant. No inventory was conducted at the start of the tenancy. Client contacted the CAB for advice on paying for the damage and additional rent demand.
2. Client is a single person living in a shared rented property. He is on full time employment with a substantial salary. He had one year assured tenancy agreement and paid a £1,350 deposit protected by the deposit scheme. Client did not get his deposit money back when he vacated the house because he is believed to have caused damages exceeding £3,000 in the property. Client requested landlord to use the Alternative Dispute resolution services offered by the deposit protection scheme to straighten out the situation but landlord turned down the offer. Client was left with no other alternative but to recover his deposit through the court.
3. Client lives with her partner in a privately rented accommodation rented through a letting agency. They both work and had trouble to pay their rent. They had a 6 months tenancy agreement with their landlord. Client did not extend stay in the property when the agreement came to an end as she wanted to move out. She therefore approached the estate agency to seek the refund of her deposit. The letting agency did not approve her request because she is accused of having stolen goods from the property. Client was advised to make a small claim at the county court as the deposit was not protected.
4. Client is single and lives in a shared rented accommodation he got through a letting agency. Client approached the landlord to get his £850 deposit back as tenancy agreement came to an end. But the landlord referred him to the letting agency because the money was paid to them. Client then unsuccessfully requested the money back from the estate agent – that claims to have given the full amount to the landlord. No one wants to be held liable for the refund of the deposit. After a while, client went back to the estate agent for the same issue but no one was of assistance to him as the company went out of business.
5. Client is unemployed and lives in a shared accommodation. Client does not have a tenancy agreement and was to be evicted as he could not afford to rent the whole house when the other tenants left the property. To sort out his situation, client had to find new tenant for the landlord.
6. Client is a single woman living in a privately rented accommodation with her dependent child. She is on full time employment and in receipt of some benefit to make ends meet. Client came to the bureau get some information regarding disrepair. For 2 years, she has been in a property with several disrepair issues

including a broken boiler and cooker. She had to use the kettle to boil hot water for her needs. Client reported the matter to the landlady who did not carry out any repairing work. She then went to seek help from the council who investigated the property and asked the landlord to fix everything. But landlord did not do anything. Client had no other alternative but to find a suitable accommodation.

Headline findings from LWSC commissioned survey

In order to try to gain a better understanding of the issue, the Select Committee created a survey to establish the condition of the private rented sector. The survey was carried out between August and October 2011 and was available in all libraries and on the Council's Consultation Portal on its website. The survey was publicised using press releases in the Barking and Dagenham Post and the Council's website. In total 184 responses were collected of which 172 were useable.

- Q. Did you get any advice before signing the tenancy agreement?
- Yes 18.5%
 - No 81.5%**
- Q. How difficult did you find it to rent private accommodation here?
- Very easy 26%
 - Quite easy 26%
 - Quite difficult 41.7%**
 - Very difficult 25.2%**
- Q. If quite or very difficult, can you tell us why that was?
- Too expensive 52.9%**
 - Poor condition 24.5%**
 - None available 12.7%
 - Other 9.8%
- Q. How did you rate the condition of the accommodation when you moved in?
- Very good 9.2%
 - Good 28.9%
 - Adequate 33.6%
 - Poor 17.8%**
 - Very poor 10.5%**
- Q. If poor or very poor, please explain why?
- Dirty 30%**
 - Unsafe 21.4%**
 - State of disrepair 37.1%**
 - Other 11.4%
- Q. How satisfied are you with your current accommodation?
- Very satisfied 11.3%
 - Satisfied 40.8%
 - Neither 16.9%
 - Quite dissatisfied 12.7%**
 - Very dissatisfied 18.3%**

Q. How satisfied are you with your landlord?

- Very satisfied 15.7%
- Satisfied 35.8%
- Neither 23.1%
- Quite dissatisfied 9%
- **Very dissatisfied 16.4%**

Q. Have you ever carried out any repairs that your landlord should have been responsible for?

- **Yes 45.7%**
- No 54.3%

Terms of Reference

As agreed by the Select Committee on 15 June 2011.

1. To investigate the effects on income levels for private sector tenants
2. To investigate the effects upon private landlords in private sector rented accommodation
3. To assess the general condition of private rental accommodation
4. To investigate ways in which the local authority can work closer with Landlords to ensure a supply of affordable decent properties for rent
5. For comparison purposes, assess the situation across London and at a regional level
6. To involve the community in the scrutiny process, provide them with opportunities to give evidence and inform the review
7. To consider any related equalities and diversity implications
8. To ensure that any evidence collected is used appropriately
9. To produce a final report with findings and recommendations for future policy and/or practice.

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ANNUAL ASSEMBLY

16 MAY 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.</p> <p>Cabinet considered the matter further at its meeting on 24 April 2012 and recommend the Assembly to approve the revised Planning Advice Note on Religious Meeting Places (PAN 4), as set out at Appendix 1 to this report.</p>	
Recommendation(s)	
The Assembly is asked to approve the revised Planning Advice Note on Religious Meeting Places at Appendix 1 to this report.	
Reason(s)	
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".	

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.
- 1.7 On 24 April 2012 Cabinet agreed to recommend the Assembly to approve the revised Planning Advice Note on Religious Meeting Places (PAN 4), as set out at Appendix 1 to this report.

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.

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.

- Removes “Thames Road” and “Rippleside Commercial Area” from the list of preferred locations for religious meeting places. This leaves South Dagenham 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, Finance and Resources

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 Feild, 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).
- Cabinet Report, 24 April 2012, Planning for Religious Meeting Places - Amendment to Planning Advice Note 4, (Minute 139 - 24.04.12).

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

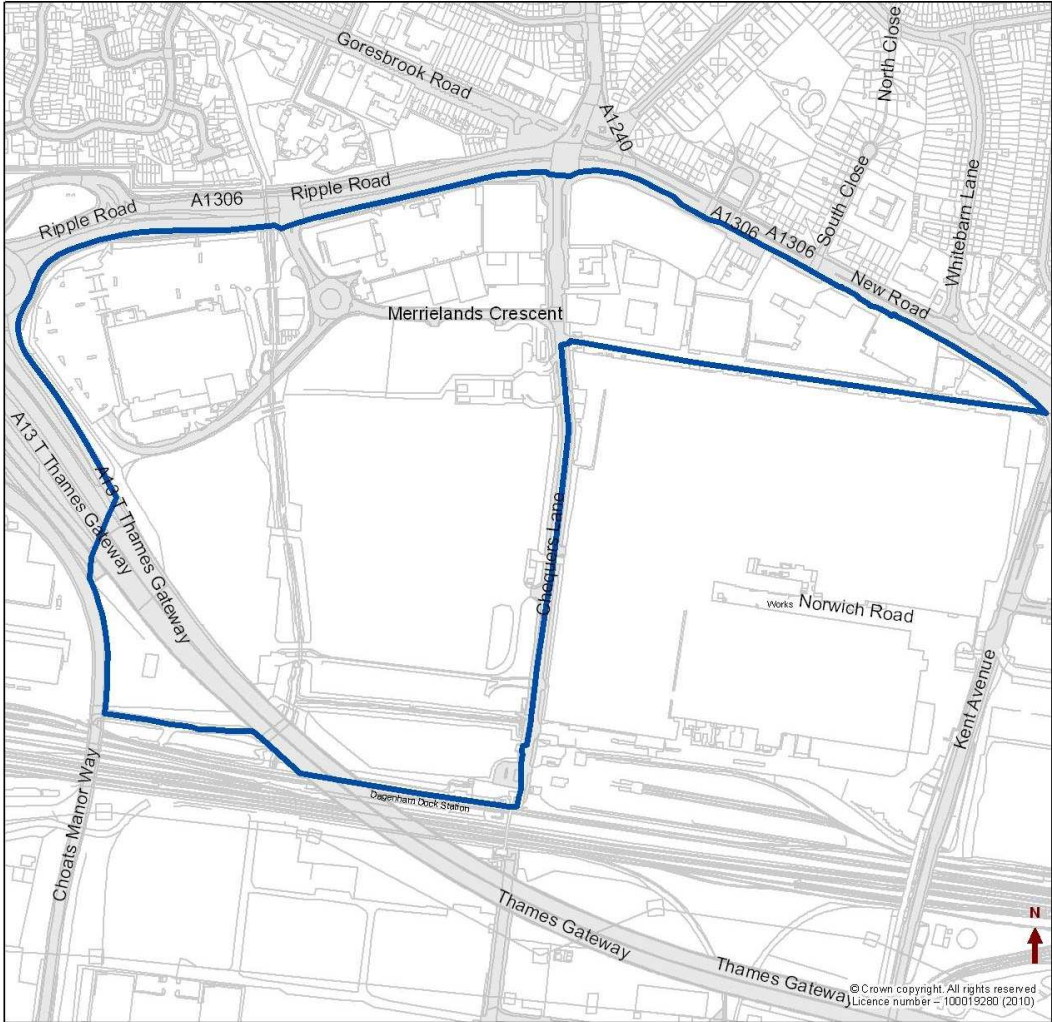
Term	Definition
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings or less material factors such as a pleasant atmosphere.
Black and Minority Ethnic (BME)	The term “Black or Minority Ethnic” refers 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.

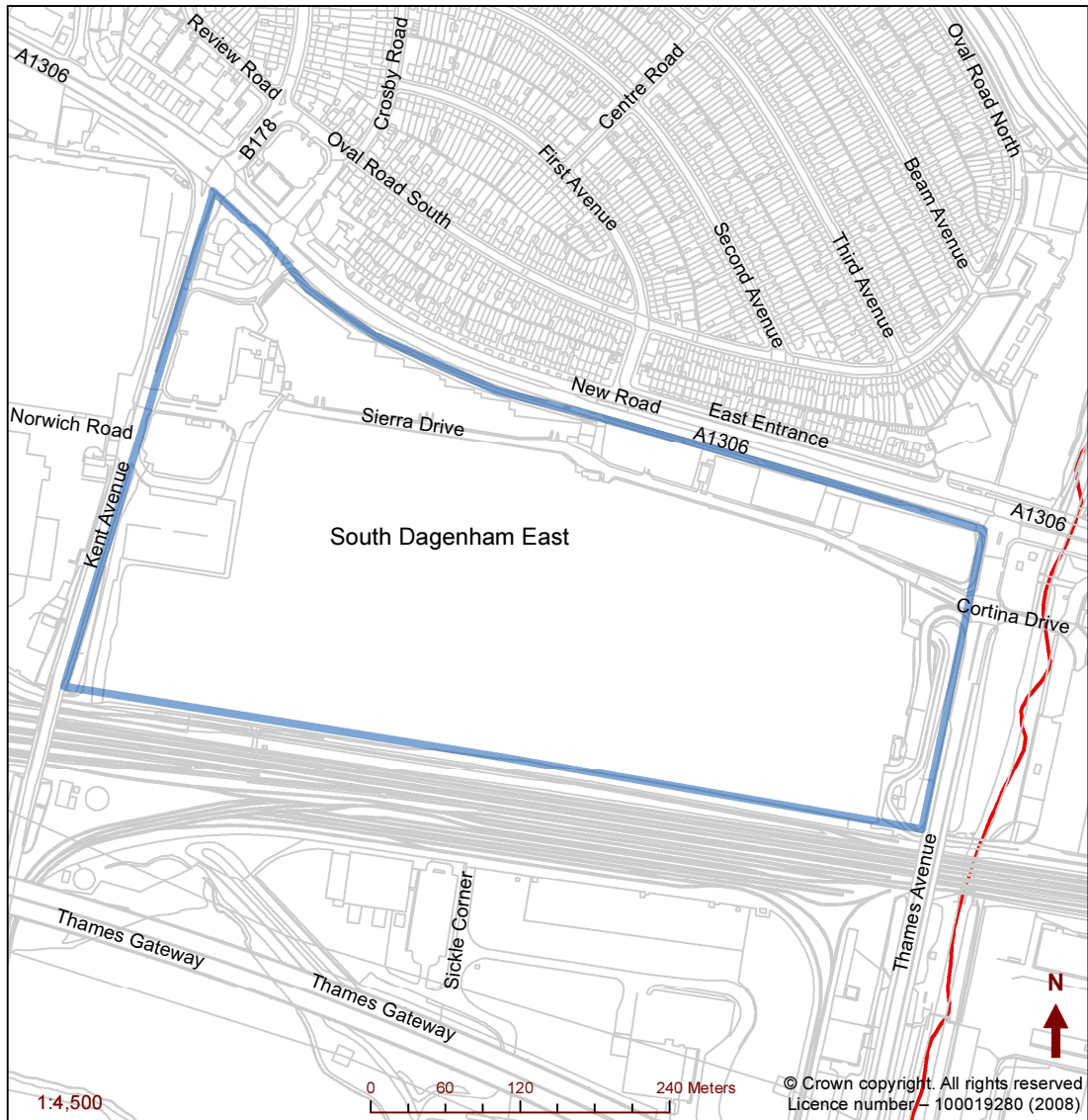
South Asian	People of Indian, Pakistani, Bangladeshi or Sri-Lankan origin.
Sustainable Development	<p>A widely used definition of sustainable development is drawn up by the World Commission on Environment and Development in 1987: "Development that meets the needs of the present without compromising the 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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ANNUAL ASSEMBLY

16 May 2012

Title: Adoption of the Code of Conduct under the Localism Act 2011	
REPORT OF: The Monitoring Officer	
OPEN	For Decision
Wards Affected: None	Key Decision: No
Report Author: Tasnim Shawkat	Contact Details: Tel: 020 227 2114 E-mail:tasnim.shawkat@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Divisional Director	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary:</p> <p>Under the Localism Act 2011 the Council is required to adopt a Code of Conduct by 1 July 2012. However, under section 30 and 31 of the Act, which deals with declarations of interests by Members, Regulations are required to implement these new provisions. The Regulations are due to be published shortly by the Department for Communities and Local Government and are anticipated in June 2012. However, the next Assembly meeting is on the 11 July and the deadline for adoption of the new arrangements is 1 July.</p> <p>Therefore, as a transitional provision, the Assembly is asked to confirm that the current Code of Conduct for Members will continue to have effect with the modifications enacted through the forthcoming Regulations. On 11 July, provided the new Regulations have been published, the proposed new Code of Conduct will be presented to Assembly for approval.</p> <p>This report also summarises the other provisions under the Localism Act affecting the standards regime.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree:</p> <ul style="list-style-type: none"> (i) That the current Code of Conduct be adopted as modified by the relevant Regulations under sections 30 and 31 of the Localism Act 2011 to take effect from 1 July 2012 until 12 July 2012. (ii) That actions being taken to implement the new standards regime under the Localism Act be noted. (iii) That the Monitoring Officer be delegated authority to take such steps as are required to comply with the Localism Act and the forthcoming Regulations until the matter is brought before the Assembly on 11 July 2012. 	

Reason(s)

To meet the requirements of the Localism Act 2011.

1. Introduction and Background

- 1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. On 27 February 2012 the Monitoring Officer presented a report to the Standards Committee setting out the provisions and requirements of the Localism Act in relation to the new standards regime.
- 1.2 A further report was presented to the Standards Committee on 25 April 2012, which included the template code of conduct that the Local Government Association published along with two other versions considered by the LGA. These versions of the code were also considered by the Constitution Working Group on 17 April.
- 1.3 This report summarises the changes and the actions required for the Council to implement the new regime. For full details Members of the Assembly are referred to the reports and minutes of the Standards Committee on 27 February and 25 April 2012.

Duty to promote and maintain high standards of conduct

- 1.4 One of the key requirements of the Act is that each authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The definition of “co-opted member” is narrowed to apply to members of committees and subcommittees, but only those who have a power to vote on any matter, so does not apply to non-voting members.

The Code of Conduct

- 1.5 Each authority is required to adopt a Code of Conduct, which can only apply to members and co-opted members when acting in their capacity as a member or co-opted member. It no longer applies where a member is misusing his position in his private life.
- 1.6 The General Principles and the Model Code are revoked, but an authority’s Code must be consistent with the seven Nolan principles, which are similar to the ten “General Principles” that appear in our current code. The seven principles are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

The seven new principles leave out Personal judgement, Respect for others, Duty to uphold the law and Stewardship, which made up the ten principles.

- 1.7 The Code must also provide for the registration of non-disclosable pecuniary interests and non-pecuniary interests (see below). Otherwise, authorities are free to determine what they put in or leave out of a Code. Any decision to adopt or not to adopt a local Code must be taken at the Assembly, and all standards matters are to be non-executive functions.

