

Notice of Meeting

ASSEMBLY

Wednesday, 28 March 2012 - 7:00 pm
Council Chamber, Town Hall, Barking

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

Chair: Councillor N S S Gill
Deputy Chair: Councillor E Kangethe

Date of publication: 20 March 2012

Stella Manzie CBE
Chief Executive

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AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests

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

3. Minutes - To confirm as correct the minutes of the meeting held on 22 February 2012 (Pages 1 - 13)

4. Appointments

5. Beam Park Prospectus (Pages 15 - 32)

6. Housing Strategy 2012-2017 (Pages 33 - 41)

The draft Barking and Dagenham Housing Strategy document (referred to as Appendix A in the report) is available to view on the Council's website at:
<http://moderngov.barking-dagenham.gov.uk/documents/s57875/Housing%20Strategy%202012-2017%20-%20App.%20A.pdf>

7. Pay Policy Statement 2012/13 (Pages 43 - 52)

8. **Statement of Licensing Policy 2012 - 2015 (Pages 53 - 87)**
9. **Extension of Term of Independent Members of the Standards Committee (Pages 89 - 92)**
10. **Leader's Question Time**
11. **General Question Time**
12. **Motions**

None received.
13. **Any other public items which the Chair decides are urgent**
14. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

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

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

**MINUTES OF
ASSEMBLY**

Wednesday, 22 February 2012
(7:00 - 8:45 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 R Baldwin	Councillor G Barratt
Councillor P Burgon	Councillor L Butt
Councillor E Carpenter	Councillor J Channer
Councillor J Clee	Councillor H J Collins
Councillor J Davis	Councillor R Douglas
Councillor C Geddes	Councillor M Hussain
Councillor A S Jamu	Councillor I S Jamu
Councillor E Keller	Councillor G Letchford
Councillor J E McDermott	Councillor M McKenzie MBE
Councillor D S Miles	Councillor M Mullane
Councillor E O Obasohan	Councillor J Ogungbose
Councillor T Perry	Councillor H S Rai
Councillor A K Ramsay	Councillor L A Reason
Councillor C Rice	Councillor L Rice
Councillor D Rodwell	Councillor A Salam
Councillor S Tarry	Councillor D Twomey
Councillor G M Vincent	Councillor J Wade
Councillor P T Waker	Councillor J R White
Councillor M M Worby	

APOLOGIES FOR ABSENCE

Councillor L Couling	Councillor R Gill
Councillor D Hunt	Councillor M A McCarthy
Councillor B Poulton	Councillor T Saeed
Councillor L A Smith	Councillor L R Waker

51. Declaration of Members' Interests

There were no declarations of interest.

52. Minutes (7 December 2011)

The minutes of the Assembly meeting held on 7 December 2011 were confirmed as correct, subject to the inclusion of Councillor Perry as being present at that meeting.

53. Appointments - Housing Forum Membership

Assembly received and noted a report presented by Councillor P Waker, the

Cabinet Member for Housing.

Assembly **agreed** to appoint all Councillors to their respective Forum and nominated those listed in the tables below as the Council's formal Board Members with voting rights:

Barking

Cllr Laila Butt	Abbey
Cllr Rob Douglas	Becontree
Cllr Jim McDermott	Eastbury
Cllr Chris Rice	Parsloes
Cllr Nirmal Gill	Longbridge
Cllr Dee Hunt	Mayesbrook
Cllr Barry Poulton	Thames
Cllr Emmanuel Obasohan	Valence
Cllr Dominic Twomey	Gascoigne

Dagenham

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

54. Councillor Louise Couling

The Chair informed Assembly that this item had been withdrawn as Councillor Couling had tendered her resignation as a councillor due to her continued ill-health. Assembly's best wishes for the future to Councillor Couling were duly noted.

55. Annual Report of the Barking and Dagenham Youth Forum 2011/12

The Chair welcomed the Barking and Dagenham Youth Forum Representatives – Jade Ramsey, Paul Cox, Adam Kaspar and Alexander Lau.

Assembly received and noted the annual report of the Barking & Dagenham Youth Forum (the Forum) introduced by Councillor Reason, Cabinet Member for Children and Adult Services, who summarised the excellent work that the Forum had undertaken in the past year.

On behalf of the Corporate Director of Children's Services, Erik Stein, Group Manager of Integrated Youth Service introduced the Forum representatives and thanked Assembly for having invited the Forum to give its presentation.

The Forum representatives each spoke in turn about the work of the Forum.

The Crime sub-group focused their campaign on bullying after a survey of their peers and school councils concluded that bullying was an issue for many young people.

The Crime sub group:

- applied for and received O₂ funding which they used to pay for training by Kidscape in how to deliver anti-bullying workshops to young people
- planned and developed an interactive anti-bullying workshop that they delivered to five secondary schools (Jo Richardson, Eastbury, Barking Abbey, Sydney Russell and All Saints) and Progress Project youth group (a forum for young people with disabilities)
- reviewed the anti-bullying policies for all secondary schools in the borough and wrote recommendations for each of them
- designed an anti-bullying questionnaire for pupils, the results of which would be sent to the schools together with the policy recommendations

The Education sub-group considered that there continued to be an issue around teenage pregnancy in the borough due to poor sexual health education in schools and focused their campaign on the delivery of a sexual health workshop:

- sub-group members took part in sexual health training from the Terrence Higgins Trust
- the workshop was planned to ensure its message would engage with young people
- the workshop was delivered to five youth groups in the borough
- feedback has shown that young people enjoyed that the workshop was delivered by other young people and that 80% of those attending learned something new

The Leisure sub-group's project focused on the need of young people to be able to easily access information on youth club provision in the borough:

- sub-group members researched on line what information was available
- visits to a range of facilities/clubs were arranged and criteria was written, based on what the sub-group members felt young people would want to know
- sub-group members practised interview techniques on each other
- youth clubs that were reviewed:
 - Volunteer Police Cadets
 - Youth League UK
 - Ab Phab Project
 - Young Carers Project
 - Kickz
 - The Hub
 - Alibon Youth Centre
 - Sydney Russell Streetbase Youth Club

as well as a generic session at the Vibe Youth Centre.

The Consultation Sub-Group participated in:

- Local children's workforce development consultation
- an Ofsted consultation on volunteering
- Tenant participation consultation
- LBBB Safeguarding Children Board website consultation – developing ideas and making suggestions about its appeal to young people
- B&D Skills centre consultation with Alan Lazell, Head of Skills & Learning

Two other Forum representatives, Azaan Akbar and Shekhar Seebaluck were elected in February 2011 to the UK Youth Parliament. They have attended regional meetings and Azaan attended an annual debate in the House of Commons in November 2011.

Other events that the Forum members had taken part in were:

- a visit to the BMX track in Dagenham
- Peer Outreach Event at City Hall
- discussions with police following the August 2011 disturbances
- a visit to the O₂ to take part in training to secure funds for the Crime sub-group
- Barking and Dagenham Partnership Conference
- Save the Children London Young Ambassador Summit
- National Takeover Day 2011
- The Forum Chair attended the Children's Services Select Committee meetings

Full Forum meetings had taken place in January 2011 when topics to focus on in 2011 were discussed; in April 2011 when a question time session was held; and in June 2011 when various presentations had been given.

Following questions from Members, who all congratulated the representatives on their excellent presentation, the Forum representatives advised that:

- they were honoured and inspired to have been invited to give their presentation in the Council Chamber;
- regarding the anti-bullying project
 - (a) though initially daunting, their confidence had grown with each presentation and some schools had invited them back to re-present;
 - (b) they felt that the schools in the borough had taken into account that bullying could happen through mobile phone and social media means;
 - (c) they felt that the Forum's recommendations would be listened to and would provide those recommendations to Members;
 - (d) because of the age range of the Forum (13-19) they had not taken the anti-bullying project to primary schools as they felt the Forum would be more in touch with secondary schools students and

opinions.

- two representatives of the Forum – Azaan Akbar and Shekhar Seebaluck - had been elected to the Youth Parliament as a Member and Deputy Member respectively.

The Worshipful the Mayor, Councillor McKenzie, stood to speak as a mark of respect for the young people of the borough. He referred to the work that he and former Councillor Thomas had done in establishing the Barking and Dagenham Youth Forum and thanked the Forum representatives for their delivery of an excellent presentation, stating that he considered our future was safe in their hands.

56. Response to Petition - Markyate Library

The Assembly received and noted the response to the petition introduced by Paul Hogan, Divisional Director, Culture and Sport. He advised that in reaching the decision, the following factors had been taken into account:

- the cost of the facility
- the footfall
- the number of borrowers
- the number of books loaned
- the number of libraries in the borough that are close together
- the overall number of libraries in the borough

He further advised that:

- the concerns of the Lead Petitioner had been considered;
- Councillor Collins, the Cabinet Member for Culture and Sport had attended consultation meetings with residents; and
- work was ongoing to ensure the continued use of the site by the Parent and Toddler Group.

The Cabinet Member confirmed his support for the Parent and Toddler Group's continued use of the site.

Assembly **agreed** for the reasons set out in the report that it was unable to support the petition.

57. Appointment of Monitoring Officer

Assembly received and noted this report introduced by the Chief Executive and **agreed** the appointment of Tasnim Shawkat as the Council's Monitoring Officer.

58. Statement of Priorities 2012/13

Assembly received and noted this report introduced by Councillor P Waker, Cabinet Member for Housing, on behalf of the Leader of the Council.

The Cabinet Member advised that the draft Statement of Priorities for 2012/13 summarised the main actions and activities to be taken by the Council during the

coming year, based on its Policy House and set in the context of the Medium Term Financial Strategy.

He outlined some of the key achievements to date in respect of the key priorities of 'Raising Household Incomes', 'Raising Standards in School and Post-16 Education' and 'Housing and Estate Renewal' and he referred to the plans set out within the draft Statement of Priorities document to further deliver on those aspects.

Members raised the following points on the draft Statement of Priorities:

- On the basis that 23% of our residents had no qualifications, could targets for improving the basic skills of adults at the Adult College and Further Education College be included?
- Could our twin town, Witten, be encouraged to share good practice?
- Could new ways be looked at for raising funds for education and encouraging people to spend locally, particularly during the Olympics period, by setting up a 'store club' type card on which rewards could be built?