Breach of the Code

- 1.8 An authority with a Code is then under a duty to “have in place arrangements” to deal with complaints of breach of the Code. This must comprise arrangements for investigation of complaints and arrangements “under which decisions on allegations can be made.”
- 1.9 The rigidity of Referrals, Review and Hearing Sub-Committees is repealed, so that authorities have discretion to set up their own processes and to delegate more of the process to the Monitoring Officer. There is greater scope to enable the Monitoring Officer to use discretion and seek local resolution of a complaint before a decision is taken as to whether the complaint merits investigation.
- 1.10 The Act gives authorities no specific powers to take any action in respect of a breach of the local Code and to a large extent the position reverts to the inherent powers of local authorities to self regulate. The absence of statutory sanctions will require the co-operation of Group leaders and the range of possible sanctions may be restricted to: formal letter, formal censure, e.g. through a motion, removal of member from committees, press releases.

Independent Person/s

- 1.11 The Act requires every principal authority to appoint one or more “Independent Person(s)”. Independent Person(s) would be appointed by advertisement and application, and there are very strict rules preventing a person from being appointed if they are a friend or relative of any member or officer of the authority. In particular, the Act provides that a person cannot be appointed as an Independent Person if they have within the past five years been a co-opted voting member of a committee of the authority. This means that all existing independent co-opted members of Standards Committees are ineligible to be appointed as Independent Persons.

Standards Committees

- 1.12 The provisions for the establishment of statutory Standards Committees (section 55 LGA 2000) are omitted. Accordingly, when an authority delegates any standards functions to a committee or sub-committee, that would be an ordinary committee or sub-committee of Council established under s.102 LGA 1972. This means the new “Independent Person(s)” would not be able to be a voting member(s) unless the committee or sub-committee was merely advisory. Further, any such Standards Committee will be subject to the rules on political proportionality.
- 1.13 The abolition of statutory Standards Committees in England means the removal of the exclusion of Referrals and Review Sub-Committees from public access to information provisions. As normal Section 101 Committees, they are now subject to the normal rules, so that their agenda and reports must be published five clear days before the meeting, and the meetings must be conducted in public unless there are over-riding reasons to the contrary. That also removes the ability for the Hearing Panel to withdraw when considering its verdict.

Register of Members Interest

- 1.14 The Monitoring Officer is required to establish a Register of Members' Interests. The content of any such register must be approved by full Council. It must contain "disclosable pecuniary interests" (which will be defined in regulations) but the Act also provides that an authority's Code must require registration of non-disclosable pecuniary interests and non-pecuniary interests, for which no definition is provided
- 1.15 Each authority must include in its Code provisions for the registration (and disclosure) of some non-disclosable pecuniary interests and some non-pecuniary interests, but has discretion as to how far it goes in defining such interests for this purpose.
- 1.16 Every elected or co-opted member is required to notify the Monitoring Officer within 28 days of being elected or co-opted onto the authority of all current "disclosable pecuniary interests" of which they are aware, and update the register within 28 days of being re-elected or re-appointed. However, there is no continuing duty to update the register due to a change of circumstances.
- 1.17 It is important to note that disclosable pecuniary interest will apply not only to the Member's interest but the interests of their spouse or civil partner and even persons living with the Member as if they were a spouse or civil partner. Failure to register any such interest, to do so within 28 days of election or co-option, or the provision of misleading information on registration without reasonable excuse will be criminal offences, potentially carrying a Scale 5 fine (£5,000) and/or disqualification from being a councillor for up to five years.
- 1.18 Further details about interests including sensitive interests, requirements for the disclosure of interests at meetings and prohibition on participation at meetings and dispensations is set out in the report to the Standards Committee dated 27 February 2012. These details will be included in the report to Assembly on 11 July 2012 when the new Code will be presented.

2. Proposal, Issues and Options

- 2.1 As mentioned earlier the Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The date for implementation of these changes was proposed to be the 1 April 2012. However, other than the abolition of the Standards Board for England on the 31 March 2012, no other changes have yet been made. It is envisaged that the remaining local elements of the current regime, including statutory standards committees with the power to suspend members will be abolished on 1 July 2012.
- 2.2 The Regulations required to finalise the Code of Conduct have not yet been published. It is expected that the Regulations will be published before 1 July by which time the Code of Conduct will need to be adopted by the Assembly. A further report will be brought to the Assembly at its scheduled meeting on 11 July with the proposed new Code of Conduct for Members and the associated procedures and forms for approval by the Assembly.
- 2.3 In the meantime the following actions are being taken to implement the new regime under the Act.

The Code of Conduct

- 2.4 The Standards Committee has received two reports as set out in paras 1.1 and 1.2 above. The Constitution Working Group has also been consulted on the changes and the proposed draft Code.
- 2.5 The template code of conduct recommended by the Local Government Association and two other versions considered by the LGA were discussed by the Standards Committee on 25 April and prior to that by the Constitution Working Group on 17 April.
- 2.6 The Members of the Standards Committee and the Constitution Working Group felt that more work was needed before a final Code could be presented to the Assembly. The Monitoring Officer is in the process of drafting a local Code of Conduct and this will be finalised when the Regulations are published.
- 2.7 The Members of the Constitution Working Group and the Standards Committee will have considered the draft Code by 21 June (the date of the next Standards Committee).

Breach of the Code and arrangements for dealing with complaints

- 2.8 The procedure for making a complaint under the Code, the complaints form, the procedure for dealing with complaints, the role of the Monitoring Officer in dealing with complaints and the terms of reference of the sub-committee hearing a complaint have already been drafted. These will be presented to the Standards Committee and the Constitution Working Group before they are presented to the Assembly on 11 July 2012.

Independent Person/s

- 2.9 The recruitment of an Independent Person under the Localism Act is underway and the Assembly will be asked to approve the appointment on 11 July 2012.

Standards Committee

- 2.10 As mentioned above every authority is required to have “arrangements” for dealing with a complaint for alleged breach of the Code of Conduct. It is proposed that the Standards Committee is retained for this purpose to be established as an ordinary committee of the Council established under s.102 LGA 1972.
- 2.11 It is proposed that from July 2012 the Standards Committee is constituted of elected Members only with an Independent Person advising the Committee. The term of office of the current Independent Members will expire on 20 June 2012.

Delegation to the Monitoring Officer

- 2.12 As mentioned above under the Localism Act 2011 the Council is required to adopt a Code of Conduct by 1 July 2012. However, the necessary Regulations under the Act that define the new interests under the Act as well as related provisions have not yet been published.
- 2.13 Therefore as a transitional provision the Assembly is asked to confirm that the current Code of Conduct for Members will continue to have effect with the modifications enacted through the forthcoming Regulations.

2.14 The Assembly is also asked to give the Monitoring Officer delegated authority to take such steps as are necessary to implement the provisions of the forthcoming Regulations during the period between 1 July and 11 July. Although there are no scheduled meetings between 1 July and 11 July it would be prudent for the Monitoring Officer to have the delegated authority in case this is needed.

3. Consultation

3.1 The Members of the Standards Committee and the Members of the Constitution Working Group have been consulted as follows.

3.2 On 27 February 2012 the Monitoring Officers presented a report to the Standards Committee setting out the provisions and requirements of the Localism Act in relation to the new standards regime. A further report was taken to the Standards Committee on 25 April 2012, which presented the template code of conduct that the Local Government Association published along with two other versions considered by the LGA.

3.3 These three versions of the code were also considered by the Constitution Working Group on 17 April. The Constitution Working Group also considered the contents of the report that was presented to the Standards Committee on 25 April 2012.

3.4 The various versions of the code that are currently available were discussed at the Corporate Management Team on 26 April 2012.

4. Financial Implications

Implications verified by: Tasnim Shawkat, Divisional Director, Legal and Democratic Services

Telephone and email: 020 8227 2114 tasnim.shawkat@lbbd.gov.uk

4.1 There are no financial implications, as any costs associated with the implementation of the new standards regime will be met from existing budgets.

5. Legal Implications

Implications verified by: Tasnim Shawkat, Divisional Director, Legal and Democratic Services

Telephone and email: 020 8227 2114 tasnim.shawkat@lbbd.gov.uk

5.1 The legal implications are contained in the body of this report.

6. Other Implications None.

Background Papers Used in the Preparation of the Report:

1. Report to the Standards Committee 27 February 2012
2. Report to the Standards Committee 25 April 2012

List of appendices: None

ANNUAL ASSEMBLY

16 MAY 2012

Title: UPDATE ON CONSTITUTION REVIEW	
Report of: The Monitoring Officer	
Open	For Decision
Wards Affected: None	Key Decision: No
Report Author: John Dawe Group Manager Democratic Services	Contact Details: Tele: 020 8227 2135 Email: john.dawe@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Divisional Director, Legal and Democratic Services	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary:</p> <p>Part B, Article 2 (The Assembly) paragraph 8 of the Constitution authorises the Assembly to agree changes to the Constitution and associated rules, codes, protocols and schemes relating to the way in which the Council operates. The standard practice is that the Constitution is annually reviewed in its entirety and any changes requiring member approval are presented at Annual Assembly. Further changes which are required due to changes in legislation, best practice or to uphold good decision making principles are reported throughout the year as necessary.</p> <p>In February 2012, Public Accounts and Audit Select Committee commissioned the Divisional Director of Legal and Democratic Services to undertake a fundamental review of the Constitution. PAASC also requested that a Member Working Group be established to oversee the development of the content of the new Constitution and represent the views and interests of Members with the intention of presenting the new Constitution for adoption at this meeting.</p> <p>Following progress reports to PASSC it has become clear that for a number of reasons the review will take longer than anticipated and that the full revised version of the Constitution is likely to be presented to the Assembly for approval in the Autumn. This report summaries progress to date with the review. It also makes specific reference to Part B (Article 5A) - The Call-In process, which needs to be changed with immediate effect so as to accord with legislation and good practice.</p> <p>Subject to the Assembly's approval the relevant pages containing the changes will be updated on the Council's web site.</p>	
Recommendation(s)	
The Assembly is asked to note the progress with the Constitution review to date and to agree the proposed changes to Article 5A – The Call-In process to take immediate effect.	

Reason(s)

To ensure that the Council's decision making accords with the principles set out in Article 12 of the Council's Constitution.

1. Introduction and Background

- 1.1 Following PAASC's request for a fundamental review of the Council's Constitution in February 2012, officers from Legal and Democratic Services and Members appointed to the Members' Working Group have been working to deliver a new draft Constitution.
- 1.2 Much of the work requested by PAASC has now been completed, full details of which can be found in section 2 below. However, it became clear from the first meeting of the Member Working Group that the project was going to have to be extended significantly beyond its originally timetabled completion date of May 2012.
- 1.3 The extension of time will allow Members to meet on several more occasions to discuss the proposed changes to the contents of the Constitution in far greater detail.

2. Proposal and Issues

- 2.1 *Contracts and financial procedure rules*
The Council's Financial Regulatory Framework (contract guidance, rules, codes of practice and financial rules) already needed updating, and is currently the subject of a separate review, and which when completed will be presented for adoption into the new Constitution.
- 2.2 *Budget and policy framework procedures*
There is currently little detail in the Constitution about how the Council sets its budget, one of the most important annual activities that a local authority carries out. For example, there is only one sentence in the current Constitution regarding in-year changes to the budget policy framework. A new framework has been drafted and has been considered by members of the Working Group
- 2.3 *Scrutiny procedures*
These procedures will be updated to address changes in the purpose and direction of Scrutiny work programmes, provide clarity about the powers and responsibilities of non-Cabinet Members, and reflect new Scrutiny administration arrangements. Part B (Article 5A) - The Call-In process does need to be changed with immediate effect so as to accord with legislation and good practice. The changes concern rewording the Article, as set out in *Appendix A*, clarifying the options available to Select Committees to deal with call-ins as well as addressing the fact that decision making should be held in public.
- 2.4 *Other meeting procedures*
General meeting procedures will be reviewed and updated to provide greater clarity and encourage open, transparent and effective governance.

2.5 *Scheme of delegation*

Following a recent Internal Audit review of decision making, it is intended that there be a wholesale review of the Council's Scheme of Delegation, both in terms of layout (making it follow the regulation structure more closely) and content (clarifying roles and responsibilities of officers and Members).

2.6 *Codes and protocols*

Codes, such as the Member-Employee Protocol and the Conferences, Visits and Hospitality Rules, have been developed over time, and will be reviewed now to ensure they are simple, easy-to-follow and still support the business of the Council. As codes also make up a significant portion of the content of the Constitution, the review will explore the option to withdraw the non-statutory codes from the document and make them available instead on the Council's website.

2.7 *Joint arrangements and partnerships*

The current Constitution has little detail on the duties, roles and responsibilities of Members who are appointed to outside bodies. The review will draft explicit guidance, for both Members and officers.

2.8 *Structure*

Although the current structure of the Constitution follows the original model, it is not in a particularly user-friendly format. It is proposed that the chapters in the revised Constitution be divided according to functions, and all relevant information about each function or committee brought together in a single place.

3. Options Appraisal

3.1 Although there is no statutory requirement to undertake the review, it is essential that the Constitution is up-to-date and relevant to the business and operation of the Council. Furthermore, the review provides an opportunity to make the document user-friendly and ensure that both Members and officers are familiar with its content to support the aim of overall compliance.

4. Consultation

4.1 Wide consultation on the Constitution review has formed a key part of the project, and much of that engagement work has now been carried out, including:

- Member Working Group – Met twice in March with further meetings planned throughout the summer
- Electronic survey of Members and Group Managers – February
- Visits to DMTs to seek views of DDs and CDs – February and March

4.2 Further qualitative engagement, led by the Members appointed to the Member Working Group, are being carried out to ensure that proposed changes to the Constitution have the buy-in of all Members.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant
Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

- 5.1 There are no financial implications associated with this report (this is a progress update on the review only). Rules and codes are required under legislation and as an essential part of best practice, including safeguarding the Authority's assets. A full update on any proposed changes will be brought to Assembly upon the conclusion of the review.

6. Legal Implications

Implications completed by: Fiona Taylor, Group Manager Legal Services
Telephone and email: 020 8227 3295 fiona.taylor@lbbd.gov.uk

- 6.1 The Local Government Act 2000 requires Councils to produce, maintain and review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.

7. Other Implications

7.1 Risk Management

Any delays in updating the Constitution puts at risk the normal functions and business of the Council being conducted in an effective, efficient and lawful manner.

7.2 Contractual Issues - none

7.3 Staffing Issues - none

7.4 Customer Impact

The revisions to the Constitution are in part to allow for the easy navigation by any person needing to reference the document. Full consultation with both Members and officers will ensure that changes support the business and operation of the Council.

7.5 Safeguarding Children- none

7.6 Health Issues - none

7.7 Crime and Disorder Issues - none

7.8 Property / Asset Issues – none

Background Papers Used in the Preparation of the Report:

- Council Constitution
- Model Constitution- Dept of Environment, Transport and Regions
- Local Government Act 2000
- Localism Act 2011

List of appendices:

Appendix A - Article 5A (The Call –In Process)

ARTICLE 5A

THE CALL-IN PROCESS

1. Purpose

- 1.1 Call-In is the process by which decisions of the Cabinet can be challenged before implementation by non-Cabinet Members and referred to the relevant Select Committee (as determined by the Divisional Director of Legal and Democratic Services) for further consideration. The statutory co-opted members of the Children's Services Select Committee are also entitled to Call-In Cabinet decisions in respect of education-related matters.
- 1.2 Urgent actions taken under paragraph 17 of Article 1 of the Constitution are exempt from Call-In, although such actions will be subsequently reported to the next available meeting of the Assembly or Cabinet as appropriate.

2. Definition of a Cabinet Decision

- 2.1 A "Cabinet decision" is a decision that the Cabinet has the powers to exercise in accordance with the Council's Scheme of Delegation. Matters that are reserved to the Assembly but which are referred to the Cabinet for a preliminary view or recommendation are exempt from the Call-In process.

3. Call-In Procedure

3.1 Cabinet

- 3.1.1 ~~Minutes of Details of the decisions taken at meetings of the Cabinet will be circulated to all Members of the Council and, when relevant, statutory co-opted Members, within three working days of the day after the meeting (e.g. for a Cabinet meeting on a Tuesday, the minutes will be circulated not later than the Friday of the same week).~~
- 3.1.2 Any two (or more) Members of the Council (excluding Cabinet Members), or statutory co-opted Members where the matter relates to education, individually or collectively, may Call-in any Cabinet decision and/or a key decision made by an officer under delegated authority by the Cabinet. by submitting a written notification to the Chief Executive by 12.00 noon on the Wednesday in the following week (five working days) ~~the circulation of the minutes.~~ Where days are lost due to Bank Holidays the Call-In deadline will be extended accordingly. The Call-In notification must specify the reasons for the Call-In, explain whether all or part of the decision is being Called-In, and list all those members requesting the Call-In. The Call-In notification may be handed in at the Civic Centre or sent by email or fax.

- 3.1.3 Any Member, who has a prejudicial interest in a particular issue, should not instigate or take part in any Call-In process related to that issue.
- 3.1.4 If the Chief Executive receives, and accepts as reasonable, a Call-In notification within the specified timescale, the particular decision of the Cabinet shall not be acted on but shall be submitted to the next Select Committee meeting, as determined by the Authority's designated Scrutiny Officer, or one convened for the purpose of considering the Call-In.
- 3.1.5 At least one Member will be required to represent the Cabinet at the relevant Select Committee Call-In meeting to explain the reasons for the Cabinet's decision, and to answer any questions. Similarly the relevant Corporate Director, or his/her Divisional Director representative, will attend to clarify any aspects associated with the issue in question.
- 3.1.6 Member(s) or statutory co-opted member(s) Calling-In the decision will also be invited to attend to present their case.
- 3.1.7 The Select Committee will be held in public. The Committee may also invite any other persons to assist during the Call-In meeting.
- 3.1.8 The papers to be considered by the Select Committee will be those considered by the Cabinet when the decision was made, the decision itself, the written details of the Call-In and any reports prepared in response to the written details of the Call-In.
- ~~3.1.9 All parties, any members of the public and the press, will leave the room whilst the Select Committee formulates its decision with the exception of the Lead Officer for Scrutiny, an officer from Democratic Services, and any Statutory Officers, who are available to give independent advice as necessary and advise all meetings.~~
- 3.1.940 Having considered the matter raised by the Call-In, the Select Committee will have ~~three~~ the following options available to it:
- (a) ~~To d~~Dismiss the Call-In and let the Cabinet decision stand, or
 - (b) To rRefer the matter back to the Cabinet with recommendations ~~proposals~~ for an alternative course of action, ~~or~~
 - (c) ~~Refer the decision to the Assembly for wider debate. This latter option will only apply where there are issues of Council policy involved.~~
- 3.1.101 All parties will be invited back to hear the decision of the Select Committee. The Chair will explain the reasons for the decision.
- ~~3.1.12 Any disagreements between the Cabinet and the Select Committee will be referred to the Assembly.~~
- 3.1.113 In exceptional circumstances, and where delay would be prejudicial to the interests of the Council, it may be necessary to waive the Call-In procedure.

In such cases the Chief Executive or the relevant Corporate Director, as appropriate, will take urgent action in accordance with Article 1 - Paragraph 17 to waive the Call-In procedure.

(Contact Officer: Group Manager, Democratic Services: Tel: 020 8227 2135)

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ANNUAL ASSEMBLY

16 MAY 2012

Title: MEMBERS' ALLOWANCES SCHEME 2012/13	
Report of: THE LEADER OF THE COUNCIL	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: John Dawe Group Manager Democratic Services	Contact Details: Tele: 020 8227 2135 Email: john.dawe@lbbd.gov.uk
Accountable Divisional Director:	Tasnim Shawkat, Divisional Director, Legal and Democratic Services
Accountable Director:	Stella Manzie, Chief Executive
<p>Summary:</p> <p>This report sets out proposals in relation to Members' allowances for the 2012/13 municipal year.</p> <p>In response to the continuing difficult economic climate and the increasing pressures on public sector funding, the Assembly is recommended to agree a freeze, for the fourth successive year, on basic and special responsibility allowances (SRAs).</p> <p>The scheme includes provision for the payment of allowances for independent members of the standards committee, the arrangements for which will be changing as a consequence of the Localism Act 2011 and Regulations due to be published in July 2012. This will have a bearing on the set allowances as referred to in this report.</p> <p>The proposed Members' Allowances Scheme for the 2012/13 municipal year is attached at Appendix A.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to agree:</p> <p>(i) That no increase be applied to Members' basic and special responsibility allowances for the 2012/13 municipal year, representing a freeze in allowance levels for the fourth year in succession;</p> <p>(ii) That the draft Members' Allowances Scheme for the 2012/13 municipal year attached at Appendix A to take effect from 15 May 2012.</p> <p>Furthermore to note that a further report will be presented to the Assembly on 11 July 2012 concerning the new standards regime and specifically a review of those allowances payable to independent members/person of the Standards Committee.</p>	

Reason(s):

To meet the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

1. Introduction and Background

- 1.1 In 2000, an Independent Remuneration Panel (IRP) was established to review and make recommendations to the Council on Members' Allowances. Each year the IRP would consider a range of factors such as inflation indices, staff pay awards and how other London Boroughs' schemes were applied, as well as reviewing Members' time inputs through questionnaires and interviews. The IRP's recommendations would be presented to the Assembly for adoption.
- 1.2 For 2009/10 and 2010/11, the IRP recommended a freeze in allowance levels in response to the prevailing economic situation and the increasing squeeze on the public sector. These recommendations were fully supported by the Assembly.
- 1.3 Last year, following consultation between the Leader and the members of the IRP members it was agreed that it would not be necessary to convene the Panel until such time as the financial forecast improves, on the basis that until such time no increase to allowance levels would be recommended.

2. Proposal and Issues

- 2.1 In response to the continuing difficult economic climate and the increasing pressures on public sector funding, a freeze, for the fourth successive year, on Members' basic and special responsibility allowances is proposed.
- 2.2 The proposed Scheme includes provision for the payment of set allowances to the independent Chair and independent members of the Standards Committee paid monthly. In accordance with the changes to the standards regime brought about by the Localism Act 2011 and subsequent regulations expected to be published in July 2012 the arrangements and membership of the Standards Committee will need to change. On that basis the allowances payable to independent members will cease from that date.
- 2.3 Under the legislation every authority is required to have "arrangements" for dealing with complaints for alleged breach of the Code of Conduct. As such it is being proposed that the Standards Committee be retained for this purpose with the membership being solely elected members supported by an independent person. A further report on the details of the changes will be presented to the Assembly on 11 July 2012 including setting the level of allowance for an independent person.
- 2.4 The Members' Allowances Scheme forms part of the Council Constitution (Part F).

3. Options Appraisal

- 3.1 The cost of members' allowances must be contained within the existing budget provision. If members were mindful to increase basic allowances and/or SRAs, the number of positions which warrant an SRA would have to be reduced, which is not considered a viable option at this time.

4. Consultation

- 4.1 All members were made aware last year of the need to continue the freeze on increases in allowances for the foreseeable future.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources
Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

- 5.1 The proposal to freeze Members' Allowances (basic and special responsibility including the Mayoral allowance and provision for pension contributions) keeps the total cost in line with that of 2011/12 and therefore can still be contained within the approved budget for 2012/13 of £897k, which has remained the same.
- 5.2 In the absence of an approved growth bid or additional funding, any proposed increase in allowances would need to be funded within the current budget, for example by taking measures such as reducing the number of positions (which is not considered viable).

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager/Deputy Monitoring Officer
Telephone and email: 020 8227 3295 fiona.taylor@lbbd.gov.uk

- 6.1 The Council is required to publish an annual Members' Allowances Scheme in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 6.2 Section 111 of the Local Government Act 1972 empowers the Council to do anything calculated to facilitate discharge of any of its functions.

7. **Other Implications** – There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix A – Proposed Members' Allowances Scheme 2012/13

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Part F

Members' Allowances Scheme

MEMBERS' ALLOWANCES SCHEME

The Council of the London Borough of Barking and Dagenham, in exercise of the powers conferred by the Local Authority (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. Scheme

1.1 The scheme is known as the London Borough of Barking and Dagenham Members' Allowances Scheme 2011/12. This new Scheme shall have effect from 17 May 2012, with the exception of the Mayor's Purse which will take effect from 19 May 2012, for a period of 12 months or until such time as the Scheme is revoked.

1.2 In this scheme, "Councillor" means a Councillor of the London Borough of Barking and Dagenham.

2. Basic Allowance

2.1 Subject to paragraph 7, a basic allowance shall be paid to each Councillor as specified in the Schedule to this scheme.

3. Special Responsibility Allowances

3.1 Subject to paragraph 7:

3.1.1 a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities that are specified in the Schedule;

3.1.2 the amount of each allowance shall be the amount specified against the special responsibility in the Schedule; and

3.1.3 when a councillor would otherwise be entitled under the scheme to more than one special responsibility allowance, the entitlement shall only be to the highest allowance.

4. Childcare and Dependant Carers Allowance

4.1 Councillors shall be entitled to claim for the care of children and other dependants whilst carrying out approved duties at the rate specified in the Schedule.

4.1.1 Approved duties consist of:

- all Council meetings and those outside bodies to which Councillors are appointed by the Council (as recorded through the Assembly); and
- conferences or Member related training that councillors are required to attend

4.1.2 It does not include any surgery or related ward councillor duties or School Governor duties.

4.1.3 Allowances for childcare and dependent care are paid as a contribution to costs rather than a full reimbursement. Allowances paid towards childcare or dependent

care costs incurred by a councillor are subject to Income Tax and National Insurance Contributions even if the costs are unavoidably incurred as a result of carrying out Council duties.

- 4.1.4 Councillors cannot claim childcare allowances if they already participate in the Salary Sacrifice Scheme (Government voucher scheme relating to childcare costs). Further information regarding the Salary Sacrifice Scheme can be found at:

<http://www.hmrc.gov.uk/childcare/>

5. Travel and Subsistence Allowances

- 5.1 Councillors and the Independent Adviser to the Public Accounts and Audit Select Committee and the Independent Member(s) of the Standards Committee shall be entitled to claim travel and subsistence allowances associated with carrying out approved duties in accordance with the Schedule.

6. Renunciation

- 6.1 A Councillor may, by notice in writing to the Chief Executive, elect to forego any part of his/her entitlement to an allowance under this Scheme.

7. Part-Year Entitlements

- 7.1 If the scheme is amended during the year or a Councillor holds office part way through the year, entitlements to basic and special responsibility allowances shall be paid on a pro-rata basis.

8. Payments

- 8.1 Payments shall be made in instalments of one-twelfth of the amounts specified on a monthly basis, with the exception of the Mayor's Purse which shall be paid quarterly in advance.

9. Pensions

- 9.1 All Councillors below the age of 75 shall be eligible to join the Local Government Pension Scheme.

10. Withholding Allowances

- 10.1 Allowances may be withdrawn in whole or in part in the event of a Member being suspended or partially suspended.

- 10.2 The allowances to which this section refers will be

- Basic
- Special Responsibility
- Childcare and Dependent Carers, and
- Travel and Subsistence

**THE SCHEDULE
MEMBERS' ALLOWANCES 2012 / 2013**

1. Basic Allowance

The Basic Allowance for the year is £10,006

2. Special Responsibility Allowances

The following Special Responsibility Allowances are payable, as appropriate, in addition to the Basic Allowance:-

Leader of the Council	£35,022
Deputy Leader of the Council	£22,513
Members of the Cabinet	£17,510
Chairs of the: <ul style="list-style-type: none"> ▪ Assembly ▪ Development Control Board ▪ Personnel Board ▪ Licensing & Regulatory Board Lead Members of the following Select Committees: <ul style="list-style-type: none"> ▪ Health and Adult Services ▪ Children's Services ▪ Safer and Stronger Community ▪ Living and Working ▪ Public Accounts and Audit Chief Whip	£3,142
Deputy Chairs of the: <ul style="list-style-type: none"> ▪ Assembly ▪ Development Control Board ▪ Personnel Board ▪ Licensing & Regulatory Board Deputy Lead Members of the following Select Committees: <ul style="list-style-type: none"> ▪ Health and Adult Services ▪ Children's Services ▪ Safer and Stronger Community ▪ Living and Working ▪ Public Accounts and Audit 	£1,571
Independent Members of the Standards Committee: Independent Chair Independent Member(s)	£1,000 £500
Independent Adviser to PAASC	£300 per meeting
Mayor's Purse	£12,000

Note - Only one Special Responsibility Allowance will be payable to any Councillor (the highest allowance applies).

3. Childcare and Dependant Carers Allowance

- 3.1 An allowance set at £6.83 per hour is payable to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking approved duties.

4. Travel and Subsistence Expenses

- 4.1 Reimbursement of travel expenses via public transport will be the actual fare paid. Reimbursement of costs incurred by Councillors using their own motor vehicle, subsistence costs in respect of meals and costs involving an overnight stay will be reimbursed at the appropriate rate as shown on the Councillors' claim forms for travelling expenses and subsistence costs.

(Contact Officer: Divisional Director of Legal and Democratic Services, Tel. 020 8227 2114)

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ANNUAL ASSEMBLY

16 MAY 2012

Title: Amended Pay Policy Statement 2012/13	
Report of the Cabinet Member for Customer Services and Human Resources	
Private report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Martin Rayson, Divisional Director of Human Resources and Organisational Development	Contact Details: Tel: 020 8227 3113 E-mail: martin.rayson@lbdd.gov.uk
Accountable Divisional Director: Martin Rayson, Divisional Director HR & OD	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary: At the Assembly meeting on 28 March 2012, the Assembly agreed a pay policy statement for the Council, as is required under the terms of Section 38 (1) of the Localism Act 2011. We have identified that the Statement did not include four additional annual payments being paid to senior staff, as it should have done. An error in the salary being paid to one other Divisional Director has also been identified. This was as a result of gaps in some data records which led to information not being fed through to the report.</p> <p>These errors have been corrected in the revised draft of the Pay Policy Statement, which is attached at Appendix A.</p>	
<p>Recommendation(s)</p> <p>Assembly are asked to approve the revised Pay Policy Statement for the London Borough of Barking and Dagenham for 2012/13 so the appropriate amendments can be made to the policy statement.</p>	
<p>Reason(s)</p> <p>Under the terms of the Localism Act 2011 the Assembly must agree a pay policy for each financial year. The current published policy for 2012/13 contains errors of fact which need to be corrected.</p>	

1. Introduction and Background

London Borough of Barking & Dagenham Pay Policy Statement

- Section 38 (1) of the Localism Act 2011 required English and Welsh local authorities to produce a Pay Policy Statement for 2012/13 by 1 April 2012 and for each financial year thereafter.

2. Proposal and Issues

- 2.1 At Assembly on 28 March a report was brought by the Chief Executive to ensure the Council complied with new legislation about publishing senior pay policy. The report agreed by Assembly had two errors in it:
- a) It did not include details of additional annual payments made to four staff. This was an error resulting from gaps in systems data.
 - b) One Divisional Director is paid at £78,740, rather than £70,332, as previously shown and this has changed the table at paragraph 5.6.
- 2.2 In order formally to correct this error, this report presents a pay statement with some revisions. A revised Pay Policy Statement is attached at Appendix A. Details of the additional payments made are included in a new paragraph 6.2
- 2.3 My apologies to Members for these errors. We are taking steps to ensure that data is properly updated to avoid any future such errors.

3. Options Appraisal

- 3.1 The Council is obliged to provide information with regard to senior officer pay in pursuance of Section 38 of the Localism Act 2011.

4. Consultation

- 4.1 Consultation has taken place with Members and officers as appropriate.

5. Financial Implications

Implications completed by: Tracie Evans, Corporate Director of Finance and Resources

- 5.1 There are no direct financial implications arising from this report as the report is only correcting factual reporting errors in the pay policy statement, not making any financial decisions.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager

- 6.1 This report outlines our obligations with regards to senior officer pay and in particular in relation to the information to be provided pursuant to section 38 of the Localism Act. Section 39 (4) of the Act allows the Council to "... amend its pay policy statement (including after the beginning of the financial year to which it relates)".

7. Other Implications

- 7.1 **Risk Management** – There are no risks attached to this statement as attached as it describes the current position.

- 7.2 **Contractual Issues** – This statement makes no changes to employees' contractual position.
- 7.3 **Staffing Issues** – The staffing issues are fully explored within the main body of the report.
- 7.4 **Customer Impact** – none
- 7.5 **Safeguarding Children** - none
- 7.6 **Health Issues** - none
- 7.7 **Crime and Disorder Issues** – none
- 7.8 **Property/Asset Issues** - none

Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix A – Revised Pay Policy Statement 2012/13

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LONDON BOROUGH OF BARKING & DAGENHAM

PAY POLICY STATEMENT 2012/13

1. Introduction – Requirement for Council Pay Policy Statement

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that. The Act does not apply to local authority schools. This document meets the requirements of the Act for the London Borough of Barking and Dagenham.
- 1.2 The provisions of the “Act” require that authorities are more open about their own local policies and how their local decisions are made. The Code of Recommended Practice for Local Authorities on Data Transparency enshrines the principles of transparency and asks councils to follow three principles when publishing data they hold: responding to public demand; releasing data in open formats available for re-use, and, releasing data in a timely way. This includes data on senior salaries and the structure of the workforce.
- 1.3 All decisions on pay and reward for all senior officers must comply with this “statement”. The statement will be produced annually and must be agreed by Assembly.