The Cabinet Member concluded that Members' comments would be noted.

Assembly **agreed** to approve the draft Statement of Priorities 2012/13 as set out at Appendix 1 to the report.

59. Budget Framework 2012/13

Assembly received and noted the report of the Cabinet Member for Finance and Education, introduced by the Corporate Director of Finance and Resources on the proposed budget framework for 2012/13 which incorporated the following:

- The Medium Term Financial Strategy
- The level of savings already approved over the period 2012/13 - 2014/15
- The detailed annual revised estimates for 2011/12 and 2012/13
- The financial outlook for 2013/14 onwards
- The proposed level of Council Tax for 2012/13
- The Capital Programme
- The Prudential Indicators

The Corporate Director gave a short presentation. She advised that the General Fund revised net budget for 2011/12 was £183.381m and the proposed net budget for 2012/13 was £177.379m. The budget for 2012/13 incorporated a c£6m reduction in Central Government funding as well as other statutory, economic and demographic pressures but was mitigated by the budget savings agreed by Cabinet at its meeting on 14 December 2011 and other financial adjustments.

The Corporate Director commented that difficult decisions had again had to be made by Members to ensure that the Council maintained a robust and balanced budget going forward which protected front line services as far as possible and provided value for money to residents. The approach taken had also meant that it was possible for the Council to keep its Council Tax at the same level for a fourth consecutive year while at the same time implementing initiatives such as the

London Living Wage which would benefit the Council's lowest paid workers.

The proposed Capital Programme for 2012/13 to 2015/16 was c£459 and reflected the Council's major programmes to expand school place provision and the regeneration of housing estates, which included the building of new Council homes.

In the absence of the Cabinet Member for Finance and Education, the Cabinet Member for Regeneration advised that whilst the Council had faced budget cuts of £20m, we were spending less on support services, especially IT and continued to work jointly with other local authorities to reduce cuts which would limit the impact on services for the public.

Referring to cuts in back office staff, the Cabinet Member placed on record his gratitude to the people who had lost their jobs despite the good work that they had put into this community.

He further thanked:

- the Trades Unions for the work that they had done for their members,
- the Councillors who had taken part in the consultation process; and
- the members of the public who had attended meetings held by the Leader and Deputy Leader of the Council.

Despite the severe cuts, the Cabinet Member said that the Council's key priorities were being maintained:

- a good education, as exemplified by improving attendance at schools and local examination results
- a good household income, as shown by the Council's continued commitment to the opening of the Technical Skills Academy later this year
- a good home, as shown by the continued regeneration in the borough

He noted that the priority for raising household incomes in this economic climate was difficult, but that to drop that priority would be to let down the aspirations of our residents.

This would be the fourth consecutive year that Council Tax had not been increased as the Council sought to help households across the borough who struggled to balance their budgets on a daily and weekly basis.

In finalising the report, the Cabinet Member thanked the Corporate Director of Finance and Resources and her staff for their support during the budget preparation process, concluding that this budget would provide value for the future and that it gave hope to the residents of Barking and Dagenham.

The Chair invited Members to comment on the budget proposals.

Members noted their concerns that the budget savings had had a massive human cost, not only with regard to residents but also in staff job losses.

Councillor Inder Singh Jamu seconded the budget proposals, which were put to a

vote by a show of hands.

Assembly agreed:

- (i) A revised revenue budget for 2011/12 of £183.381m as detailed in Appendix B to the report;
- (ii) A base revenue budget for 2012/13 of £177.379m as detailed in Appendix C;
- (iii) That the current surplus arising from additional specific grant income be held in the Contingency budget, pending the announcement of the top-slice requirement and to mitigate future risks;
- (iv) The adjusted Medium Term Financial Strategy position for 2011/12 to 2014/15 allowing for other known pressures and risks at this time as detailed in Appendix E;
- (v) The Statutory Budget Determination for 2012/13 at Appendix D, which reflected a freeze, for the fourth consecutive year, on the amount of Council Tax levied by the Council, with a 1% reduction in the Greater London Authority precept approved by the London Assembly on 9 February 2012, as detailed in Appendix F;
- (vi) The Council's five-year Capital Programme as detailed in Appendix G.

60. Treasury Management Strategy Statement 2012/13

Assembly received a presentation from the Corporate Director of Finance and Resources on the Council's draft Treasury Management Strategy Statement for 2012/13 which set out the proposed borrowing limit for the year and a range of other aspects aimed at ensuring that the Council had prudent and robust arrangements in place to meet all of its financial commitments and responsibilities, in line with the requirements of Section 15(1) of the Local Government Act 2003.

The Corporate Director commented on the Investment Strategy and Borrowing Strategy which were the key elements of the overall Strategy and advised that the particular changes proposed in these respects would be kept under constant review in the light of the considerable uncertainty at the present time in the global economy.

In response to Members' questions, the Corporate Director advised that consideration was given to investing ethically and that maximising investments securely was the priority.

Assembly **approved** the Treasury Management Strategy Statement for 2012/13 at Appendix 1 to the report and, in doing so **agreed**:

- (i) The current treasury position for 2011/12 and prospects for interest rates;
- (ii) The revised Authorised Borrowing Limit (General Fund and HRA) of £465m for 2011/12, which included £265m for the HRA self-financing debt settlement and £55m estimated borrowing to finance the 2011/12 Capital Programme;
- (iii) The Borrowing Strategy, Debt Rescheduling Strategy and Policy on Borrowing in Advance of Need for 2012/13, including the Housing Reform

and effects on treasury management of Housing Revenue Account reform;

- (iv) The Minimum Revenue Policy Statement for 2012/13 setting out the Council's policy on repayment of debt;
- (v) The Authorised Borrowing Limit (General Fund and HRA) of £528m for 2012/13 as the statutory limit determined by the Council pursuant to section 3(1) of the Local Government Act 2003;
- (vi) The Treasury Management Indicators and Prudential Indicators for 2012/13; and
- (vii) The Annual Investment Strategy and creditworthiness policy for 2012/13, which outlined the investments that the Council may use for the prudent management of its investment balances.

61. Adoption of Joint Waste Plan and Local Development Framework Proposals Map

The Cabinet Member for Regeneration presented a report to the Assembly on a Joint Waste Plan Development Plan Document (DPD) that had been produced by the Council and the neighbouring Councils of Havering, Newham and Redbridge, who made up the four boroughs within the auspices of the East London Waste Authority (ELWA).

Assembly noted that the main purpose of the Joint Waste Plan DPD was to establish a 10-year planning strategy for sustainable waste management which enabled the adequate provision of waste management facilities in appropriate locations across the ELWA area. The sites within the Joint Waste Plan DPD were included in the Proposals Map for the overall Local Development Framework, which was available at the meeting.

Assembly **agreed** to adopt the Joint Waste Plan Development Plan Document and revised Proposals Map, as part of the Barking and Dagenham Local Development Framework.

62. Barking Station Masterplan Supplementary Planning Document

Assembly received and noted a report introduced by the Cabinet Member for Regeneration on the finalisation of the Barking Station Masterplan Supplementary Planning Document following an eight week public consultation on the draft Masterplan.

Assembly **agreed** to adopt the Barking Station Masterplan Supplementary Planning Document.

63. Adoption of Supplementary Planning Documents - Biodiversity, Trees and Development and Residential Extensions and Alterations

Assembly received and noted a report introduced by the Cabinet Member for Regeneration on the finalised Biodiversity Trees and Development and Residential Extensions and Alterations Supplementary Planning Documents (SPDs) following

public consultation on the draft SPDs.

Following questions from Members:

- the Cabinet Member would ascertain when the black poplar tree from Her Majesty the Queen would be presented to the borough.
- the Divisional Director, Regeneration and Economic Development advised Assembly that the Trees and Development Supplementary Planning Document had strengthened the Council's policy on protecting existing trees and ensuring the quality of new trees in relation to new developments.

Assembly **agreed** to adopt the Biodiversity Supplementary Planning Document, the Trees and Development Supplementary Planning Document and the Residential Extensions and Alterations Supplementary Planning Document.

64. Confirmation of Article 4 Direction for Houses in Multiple Occupation

Assembly received and noted the Cabinet Member for Regeneration's report on the proposal for the Council to formally implement a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 withdrawing permitted development rights for change of use of dwelling houses (Class C3) to houses in multiple occupation (Class C4).

The Cabinet Member referred to the particular circumstances within the Borough which led to a policy being adopted in 1995, as part of the Council's Unitary Development Plan, to control the number of family homes that were converted to houses in multiple occupation (HMOs) and the Cabinet Member for Housing commented on the on-going concerns in that respect.

Assembly **confirmed** an Article 4 Direction, covering the whole borough, withdrawing permitted development rights for changes of use from use class C3 (dwelling house) to use class C4 (house in multiple occupation), to be effective from 14 May 2012.

65. Motions

Motion 1 – Raising Household Incomes and Helping to Combat Child Poverty

Moved by Councillor Carpenter and seconded by Councillor Twomey:

"Raising household incomes is one of our top priorities in Barking and Dagenham. We know that the poorest in our community will pay the most as a result of the tax and benefit reforms designed by the Coalition Government. We also know that the poorest will suffer the most as a result of the cuts in services forced on us by the Coalition Government. Nevertheless, this Council will do all in its power to raise household incomes in our Borough during these harsh times, and help combat child poverty."

In moving the motion, Councillor Carpenter reminded the Assembly of borough statistics:

- the second lowest average household income in London at about £24,000 pa (£23,954 in 2009) and almost a quarter of households had an annual income of less than £15,000.
- 36% of the children in the borough were in workless households in 2010.
- the borough's high unemployment rates were 20.5% in August 2011 and would have increased since then.
- the percentage of the borough's residents with no qualifications (23.2%) was almost twice the national rate.

In seconding the motion, Councillor Twomey confirmed his support of Councillor Carpenter in drawing attention to the actions of the coalition government.

A number of Members welcomed the motion as it focused on one of the Council's key aims of raising household incomes. They commented that the coalition government's policy was inflationary, that the economy could not grow as people did not have money to spend but that this Council had done many things to help its residents such as:

- implementing the London Living Wage
- the joint partnership with Agilisys that had created 40 jobs
- the apprenticeship scheme
- the Skills Centre

Councillors Baldwin and Barrett challenged the motion on the basis that it was not worded strongly enough.

In conclusion, Councillor Carpenter stated that we could be proud of our ambition and achievements to try to raise household incomes and that this gave our residents hope. She said that there were many examples of how we were doing this – through:

- increasing jobs locally and through our Job Shops encouraging residents to apply for Olympic jobs
- encouraging residents to spend their money locally by using local shops and businesses
- having an ambitious capital programme and requiring firms to employ local people as far as possible
- smartening up our shopping parades so that existing and new businesses thrive and residents want to shop there
- making sure that our residents get the benefits they are eligible for and do not fall foul of new technological hurdles
- last but not least, encouraging our residents to improve their basic skills and qualifications to help get them into the jobs that exist locally and in the London job market.

She said it should not be forgotten that women were bearing the brunt of Britain's remorseless rise in unemployment and that many women in Barking and

Dagenham were the main or sole wage-earner. There were many single parent families in the Borough, which was why women needed the safe secure place for learning provided by the Adult College to gain basic skills, to improve their vocational qualifications and to help lift their families out of poverty.

She thanked Labour councillors for their debate on the motion and asked Assembly for their support.

The motion was put to the vote by way of a show of hands and **carried**.

66. Leader's Question Time

In the Leader's absence, no questions were presented.

67. General Question Time

General Question 1 from Councillor Alasia:

"The Metropolitan Police, though slow in their initial response, are to be congratulated on their hard work in achieving two convictions in the Stephen Lawrence case. The Council recognises the dignity and courage of Doreen and Neville Lawrence in their relentless fight for justice for their son, Stephen, and would urge the police to continue the good work so that the rest of his murderers are caught.

What is the incidence of hate crime in Barking and Dagenham currently, and how successful are our Barking and Dagenham Police in getting convictions?

What are the recent trends?"

Response from Councillor Alexander, Cabinet Member for Crime, Justice and Communities:

"I share the sentiment of Councillor Alasia and very much welcome the convictions of Gary Dobson and Davis Norris for the racially aggravated murder of Stephen Lawrence.

I am pleased to report that the partnership is working very hard in Barking and Dagenham to respond to the many different types of hate crime that people experience, whether they are racially motivated crimes like that against Stephen, or incidents of disability, harassment, homophobia or gender based crimes.

While the police sanctioned detection rate continues to increase in Barking and Dagenham, we are not complacent as we believe, as is the case across the country, that there is likely to be a high level of under-reporting. Therefore, we have taken a two pronged approach to increasing reporting levels: firstly by working to raise awareness of the different ways in which people can report these incidents and secondly by becoming more effective in our response by joining up with key stakeholders through a Hate Incident Panel. This Panel meets monthly to discuss cases and to ensure that our responses are well co-ordinated and, perhaps most importantly, they work. This ensures that each case receives the appropriate level of input from a specialist group of partner agencies."

General Question 2 from Councillor Butt:

"What powers has the Council to force landlords to dispose of household goods when a tenant has left the property? We have plenty of complaints from residents who take a pride in their neighbourhood, objecting to those landlords who leave beds, mattresses and other rubbish in their front gardens for weeks on end making the area look run down and filthy. Do you agree that the landlord should take the responsibility for making sure that front gardens are checked upon and kept clean, and how can we enforce this? Landlords take maximum advantage of the Council to get a free removal of their rubbish. This costs the Council thousands of pounds. The free removal of bulky household goods is for residents and not for the benefit of rogue landlords who mainly take advantage of this free service. What can we do to recover the costs from landlords of removing their rubbish?"

Response from Councillor Alexander, Cabinet Member for Crime, Justice and Communities, on behalf of Councillor McCarthy, Cabinet Member for Environment:

"The number of private landlords in the borough is increasing. In general most of these landlords behave very well. In fact, Councillor Phil Waker, the Cabinet Member for Housing, tells me that we have 220 landlords registered in the London Landlord Accreditation Scheme, which is the quality mark for good landlords, and many more have joined our landlords' forum.

But as we all know, we do have some landlords who don't seem to care.

The Council has a whole range of powers to take enforcement action against landlords who do not behave and, as Councillor Butt describes, clear out their properties and dump the waste in the garden.

If the waste is a public health threat such as rotting food or something like a mattress that could provide a home for rats and mice, then it can be shifted very quickly. If it is rubble or builders' mess, we can still move it but it takes a little longer.

In all cases, the Council does not pay for the removal. The Council's enforcement officers use legal notices and then send the landlord the bill and if they don't pay it, we then take them to court.

Councillor P Waker also tells me that following work done by Councillor Channer and the Living and Working Select Committee, we will be introducing compulsory licensing for private landlords. This will really help us to manage landlords better and because the licence will include things such as proper commercial waste facilities, I am confident this will put a stop to these profit making landlords taking advantage of our free service which is meant to be helping our more vulnerable residents."

The meeting closed at 8.45 pm.

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ASSEMBLY

28 MARCH 2012

Title: Beam Park Prospectus	
Report of the Cabinet Member for Regeneration	
Open Report	For Decision
Wards Affected: River	Key Decision: Yes
Report Author: Daniel Pope, Group Manager, Development Planning	Contact Details: Tel: 020 227 3929 E-mail: daniel.pope@lbbd.gov.uk
Accountable Divisional Director: Jeremy Grint, Divisional Director Regeneration and Economic Development	
Accountable Director: Tracie Evans, Corporate Director Finance and Resources	
<p>Summary:</p> <p>Beam Park, south Dagenham is a largely vacant piece of land which is south of the A1306 and straddles the border with the London Borough of Havering. It is 30 hectares in size, two thirds of which is in the London Borough of Barking and Dagenham.</p> <p>In the light of the poor progress made over the last 10 years in achieving a residential led development and in the current economic climate, it is considered that a fresh approach is justified in order to achieve early regeneration of the site.</p> <p>Following recent interest from the market, it is considered that a major leisure-led project could provide the essential catalyst to secure regeneration and deliver growth in the wider South Dagenham and Rainham area within which the site is situated.</p> <p>Therefore in response the Beam Park Prospectus (Appendix 1) has been prepared. It describes the opportunity, the reasons why this form of development should be considered, key development objectives, an illustration of the expected planning benefits and a summary of planning and transport requirements including planning policy considerations.</p> <p>This prospectus has been prepared as a joint statement from the London Boroughs of Barking and Dagenham and Havering. It does not seek to change or replace existing planning policy, but does provide an up-to-date statement of the aspirations and attitude of the authorities to achieve a successful regeneration of Beam Park. Accordingly, it is considered that a departure from the development plan may be justified if it offers exceptional benefits.</p> <p>The Prospectus will form part of the Council's Local Development Framework (LDF). The adoption of LDF documents is the responsibility of the Assembly and, by the same reasoning, a departure or modification of planning policy requires a decision of the Assembly to endorse such a change. The Cabinet considered the Prospectus at its meeting on 20 March 2012 and has recommended its adoption by the Assembly.</p>	

Recommendation(s)

The Assembly is recommended to approve the Beam Park Prospectus attached at Appendix 1 to the report.

Reason(s)

To help deliver the Policy House priority of raising household incomes by delivering the Better Health and Well Being and Better Future themes and the related outcomes of a borough with excellent health and leisure facilities and a borough of rising incomes.

1. Introduction and Background

1.1 Beam Park, south Dagenham is a largely vacant piece of land which is south of the A1306 and straddles the border with the London Borough of Havering. It is 30 hectares in size, two thirds of which is in the London Borough of Barking and Dagenham. Beam Park has also been known as South Dagenham East. The site is owned by the Greater London Authority (acquired by the London Development Agency from Ford Motor Company in 2000).

1.2 The London Riverside Urban Strategy was published in November 2002 and described the potential of the site as follows:

“South Dagenham will deliver a mix of commercial, industrial and residential development on around 80 hectares of land between the main rail corridor and the A1306. It will provide a new heart for Dagenham and a transitional zone between the housing areas to the north, and the industrial areas of Dagenham Dock and the Ford Motor Company estate.”

1.3 The London Plan published in February 2004 designated London Riverside as an Opportunity Area and committed the Mayor to drawing up an Opportunity Area Planning Framework which reflected the vision of the Urban Strategy. The London Plan stated that the framework should:

“Plan for compact mixed urban communities at South Dagenham, along the A1306 East and in Rainham”.

1.4 More recently the London Plan published in July 2011 changed the emphasis slightly in stating that:

“At South Dagenham, along the A1306 East, and in Rainham, there is potential to deliver more compact, residential led mixed use communities”.

1.5 Beam Park is included in the Council’s Local Development Framework (LDF). The LDF identifies that the site has potential for housing, health, education use, car parking facilities for the Ford Pressing Plant and light industrial on the western side fronting Ford. It also highlights that the site has the potential for temporary uses and currently there is a planning application for use of the site for Olympic opening and closing ceremony rehearsals.

1.6 In December 2011, the Greater London Authority (GLA) published a draft Opportunity Area Planning Framework (OAPF) for London Riverside. The aspirations in the OAPF are broadly consistent with existing Development Plan policies but allow for a flexible approach to land uses at Beam Park if this is justified in order to secure regeneration and economic growth. Public consultation on the draft OAPF ends on 17 March 2012. When adopted by the GLA, the document will not form part of the Development Plan, but will be a Supplementary Planning Document. It would be an important material consideration in the preparation of future local planning policy and the determination of any planning application.

2. Proposal and Issues

2.1 In the light of the progress made over the last 10 years and in the current economic climate, it is considered that a fresh approach, as alluded to in the Opportunity Area Planning Framework, is justified in order to achieve early regeneration of the site. This could see a different form of development on the Beam Park site than that currently envisaged in adopted planning policy in order to reinvigorate the market and increase the momentum for the regeneration of the remaining A1306 sites and the wider area of South Dagenham and Rainham.

2.2 Beam Park is seen as a unique proposition because of its scale, location and single ownership. There is an opportunity to capitalise on market and development interest in strategically significant leisure proposals which, in conjunction with transport improvements and further appropriate development, could provide the catalyst to unlock the potential of this area.