2. Pay & Reward Principles

- 2.1 The Council recognises that to achieve its objectives for the communities it serves, it needs to be able to attract and retain talented people at all levels of the organisation. The Council’s People Strategy sets out a range of actions the Council will take to ensure that we have

“the right people, with the right skills in the right places, with the right kinds of management and leadership, motivated to perform well”

- 2.2 Whatever their role, the Council seeks to ensure that every member of staff is valued and remunerated on a fair and just basis. Our approach to pay is designed to ensure:
 - we can demonstrate fairness and equity in what we pay people at different levels and in different parts of the Council;
 - pay is set at levels which enable us to recruit and retain quality staff; and
 - pay levels are affordable for the Council.
- 2.3 The Council remains committed to being part of the national pay negotiation structure. The Council has also committed to pay all its employees in substantive posts at least the London Living Wage.

- 2.4 Pay levels are determined through a job evaluation system. For staff at PO6 and below (£42,939) we use the Greater London Provincial Council job evaluation system. For posts at PO7 and above (£43,834) we use the HAY job evaluation systems. Each system assesses the relative “size” of the role against a range of criteria, relating to its complexity, the number of resources managed and the knowledge required to under the role.
- 2.5 Pay rates are generally set against the national pay spine agreed by the National Joint Council.
- 2.6 There are currently discussions taking place within the Council about whether there should be changes in pay arrangements for senior staff. This statement describes the current position and policy.

3. Defining “Chief Officers”

- 3.1 Following the implementation of savings plans for the 2012/13 financial year, the Council will employ the following number of chief officers:

Chief Executive	-	1
Corporate Directors	-	4
Divisional Directors	-	13.5

One of the Divisional Director posts is shared with another local authority and this Council makes a regular payment to that local authority for the services provided

4. Accountability for Chief Officers Pay

- 4.1 The pay arrangements for chief officers are overseen by a Panel (called the JNC Salaries and Conditions Panel) appointed by the Council’s Assembly.
- 4.2 The Council’s constitution sets out the responsibilities and composition of the Panel and states:

JNC Salaries and Conditions Panel - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), the Cabinet Member for Finance, Revenues and Benefits, plus at least two other councillors to consider and make final decisions in relation to salaries and conditions for JNC officers (including the Chief Executive) and the grading of any new JNC posts in line with Council policy.

5. Current Pay Policy and Base Pay Rates

Setting Salary Levels

- 5.1 All chief officer roles are evaluated using the HAY job evaluation system. Spot salary levels were set for chief officer roles in 2008. There is a commitment to review salary levels every three years. In undertaking reviews, account is taken of the market, particularly the market in London.

- 5.2 In 2008 salaries were set at the top of the third quartile in comparison with equivalent roles in London at that time. This reflected the fact that whilst the London Borough of Barking and Dagenham is one of the smaller boroughs in terms of population, it is a community that faces significant challenges and therefore the view was taken that we needed to attract a good choice of senior staff with the appropriate skills and experience.
- 5.3 The Chief Executive's salary was reviewed downwards when a new appointment was made in 2011 due to changes in the market. All Divisional Director salaries were reviewed in December 2010, following structural changes made in preparation for the 2011/12 financial year. Corporate Director salaries have not been reviewed since 2008.

Chief Executive

- 5.4 The current Chief Executive was appointed in 2011 at a salary level of £150,000. The previous Chief Executive was on a salary of £186,000.

Corporate Directors

- 5.5 The four Corporate Directors are on the following salary points:

Finance and Resources	Chief Officers.CHIEFO.0	14	141,888.00
Adult and Community Services	Chief Officers.CHIEFO.0	7	131,757.00
Children's Services	Chief Officers.CHIEFO.0	7	131,757.00
Customer Services	Chief Officers.CHIEFO.0	7	131,757.00

The salary of the Corporate Director Finance and Resources was set at a higher level for market related reasons at the time.

Divisional Directors

- 5.6 There are four spot salary levels for these posts:

CO1 - £70,332	10 posts
CO2 - £78,740	0 1 posts
CO3 - £89,763	9 posts
CO4 - £108,661	3 posts

It is appropriate for there to be some differentiation in pay levels at Divisional Director level because of the differing amounts of risk and responsibility being carried at that level. The additional 0.5 post is shared with another Local Authority and the Council reimburses that Authority for 50% of the postholder's cost.

6. Contingent Pay

- 6.1 The Council pays its Chief Officers a spot salary. There is no element of performance pay, nor are any bonuses paid. No overtime is paid to Chief Officers. There are no lease car arrangements.

6.2 There are four additional historic payments made to senior staff over and above basic salary:

Corporate Director of Finance and Resources - £3111.96 per annum

Divisional Director of Finance - £3,237 per annum

Divisional Director of Complex Needs and Social Care - £10,000 per annum

Divisional Director of Housing Strategy - £257.52 per annum.

7. Pensions

- 7.1 All Council employees are eligible to join the Local Government Pension Scheme. The Council does not enhance pensionable service for its employees either at the recruitment stage or on leaving the service, except in certain cases of retirement on grounds of permanent ill-health where the strict guidelines specified within the pension regulations are followed.

8. Other Terms and Conditions

- 8.1 Employment conditions and any subsequent amendments are incorporated into employees' contracts of employment. Chief Officer contracts state:

"Where adopted by the Council for your employment group and unless otherwise indicated in this statement, your terms and conditions of employment are as set out in the NJC (National Joint Council) for Local Government Services otherwise called the "Green Book". These terms and conditions may be supplemented by agreements reached collectively at the Greater London Provincial Council and at the Council's Employee Joint Consultative Committee."

- 8.2 Chief Officers are reimbursed for travel costs incurred, as stated within contracts:

"The Council will reimburse you your reasonable out-of-pocket expenses that you incur in the course of your official business for the Council. If you use your private motor car for official Council business, the Council will pay you 'essential user' mileage rates as set out in Part 3 Paragraph 6 of the National Agreement on Pay and Conditions of Services as set out by the National Joint Council for Local Government Services."

- 8.3 The Council's employment policies and procedures and terms and conditions are reviewed on a regular basis in the light of service delivery needs and any changes in legislation.

9. Election Expenses

- 9.1 The fees paid to Council employees for undertaking election duties vary according to the type of election they participate in and the nature of the duties they

undertake. All election fees paid are additional to Council salary and are subject to normal deductions for tax.

- 9.2 Returning Officer duties (and those of the Deputy Returning Officer) are contractual requirements but fees paid to them for national elections/referendums are paid in accordance with the appropriate Statutory Fees and Charges Order.

10. Termination/Severance Payments

- 10.1 Employees who leave the Council, including the Chief Executive and Chief Officers, are not entitled to receive any payments from the Council, except in the case of redundancy or retirement as indicated below.

Retirement

- 10.2 Employees who contribute to the Local Government Pension Scheme who elect to retire at age 60 or over are entitled to receive immediate payment of their pension benefits in accordance with the Scheme. Early retirement, with immediate payment of pension benefits, is also possible under the Pension Scheme with the permission of the Council in specified circumstances from age 55 onwards and on grounds of permanent ill-health at any age.
- 10.3 The Council will consider applications for flexible retirement from employees aged 55 or over on their individual merits and in the light of service delivery needs.

Redundancy

- 10.4 Employees who are made redundant are entitled to receive statutory redundancy pay as set out in legislation calculated on their actual salary. The standard London Borough of Barking and Dagenham redundancy scheme applies to Chief Officers. The scheme was amended in November 2011 and a maximum of 45 weeks of actual pay is payable depending on length of service. This scheme may be amended from time to time in accordance with the Council's Constitution

Compromise Agreements

- 10.5 Where an employee leaves the Council's service in circumstances which are, or would be likely to, give rise to an action seeking redress through the courts from the Council about the nature of the employee's departure from the Council's employment, the Council may settle such claims by way of compromise agreement where it is in the Council's interests to do so. The amount to be paid in any such instance may include an amount of compensation, which is appropriate in all the circumstances of the individual case. Should such a matter involve the departure of a Director or the Chief Executive it will only be agreed following external legal advice that it would be lawful and reasonable to pay it.

11. Fairness

- 11.1 In November 2011, the Council's Cabinet agreed that no member of staff in a substantive post should be paid less than the London Living Wage. In May of that

year the Mayor of London announced that the London Living Wage would increase from £7.85 to £8.30 per hour. The first pay point in the Council's pay structure which is above the equivalent of the London Living Wage is scale point 7, £15,216 (within Scale 1a). Since 1 January 2012 all permanent staff (excluding some apprentices) have been paid at least at scale point 7. For the purposes of this pay policy statement, employees on scale point 7 are defined as our lowest-paid employees.

- 11.2 The Council's pay multiple - the ratio between the highest paid employee and lowest paid employee - is 1:10. The council's highest paid employee is the Chief Executive on a salary of £150,000 per annum.
- 11.3 The ratio between the taxable earnings for the highest paid employee and the median earnings figure for all employees in the Council is 1:7.42. The Council's highest paid employee is the Chief Executive on a salary of £150,000 per annum. The median earnings figure is for all employees as at December 2011 is £20,205.

12. Any Additional Reward Arrangements

- 12.1 There are none in place.

If there are any enquiries about these arrangements please apply to Martin Rayson, Divisional Director, Human Resources and Organisational Development (martin.rayson@lbbd.gov.uk)

ANNUAL ASSEMBLY

16 MAY 2012

Title: Annual Report of the Cabinet 2011/12	
Report of the Chair of the Cabinet	
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>The Cabinet is responsible for:</p> <ul style="list-style-type: none"> • Developing key policies and budget proposals for the Assembly's agreement; • Making decisions about Council strategies, services, finances and resources, based on the policies set by the Assembly; • Ensuring all Council departments work well together in delivering services to local people; and • Ensuring the Council works well with external partners and other local organisations, such as the police, health services, education providers, business and the third sector, for the benefit of the community. <p>This report summarises the Cabinet's role and highlights the major issues it has dealt with over the last municipal year.</p>	
<p>Recommendations</p> <p>The Assembly is asked to note the Cabinet's 2011/12 annual report.</p>	

1. Introduction and Background

- 1.1 The Cabinet is the main decision-making body of the Council. The Leader of the Council is chair of the Cabinet and he appoints his deputy and eight other Councillors to make a total membership of ten. Each Cabinet Member has specific areas of responsibility or 'portfolios'.

1.2 The Cabinet met 11 times during the year and considered a total of 118 reports.

2. Proposal and Issues

2.1 The reports considered by the Cabinet covered a wide range of subjects and listed below are some of the major areas:

- **Key Financial Matters**

The Cabinet received a regular budget monitoring report throughout the year, showing projected expenditure against budgets and the action being taken by the Corporate Management Team to ensure a year-end balanced budget position.

The Cabinet also considered a range of savings proposals as part of the budget setting process for the 2012/13 financial year. The majority of the savings proposals were agreed for implementation but a number were withdrawn by the Cabinet in the light of representations made during the Select Committee review and public consultation processes.

The full package of measures agreed by the Cabinet enabled the Council to freeze Council Tax levels for the fourth consecutive year and rent levels for the next financial year were kept as low as possible, with an average increase of 6.8% which represented one of the lowest increases in London.

- **Regeneration and Housing Initiatives**

The Cabinet received reports throughout the year on a number of regeneration and housing initiatives. Amongst the initiatives to be given the go-ahead were:

- Major estate renewal projects at the Gascoigne, Goresbrook Village, Leys and Becontree Heath estates
- The development of a new sports centre in the Barking Town Centre area as part of a wider review of leisure provision in the borough, following the success of the new Becontree Heath Leisure Centre development
- New affordable housing developments at William Street Quarter, eastern end of Thames View and Abbey Road, Barking
- New Council-house building at various locations throughout the borough

The housing initiatives referred to above formed part of several key housing-related strategies that were endorsed by the Cabinet during the year, such as the Housing Capital Investment Programme 2011/12, the Housing Strategy 2012 - 2017 and the Council Housing Business Plan 2012/13.

Other housing-related matters approved by the Cabinet included:

- A joint initiative between the Council and the Police to improve security and safety at a number of the borough's housing estates through revised concierge and policing arrangements
- An integrated service to improve front-line housing management and environmental services in the borough's town centres and flatted housing estates
- Plans for the Council's housing repairs and maintenance service to be provided primarily through an in-house function from April 2013

- **Policies and Strategies**

Amongst the key policies and strategies considered and approved by the Cabinet were:

- The 'Caring for Carers in Barking and Dagenham' strategy, aimed at bringing together the key services for carers and emphasising the borough's continuing commitment to supporting carers
- The 'Fairer Contributions Policy for Adult Social Care', the key aims of which were to make sure people on lower incomes had enough money to meet the rising costs of living, give additional protection to people aged 85 and over, increase charges gradually for current service users and raise enough income so that the Council could continue to provide quality services to its vulnerable residents
- New parking and enforcement policies relating to Council buildings and the borough as a whole
- The 'Statement of Licensing Policy 2012 - 2015' which 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
- A new debt management policy which maintained the principles of providing support to those who were unable to pay and rigorously pursuing those who chose not to pay
- A 'Disabled Adaptations Strategy' which would enable basic adaptations to be available to larger numbers of older and disabled people across all housing tenures
- The Council's Community Engagement and Empowerment Strategy 2011-2014 entitled 'Listening to the Word on the Street'
- A sport and physical activity strategy entitled 'Sporting Barking and Dagenham', the primary purpose of which was to get "more people, more active, more often"
- The 'Single Equality Scheme 2012 - 2016' which would support the Council's efforts in meeting its statutory duties under the Public Sector Equality Duty 2011
- A 'Transitions Strategy for Disabled Young People with Support Needs 2012 - 2015' which focused on the need for better comprehensive and co-ordinated planning from Year 9 of secondary education, greater choice and control and a wider range of local opportunities available for disabled young adults including education and employment

- **Contracts Overview**

Eighteen reports involving contracts with a value in excess of £400,000 were approved by the Cabinet over the course of the year. These related to services associated with the Council's social care functions, IT and HR systems, Children's Centre nursery provision, maintaining Council buildings and energy supplies.

A number of these contracts were in collaboration with other local authorities which helped to reduce procurement costs and improve value for money.

- **Joint Venture / Shared Services**

The Cabinet received a report on the performance of Elevate East London - the company established in partnership with Agilisys to deliver the Council's ICT, Procurement, Accounts Payable, Revenues and Benefits and B&D Direct services - which covered the first six months of the joint venture and also approved proposals to extend the partnership to include services such as the HR Service Centre, Payroll Administration and Property Services.

The Cabinet also approved proposals to progress the shared Legal Service arrangement with Thurrock Council and to the inclusion of the London Borough of Havering in the joint Civil Contingencies service between Barking and Dagenham and Waltham Forest.

- **Schools / Education**

The Cabinet received several reports during the year setting out proposals aimed at assisting the Council to meet its statutory responsibilities to provide a school place for every child in the borough over the next five years. These included plans for new primary and secondary schools, the expansion or redevelopment of existing school and Council-owned sites and new, specialist provision at two of the borough's primary schools.

- **Employment**

The Cabinet agreed two major initiatives during the year aimed at improving employment prospects for local residents. The first related to the securing of over £1m of match funding via the European Social Fund (ESF) to support the Council's efforts through an 'Access to Sustainable Employment' project while the second, linked to Barking and Dagenham's Olympic Host Borough status, involved a grant of £950,000 over three years via the Olympic Host Borough Employment and Skills Programme.

3. Options Appraisal

3.1 There are no options associated with this annual report.

4. Consultation

4.1 The Leader and relevant officers have been consulted in the preparation of this report.

5. Financial Implications

Implications completed by: Tracie Evans, Corporate Director

5.1 There are no financial implications associated with this report; this is a summary review of past activity only.

6. Legal Implications

Implications completed by: Tasnim Shawkat, Divisional Director

6.1 There are no legal implications associated with this report; this is a summary review of past activity only.

7. Other Implications –There are no other implications associated with this report.

Background Papers Used In the Preparation of the Report:

- Agendas and minutes of Cabinet meetings 2011/12
- Council Constitution

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ANNUAL ASSEMBLY

16 MAY 2012

Title: Annual Report of the Ceremonial Council 2011/2012	
Report of: The Ceremonial Council	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: John Dawe	Contact Details: Tel: 020 8227 2135 Email: john.dawe@lbbd.gov.uk
Accountable Divisional Director:	Tasnim Shawkat, Divisional Director Legal and Democratic Services
Accountable Director:	Stella Manzie, Chief Executive
Summary: The Ceremonial Council is responsible for all ceremonial matters and leads the community in demonstrating appreciation for the work of individuals, community groups and organisations within the borough. This report summarises the work of the Ceremonial Council over the past municipal year.	
Recommendation(s) The Assembly is recommended to note the report.	