2.3 It is envisaged that the site could be comprehensively redeveloped with a scheme which incorporates the following key features:

- a large scale visitor attraction of regional and national significance as an anchor use, which would boost the image and perception of the area and provide a major catalyst to the economy;
- complementary leisure and entertainment facilities, potentially including community leisure provision to meet the needs of local people;
- retail floorspace for specialist sports and leisure shopping, and to increase the choice and convenience of shopping available locally, provided that it is demonstrated that this would not impact unacceptably upon established town centres;
- residential and hotel development if compatible with the overall concept and design of the project;
- development that creates high levels of employment across a range of skills;
- safeguarding and contributing to a new railway station at Beam Park;
- improved links from Dagenham Dock station, and bus service improvements to serve the development including services from Dagenham Heathway (LUL) station;
- road improvements and car parking to accommodate additional traffic coming to Beam Park, without undermining efficient land use;
- a high quality design which makes a positive contribution to the urban environment, with activity fronting onto the A1306 to support the ambition of a more humanised “high road”, and pedestrian routes through the site which provide good relationships with the proposed Beam Park station;
- a good standard of environmental sustainability;

- safeguarding of space for other employment or housing uses

- 2.4 The direct benefits of such a proposal would include the redevelopment of a large derelict site in a highly visible strategic location within a global city; significant job creation and contribution to economic growth; access to high quality leisure and retail uses; funding contributions for a Beam Park railway station; and other improvements to the public transport system and roads.
- 2.5 Therefore in response a prospectus has been prepared. It describes the opportunity, the reasons why this form of development should be considered, outlines key development objectives, includes an illustration of the expected planning benefits and a summary of planning and transport requirements and considerations.
- 2.6 This prospectus has been prepared as a joint statement from the London Boroughs of Barking and Dagenham and Havering. It does not seek to change or replace existing planning policy, but does provide an up-to-date statement of the aspirations and attitude of the authorities to achieve a successful regeneration of Beam Park. Accordingly, it is considered that a departure from the development plan may be justified if it offers exceptional benefits.

3. Options Appraisal

- 3.1 The alternative option is for members not to give their approval to the Beam Park prospectus. The Beam Park prospectus provides an up-to-date statement of the aspirations and attitude of the authorities to achieve a successful regeneration of Beam Park. Not adopting the prospectus would effectively signal to the market that the authorities were not willing to entertain a major leisure-led project which could provide the essential catalyst to secure regeneration and deliver growth in the wider South Dagenham and Rainham area within which the site is situated.

4. Consultation

- 4.1 The London Riverside Opportunity Area identifies the possibility of leisure uses on the Beam Park site. Consultation on this closes on the 17 March 2012. In line with the Localism Act and the Council's Statement of Community Involvement there would need to be comprehensive public consultation as part of the Development Management process for any subsequent planning application.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant

- 5.1 Beam Park is a vacant piece of land that is owned by the GLA. Therefore there are not any immediate or direct financial implications to the Authority, such as costs associated with making the site ready for development, or capital receipts / rents from the sale of land & property to tenants (or any other ownership issues).
- 5.2 The main financial implications to the Authority will be the medium to long term affects associated with increased development within the borough, which are set out below:

- 5.3 **New Homes Bonus (NHB):** The Local Development Framework identifies Beam Park as having the potential to provide around 2,000 new homes. A new homes bonus would be awarded to the Authority equal to £7,500 for each new home built plus an additional £2,100 for each new affordable home. This could generate total income of £15 million spread over the five – ten year period of the development. However despite being allocated for residential use for over ten years, no progress has been made in bringing a housing scheme forward. Moreover new housing means new demands placed on social infrastructure, which is a cost that would be need to be met by the Council.
- 5.4 **Community Infrastructure Levy (CIL):** This is a charge on new developments resulting in additional floor space, in order to fund the additional pressures on local infrastructure such as schools. As Beam Park is a vacant piece of land, all new development would result in additional floor space and therefore be liable for a CIL charge to the Council. Based on current intentions for the site this could potentially deliver a total CIL charge of £5.2m of which the Mayor of London would take £1.2m for his Crossrail CIL and the Council £4m. In comparison a development of 2000 homes would attract a Crossrail CIL of £3.2m and a Council CIL of £1.6m.¹ In addition to CIL charges a full planning application for a development of this scale would also attract a fee of around £200,000.
- 5.5 **Council Tax:** Each new additional home built would generate additional Council Tax, meaning total additional income of up to over £2 million per year could be generated.
- 5.6 **Business Rates:** The Government's recent consultation on business rate retention mean's that such a proposal would secure additional income to the Council from April 2013 when the new scheme is due to come into effect.

6. Legal Implications

Implications completed by: Paul Feild Senior Lawyer Housing and Planning

- 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 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 a departure or modification of planning policy would require a decision of the Assembly to endorse such a change
- 6.2 Any proposal that represented a significant departure from current planning policy would need to be fully justified. This could require a robust statement regarding the uniqueness of the proposal; the specifics of the site which meant that, when judged on a sequential basis, no reasonable alternatives were available; and/or the scale of benefits that could be delivered.

¹ On the basis each new home was on average 80 square metres and that there was no affordable housing. Affordable housing is not liable for CIL. The Mayor of London's CIL applies from 1 April 2012, the Council's CIL is scheduled to apply from 1 April 2013.

- 6.3 The judgement whether a departure is justified must be made on the merits of specific development proposals for the Beam Park site, by the planning authorities (the Mayor of London and the Boroughs). The decision would need to take account of the responses to public consultation on those proposals, representations by interested parties and other material planning considerations. The outline of development objectives and illustration of benefits in this Prospectus will not prevent or inhibit the planning authorities from deciding whether or not to approve any planning application for the Beam Park site on its individual merits.
- 6.4 The report indicates the freehold of the whole site is owned by the GLA. There will be need for the GLA and prospective development partner(s) to carry out title due diligence checks to investigate any encumbrances that may affect the site and/or proposed use.

7. Other Implications

- 7.1 **Risk Management** - The main risk is around planning and this is dealt with in the legal implications section.
- 7.2 **Customer Impact** - The Beam Park prospectus provides an up-to-date statement of the aspirations and attitude of the authorities to achieve a successful regeneration of Beam Park. It is estimated that a major leisure led development could generate up to 3000 new jobs. The Prospectus emphasises the importance of maximising the number of highly skilled jobs and on maximising the number of jobs generally for local people and the need to include community leisure provision to meet the needs of local people. It is anticipated that a development of this magnitude would act as a catalyst for the regeneration of the wider area and necessitate improvements to the surrounding public transport infrastructure and highways network. The prospectus makes clear that depending on the nature of the development the following planning obligations would be sought:
- Public Transport Improvements:
 - Contribution to Beam Park Station
 - Improvements to bus services
 - Promotion of public transport
 - Provision of Community Facilities
 - Training and Employment opportunities
 - Construction training programme
 - Employment opportunities for local unemployed
 - Supply chain opportunities for local businesses
- 7.3 **Safeguarding Children** - This would need to be dealt with in any Planning Application that comes forward
- 7.4 **Health Issues** - A major leisure proposal of this magnitude is likely to improve the health of the local community provided it is accessible and affordable to them.
- 7.5 **Crime and Disorder Issues** - Section 17 of the Crime and Disorder Act 1998 places a responsibility on councils to consider the crime and disorder implications of any proposals. Any development proposals will need to comply with Policy BC7: Crime Prevention in the Approved Borough Wide Development Policies Development Plan Document (April 2011).

7.6 **Property / Asset Issues** - No Council assets are involved. However a development of this magnitude is likely to stimulate growth and act as a catalyst for the wider area which may have a positive impact on the value of Council assets in the affected area.

Background Papers Used in the Preparation of the Report:

- London Plan, GLA, February 2004
- London Plan, GLA, July 2011
- Consultation Draft London Riverside Opportunity Area Planning Framework, GLA, December 2011
- London Riverside Urban Strategy, London Borough of Barking and Dagenham, London Borough of Havering, London Borough of Newham, November 2002
- Site Specific Allocations, LBBD, December 2010
- “Beam Park Prospectus” report and minute, Cabinet 20 March 2012

List of appendices:

Appendix 1 - Beam Park Planning Prospectus

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FINAL DRAFT TEXT

Beam Park Planning Prospectus

**London Borough of
Barking & Dagenham**

**London Borough of
Havering**

BEAM PARK PLANNING PROSPECTUS

Aim of the Prospectus

The London Borough of Havering and the London Borough of Barking & Dagenham (“the Boroughs”), are working together in partnership and in close consultation with the Mayor of London to deliver the regeneration of the London Riverside area of East London.

The Boroughs are mindful of the existing planning policy situation, but in order to achieve an early and successful development wish to explore a more flexible approach to the potential redevelopment of the Beam Park site. Following recent interest from the market, it is considered that a major leisure-led project could provide the essential catalyst to secure regeneration and deliver growth in the wider South Dagenham and Rainham area within which the site is situated.

This Prospectus describes the opportunity, the reasons why the Boroughs wish to consider this form of development, key development objectives and an illustration of the planning benefits the Boroughs expect to see delivered, and a summary of planning and transport requirements including planning policy considerations.

This prospectus has been prepared as a joint statement from the two Boroughs. It does not seek to change or replace existing planning policy, but does provide an up-to-date statement of the aspirations and attitude of the authorities to achieve a successful regeneration of Beam Park.

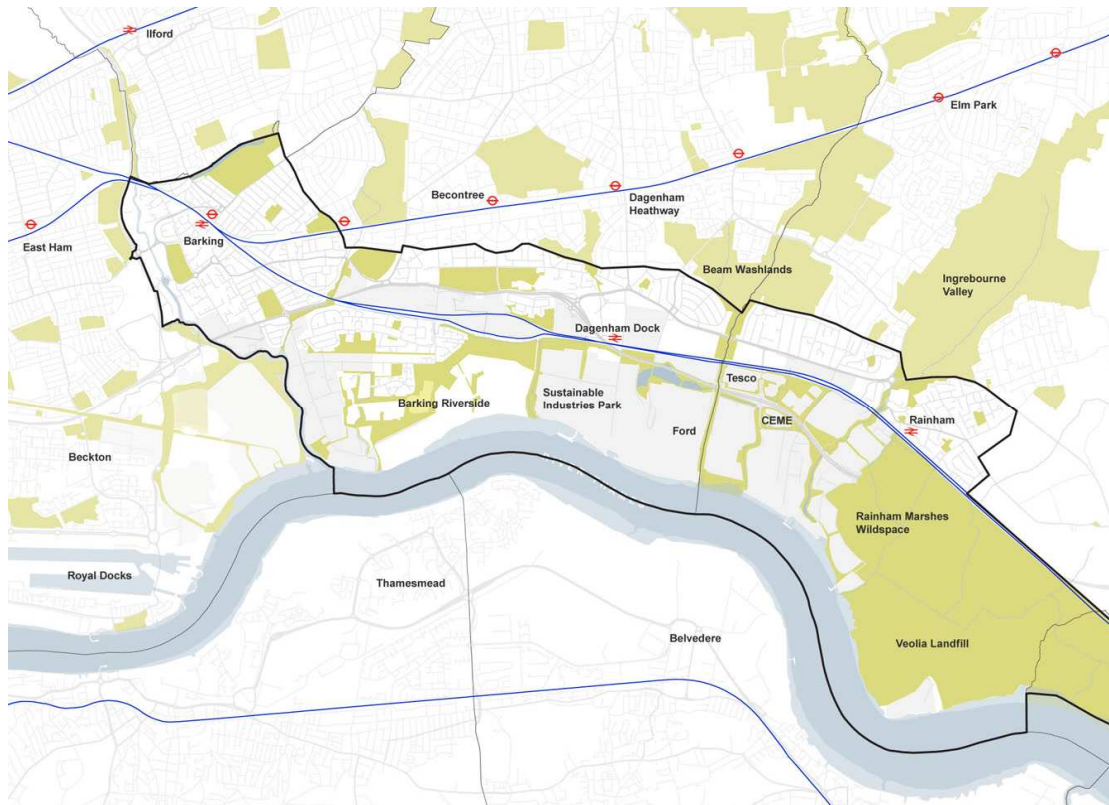
Context – London Riverside Opportunity Area

The London Plan (July 2011) identifies 33 Opportunity Areas which provide London’s major reservoir of land for new housing, commercial and other development, linked to improvements in public transport accessibility.

The Beam Park site is within London Riverside, which at 2,500 hectares is the second largest Opportunity Area in the capital, extending from Barking Town Centre and Barking Riverside in the west through to the Dagenham and Rainham development opportunities in the east. The London Plan identifies that London Riverside has the capacity for 14,000 jobs and 25,000 new homes.

The London Plan’s strategy for London Riverside, which is reflected in the Boroughs’ Local Development Frameworks, is that

- development will be focused on Barking Riverside, Dagenham Dock, South Dagenham, Beam Reach, Beam Park and Rainham West sites, with scope for intensification in other areas;



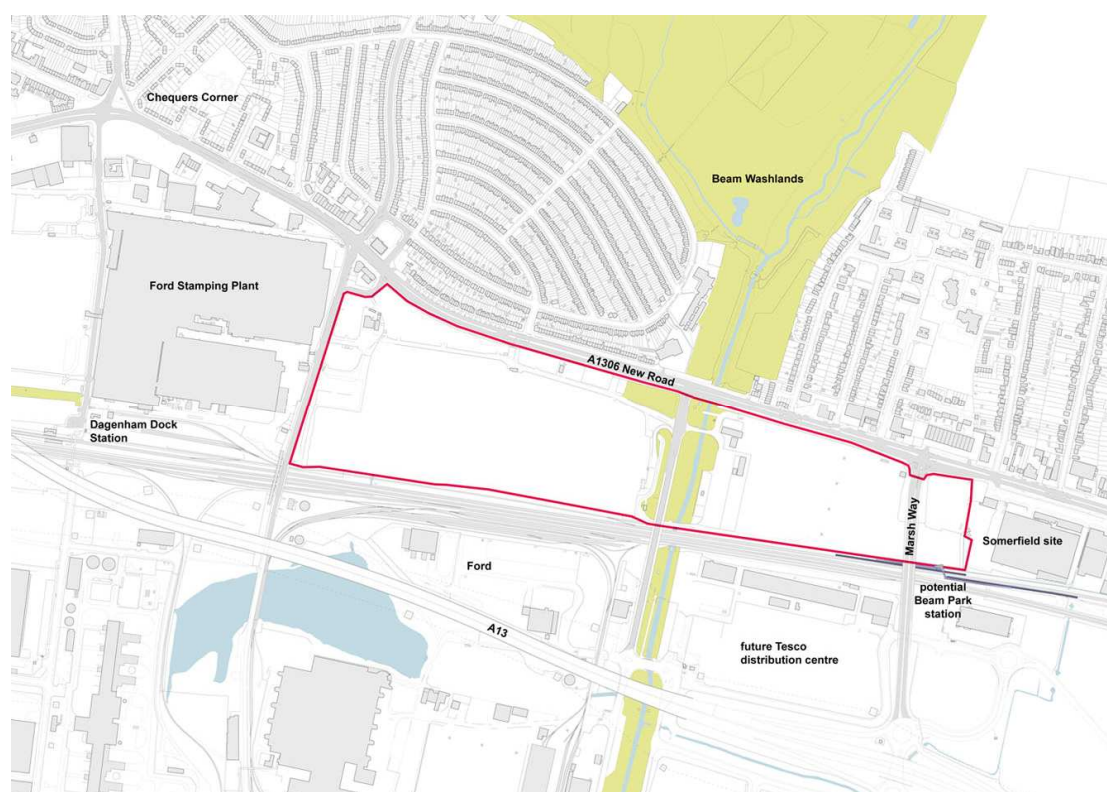
- the development strategy will include managed release of some surplus industrial land for housing and other complementary uses;
- the remaining industrial land opportunity will be consolidated, including promotion of a Green Enterprise District incorporating the London Sustainable Industries Park at Dagenham Dock;
- substantial improvements in public transport will be needed, building on plans for increased overground rail capacity, a Docklands Light Railway extension to Dagenham Dock station, a potential additional station at Beam Park, Renwick Road junction improvements, East London Transit, and extended bus services;
- improved connectivity by walking and cycling across the whole area and in particular through implementing the Green Grid;
- at South Dagenham, along the A1306 East, and in Rainham there is potential to deliver more compact, residential-led mixed urban communities;
- development should provide a good quality environment with a full range of facilities, and should create a new urban quarter with a distinct character of its own and a highly attractive place to live.

In summary, the London Plan and the Boroughs' Local Development Frameworks envisage that regeneration of the sites along the A1306, including the Beam Park site, will be achieved through redevelopment of the existing mainly industrial sites for mixed use schemes which are predominantly residential-led, supported by concurrent improvements in public transport to help ensure that the schemes are viable and sustainable.

In December 2011, the Greater London Authority (GLA) published a draft Opportunity Area Planning Framework (OAPF) for London Riverside. The aspirations in the OAPF are broadly consistent with existing Development Plan policies but allow for a flexible approach to land uses at Beam Park if this is justified in order to secure regeneration and economic growth.

Public consultation on the draft OAPF ended on 10 February 2012. When adopted by the GLA, the document will not form part of the Development Plan, but will be an important material consideration in the preparation of future local planning policy and the determination of any planning application.

The Beam Park Site



The site comprises 29.3 hectares (72.4 acres) of former industrial land to the north of the A13 and south of the A1306, straddling the boundary between the Boroughs which is marked by the River Beam. The site is cleared of buildings and vacant apart from a small part in temporary use for the open storage of road salt.

Marsh Way crosses the eastern part of the site, leading to a junction with the A13 trunk road only 300 metres away. The M25 (junction 30) is 5 minutes' driving distance. The Tilbury loop of the Essex Thameside railway (London Fenchurch Street to Southend) and High Speed One railway run along the site's southern boundary. The nearest existing rail stations are at Dagenham

Dock and Rainham, but Havering's Local Development Framework proposes a new Beam Park station directly serving the site.

North of the site are the established residential areas of Dagenham and Rainham. To the east and west are mixed commercial areas along the A1306. To the south beyond the railway are strategically important industrial areas which include Ford Motor Company, the London Sustainable Industries Park, the Centre for Engineering & Manufacturing Excellence, and Beam Reach where a regional Tesco distribution centre is at an advanced stage of construction and will open in mid-2012, creating over 1,000 jobs for local people.

The Beam Park site is currently owned by the London Development Agency. In April 2012 ownership will pass to the Greater London Authority.

The Need for a Fresh Approach

Good progress is being made with the regeneration of key parts of London Riverside including, for example, Barking Town Centre, Barking Riverside, Rainham Village Centre, Dagenham Dock, the strategic industrial areas, and Rainham Marshes. Investment by blue-chip companies like Tesco and Standard Life demonstrates how perceptions of the area have changed.

However regeneration activity along the A1306 corridor which includes the Beam Park site has been slower to realise, for a number of reasons.

The concept of large-scale housing-led regeneration of existing industrial sites in this part of South Dagenham and Rainham was first promoted in *An Urban Strategy for London Riverside (2002)* which was adopted as Interim Planning Guidance by the Boroughs and then incorporated into *The London Plan (2004)*, but it has not been taken up by the private sector. Most of the sites are in private ownership and are occupied by existing commercial and industrial uses: remediation works, flood protection, and other infrastructure costs to make sites suitable for housing would be substantial. This can make incremental housing redevelopment of individual sites unattractive, while site assembly for more comprehensive redevelopment can be complex and expensive.

Residential values are not currently at a level which sufficiently incentivises the acquisition and redevelopment of the existing commercial and industrial properties. Because of public expenditure constraints and other priority requirements, the area has not seen the hoped-for public transport improvements which would be needed to support higher density housing. The few residential schemes which have come forward in recent years have generally been promoted by Registered Providers of social housing, but the reduced level of grant now available for social housing makes it unlikely that further schemes of this type will be feasible in current conditions.

Objectives for the Beam Park Site

In the light of the progress made over the last 10 years and in the current economic climate, the Boroughs therefore consider that a fresh approach is justified in order to achieve early regeneration of the site. This could see a different form of development on the Beam Park site than that currently envisaged in adopted planning policy in order to reinvigorate the market and increase the momentum for the regeneration of the remaining A1306 sites and the wider area of South Dagenham and Rainham.

Beam Park is seen as a unique proposition because of its scale, location and single ownership. There is an opportunity to capitalise on market and development interest in strategically significant leisure proposals which, in conjunction with transport improvements and further appropriate development, could provide the catalyst to unlock the potential of this area.