1. Introduction and Background

- 1.1 The Ceremonial Council is a committee established under Section 101 of the Local Government Act 1972.
- 1.2 It comprises all Members of the Council but is not a meeting of the Council as defined in Section 8 and Schedule 12 to the 1972 Act.
- 1.3 It is responsible for all ceremonial matters and leads the community in demonstrating appreciation for the work of individuals, community groups and organisations within the borough.
- 1.4 Functions reserved to the Ceremonial Council are:
 - (i) to award the Freedom of the Borough and any other special awards to those who have given outstanding long service to the community; and

(ii) to appoint the Mayor and the Mayor's Chaplain at the Annual Meeting;

2. Proposal and Issues

2.1 There has been one meeting of the Ceremonial Council this year, namely the Annual Meeting which took place on 20 May 2011, when the following business was conducted:

- Appointment of the Mayor – Councillor Milton E McKenzie MBE; and
- Appointment of the Mayor's Chaplain – Reverend Martin Court

3. Options Appraisal – n/a

4. Consultation

4.1 Consultation has taken place with Members and officers as appropriate.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance & Resources

Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

5.1 This is a review of past performance; there are no financial implications associated with this report.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager and Deputy Monitoring Officer

Telephone and email: 020 8227 3295 fiona.taylor@lbbd.gov.uk

6.1 There are no legal implications associated with this report.

7. Other Implications – There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report: None

List of appendices: None

ANNUAL ASSEMBLY

16 MAY 2012

Title: Development Control Board Annual Report 2011/12	
Report of the Chair of the Development Control Board	
Open Report	For Information
Wards Affected: All	Key Decision: No
Report Author: Councillor Inder Singh Jamu (Chair DCB) Sola Odusina, Senior Democratic Services Officer	Contact Details: Tel: 020 8227 3103 E-mail: sola.odusina@lbdd.gov.uk
Accountable Divisional Director: Jeremy Grint, Divisional Director of Regeneration	
Accountable Director:	Tracie Evans, Finance and Resources
Summary: <p>The Development Control Board (DCB) has responsibility for exercising the Council's local planning functions, making decisions on larger planning applications or ones that may have a significant impact on the local community.</p> <p>Over the year while the majority of DCB's work has focused on new planning applications it has also considered and commented on the implications of the new Localism Act for planning authorities, officer's reports and scrutinised decisions delegated to officers.</p> <p>This report highlights the activities of DCB over the 2011/12 municipal year.</p>	
Recommendations The Assembly is asked to note the Development Control Board's 2011/12 annual report.	

1. Introduction and Background

- 1.1 The DCB is a committee established under Section 101(1) of the Local Government Act 1972 which permits a local authority to discharge of its functions by a Committee.
- 1.2 The work of DCB is somewhat similar to the Licensing and Regulatory Board in that the law relating to the planning process obliges members to act in a quasi-judicial and independent manner. They are required to consider planning applications, enforcement matters and site specific policy measures in line with published relevant policy such as the Local Development Framework (LDF), the Mayor of London's London Plan and more recently the National Planning Policy Framework.

If a decision of DCB appears to be made other than on its merits under planning considerations it could be open to legal challenge and, if it is appealed and a decision made in favour of the appellant it could have serious cost implications for the Council.

- 1.3 All Board Members are therefore required to undertake formal training and assessment before being allowed to determine planning applications. The Council's Planning and Legal officers provide the training at the beginning of the municipal year with briefing sessions also held later in the year.

The Board currently has a membership of 18 comprising one member per ward and the Cabinet Member for Regeneration with approximately a four weekly meeting schedule. The Divisional Director of Regeneration, Jeremy Grint, is the lead officer. The committee is also supported by the Group Manager for Planning, Daniel Pope, the Development Management Manager, Dave Mansfield, the Senior Lawyer for Property and Planning, Paul Feild, who is responsible for providing legal advice and Sola Odusina, Senior Democratic Services Officer, who provides administrative support and advice to members on governance and constitutional issues.

2. Proposal and Issues

Meetings

- 2.1 The Committee met 19 times between 23 May 2011 and 30 April 2012, devoting four full sessions to member training and four to briefing sessions where members learnt about emerging proposals and were involved in pre-application discussions. Members also visited two proposed development sites in order to understand how the developments would be placed in relation to the surrounding environment.
- 2.2 Over this period, ten Ward Councillor's representing residents in their ward and 38 members of the public attended to speak at meetings. In respect of the latter group, 17 speakers were speaking against and 21 in support of planning applications.
- 2.3 The majority of DCB's time was spent considering new planning applications. The Board received 58 new planning applications, the outcome against each is summarised as follows.

Decisions in line with officers' recommendations	Decisions not in line with officers' recommendations	Deferred decisions	Applications withdrawn	Applications referred to Ombudsman
54	4	1	2	0

- 2.4 In respect of the decisions made by the Board which did not follow officer recommendations, two were recommendations for approval by officers and refused by the Board for the demolition of existing medical centre and erection of 2 and 3 storey buildings at 132 Upney Lane and the redevelopment of site at 588 Rainham Road South to provide 3 one bedroom and 8 two bedroom flats within a three storey building with basement accommodation for the following reasons. The Council subsequently lost the appeal and the associated S106 of £66,000 which had been agreed with the applicant. The third was an application for variation of condition 1 (opening hours) in respect of planning application decision 10/00886/FUL to allow

Sunday opening hours 10:00 - 16:00 for 4 Tolworth Parade. DCB approved contrary to the recommendation. The fourth was for the erection of a two storey rear extension at 33 Whitebarn Lane which was approved contrary to the recommendation.

- 2.5 The Board also noted that 30 town planning appeals were lodged with the Planning Inspectorate. Nine town planning appeals were allowed, 21 were dismissed and none were withdrawn.
- 2.6 In addition to planning applications, DCB received reports regarding:
- Planning Advice Notes (PAN 4&9) - The Board considered PAN4 relating to Religious Meeting Places and recommended to Cabinet that the preferred locations of Thames Road and the Rippleside Commercial Area be removed from the guidance with industrial sites being safeguarded for industrial uses only. PAN9 clarified how proposals for intensification within the Manor Road area would be dealt with in regard to Local Development Framework Policies (LDF) the London Plan and the National Planning Guidance.
 - Actions in furtherance of the return of Planning Powers from LTGDC' – DCB delegated authority to the Director of Regeneration to vary existing or enter into new S106 agreements due to planning permission previously granted by the London Thames Gateway Development Corporation.
 - 'Planning Policy and Legislation Update' - Members were advised and briefed on the provisions of the Localism Bill including issues of predetermination and the National Planning Policy Framework and also the revisions to the London Plan.
 - Enforcement Update - The Group Manager Environmental Health and Trading Standards presented this report in response to members request that regular updates on enforcement work are provided to the Board. Members were informed of the type of cases Enforcement deal with such as alleged breaches of planning conditions, alleged unlawful developments and breaches of the planning laws.
 - Delegated Decisions Review Panel- which is a panel of four members including the Chair and Deputy Chair of DCB and two other Board members set up to select and review on an annual basis a random sample of up to 20 delegated officer decisions to determine whether or not delegation was appropriate, the description was correct, appropriate notifications were issued, appropriate issues were identified and the applications met the appropriate deadline. The Review Panel met on 26 April 2012 and was satisfied with the delegated decisions.
- 2.7 DCB also made appropriate responses to planning applications which were to be referred to the Mayor of London and Secretary of State for decision and consultation. For example the Board agreed to grant planning permission for the major redevelopment of the Sanofi Aventis Site on Rainham Road South subject to directions from the Mayor of London and Secretary of State for Communities and Local Government.

The Localism Act 2011 (the Act)

- 2.8 The Localism Bill received Royal Assent on 15 November 2011 and through the legislation the Government has made a number of changes to planning law which have been implemented from 1 April 2012. These include

- a relaxation on the law in relation to predetermination, where Member's can now have a view about a development as long as they do not approach decision making with a closed mind.
- A duty to cooperate which requires the Mayor and individual London Boroughs to cooperate with surrounding councils to address issues of common concern and relates to such issues as sustainable development or use of land that would have a significant impact on at least two local planning areas
- Mayoral Development Corporations (MDC) the object of which is to secure the regeneration of an area and whereby the Mayor of London can designate an MDC anywhere in London. The mayor must consult the relevant local authorities before establishing an MDC.
- Pre application consultation – Section 122 of the Act requires developers to consult local communities before submitting planning applications for certain developments. This is intended to give local people an opportunity to comment on proposed development while they have a chance to influence proposals before they are finalised.
- Neighbourhood Planning – Neighbourhood Plans are voluntary, however alongside the London Plan and Local plan they will form part of the Development Plan against which all planning applications must be determined unless material considerations indicate otherwise

Key Outcomes and Conclusions

2.9 Over the past year DCB have made decisions on a number of very important and major planning applications including approving:

- 38,000 square metres of business floorspace at the land to South of Merrields Retail Park, West of Chequers Lane, Dagenham
- A Premier Inn Hotel and Brewers Fayre restaurant at Chequers Corner on Chequers Lane
- 201 affordable dwellings on the William Street Quarter site and 276 affordable dwellings on the Eastern End of Thames View sites.
- A number of applications in connection with the Olympics for training venues and ceremony rehearsals space
- An 8000 square metre superstore and 100 homes on the London Road/North Street site creating over 150 local jobs for the borough
- 100,000 square metres of business, training, healthcare and retail floorspace and a hotel on the Sanofi site at Rainham Road South. In addition the future of the May and Baker sports facilities has been secured through the S106 agreement

2.10 The Act will have a significant impact on Planning going forward. It is intended to give local people more of an opportunity to comment on proposed developments, the ability to prepare neighbourhood plans for their communities, grants the Council the power to decline to determine retrospective applications after an enforcement notice has been issued limiting the right of appeal against an enforcement notice after a retrospective planning application has been submitted and in cases of planning determinations where New Homes Bonus and or Community Infrastructure

Levy will arise the ability to take these into account in the decision making process. It will also make clear how much financial considerations have influenced decisions.

3. Options Appraisal - n/a

4. Consultation

4.1 The Chair and Deputy Chair of the Development Control Board, Divisional Director of Regeneration, Group Manager Development Planning and Development Management Manager Regeneration and Economic Development have been consulted in the preparation of this report.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources

Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

5.1 There are no financial implications associated with this report; this is a summary review of past activity only (the implications of individual applications would be set out in the individual Board reports / minutes.

6. Legal Implications

Implications completed by: Paul Feild, Senior Lawyer

Telephone and email: 0208 227 3133 paul.feild@lbbd.gov.uk

6.1 The work of the Board saw a number of changes in terms of

- the greater ability to determine strategic and major developments following the restoration of powers that had been exercised by the LTGDC
- The impact of the Localism Act 2011 in terms of a greater obligation for consultation and a relaxation of the rules regarding pre-determination have been taken up with briefings for Members
- The Introduction this spring of the new National Planning Policy Framework

These changes have been successfully met and further training will be provide going forward into the next year

7. Other Implications - There are no other implications associated with this report.

Background Papers Used In the Preparation of the Report:

- Agendas and minutes of Development Control Board meetings 2011/12
- Council Constitution
- Localism Act 2011
- DCB Delegated Decisions Review Panel Report 30 April 2012

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ANNUAL ASSEMBLY

Title: Annual Report of the Licensing and Regulatory Board 2011/ 2012	
Report of: The Licensing and Regulatory Board	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Councillor L Waker, Chair of the Licensing and Regulatory Board Masuma Ahmed, Democratic Services Officer	Contact Details: Tel: 020 8227 2756 E-mail: masuma.ahmed@lbbd.gov.uk
Accountable Divisional Director: Robin Payne, Environment	
Accountable Director:	Darren Henaghan, Housing and Environment
Summary: The Licensing and Regulatory Board is responsible for exercising the Council's licensing and regulatory functions and considers applications where valid representations have been received from "responsible authorities", for example the Metropolitan Police or "interested parties", such as local residents. Applications where no valid representations are received are dealt with by the Corporate Director of Housing and Environment under delegated authority. This report summarises the work of the Board during the 2011/12 municipal year.	
Recommendation The Assembly is recommended to note the contents of this report.	

1. Introduction and Background

- 1.1. The Licensing and Regulatory Board is responsible for exercising the Council's licensing and regulatory functions and powers set out under various legislation including Section 101 of the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1982, the London Local Authorities Act 1990, the Licensing Act 2003 and the Gambling Act 2005.
- 1.2 The Board currently has a membership of ten and has a fortnightly meeting schedule in view of the need to meet timescales for determining applications as laid down in the legislation. Where there are no applications to consider, Board meetings are cancelled.

- 1.3 The Board was, until recently, supported by the Group Manager for Environmental and Trading Standards, Rob Williams, who also acted as the Licensing Officer. Upon his departure, Sajida Majid has resumed her role of Licensing Officer and Paul Feild, Senior Lawyer for Property and Planning is responsible for providing legal advice. Masuma Ahmed, Democratic Services Officer, provides administrative support and advice to members on governance and constitutional issues.

2. Proposal and Issues

Training

- 2.1. The Licensing and Regulatory Board is similar to the Development Control Board in that the law relating to the licensing process obliges Board Members to act in a quasi-judicial and independent manner.
- 2.2. All Board Members are therefore required to undertake formal training before hearing applications. The Licensing Officer and Legal officers provided the training at the beginning of the municipal year, with a further session also held later in the year to update Board Members on developments in licensing legislation.

Overview of Applications Determined by the Board

- 2.3. The Board sat on 13 occasions and considered a total of 18 applications, broken down as follows:

Application for Review of Premises Licence	Application for Expedited Review	New Premises Licence Application	Application for Variation of Premises Licence
11	1	3	3

As the table shows, the vast majority of the Board's work this year related to applications made under the Licensing Act 2003 requesting the review of premises licenses. When considering these applications, the Board had regard to the Council's Licensing Policy and the four statutory Licensing Objectives, as required under the Licensing Act 2003:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- The protection of public safety

- 2.4 Eight of the 11 applications requesting review of premises licences were made by the Trading Standards Service as a result of a Borough-wide inspection programme which lead to the seizure of counterfeit alcohol from a number of off – licences, raising concerns around two of Licensing Objectives; namely, the prevention of crime and disorder and public safety. The Board dealt with these applications by way of suspension of the premises licence in question for a length of time it felt appropriate to the individual factors of each review. Where the Board felt that the addition of conditions would further promote the Licensing Objectives, it added conditions to the premises licence.

- 2.5 Of the two review applications made by the Metropolitan Police, one related to a convenience store which the Board dealt with by way of suspension and the addition of conditions to the premises licence. The other review was initially sought by the Police by way of an expedited review, which allowed a fast track process for requesting the addition of interim conditions to the premises licence of a Club, as the Police were concerned that it was associated with serious crime and disorder. The Board dealt with this expedited review by reducing the licensable hours and removing the designated premises supervisor as interim measures. Subsequently, the full review of the premises licence affirmed this decision.
- 2.6 A review application was also made by a local ward councillor in relation to a snooker and pool club on grounds relating to all four of the Licensing Objectives. Due to the Board's assessment that the evidence was very finely balanced, the Board issued a two year warning to the respondent.
- 2.7 One of the three applications for a premises licence was made by a take-away for late night refreshment, which was granted subject to conditions. Another was made by a general store for the sale of alcohol but as the Board felt the information was unclear, it asked the parties to either represent their case or come to an agreement under the oversight of the Licensing Officer. The third premises licence application was made by a convenience store seeking permission for the sale of alcohol, which the Board granted subject to conditions.
- 2.8 One of the three applications for variation to the premises licence was submitted by the YMCA seeking the addition of the sale of alcohol to its licensable activities. This was granted subject to conditions. Another application, also seeking permission for the sale of alcohol, was made by Costcutter, which the Board refused. The final application for variation, submitted by the owner of a convenience store seeking permission to extend the licensable hours on his licence, was partially granted by the Board.
- 2.9 Decisions made by the Board may be appealed at the Magistrates' Court. Of the 11 review applications determined by the Board, two were appealed, one of which was overturned and one of which is pending.

3. Options Appraisal – n/a

4. Consultation

- 4.1 The Chair of the Board, the Trading Standards Manager and the Licensing Officer have been consulted on this report.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources

Telephone and email: 020 8227 2261/ david.abbott@lbbd.gov.uk

- 5.1 There are no financial implications associated with this report; this is a summary review of past activity only.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager & Deputy
Monitoring Officer

Telephone and email: 020 8227 3295/ fiona.taylor@lbbd.gov.uk

6.1 There are no legal implications associated with this report.

7. Other Implications - There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report:

- Agenda and minutes of the Licensing and Regulatory Board 2011/ 2012
- Council Constitution

ANNUAL ASSEMBLY

16 MAY 2012

Title: Overview and Scrutiny Annual Report 2011/12	
Report of the Chief Executive's Unit	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Daniel Ward, Democratic Services Manager (Scrutiny and Members)	Contact Details: Tel: 020 8227 2456 E-mail: daniel.ward@lbbd.gov.uk
Accountable Divisional Director: Tasnim Shawkat, Legal and Democratic Services	
Accountable Director: Stella Manzie, Chief Executive	
Summary: <p>The report set out at Appendix A is a showcase for scrutiny undertaken by the Council's five themed select committees in the 2011/12 municipal year. The report shows the contribution the scrutiny function has made to improving local public services, holding decision-makers to account, and promoting accountability and transparency within the organisation.</p> <p>The Scrutiny Team would like to thank all elected members who served on the Select Committees in 2011/12 and everyone who participated in the scrutiny process by preparing evidence, attending meetings, or engaging with scrutiny through consultation exercises.</p>	
Recommendation(s) Assembly is asked to note the achievements of the Select Committees	

1. Introduction and Background

- 1.1 Article 2, section 8.2.1.7 of the Council's Constitution requires the themed scrutiny select committees of Barking and Dagenham to present an annual report to the annual meeting of the Assembly.

2. Proposal and Issues

- 2.1 The purpose of this report is to update the Assembly about the work and achievements of the scrutiny function in 2011/12.

3. **Options Appraisal** - n/a
4. **Consultation** - n/a
5. **Financial Implications** – There are no financial implications associated with this report; this is a review of past activity only.
6. **Legal Implications** – There are no legal implications associated with this report.
7. **Other Implications** – There are no other implications associated with this report.

Background papers used in the preparation of the report

- Agendas and Minutes, Children’s Services Select Committee (2011/12)
- Agendas and Minutes, Health and Adult Services Select Committee (2011/12)
- Agendas and Minutes, Living and Working Select Committee (2011/12)
- Agendas and Minutes, Public Accounts and Audit Select Committee (2011/12)
- Agendas and Minutes, Safer and Stronger Community Select Committee (2011/12)

List of appendices

- Appendix A: Overview and Scrutiny Annual Report 2011/12
- Appendix B: Timeline of all other issues scrutinised by Select Committees in 2011/12
- Appendix C: Members and Officers for 2011/12
- Appendix D: Audit activity undertaken by PAASC in 2011/12
- Appendix E: Feedback from scrutiny members

OVERVIEW AND SCRUTINY



Annual Report 2011/12

1. INTRODUCTION AND BACKGROUND

- 1.1 Scrutiny is a Member-led statutory function in the Council, responsible for holding decision-makers to account, reviewing performance, and making a positive impact on public services through investigations and policy development. Scrutiny contributes towards the good governance of the Council and acts as a champion for transparency and accountability within the authority and its partners. Scrutiny is an outward looking function of the Council and seeks to promote effective partnership working between public bodies providing services in Barking and Dagenham.
- 1.2 The London Borough of Barking and Dagenham (LBBD) has five themed Select Committees that carry out the role described above. This report takes a look back at the scrutiny work undertaken by the Select Committees in 2011/12, highlighting some of the key achievements and issues investigated by Members.

2. HOLDING THE CABINET TO ACCOUNT

- 2.1 The primary role of Scrutiny is to act as a check and balance to the Cabinet ensuring that it discharges its powers correctly, and challenging the Cabinet on weak performance to ensure that Barking and Dagenham is a well-performing local authority.
- 2.2 In 2011/2012, Scrutiny has held the Cabinet to account in the following ways:
- 2.3 Performance monitoring**
- 2.3.1 The Scrutiny function, through regular reporting to the select committees, maintains oversight of the Council's performance in all areas in order to understand the reasons behind poor performance and to see that corrective action is being taken to address such issues.
- 2.4 Compliance**
- 2.4.2 Compliance has been a major theme through the PAASC's work in 2011/12 and a good example of where scrutiny has been robust when looking at performance issues. The PAASC remains concerned about the inability of departments and individuals to comply with agreed procedures and protocols, as a result of poor compliance unnecessary risk is being placed on the Council.

2.4.3 Having been alerted to several incidents of non-compliance through internal audit investigations the PAASC would like officers to redouble their efforts to ensure that a strong culture of compliance is mainstreamed within the organisation. The PAASC is also concerned by the level of staffing cuts and the resulting “brain drain” the council may experience. The PASSC asks officers and portfolio holders to monitor this situation and the potential impact it may have on compliance.

2.4.4 The PAASC recommends that compliance remains a high priority and further work is undertaken by the new membership and chief executive in 2012/13.

2.5 Budget Scrutiny

2.5.5 Scrutiny has a key role to play in helping the Council set the annual budget to ensure that it is fit-for-purpose and aligned with the priorities of the organisation. In November 2011, the select committees were invited to comment on, and help shape, the Cabinet’s budget savings proposals for 2012/13.

2.5.6 Scrutiny made an impact to the budget-setting process in the following ways:

- Broadway Theatre – Scrutiny called for an options appraisal about the Theatre’s future to be conducted before £100k of Council funding was withdrawn.
- Community events programme – Scrutiny asked officers to provide further evidence about the viability of the Town Show, and plans for how it could continue to operate in future.
- One Stop Shops – Scrutiny examined proposals to shut One Stop Shops on alternate days, looking at the issue from the point of view of service users. Scrutiny raised concerns about the confusion that the proposals would cause to residents, and its report contributed to the proposals being significantly revised.
- Senior management re-structure – Scrutiny represented concerns held widely by Members, that the authority, in cutting some key management posts, would damage its ability to deliver improvements. As a result, the Chief Executive provided further detail about the robustness of her proposals and participated in two Scrutiny question sessions.

2.6 Call-in

2.6.7 Under the provisions of the Local Government Act 2000, all non-executive elected members have the right to challenge the decisions taken by the Cabinet before they are implemented. A decision can be ‘called-in’ where there is a failure in the decision-making process, deviation from the Council’s budgetary and policy framework, or sufficient controversy among local people.

2.6.8 The call-in powers do not apply to quasi-judicial decisions and can be by-passed in circumstances where delay in taking the decision could seriously prejudice the Council’s or the local people’s interests. Further information about the call-in process can be found in Article 5B of the Council’s constitution.

2.6.9 In 2011/12 three decisions of the Cabinet were challenged and referred to the Select Committees for further examination.

- **Gascoigne Estate Renewal - Site Delivery and Disposal Options**

There was potential disagreement between the Cabinet and a group of non-executive members about the proposed way forward to regenerate the Gascoigne Estate. Members were concerned that entering into a joint venture with a housing association would result in a loss of rents to the Council and less control over the properties in that area. There were also question marks over how the housing association would be held to account through the joint working arrangements. Having thoroughly explored these issues the LWSC dismissed the Call-in and was able to resolve the potential disagreement in favour of the Cabinet proposals.

- **Budget Strategy 2012/13 to 2014/15**

As part of the budget-setting process for 2012/13, a proposal to re-organise the Council's senior management team was called-in. Members were concerned that removing the post of Divisional Director for Audit, Risk and Assurance would undermine the Council's drive to mitigate risk and improve compliance. The concerns of the Members were backed up by a number of reports previously submitted to the committee which suggested the Council had not complied with processes and procedures. The Members calling-in the decision also felt that in a time of major organisational change it was inadvisable to reduce or dilute the audit and risk function.

The call-in was referred to the Public Accounts and Audit Select Committee and discussed at a meeting on 17 January 2012. After receiving representation from the call-in Members and considering the evidence submitted by the Cabinet Member for Finance, PAASC referred the decision back to the Cabinet for reconsideration. PAASC felt strongly that the post in question was indispensable given the history of non-compliance and high corporate risk. PAASC also had reservations about the audit and risk function being shared between a small group of senior officers as lines of accountability and ownership appeared to be blurred under the new arrangements. PAASC therefore recommended to Cabinet that the post was maintained for at least a further two years or that the possibility of temporarily sharing an senior audit post with other Councils was explored.

- **Review of Shared Head of Service and Future Proposals**

In January 2011 the Cabinet agreed a pilot under which Barking and Dagenham would second from Thurrock their Head of Legal and Democratic Services to jointly fulfil the role as head of service and Monitoring Officer for both authorities on a shared basis. This arrangement was reviewed by Cabinet in January 2012 and a decision to integrate further with Thurrock's Legal services was taken – and subsequently called-in.

Members were concerned that the phase two plans had not taken into account the incompatibility of each organisation's IT packages or the working hours lost by legal staff travelling between locations and the impact these issues might have on the overall efficiency of the service.

The call-in was referred to the Public Accounts and Audit Select Committee and discussed at a meeting on 01 February 2012. Having examined the phase two proposals in more detail PASSC dismissed the call-in, but in doing so requested that future phases of the shared legal service arrangements with Thurrock are subject to pre-decision scrutiny.

3. CABINET REFERRALS

3.1 As well as holding the Cabinet to account for the decisions it takes, Scrutiny is able to work collaboratively with the Cabinet. Scrutiny has attempted to assist the Cabinet by conducting investigations into topical issues identified by Cabinet Members.

3.2 In 2011/12, the Cabinet referred three issues to the Select Committees for further investigation:

3.3 Capital Programme

3.3.1 The Capital Programme is a sizable portion of the wider Council budget and it currently stands at £293m for the five year period 2010/11 to 2014/15. Cabinet Members asked Scrutiny to look at the major projects currently underway to assess any slippages (both time and spend), the reasons for such slippages, and what the Council was doing to rectify such situations. The investigation revealed three major issues:

- Sometimes the Council may have to wait for up to six months for vital utility work to be initiated and/or completed by external companies. This can have significant cost and time impacts on projects, but is largely outside the control of the Council or its contractors.
- Planning requirements, underperformance of contractors, and complex site arrangements had all slowed down capital projects.
- There is sometimes a need for specialist procurement expertise to ensure projects remain on track.

3.3.2 Following the investigation, officers have since been tasked to produce six-monthly update reports on the Capital Programme so Scrutiny can track progress on behalf of Cabinet. Incorporated into this report will be information on the final accounts of contracts with a value in excess of £400,000 in accordance with the Code of Practice.

3.4 Building portfolio contract

3.4.1 The Council has outsourced the professional management of the non-operational buildings asset portfolio to Glenny LLP for almost 14 years, although the last extension expired in March 2012. The portfolio comprises of 423 commercial properties owned by the Council and leased out to business tenants plus some 21 premises leased in from external landlords for Council use. It accounts for £2.6million of revenue for the Council per annum.

3.4.2 Cabinet Members asked that Scrutiny look at the contract to ensure it continues to provide value for money, and look into the steps being taken to reduce outstanding debts and the future provision of the contract.

3.4.3 PAASC considered four possible options to pursue when the Glenny contract expired, including transferring responsibility to the Council's joint venture, Elevate East London – the option that Cabinet chose to pursue.

3.5 Use of bailiffs

3.5.1 Between April 2010 and March 2011 there were 51 Corporate Complaints regarding the three bailiff companies the Council uses to collect debts. Cabinet Members asked Scrutiny to look at the continuing use of these companies, including what contracts were in place, what steps were being taken to reduce outstanding debts, and the nature of complaints received. PAASC recommended a number of changes in the way in which debt management is reported to Cabinet. These changes were agreed by officers and duly adopted.

4. HOLDING PARTNERS TO ACCOUNT

4.1 Under the provisions of the Health and Social Care Act 2001 and the Police and Justice Act 2006, the Council, through its Scrutiny function, is required to scrutinise the work and performance of key partner organisations. Examples of holding the NHS and Police to account in 2011/12 include:

4.2 Primary Care Strategy

4.2.1 In the summer of 2011, the HASSC opposed a number of NHS ONEL's budget savings options. Of particular concern to the HASSC was a proposal to reduce GP hours in Barking and Dagenham. After challenge from Members NHS ONEL felt it necessary to produce a primary care strategy for the borough before important decisions about the future provision of services were taken. In January 2012 NHS ONEL presented a draft primary care strategy to the HASSC.

4.2.2 The HASSC and Health and Wellbeing Board issued a joint response to the Strategy. The response criticised the quality of the consultation, the credibility of the data the Strategy is based on, and the lack of a clear action plan to address local primary care issues.

4.3 Health for North East London

4.3.1 In June 2011 members of HASSC and Cllr Worby gave evidence to the Independent Re-configuration Panel's review of the Health for North East London proposals. HASSC has since reviewed the implementation plan for the proposals to ensure that it takes account of the major challenges the local health economy is facing.

4.4 CQC's investigation of Barking, Havering and Redbridge University Hospitals Trust

4.4.1 In August 2011, members of HASSC gave evidence to CQC's full investigation of the local hospital trust. Further to this, in December 2011, Averil Dongworth (Chief Executive of BHURT) attended HASSC to respond to CQC's findings, explain how the Trust intended to turn the situation around, and be held accountable for the long standing poor performance of the Trust.

4.5 Barking Community Hospital

4.5.1 After continued delays to the opening of services at Barking Community Hospital in Upney Lane the HASSC summonsed senior NHS officers to its meeting in September to be held to account. Members pressed for assurances that key milestones for opening the birthing centre would be met and sought an explanation as to why the delays for transferring services occurred.

4.6 Riots and disorder

4.6.1 The Safer and Stronger Communities Select Committee held a special meeting to review the impact of the 2011 riots and the how Barking and Dagenham's Community Safety Partnership responded to the disturbances. Members were particularly impressed with the way the Council and the frontline services communicated with local businesses and the community. Also positive responses were received by residents about the way they were kept informed and updated on the incidents. Members felt that effective communication with the community and working jointly with partners was the key in addressing the situation successfully.

5. SCRUTINY REVIEWS

5.1 Further to the powers to hold decision-makers to account, the Local Government Act 2000 also gave Scrutiny the mandate to review, as it so wishes, any area of Council activity or matters of wider local concern. The purpose of scrutiny reviews is to suggest to commissioners and providers of services ways in which the customer's experience can be improved.

5.2 Review work forms a major part of the Select Committees' work programmes, several reviews have been completed in 2011/12.

5.3 Private Sector Rented Accommodation

5.3.1 The demand for private rented accommodation in Barking and Dagenham is so high that opportunistic landlords are in a position to take advantage of, and profit from, a heated market. The Council is becoming increasingly aware of bad practice by a minority of landlords and instances where tenants are living in poor conditions because they have limited options and do not know, or do not exercise their rights. During this review Members have looked at case studies where tenants have fallen victim to poorly drafted tenancy agreements, unfair charges, excessive or withheld deposits, illegal evictions, and properties in a serious state of disrepair.

5.3.2 The LWSC investigated the emerging private rented sector in the borough and devised six recommendations to tackle bad landlords, empower and educate tenants, and make private rented accommodation more affordable to residents. The

final report which details the findings from the review is being presented to the Assembly on 16 May 2012.

5.4 Maternity Services

5.4.1 A working group of the HASSC, led by Cllr Alasia, conducted a scrutiny of maternity services provided by BHRUT following a series of high profile tragedies, poor performance and intervention from CQC. The working group engaged with commissioners, the independent Maternity Services Liaison Committee, and the Local Involvement Network. Furthermore, Cllr Salam visited Queen's Hospital to tour the maternity wards and speak with staff and new mothers. The working group made 10 recommendations.

5.5 Special Educational Need

5.5.1 In March 2011, The Coalition Government announced the publication of a Green Paper entitled "Support and aspiration: A new approach to special educational needs and disability – A Consultation" which outlined a proposed overhaul of how children with special needs and disabilities are treated in the English school system. The Children Service's Select Committee felt that a scrutiny review of this area would help the Council's Children's Service to implement the proposals and so improve, where possible, the services received by children with SEN.

5.5.2 A review was therefore undertaken from July 2011 to February 2012 which included investigating the current SEN provision in the borough and how it can be adapted to the new proposals to deliver an efficient service. CSSC heard evidence from a range of stakeholders including the Disabled Association of Barking and Dagenham (DABD uk), a former pupil with SEN, the Head Teacher of Dagenham Park Church of England School, and Council officers from the various teams involved in current SEN provision in the borough – Educational Psychology, Special Educational Needs and Inclusion Services and Early Years Inclusion Services. CSSC also visited two schools that cater for children with special education needs.

5.5.3 Overall, CSSC was pleased to note the many good examples of good practice in SEN provision and supported proposals within the Green Paper to improve SEN provision. The Select Committee made eight recommendations and will monitor the progress of the implementation of the recommendations in June 2012.

5.6 Supporting victims of ASB

5.6.1 From December 2011 to April 2012 the Safer and Stronger Communities Select Committee investigated the support provided by the Council and its partners to victims of ASB and assessed whether it has assurance that the mechanisms for supporting victims of ASB are in place.

5.6.2 The review included Members working through anonymous case studies with officers and stakeholders to understand the different ways victims can be supported. Members also met with victims to hear firsthand the impact ASB had on their life and how they were helped by various agencies, and how the support provided might have been improved.