The Boroughs envisage that the whole Beam Park site could be comprehensively redeveloped with a scheme which incorporates the following key features:

- a large scale visitor attraction of regional and national significance as an anchor use, which would boost the image and perception of the area and provide a major catalyst to the economy;
- complementary leisure and entertainment facilities, potentially including community leisure provision to meet the needs of local people;
- retail floorspace, both for specialist sports and leisure shopping and to increase the choice and convenience of shopping available locally, provided that it is demonstrated that this would not impact unacceptably upon established town centres;
- residential and hotel development if compatible with the overall concept and design of the project;
- development that creates high levels of employment across a range of skills;
- safeguarding and contributing to a new railway station at Beam Park;
- improved links from Dagenham Dock station, and bus service improvements to serve the development including services from Dagenham Heathway (LUL) station;
- road improvements and car parking to accommodate additional traffic coming to Beam Park, without undermining efficient land use;
- a high quality design which makes a positive contribution to the urban environment, with development on the A1306 frontage supporting the creation of a vibrant and stimulating public realm, and pedestrian routes through the site which provide good relationships with the proposed Beam Park station;
- a good standard of environmental sustainability;
- safeguarding of space for other employment or housing uses.

The direct benefits of such a proposal would include the redevelopment of a large derelict site in a highly visible strategic location within a global city; significant job creation and contribution to economic growth; access to high quality leisure and retail uses; funding contributions for a Beam Park railway station; and other improvements to the public transport system and roads.

The successful redevelopment of the Beam Park site would provide a renewed impetus for the regeneration of the wider South Dagenham and Rainham area. This, together with the infrastructure improvements, would assist the earlier development of the remaining sites within the strategic industrial areas, and the regeneration of the other A1306 industrial sites. The potential creation of a 'day-out' visitor destination at Beam Park could be linked with the opportunities in Rainham Village and Rainham Marshes as part of the wider development of the visitor economy in the area.

Transport

Good public transport and road access will be essential for a successful development of Beam Park, given the scale of regeneration being promoted.

A new Essex Thameside railway station has been proposed at Beam Park and the approval process is under way. This new station would be ideal to serve regional visitors travelling by public transport. A major leisure-led development of the Beam Park site would be expected to strengthen the business case for a new station and to contribute to its funding. Improvements in off-peak service frequencies are also likely to be required in conjunction with the development.

The site is well located for the A13, which would be the principal route of access for any regional traffic generated by a development. The performance of the A13, in particular through the junctions with Renwick Road and Lodge Avenue, will need to be considered in some detail, and necessary measures implemented to ensure the A13 will function effectively with the additional traffic volumes.

More local impacts will also need to be considered, especially for those elements of a development with a more local catchment. Local traffic is more likely than regional traffic to approach via the A1306 and the need for alterations to the A1306 will need to be considered.

Local bus services will be important for local residents accessing the sites, for leisure, shopping or employment, and some enhancements will be required. Good facilities for cyclists and pedestrians will need to be incorporated.

Local road accesses will need to be agreed, with a view to minimising the impact of generated traffic on the local community. In particular, access to/from the A13 should ideally occur without traffic utilising the local road network, so a principal access to/from Marsh Way would be preferred with only secondary local access taken from the A1306.

Relationship to Planning Policies

Both Boroughs have adopted their LDF documents fairly recently and, although reviews are scheduled to take place, they are unlikely to be fully completed in the short term. Public sector partners are committed to delivering an early and successful redevelopment of this important site in the London Riverside Opportunity Area. It is a key objective to achieve the regeneration of London Riverside and to bring forward the redevelopment of other sites and transport improvements in accordance with the London Plan and the Boroughs' Local Development Frameworks. Accordingly, the Boroughs consider that a departure from the development plan may be justified if it offers exceptional benefits.

Any proposal that represented a significant departure from current planning policy would need to be fully justified. This could require a robust statement regarding the uniqueness of the proposal; the specifics of the site which meant that, when judged on a sequential basis, no reasonable alternative sites were available; and/or the scale of benefits that could be delivered.

The Boroughs recognise that the judgement whether a departure is justified must be made on the merits of specific development proposals for the Beam Park site, by the planning authorities (the Mayor of London and the Boroughs). The decision would need to take account of the responses to public consultation on those proposals, representations by interested parties and other material planning considerations. The outline of development objectives and illustration of benefits in this Prospectus will not prevent or inhibit the planning authorities from deciding whether or not to approve any planning application for the Beam Park site on its individual merits.

Planning Process

Developers who wish to submit proposals for the comprehensive redevelopment of the Beam Park site, including justification for any significant departure from the development plan, are invited to contact the Boroughs at the earliest opportunity to discuss their proposals.

Developers who progress beyond the initial discussion stage will be requested to provide, where relevant, the following to aid detailed discussions:

- Detailed schedule of proposed uses
- Statement providing justification for any significant departure from the Development Plan
- Summary Business Case and 'Local Economic Benefit' Statement
- Design principles including indications of scale of proposed buildings, their layout, the local movement network and public spaces
- Draft transport impact assessment
- Draft retail impact assessment

- Draft scope of environmental impact assessment
- Proposals to address site constraints including flood risk management, gas pipeline hazard mitigation, and biodiversity
- Community involvement strategy (residents, businesses and local politicians)
- Consultation strategy (statutory and non-statutory consultees)

Working with key stakeholders and interested parties, the Boroughs may decide to seek the preparation of a development brief for the site. This could set parameters within which any future planning application proposals would be determined.

The process for dealing with any planning application including pre-application requirements, scope of submission and detailed timescales would be agreed through a Planning Performance Agreement.

Planning Obligations

The following planning obligations are likely to be sought in connection with the development, depending on the nature of the proposed uses:

- Public Transport Improvements:
 - Contribution to Beam Park Station
 - Improvements to bus services
 - Promotion of public transport
- Provision of Community Facilities
- Training and Employment opportunities
 - Construction training programme
 - Employment opportunities for local unemployed
- Environmental Improvements
- Highway and Access Improvements, including provision for pedestrians and cyclists
- Biodiversity Enhancements
- Flood Defence Improvements
- Proportion of affordable housing in any residential development
- Education contribution from any new residential development
- Provision of Public Art

In addition a CIL (Community Infrastructure Levy) contribution will be payable to the Mayor of London to support the financing of Crossrail. Should either of the Boroughs also introduce a CIL before a planning application for Beam Park is determined, that levy will be charged in place of some of the non-site-specific obligations outlined above.

The Boroughs will consider the viability of any scheme proposals and the ability to provide a full range of CIL payments and obligations. This will be judged against the wider benefits that any exceptional proposal might deliver.

Contacts

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ASSEMBLY

28 MARCH 2012

Title: Housing Strategy 2012 - 2017	
Report of the Cabinet Member for Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: James Goddard, Group Manager Housing Strategy Andrew Sivess, Group Manager Projects and Programmes	Contact Details: Tel: 020 8274 8238 E-mail: james.goddard@lbbd.gov.uk Tel: 020 8274 5732 E-mail: andrew.sivess@lbbd.gov.uk
Accountable Divisional Director: Ken Jones, Divisional Director Housing Strategy	
Accountable Director: Darren Henaghan, Corporate Director of Housing & Environment	
<p>Summary:</p> <p>This report introduces the Housing Strategy 2012 - 2017 (Appendix A on the Council's website at: http://moderngov.barking-dagenham.gov.uk/documents/s57875/Housing%20Strategy%202012-2017%20-%20App.%20A.pdf) which sets out the Council's ambitions for housing in Barking & Dagenham. It is a high-level vision and strategy which assesses needs, highlights the key issues, determines priorities and outlines the broad direction of travel for housing in the Borough. The strategy is holistic and encompasses all tenures and all residents. It focuses upon communities and individuals rather than just bricks and mortar.</p> <p>This report constitutes a coversheet for the Barking & Dagenham Housing Strategy 2012 - 2017. It provides a brief detail of the major considerations applied to the development of the Strategy and highlights its four key priorities.</p> <p>The Housing Strategy forms part of the Council's Policy Framework and, as such, is reserved to the Assembly for approval. The Cabinet considered the Strategy at its meeting on 20 March 2012, together with the Housing Business Plan for 2012/13 which was approved, and has recommended the Assembly to adopt the Housing Strategy 2012 - 2017.</p>	
<p>Recommendations</p> <p>The Assembly is recommended to approve the Barking and Dagenham Housing Strategy 2012 - 2017 as set out at Appendix A to the report.</p>	
<p>Reason(s)</p> <p>To assist the Council in achieving its key objective of "Building a Better Life for All"</p>	

1. Introduction and Background

- 1.1 Local Authorities are required by Section 87 of the Local Government Act 2003 to have in place a Housing Strategy. The Act requires the Housing Strategy to provide an “overarching framework against which the Authority considers and formulates other policies on more specific housing issues.” The Housing Strategy must set out “objectives and targets on how the local authority intends to manage and deliver its strategic housing role.”
- 1.2 The strategic housing role is set out in “*Homes For The Future: More Affordable, More Sustainable*” (DCLG, 2007) as
- Understanding local housing markets;
 - Assessing and planning for current and future housing needs;
 - Making the best use of the existing housing stock;
 - Planning and facilitating new housing supply;
 - Planning and commissioning housing support services;
 - Incorporating the regional and sub-regional housing agenda;
 - Developing partnerships that secure effective housing and neighbourhood management.

The role therefore requires a Housing Strategy that is applied to all tenures across the entire housing stock in Barking & Dagenham and to the housing services and partnerships within and beyond the Council that seek to address the very complex issues applying to housing need, supply and conditions.

- 1.3 The Barking & Dagenham Housing Strategy 2007 - 2010 has expired and the Housing Strategy attached to this report aims to replace it for the period 2012 - 2017. Whilst not a wholly new document (the Housing Strategy 2012 -2017 progresses many of the key issues in the previous Housing Strategy) it is nevertheless a very significant update with a number of new factors needing consideration and incorporation. The rationale and salient issues concerning these new factors are outlined in the following paragraphs (full details can be found within the Housing Strategy, as attached).
- 1.4 The financial system for Council housing is to be fundamentally changed in April 2012. The new arrangements are based upon aggregating at a national level the outstanding housing debt of local authorities in England and then reallocating the debts. In return for taking on debt LB Barking & Dagenham and other debt receiving authorities retain all rent income. This system of self financing allows for significant self determination and for long term planning, which was impossible under the former regime. As a consequence of this a 30 year Council Housing business plan has been produced and a Council Housing Asset Management Strategy is being developed and will be presented to Cabinet.