- 5.6.3 In addition, Members observed the Victim Offender Location and Time (VOLT) Group meetings to gain understanding of the Partnership's approach to tackling ASB. They also heard from the Police, Anti-Social Behaviour Team, Mediation Services, and Victim Support Group on how they support victims of ASB.
- 5.6.4 During the review, SSCSC identified a number of issues relating to ASB in housing services and concluded that it was satisfied with the way victims of ASB were supported by the Council's ASB team. However, Members felt that a review into the way Housing Services supports victims of ASB was needed. SSCSC proposed that new Members of the Select Committee undertake a phase two review into the way victims of ASB are supported by Housing Services in the new municipal year.
- 5.6.5 A report outlining the work done by the Select Committee and the findings was agreed at its meeting in April 2012. The report also included a proposed terms of reference for the phase two review.

5.7 Housing support for offenders in Barking and Dagenham

- 5.7.1 Concerns had been raised by Members about the way the bail hostels had been managed in the borough. Members therefore decided to explore the issue further and heard from a number of services and agencies responsible for managing the bail hostels in Barking and Dagenham.
- 5.7.2 SSCSC established that some agencies had failed to address the concerns/issues raised by the residents and that Barking and Dagenham lacked a co-ordinated process and response to the proposed acquisition of a Bail Accommodation and Support Service premises. SSCSC asked the Barking and Dagenham Community Safety Partnership to review this further and report back outlining the lessons the agencies learnt including the development of an action plan on how similar mistakes could be prevented in the future.
- 5.7.3 In April 2012 the Select Committee received a report from the Council's Housing Services proposing a number of approaches for improvement to remedy the fragmented and uncoordinated approach to acquiring a suitable BASS accommodation in the borough. This included the formation of a task and finish group led by the Chief Inspector of Communities and Partnership and the Divisional Director of Housing Strategy to work collaboratively with the BASS to identify suitable premises at a suitable location in the borough.

5.8 Benefit Claims

- 5.8.1 PAASC investigated delays to housing benefit claims following concern raised by Members. To gather evidence PAASC undertook a site visit to the service at its offices on Stour Road, Dagenham. Councillor Saeed, the chair of the committee, spent several hours speaking to staff and listening to their views and opinions on the service.
- 5.8.2 Overall, PAASC was extremely pleased at the progress the Benefits Claims team made during the course of its review. Six recommendations emerged from the review:

- a “hotline” telephone number should be created and circulated to all elected members and relevant third sector groups
- an officer working group should be established to take ownership of benefit claims
- the language used in correspondence about benefit claims is improved, where legislation allows
- the “Housing Benefit and Council Tax Benefit Charter” should be given to all customers at the outset of their benefits claim and specifically referred to in other correspondence
- The LWSC considers multiple occupancy as a potential scrutiny review topic in 2012/13
- the Instant Claims Processing service offered in the One Stop Shops is protecting from cuts in future rounds of budget savings

5.8.3 The committee has since written to all the staff in the department to express its thanks at their hard work and dedication. PAASC is confident that the service is on track to ensure the delays which sparked the review will not be repeated in the years ahead. It urges the 2012/2013 membership to monitor the situation closely, however.

6. POLICY DEVELOPMENT

6.1 As scrutiny is non-political and non-adversarial, the scrutiny forum is a good place to develop new and existing Council policies. Scrutiny’s feedback on forthcoming strategies and policy documents is greatly valued by portfolio holders and chief officers, and as such is an area of Scrutiny work that is growing in Barking and Dagenham. Examples from the 201/2012 municipal year include:

6.2 Transitions Strategy consultation

6.2.1 CSSC and HASSC reviewed the draft Transition Strategy for disabled young people with support needs. The strategy primarily focused on young people who have long-term substantial care and support needs due to a disability or impairment and are therefore likely to require and be eligible for continued funded support when they become adults. The HASSC submitted a response to the Strategy that contained a recommendation to ensure that the new skills centre in Barking is part of the offer available to disabled young people.

6.3 Community Engagement and Empowerment Strategy consultation

6.3.1 In October 2011, SSCSC reviewed the Council’s draft Community Engagement and Empowerment Strategy before it was considered by Cabinet in November 2011. The Strategy focused on strengthening the Council’s relationship with the public and developed new ways of engaging and building trust with the local community.

6.3.2 Overall, Members supported the strategy. They were particularly pleased with the recommendation to use social media, such as Facebook and Twitter, as a method of engagement to reach a wide range of groups. Members felt that regular engagement with the community is vital in building a strong relationship with the public.

6.4 Sports and physical activity strategy

- 6.4.1 In December 2011, Members reviewed the borough's Sports and Physical Activity Strategy, which had been developed with the Community Sport and Physical Activity Network. The strategy's themes included building capacity by providing the right type of facilities, increasing participation in sport and physical activity and strengthening partnership working by increasing the number and quality of volunteers, coaches and clubs. The strategy was welcomed by Members.
- 6.4.2 However, Members felt that faith leaders should also be consulted on the strategy. Officers took this suggestion on board and engaged with community leaders to raise profile of sport and physical activity.

6.5 Arts Strategy

- 6.5.1 SSCSC was consulted on the draft Arts Strategy for their suggestions and comments. Members overall supported the strategy but felt that the work of the individual artists in the borough should be further promoted through events arts fairs or markets. Members also felt that more should be done to identify hard to reach groups.

6.6 Infant and Junior Schools Amalgamations

- 6.6.1 In February 2012, CSSC reviewed the school amalgamation scheme which included a briefing on the amalgamation of a number of schools in the borough and the informal stage and four formal stages process to the re-organisation.

7. PRE-DECISION SCRUTINY

- 7.1 A key tool to assist Scrutiny Committees with identifying and scrutinising decisions before they are made by Cabinet Members is the Council's Forward Plan, which carries notice of issues to be considered for Cabinet decision..
- 7.2 Through using the Forward Plan, Members are able to support the decision-making process by scrutinising decisions before they are taken. Examples of effective pre-decision from 2011/12 include:

7.3 Debt management

- 7.3.1 In September 2011 PAASC undertook a pre-decision scrutiny of the Council's Debt Management Policy. The report going to Cabinet contained the proposed new Debt Management Policy for the Council. It outlines that the Council has a duty to recover outstanding debts and, in doing so, ensure that its processes are fair to everyone. The policy has been drafted to minimise debt and maximise rates of collection.
- 7.3.2 PAASC challenged the robustness of the policy in several places and its deliberations were reported back to the Cabinet by the Cabinet Member for Finance, Revenues and Benefits (who also attended the meeting).

7.4 Fairer Charging Policy

- 7.4.1 The HASSC conducted pre-decision scrutiny of the Cabinet's proposal to change the charging policy for non-residential services. Members raised concerns over the timing of the change and the length of the transition period. Overall the HASSC felt that the new policy was fair and praised the Cabinet for making a number of concessions to protect the vulnerable and minimise the impact to residents. The HASSC made three recommendations which were adopted by Cabinet in July 2011.

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Timeline of scrutiny by Select Committees in 2011/12

The timeline below lists in chronological order one-off issues scrutinised by the Select Committees in 2011/12.

June 2011

— Gray's Court: Quality of care and safeguarding Issues

Following allegations of institutional abuse at Gray's Court, Jacqui Van Rossum (Executive Director, NELFT) attended the HASSC to assure Members that vulnerable adults were being safeguarded and that staff at the Community Hospital treated patients with dignity and respect. Cllr A Salam followed up discussions with a site visit.

— Support for carers of people affected by stroke

The HASSC scrutinised the support available to carers of people affected by stroke including information and advice, respite care, and assistance provided by local voluntary sector organisations help to affected carers. In preparation for this item Cllr Alasia visited a stroke club in Dagenham to engage with stroke victims and their carers.

July 2011

— Effects of Housing Benefits cuts in LBBDD

The LWSC was concerned about the potential impact the Coalition Government's housing benefit reforms might have in Barking Dagenham. The reforms will change the cap for housing benefit making it more expensive for people to live in the inner-London boroughs causing migration to cheaper outer-London boroughs like Barking and Dagenham, which already has a heated private sector rented housing market.

— School admissions

The CSSC wanted to learn about the process and the criteria behind parents applying for school places for their children. To this end, Members received a briefing from officers outlining the admissions procedure for both primary and secondary schools, the deadline dates for applying and how application forms are processed. Members were concerned about parents, especially those new to the borough, not knowing the correct procedure for a school application but were reassured by officers that the Family Information Service was working with vulnerable families to educate them on the procedure.

August 2011 – Recess

September 2011— **Pressure surge planning**

Following poor performance at Queen's Hospital during the winter of 2010/2011, the HASSC scrutinised the NHS's plans for dealing with winter pressures, other surges and vaccinations.

— **Support for benefits advice and appeals**

In light of the Coalition Government's welfare reforms members were concerned that local people may be confused or missing out on the benefits they are entitled to receive. The HASSC looked at the support that is available in the borough for people requiring information, advice and support on benefits.

— **Education Attainment Review including Outcomes for Looked After Children**

The Select Committee in February 2012 reviewed the borough's performance in the summer 2011 public examinations and tests in relation to Early Years Foundations Stage, Key Stage 1 and 2, GCSE, A-Level and attainment for looked after children in Key Stage 2 and 4.

October 2011— **Serious Case Review**

In October 2011, the Select Committee was presented with a Serious Case Review regarding Child T and Child R. Members reviewed the history of the case which involved multiple agencies over the past 12 years.

November 2011 – (see budget scrutiny, paragraph 2.5 above)**December 2011**— **Community transport**

Several members had received complaints from elderly residents who had been received an unsatisfactory service from Dial-a-ride. After reviewing the performance of Dial-a-ride locally, the HASSC agreed to escalate the problems experienced by residents with commissioners at a pan-London level.

— **Close to home: an inquiry into home care**

Following a major national inquiry by the Equalities and Human Rights Commission into home care, the HASSC sought assurances that human rights are given due attention by commissioners, that the monitoring of providers of home care is robust, and that older people are treated with dignity and respect when receiving care.

January 2012— **Ofsted Annual Performance Assessment**

The CSSC reviewed the outcomes of the 2012 Ofsted Annual Performance Assessment which highlighted the key strengths and areas for further improvement. Overall the Assessment showed Barking and Dagenham's schools to be operating to high standards, although further work needs to be done to improve attainment at primary schools and there is also a need to reduce obesity levels among 11 year olds and reduce teenage pregnancy levels.

— **Barts and the London, Whipps Cross and Newham Hospital Trust merger**

The Merger Team was invited to attend the HASSC to share the business case, implementation plans, and identify possible implications for Barking and Dagenham residents that use inner-London hospital services.

— **Single Equalities Scheme**

The SSCSC received a summary of the work undertaken by the Council under the Single Equality Scheme, the requirement under the Public Sector Equality Duty 2011 for the Council to develop objectives which meet the new duty, and the work undertaken to prepare the revised Equality Objectives which were presented to Cabinet for decision in February 2012.

— **Highways maintenance programme**

The LWSC requested an update on the Council's Highways Maintenance Programme to see how it has adapted to complete the range of works required with reduced budgets.

— **Energy saving and carbon reduction programme**

The LWSC sought assurances from officers that the Council is maintaining its excellent record of being an environmentally friendly organisation in light of cuts to 'green' grants by the Coalition Government.

February 2012— **Prevalence of sickle cell disease**

Dr Ian Grant (BHRUT) attended the HASSC to give a presentation on the prevalence of sickle cell disease and the services provided in Queen's Hospital. At this meeting members challenged health partners on the lack of sickle cell services provided within the community setting.

— **Local Accounts**

The HASSC provided feedback to officers on the very first Local Account (a self-assessment of the performance of adult social care services) to inform the design and content of future editions.

March 2012— **Barking Station**

Representatives from C2C, the rail franchise that manages Barking Station, attended the LWSC to discuss the improvement plans for the station. At this meeting, Members requested more oyster top-up points, better travel information for the Hammersmith and City line, and changes to station announcements.

— **Becontree Heath Leisure Centre**

The LWSC looked back at the performance of the Becontree Heath Leisure Centre, which opened in May 2011, to ensure that targets were being met, teething problems had been resolved, and users of the Centre were satisfied.

— **Barking Town Centre**

High streets across the UK are struggling due to the recession and changes in the behaviour of consumers which mean more goods are purchased on-line or in large shopping malls. The LWSC scrutinised what the Council is doing to attract businesses to vacant shop premises and raise the overall prosperity of Barking Town Centre.

— **Dagenham Business Centre**

The LWSC requested an update on occupancy rates for the Dagenham Business Centre which opened in November 2011 as uptake from businesses to rent the office space available at the centre has been slow.

April 2012— **Broadway Theatre**

During the budget scrutiny process Members raised concern that the Broadway Theatre would become commercially unviable because of a proposed reduction to its funding received from the Council. The SSCSC was updated by officers on the options appraisal which was conducted to decide the future of the Broadway Theatre and assured that it would be able maintain a suitable arts and entertainment programme with the allocated funds.

Further information about any of the items in this timeline can be found in the agendas and minutes for the select committees.

Members and Officers for 2011/12

Listed below are the elected members and co-optees who served during 2010/11 along the officer contact and scrutiny champion associated with each Select Committee.

Children's Services Select Committee

Councillor L Butt (Chair)
 Councillor G Letchford (Deputy Chair)
 Councillor R Douglas
 Councillor A S Jamu
 Councillor E Kangethe
 Councillor T Perry
 Councillor B Poulton
 Councillor H S Rai
 Councillor A Salam

The following co-optees were appointed to provide representation for matters relating to education and schools:

Reverend Roger Gayler
 Mrs G Spencer
 Mrs Ghadeer Al-Salem Youssef
 Mr Ishmael Ncube
 Adam Conway

Officer Contact: Paramjit Nijher – tel: 020 8227 5796 / e-mail: paramjit.nijher@lbbd.gov.uk
 Scrutiny Champion: Helen Jenner – Corporate Director, Children's Services

Health and Adult Services Select Committee

Councillor D Twomey (Chair)
 Councillor S Alasia (Deputy Chair)
 Councillor E Carpenter
 Councillor J Channer
 Councillor A Gafoor Aziz
 Councillor E Keller
 Councillor D Rodwell
 Councillor A Salam
 Councillor J Wade

Hassam Olayemi was appointed as a co-optee to represent Barking and Dagenham Local Involvement Network.

Officer Contact: Glen Oldfield – tel: 020 8227 5796 / e-mail: glen.oldfield@lbbd.gov.uk
 Scrutiny Champion: Anne Bristow – Corporate Director, Adult and Community Services

Living and Working Select Committee

Councillor J Channer (Chair)
Councillor L Rice (Deputy Chair)
Councillor S Ashraf
Councillor J E McDermott
Councillor J Ogungbose
Councillor T Perry
Councillor H S Rai
Councillor A Salam
Councillor L R Waker

Officer Contact: Glen Oldfield – tel: 020 8227 5796 / e-mail: glen.oldfield@lbbd.gov.uk
Scrutiny Champion: Darren Henaghan – Corporate Director, Housing and Environment

Public Accounts and Audit Select Committee

Councillor D Rodwell (Chair)
Councillor A S Jamu (Deputy Chair)
Councillor L Butt
Councillor J Channer
Councillor T Saeed
Councillor D Twomey

Jon Hayes and Garry Gerrish served on the select committee as independent advisors

Officer Contact: Christopher Owens – tel: 020 8227 5848 / e-mail: christopher.owens@lbbd.gov.uk
Scrutiny Champion: Tracie Evans – Corporate Director, Finance and Resources

Safer and Stronger Community Select Committee

Councillor T Saeed (Chair)
Councillor A Salam (Deputy Chair)
Councillor J Clee
Councillor J Davis
Councillor A S Jamu
Councillor M Mullane
Councillor T Perry
Councillor H S Rai
Councillor S Tarry

Officer Contact: Paramjit Nijher – tel: 020 8227 5069 / e-mail: paramjit.nijher@lbbd.gov.uk
Scrutiny Champion: Anne Bristow – Corporate Director, Adult and Community Services

Audit activity undertaken by PAASC in 2011/12

PAASC is also the body which undertakes the council's Audit Committee function. Throughout the course of the year it has received reports from the council's internal audit department and its external auditors, the Audit Commission.

Some of the items it has received include:

- Audit Plan 2011/12 (Internal Audit) – June 2011
- External Auditor Progress Report (Audit Commission) – June 2011
- Statement of Accounts / Annual Governance Statement (Internal Audit) – June 2011
- Various updates on the implementation of Audit Recommendations (Internal Audit)
- Internal Audit Composite Reports - Quarterly Progress Updates (Internal Audit)
- Annual Governance Report (Audit Commission) – September 2011
- CIPFA checklist (Internal Audit) – October 2011
- School Controls Environment (Internal Audit) – October 2011
- Assurance and Risk Policies Review (Internal Audit) – November 2011
- Corporate Risk Register – Quarterly updates (Internal Audit)
- Insurance Report (Internal Audit) – November 2011
- Annual Audit Letter (Audit Commission) – December 2011
- Certification of Claims and Returns Annual Report 2010/11 (Audit Commission) – February 2012
- Audit Plan 2011/12 - Main and Pension fund (Audit Commission) – March 2012
- Fee Letters 2012/13 – Main and Pension fund (Audit Commission) – March 2012
- Annual Audit Plan 2012/13 (Internal Audit) – March 2012

PAASC has been pleased with the progress made by officers in the audit and finance departments this year. It was particularly pleased to see the Statement of Accounts delivered on time and with a positive assessment from the Audit Commission. PAASC is thankful to officers for their hard work.