2. Proposal and Issues

2.1 Developing a Housing Strategy during a period of change

Many of the challenges set out in the Housing Strategy are entirely familiar: high prices; excessive demand; improvements required to both Council and private

sector housing. Against this background the Housing Strategy has been developed within an environment of considerable change, especially at national policy level

2.2 A number of these challenges and considerations relate to socio-economic factors which have made home ownership difficult to achieve and which have made it harder for developers to build new homes. The borough has also experienced a burgeoning private rented sector in the last five years as well as changes to its demographic profile. In addition a number of challenges have arisen while assessing emerging national policy developments, including:

- Significant cuts to national housing grant;
- Development of an “Affordable Rent” tenure;
- A new self-financing regime for Council housing;
- Welfare reforms;
- Proposed new powers in the Localism Act;
- Reductions in funding for housing-related support services and supported accommodation.

2.3 Many of these changes and policy developments are new and yet to be fully assessed and understood. As a result, much further analysis and impact assessment will be required over the coming months and during the lifetime of this strategy. The strategy has therefore been developed with a degree of flexibility to meet the new considerations and challenges emerging at national level. It is not set in stone and current intentions are to undertake a refresh and develop an updated statement in 18 – 24 months.

2.4 **Evidence Base**

A detailed and robust evidence base underlies the Housing Strategy, in fact the most robust evidence base ever undertaken by Barking & Dagenham, including:

- B&D Private Sector Stock Condition Survey (2009);
- B&D Council Stock Condition Survey (2010);
- B&D Housing Needs Survey (2011);
- B&D Strategic Housing Market Assessment (2011);

2.5 **Barking and Dagenham Housing Strategy 2012 – 2017**

In summary the Housing Strategy determines four objectives:

- Delivering social and economic regeneration through building high quality homes and thriving communities
- Investing in new council housing and establishing new ways to deliver affordable housing
- Good quality services
- Sustainable communities

Unique to the new Housing Strategy, the success of these objectives will be measured by their general “outcome.” The new strategy does not focus upon myriad targets and outputs but rather, for example, on whether newly built housing delivers high resident satisfaction and better health and education outcomes over the long term.

2.6 “Generation Rent” and access to the housing market

National research has indicated that approximately two-thirds of potential first time buyers have no realistic prospect of owning their own home in the next 5 – 10 years and lack the long term saving potential needed to get on the housing ladder. The Housing Strategy outlines how we shall attempt to address this position through a number of different models and approaches to housing including new build affordable housing, innovative housing joint ventures and licensing landlords and improving conditions in the private rented sector; The strategic aim being to create thriving mixed income communities.

2.7 Improving Quality of Life and Well Being

The Housing Strategy is holistic and its focus is upon delivering better outcomes for people, particularly quality of life and well being. The strategy outlines numerous quality of life and well being objectives and improvements including, for example:

- Better housing space standards (so families can eat together and have space to undertake school homework);
- Environmental and social sustainability (homes for life, adaptations strategy for example)
- Tackling fuel poverty

To achieve these aims, the Housing Strategy has been developed alongside and integrated with the Barking and Dagenham Joint Strategic Needs Assessment (JSNA) and the emerging B&D Health and Well Being Strategy. The Housing Needs Assessment has been integrated with the JSNA and the Housing Strategy itself will be reported to the B&D Health and Well Being Board to ensure continued improvement on health, quality of life and well being outcomes.

2.8 **Accessibility**

The strategic housing function can be a complex area requiring specialist knowledge. Government guidance is that Housing Strategies should be written for “interested parties,” not necessarily the general public. The approach taken in Barking and Dagenham is therefore to develop a detailed and holistic strategy for any interested or specialist audiences but subsequently to develop a short, accessible to the general public, six page summary and action plan version which, to all intents and purposes, can be used as the Housing Strategy. The summary version will be published immediately following final approval of the full Housing Strategy and will include an “easy read” version.

2.9 **Monitoring and Evaluation**

The Barking and Dagenham Housing Strategy 2012 – 2017 will be monitored, evaluated and reported at regular intervals to Council officer groups, the Strategic Housing Group and Living and Working Board. There will be regular reporting to the Cabinet lead Member for Housing and an annual progress report will be presented to all Council Members.

3. Options Appraisal

- 3.1 The Housing Strategy highlights the issues facing all housing tenures and communities in the Borough. A number of options appraisals have been undertaken concerning specific aspects of the strategy (for example investment issues). Other options appraisals are ongoing at the time of writing particularly in relation to the Council Housing Asset Management Strategy which will be presented to Cabinet in due course.

4. Consultation

- 4.1 The Housing Strategy was developed through a detailed consultation process between May 2011 and January 2012. A number of events and processes took place and over 2000 contacts occurred including:

- Resident surveys
- Resident and stakeholder meetings
- Focus groups

Numerous individuals, partners and groups were consulted during the development of the strategy including:

Councillors

Cabinet Member for Housing

Members of the Estate Renewal Housing Group

Various Members at Housing Portfolio and other meetings

Residents of all housing tenures:

- Owner occupiers
- Private sector tenants
- Council tenants
- Housing Association tenants
- Housing needs register applicants
- Residents in temporary accommodation

Staff and Partners:

- CMT
- All B&D DMTs
- Over 100 individual officers
- Housing Associations
- Private sector landlords
- Voluntary sector organisations
- Health sector professionals
- Supported accommodation providers
- Regional and sub-regional housing partnerships and contacts

5. Financial Implications

Implications completed by: Jo Moore, Finance Group Manager

- 5.1 The Housing Strategy outlines the key objectives for the housing service. Underpinning this document is the Business Plan approved by the Cabinet which

outlines the surpluses generated from in-year operational activities together with a broad outline of how those surpluses will be allocated to meet the Council's investment needs both in terms of maintaining its existing stock and the provision of new units. These two documents should be read in conjunction with the Housing Asset Management Strategy which describes the Council's strategy for maintaining its existing stock.

- 5.2 As outlined in the Business plan there are a number of variables and assumptions in the projections which may be subject to change. In year 1 the Council has opted to increase rents by 6.8% which is below the proposed rent convergence increase of 7.98% which has resulted in the loss of approximately £950k of resources which would otherwise be available for investment. The future compounding effect of this loss is far higher. Any further decisions not to increase rents by RPI +0.5% will again impact on surpluses generated and reserves available for investment. Any increase in costs over those contained in the Business Plan will similarly impact on the level of reserves.
- 5.3 If future surpluses outlined in the business plan are reduced it is most likely that the investment in existing stock will be reduced as the other investment streams (new build and estate renewal) are already likely to be committed. The maintenance of the existing stock is an important consideration to ensure that the future income streams projected in the debt settlement are achieved particularly as the HRA will be servicing debt attached to those properties.
- 5.4 The implementation of self-financing has introduced a borrowing cap for the HRA. Other than a small amount of borrowing headroom (around £7m) there is no further capacity for the HRA to borrow for investment purposes and the business plan makes no provision for debt repayment which would enable further borrowing in the future. Careful consideration should be given to future decisions made around the investment of surpluses should take into account the fact the resources are restricted to those generated on a "cash" basis in any given year assuming that there are no brought reserves available. The current Business Plan does not propose to increase reserves beyond those accumulated as at 1 April 2012 which are currently projected to be in the region of £6m.
- 5.5 The estate renewal stock has been removed from the debt settlement calculations and therefore does not have any debt attached to it. However, a condition of the stock removal was that the properties are decanted, empty and ready for demolition within 5 years.
- 5.6 The Strategy and Business Plan outline the need to fund the continued estate renewals programme. They also highlight the need for a new build programme as a priority in order to accommodate tenants displaced as a result of the estate renewal. In the estate renewals report that went to Cabinet in 2010 it was indicated that new supply and use of voids would fully accommodate those displaced and therefore there would be no additional costs of re-housing. The assumptions that there will be no additional costs and that the programme of decanting will be delivered within 5 years remain.
- 5.7 Although the Business Plan outlines a £50m new build programme it does not detail this programme i.e. how many new units will be generated and in what timescales.

The Business Plan includes income and costs projections associated with the delivery of new build but does not detail.

- 5.8 The Business Plan does not include any capital receipts from right-to-buys although we will be allowed to keep 25% of any receipts under the new self-financing rules. The Council currently approves around 60 RTBs in a year with annual receipts around £5.5 million. Since the new self-financing rules have been approved the Government has announced new measures to invigorate the RTB process. Any increases in RTBs could potentially have a financial impact on the Council as they would not have been allowed for in the settlement calculations and the Council would still be servicing debt attached to those properties. Although the details have not yet been made known to local authorities assurance has been given that Councils will not be financially impacted by the introduction of the new RTB rules and allowances.
- 5.9 It should be noted that the Estate renewal properties are currently being used as temporary accommodation after they are decanted and will, therefore, be generating income streams for the first five years which will cover the general maintenance costs associated with these properties. This has not been reflected in the Business Plan.
- 5.10 The funding and future servicing of the £265m borrowing required to make the settlement payment to DCLG on 28 March 2012 will be a key feature of the successful deliverability of the Business Plan. The plan is to borrow the funds from the Public Works Loan Board at the end of March taking advantage of the reduced rates available via the National Loans Fund. These rates, which are approximately 0.9% lower than the standard PWLB rates, are only available for the specific amounts required for the settlement payment and can only be borrowed between 26-28 March 2012. The exact rates will only be known at the time that the borrowing is requested.
- 5.11 As the Council is not currently initially planning within the Business Plan to repay the debt, and as the advantageous rates are only available at this time, the intention is to lock in the debt for a longer period so there is financial certainty on that element for future planning. If the Council had plans to repay the debt, it would be sensible to match the length of the borrowing to points in the Business Plan at which sufficient fund would be available to repay some or all of the debt.