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Feedback from scrutiny members

The Scrutiny team is always looking to collect feedback from Members to ensure that the function is fulfilling their needs and adding value to the Council's objectives. In April 2011, members were asked to complete a scrutiny satisfaction survey, below are some of the key findings:

- Members are very satisfied with the support provided by the scrutiny officers and related directorates.
- Members were overall satisfied with the quality scrutiny review reports produced by the select committees.
- Members felt that scrutiny contributed to their personal development.
- Members believe that scrutiny provides a genuine challenge to Cabinet and partner organisations particularly through Call-ins that have demonstrated a robust challenge to Cabinet and external partners.
- Members felt that the evidence presented to the select committees has been of consistently high quality.
- There was a mixed response to the areas Members would like scrutinise more in the next municipal year with review work, budget scrutiny and performance monitoring being the most preferred options followed by pre-decision scrutiny.
- Members felt they were engaged and involved with the work of their select committees
- All Members who responded to the survey expressed interest in maintaining a role on a select committee.
- Members are satisfied with the current scrutiny arrangements but there is concern about the level of support dropping in the future as scrutiny officers are now assigned multiple select committees to support.

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ANNUAL ASSEMBLY

16 May 2012

Title: Annual Report of the Personnel Board 2011/ 2012	
Report of: The Personnel Board	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Councillor P Burgon, Chair of the Personnel Board Masuma Ahmed, Democratic Services Officer	Contact Details: Tel: 020 8227 2756 E-mail: masuma.ahmed@lbbd.gov.uk
Accountable Divisional Director: Martin Rayson, Human Resources	
Accountable Director:	Stella Manzie, Chief Executive
Summary: The Personnel Board has responsibility for determining appeals from staff below JNC in respect of: <ul style="list-style-type: none">➤ Dismissal on the grounds of redundancy, gross misconduct, capability and sickness absence, and➤ Final written warnings on the grounds of misconduct This report summarises the work of the Board during the 2011/12 municipal year	
Recommendation The Assembly is recommended to note the contents of this report.	

1. Introduction and Background

- 1.1 Boards are made up of a minimum of three Members involving normally the Chair and Deputy Chair plus one Member drawn from a pool of Members appointed by the Assembly.
- 1.2 The Board is supported by Michelle Coleman, Human Resources Manager for Employee Relations and, when required, a Legal Officer. Masuma Ahmed, Democratic Services Officer, provides administrative support and advice to members on governance and constitutional issues.

2. Proposal and Issues

Training

- 2.1 The Personnel Board is similar to the Development Control and Licensing and Regulatory Boards in that Board Members are obliged to act in a quasi-judicial and independent manner.
- 2.2 All Board Members are therefore required to undertake formal training before being allowed to hear appeals. The Human Resources Manager, Employee Relations and the Group Manager, Employment Law & Litigation, provided training at the beginning of the municipal year, with a further session also held later in the year to refresh Board Members on employment law and procedural matters.

Overview of Applications Determined by the Personnel Board

- 2.3 During this municipal year the Board has met to consider a total of 14 appeals against dismissal, none of which were upheld. The Board also heard two appeals against the imposition of final written warnings, both of which were partially upheld. The Board downgraded one of the final warnings to a second written warning and reduced the length of time the other warning would remain on the individual's record.

3. Options Appraisal – n/a

4. Consultation

- 4.1 The Chair of the Personnel Board and the Human Resources Manager for Employee Relations, were consulted on this report.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources

Telephone and email: 020 8227 2261/ david.abbott@lbbd.gov.uk

- 5.1 There are no financial implications associated with this report; this is a review of past activity only.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager & Deputy Monitoring Officer

Telephone and email: 020 8227 3295/ fiona.taylor@lbbd.gov.uk

- 6.1 There are no legal implications associated with this report.

7. Other Implications - There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report:

- Minutes of Personnel Board meetings 2011/ 2012
- Council Constitution

ANNUAL ASSEMBLY

16 MAY 2012

Title: Annual Report of the Standards Committee 2011/2012	
Report of: The Standards Committee	
Open	For Information
Wards Affected: None	Key Decision: No
Report Author: Kevin Madden Independent Chair Standards Committee	Contact Details: Tel: 020 8 227 2114 Email: Tasnim.shawkat@lbbd.gov.uk
Accountable Divisional Director:	Tasnim Shawkat, Divisional Director Legal and Democratic Services
Accountable Director:	Stella Manzie, Chief Executive
Summary: The Standards Committee is responsible for promoting and maintaining high standards of conduct by all Members, statutory co-opted Members and employees of the Council to assist them in observing relevant Codes of Conduct. This report summarises the work of the Standards Committee over the past municipal year.	
Recommendation(s) The Assembly is asked to note the annual report of the Standards Committee for 2011/12 and comment as appropriate.	

1. Introduction and Background

- 1.1 The current roles and functions of the Standards Committee were changed by the Local Government and Public Involvement in Health Act 2007, which included provision for complaints against elected Members to be assessed and dealt with locally, as opposed to them being sent to the Standards Board for England. The Standards Committee (England) Regulations 2008 came into force on 8 May 2008 and govern the assessment and review processes, investigations, hearings and appeals.
- 1.2 As a result of the Localism Act 2011 (referred to later in this report), Government has abolished the current Standards regime, with the new regime likely to be implemented from 1 July 2012.
- 1.3 The terms of reference of the Standards Committee are attached at Appendix 1.

- 1.4 The Committee has been tasked with making very careful and difficult decisions in relation to the complaints coming before them as to whether the Code of Conduct was engaged in any particular instance. The Committee was also particularly mindful of the cost of dealing with complaints, and has only committed to an investigation where they considered that, on the face of it, the cost of doing so appeared to be justified. Seemingly frivolous or tit for tat type complaints have not been pursued. Where no action has been decided by a Sub-Committee, complainants had a right of review, which gave them an opportunity to submit further evidence.

2. Proposal and Issues

Membership of the Standards Committee

- 2.1 The Standards Committee is chaired by an Independent Member, Kevin Madden, who was appointed as chair with effect from 11 October 2010. Mr Madden is a retired local government officer with more than 20 years' experience at Board level. During his career he promoted national initiatives on open government legislation and the development of effective complaint handling procedures for local authorities. He is also an Independent Member of the Standards Committee at the London Borough of Havering.
- 2.2 As well as the Chair, the membership of the Standards Committee comprises four elected Members and four further Independent Members. The Council Constitution (Part B, Article 7, paragraph 11.5) provides that Independent Members are appointed for a period of not more than four years and under the current standards regime, cannot be re-appointed to the Standards Committee until the expiry of at least two years.
- 2.3 The term of one of the Independent Members was due to expire on 31 December 2011 and two of the other Independent Members on 13 May 2012. As the new Standards regime will not now be implemented until 1 July 2012, Assembly has agreed (7 December 2011, minute 47 and 28 March 2012, minute 75) to waive paragraph 11.5, Article 7 of the Council Constitution and extend the term of these three Independent Members to 30 June 2012 or until such time as the new Standards regime is implemented.
- 2.4 There is also a vacancy for an Independent Member, which Assembly agreed on 23 February 2011 (minute 55) should remain vacant and be reconsidered when the future of the Standards regime became more certain.

Member Complaints between April 2011 and March 2012

- 2.5 One complaint was carried over from the last municipal year. Since May 2011, one further formal complaint made by a member of the public against a Councillor has been received and assessed. Both complaints resulted in the Assessment Sub-Committee referring the matters to the Monitoring Officer for other action.
- 2.6 The other action taken by the Monitoring Officer has resulted in:

- guidance and training being provided to both members and officers;
- a formal written apology from a subject Member to a complainant; and
- the review and redrafting of the Protocol for Member/Employee Relations

2.7 Both complaints related to alleged breaches of one or more of the following paragraphs of the Members' Code of Conduct:

- ❖ 3 (1) You must treat others with respect
- ❖ 3(2)(b) You must not bully any person
- ❖ 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
- ❖ 6(a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

Time taken in dealing with complaints

2.8 Any complaint is a cause for concern but since reporting to the Assembly in May 2011, only one further complaint has been received. This highly significant reduction in the number of complaints reflects well on the Council and indicates the success of ongoing Member training. Nevertheless, Standards Assessment Sub-Committee members spent a total of four hours in meetings considering the complaint carried over from the last municipal year and this further complaint. This does not include officer time taken in the preparation of documentation nor Committee members' time taken in reading that documentation and preparing for the meetings.

The Localism Act 2011 (the Act)

2.9 The Localism Bill received Royal Assent on 15 November 2011 and through the legislation, the Government has abolished the current Standards regime and the strategic regulator, Standards for England. The original implementation date set by Government for the new regime was to have been 1 April 2012 but this has been extended to 1 July 2012. Until that implementation date, any outstanding complaints are required to be completed under the existing regime.

2.10 The Act requires every principal authority to appoint one or more "Independent Person(s)", and further provides that a person cannot be appointed as an Independent Person if they have within the past five years been a co-opted voting member of a committee of the authority. This means that all existing Independent Members are ineligible to be appointed as Independent Persons.

2.11 The Standards Committee met on 27 February 2012 to discuss the implications of the Act and made the following recommendations to the Monitoring Officer:

Local Codes

Each authority is required to adopt a Code of Conduct but apart from the requirement to be consistent with seven principles based on the Nolan principles for conduct in public life, the Council is free to determine what to put in or leave out.

The Standards Committee concluded that the Code should be either:

- Nationally recommended provisions if they come from organisations such as the Local Government Association or the Association of Council Secretaries and Solicitors but with the scope for the Council if necessary to add to it such parts of the current Code appropriate to Barking and Dagenham; or
- based on the current Code, and maintaining its Ten General Principles

Withdrawal from meetings

Members should withdraw for all pecuniary interests, should not sit in the public gallery for that item of business, and this should be included in the Council's standing orders.

There should be a local provision requiring every elected or co-opted Member to be under a continuing duty to update the Register of Members' Interests.

Independent Persons

There should be one Independent Person (IP) undertaking the statutory role, which should be clearly defined. As the IP may be consulted by both the Monitoring Officer and the Councillor against whom the complaint is being made, the IP should not carry out investigations.

The IP should not be co-opted as a non-voting member of a new Standards Committee.

With regard to allowances, this should be considered in relation to what other authorities are proposing to do, particularly the London Boroughs.

Standards Committee

There should be a Standards Committee which would be the body that heard the outcomes of investigations. It could instead be a sub-committee of Audit.

It could be convened as the need arose.

It should be politically balanced.

It should be a decision-making committee unless it is intended to co-opt independent members, when it would make recommendations to a parent committee, another committee or Assembly.

Allegations

If the MO, in consultation with the IP, took the view that there was a clear breach, a formal investigation would not be required and the complaint could go to a Standards Hearing Committee that would be held in public.

The MO should arrange investigations.

There should be discretion for the MO, in consultation with the IP, to deal with a complaint where the MO feels a reasonable settlement could be reached between the complainant and the subject member.

The current practice of drawing a hearing sub-committee from among the members of the full Committee should continue.

Arrangements

If a member accepted evidence of misconduct, the matter would go straight to a hearing, except in those instances where the MO, in consultation with the IP could use "other action".

The Standards Committee or members drawn from it should conduct the hearing.

If there was no Standards Committee, then this would be a decision for Assembly, which could convene a panel of Councillors for that purpose, observing political balance.

It would be for the MO to secure the co-operation of the Police to investigate complaints of alleged criminal misconduct.

Dispensations

If there are to be separate governance and standards committees, requests for dispensations should be received and granted by the governance committee.

Training

- 2.12 The ongoing member training is important and in this connection the Committee urges members to attend all training sessions offered to them.
- 2.13 Elected members who were appointed to the Standards Committee by Assembly in 2011 have received specific training on the Code of Conduct and the procedures for carrying out assessments, reviews and hearings of complaints.
- 2.14 Pre-Assembly briefings have been provided to members on "Council and Member Risk – How to manage it" and "Social Media", and all member training has been delivered on:
 - Housing Allocations Policy Review
 - Children's Safeguarding
 - The Localism Act
 - Domestic Abuse

Annual Review of policies and procedures:

- 2.15 The Standards Committee has in the past reviewed policies and procedures relating to ethical standards and various codes, policies and protocols on an annual basis.

This year it was decided that instead of annual review, a fundamental review should be undertaken through the review of the Constitution and that thereafter reviews should be undertaken as and when necessary.

2.16 The Committee received a report at its meeting on 27 February 2012 as to the progress of the wholesale review of the Council Constitution.

2.17 Other reports received by the Committee related to:

- ❖ The current Code of Conduct which remains unchanged since 2008. However, as referred to earlier in this report, on implementation of that part of the Localism Act 2011 that relates to the Standards regime, Standards Committee members are of the view that there should continue to be a Code of Conduct that is either:
 - Nationally recommended by organisations such as the Local Government Association or the Association of Council Secretaries and Solicitors but with the scope for the Council if necessary to add to it such parts of the current Code appropriate to Barking & Dagenham; or
 - based on the current Code, and maintaining its Ten General Principles.
- ❖ As part of its yearly work programme the Committee received a report from the Divisional Director of Human Resources and Organisational Development from which the Committee was pleased to note that there was a culture showing that employees understood what was expected of them in terms of competencies and standards of compliance.

3. Options Appraisal

3.1 n/a

4. Consultation

4.1 All elected and independent members of the Standards Committee have been consulted in the preparation of this report.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant, Finance and Resources

Telephone and email: 020 8227 2261 david.abbott@lbbd.gov.uk

5.1 There are no financial implications associated with this report.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager and Deputy Monitoring Officer

Telephone and email: 020 8227 3295

6.1 The legal changes under the Localism Act 2011 are set out in this report.

7. **Other Implications** – There are no other implications associated with this report.

Background Papers Used in the Preparation of the Report:

Minutes of the Standards Committee and Standards Assessment Sub-Committee between June 2011 and May 2012.

List of appendices:

Appendix 1 – Standards Committee Terms of Reference

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SECTION L - THE STANDARDS COMMITTEE

1. Promoting and maintaining high standards of conduct by Members and employees.
2. Advising on the adoption, or revision of a Code of Conduct for Members.
3. Arranging Member training, as necessary, in relation to the Code of Conduct for Members.
4. Monitoring the operation of the Code.
5. Advising on the adoption or revision of a Code of Conduct for Employees.
6. Considering any general matters referred by Standards for England.
7. Considering any matters specifically referred by Ethical Standards Officers (working on behalf of the national Board) on findings of investigations.
8. Considering any matters where allegations of breaches of the Members' Code of Conduct have been referred to the Monitoring Officer for investigation
9. Considering the local determination of all such matters referred to in 7 and 8.
10. Appointing sub-committees to:
 - 10.1. carry out an initial assessment of formal complaints of Member misconduct and to review, at a complainant's request, any decision made by a sub-committee who dealt with an initial assessment;
 - 10.2. receive reports from the Monitoring Officer following investigation of complaints and determine cases and, where necessary, to (i) carry out a formal hearing as part of this process, and (ii) where failure to comply with the Code of Conduct has been found, impose upon the Member concerned any one of or any combination of sanctions as set out in Regulation 19 of The Standards Committee (England) Regulations 2008;
 - 10.3. with the agreement of the Chair of the Standards Committee, to consider any other items of Standards Committee business which are urgent.
11. Advising on "Whistleblowing" and any other procedures or policies associated with proprietary and/or ethical standards and receiving and considering any reports arising from, or concerned with, such procedures or policies, with the exception of those policies reviewed by Cabinet.

12. Receiving and considering any reports of concern from the Chief Executive, the Monitoring Officer, the Divisional Director of Legal & Democratic Services, the Divisional Director of Human Resources and Organisational Development, or the Corporate Director of Finance and Resources associated with conduct or probity issues.
13. Granting dispensations under the Standards Committee (Further Provisions) (England) Regulations 2009 (requirements relating to Members' interests as set out in the Code of Conduct).
14. Considering and determining any appeals further to the Monitoring Officer's determination of a complaint concerning an alleged breach by a Member of the Member/Employee Relations Protocol, in accordance with the provision within that document.
15. Considering and determining any appeals by individual members of staff whose posts have been determined as politically restricted in accordance with the Local Government (Political Restrictions) Regulations 1990 (as amended).
16. Making appropriate recommendations to the Assembly.

(Contact Officer: Group Manager, Democratic Services: Tel: 020 8227 2135)