6. Legal Implications

Implications completed by: Paul Field, Senior Lawyer

- 6.1 The Council is a Local Housing Authority for the purposes of the Housing Act 1985. The Local Government Act 2003 obliges each local housing authority to devise and publish its own housing strategy which should set out its vision for housing in its area with its objectives and housing role. The strategy document provides an overarching framework against which the authority considers and formulates other policies on more specific housing issues.
- 6.2 The legislation allows the Council to add to the strategy over time so it may produce supporting documents to the strategy over time to reflect changing events. This is

likely to be the case as the practice of housing is going through further changes by measures introduced by the Localism Act 2011.

- 6.3 The Localism Act will have a significant impact on social housing going forward. It establishes the power to formulate a locally focused allocations policy. Further the Localism Act will enable Housing authorities to utilise different lengths of tenure and introduce the duty to provide homelessness support by use of private sector letting.

7. Other Implications

- 7.1 **Risk Management** - A risk management plan has been developed for the key priorities and strategic objectives of the Housing Strategy 2012 -2017. This plan will be monitored on a quarterly basis, by the Barking and Dagenham Strategic Housing Group to which the Group Manager Risk Management will be invited to attend on a bi-annual basis to scrutinise and to ensure that the Housing Strategy Risk Management Plan is fully implemented, that any risks are suitably managed and that performance improvements are taking place.
- 7.2 **Contractual Issues** - Wherever the Housing Strategy indicates a procurement or contractual solution, this will be delivered in consultation with the Corporate Procurement service and best practice will be adopted to ensure effective procurements, delivering value for money outcomes.
- 7.3 **Staffing Issues** - Any staffing related implications arising from this strategy will be dealt with through policies, procedures and consultative processes agreed between the Council and the trade unions.
- 7.4 **Customer Impact** - A full Equality Impact Assessment has been carried out and key actions have been identified based on the analysis that took place. These actions will form an integral part of the business plan for the housing strategy, ensuring that it remains accessible and takes into account the needs of different groups within our community. A number of key recommendations for improvement have been identified including:
- Developing a Young People's Housing Strategy
 - Developing easy-read housing information, especially around repairs and housing options
 - Developing better monitoring systems to understand the full impact of housing policies delivered by our partner organisations, especially Housing Associations
- 7.5 **Safeguarding Children** - The strategy is a key document with regard to the borough's contribution to improving the well being of families in Barking & Dagenham. There is abundant evidence available which describes the correlation between poor housing and poor outcomes for children. This is specifically in relation to health outcomes but can also contribute to academic performance and familial stability where issues of overcrowding can exacerbate existing family tensions. The development of affordable, high quality, social care housing is vital to the borough aspiration of progressively improving outcomes for children, young people and their families.

7.6 **Health Issues** - With the passage on the Health and Social Care Bill, the Government is returning responsibility for improving public health to local government. From 1 April 2013, a fully integrated public health function in the Council at both strategic and delivery levels offers exciting opportunities to make every contact count for health and wellbeing. Housing and improving health and wellbeing outcomes are inextricably linked as described in the Joint Strategic Needs Assessment 2011 Strategic action on housing can make a significant contribution to preventing inequalities across a number of functions including, health and social care services, economic and environmental regeneration, strategic planning, education, children and young people's services, fire and road safety.

With the establishment of the Health and Wellbeing Board and the development of the joint Health and Wellbeing Strategy, there will be links between the two strategies describing Housing's contribution in addressing issues such as fuel poverty and seasonal excess mortality, overcrowding and working with Planners to create space for families to sit down eat together and encourage good eating habits.

7.7 **Crime and Disorder Issues** - Section 17 of the Crime and Disorder Act places a duty on local authorities as a responsible authority to have regard to crime and disorder reduction and prevention in all development of strategy and operational delivery of services. This Housing Strategy gives regard to this duty. Good quality housing and estate development has a positive impact on the wellbeing of communities. Furthermore good housing and estate stock reduces the opportunity for crime and disorder. Developing communities where people have the opportunity to live together in a neighbourly way will further have a positive impact on community cohesion. A number of key priorities are outlined for the first 24 months of the Housing Strategy, including:

- Mandatory training for all housing staff on domestic violence issues
- Development of a vulnerable adults housing policy
- Further joint funding of police officers and special officers to patrol the Council's estates

7.8 **Property / Asset Issues** - The Housing Strategy sets out our overarching proposals for all housing stock in the borough and therefore indicates the strategy for Council owned stock. As such it determines our broad intentions for the purpose, sale, maintenance and development of Council housing stock and describes our overall approach to Council Housing Asset Management and investment. Accordingly it directly impacts on the Council's Capital Programme and is reflected therein.

Background Papers Used in the Preparation of the Report:

"Housing Strategy 2012 - 2017 and Council Housing Business Plan 2012/13" report and minute, Cabinet 20 March 2012

List of appendices:

Appendix A – Barking and Dagenham Housing Strategy 2012/17

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ASSEMBLY

28 MARCH 2012

Title: Pay Policy Statement 2012/13	
Report of the Cabinet Member for Customer Services and Human Resources	
Open Report	For referral to Assembly
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@lbbd.gov.uk
Accountable Divisional Director: Martin Rayson, Divisional Director HR & OD	
Accountable Director: Stella Manzie, Chief Executive	
<p>Summary: Under the terms of the Localism Act 2011 the Council must agree before the start of the new financial year a pay policy statement covering chief officer posts and above. The Act sets out matters which must be covered under the policy.</p> <p>A draft of the Pay Policy Statement is included at Appendix A. The policy must be agreed by Assembly in advance of each financial year. The Cabinet considered the draft Policy at its meeting on 20 March 2012 and has recommended its adoption by the Assembly.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to approve of the Pay Policy Statement for the London Borough of Barking and Dagenham for 2012/13 as attached at Appendix A, for publication with effect from 1 April 2012.</p>	
<p>Reason(s)</p> <p>Under the terms of the Localism Act 2011 the Assembly must agree a pay policy statement in advance of the start of each financial year, beginning in 2012/13.</p>	

1. Introduction and Background

- 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 thereafter. The Act does not apply to local authority schools.
- 1.2 Guidance from the LGG recommends that local authorities use this opportunity to put in place or refresh their overall reward strategy. This Council is committed to developing a clear reward strategy, as part of its overall People Strategy. However the deadlines for agreeing the pay policy statement (sign-off by full-Assembly before the end of March 2012) means that the timing is too tight adequately to

address all the issues in developing a reward strategy and this will therefore be developed during the course of the 2012/13 year.

1.3 The matters that must be included in the pay policy statement are:

- a local authority's policy on the level and elements of remuneration for each chief officer
- a local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition and why they have been defined as such)
- a local authority's policy on the relationship between the remuneration of its chief officers and other officers
- a local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments (severance or compromise agreements) and transparency.
- The publication of and access to information relating to remuneration of chief officers.

1.4 The Act defines remuneration widely, to include not just pay but also charges, fees, allowances, benefits in kind, increases in/enhancements of pension entitlements, and termination payments. The definition of chief officer in the Council's constitution is Chief Executive and Corporate Directors. However when we are discussing pay policy we use the definition to include Divisional Directors as they are covered by NJC terms and conditions, and this is what is intended in this attached report.

1.5 The pay policy statement:

- Must be approved formally by the Assembly
- Must be approved by the end of March each year, starting with 2012
- Can be amended in-year
- Must be published on the Council's website (and in any other way the Council chooses)
- Must be complied with when the Council sets the terms and conditions for a chief officer.

1.6 In the interests of transparency the guidance suggests that the statement includes details of the Council's policies relating to the other terms and conditions for chief officers. In particular, we are encouraged to be explicit about whether the JNC conditions of service for chief executives and chief officers are incorporated in those officers' employment contracts and, if not, what alternative arrangements apply.

1.7 In addition, the guidance recommends that authorities specify any additional arrangements that may not amount to formal terms and conditions, but which relate to a chief officer's employment and which are a charge on the public purse.

2. London Borough of Barking & Dagenham Pay Policy Statement

- 2.1 It is intended to seek agreement to the Council's Pay Policy Statement at Assembly on 28 March 2012. A draft of the Pay Policy Statement for the London Borough of Barking and Dagenham is included at Appendix A.

3. Financial Implications

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

- 3.1 There are no direct financial implications arising from this report.

4. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager

- 4.1 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. Legal comments are included in this report.

5. Other Implications

- 5.1 **Risk Management** – There are no risks attached to this statement as attached as it describes the current position. If there is a requirement to change those policies there would need to be full consultation with employees.
- 5.2 **Contractual Issues** – This statement makes no changes to employees' contractual position.
- 5.3 **Staffing Issues** – The staffing issues are fully explored within the main body of the report.

Background Papers Used in the Preparation of the Report:

"Pay Policy Statement 2012/13" report and minute, Cabinet 20 March 2012

List of appendices:

Appendix A – 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	1 posts
CO2 - £78,740	0 posts
CO3 - £89,763	11 posts
CO4 - £108,661	1 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.

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)

ASSEMBLY

28 MARCH 2012

Title: Statement of Licensing Policy 2012 - 2015	
Report of the Cabinet Member for Crime, Justice and Communities	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Robin Payne, Divisional Director of Environment	Contact Details: Tel: 020 8227 5660 E-mail: robin.payne@lbbd.gov.uk
Accountable Divisional Director: Robin Payne, Divisional Director of Environment	
Accountable Director: Darren Henaghan, Corporate Director of Housing and Environment	
<p>Summary:</p> <p>The Licensing Act 2003 requires local authorities as licensing authorities to produce and then to regularly review and revise a statement of licensing policy detailing how local issues are to be addressed by the Council in deciding contested licence applications.</p> <p>This report presents the latest revision of the licensing policy statement (Appendix 1) and incorporates amendments and additions following extensive consultation with the responsible authorities, the licensed trade and other stakeholders.</p> <p>The Statement of Licensing Policy must be approved by the Assembly. The draft Policy was considered and endorsed by the Cabinet at its meeting on 20 March 2012.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to adopt the Statement of Licensing Policy 2012 - 2015 as attached at Appendix 1 to the report.</p>	
<p>Reason(s)</p> <p>To assist the Council in achieving its Community Priority of Safe, Healthy and Prosperous and as an important element of aspects of the Health and Wellbeing Strategy.</p>	

1. Introduction and Background

- 1.1 The Licensing Act 2003 changed the way in which a range of licences were administered. This change brought licensing of alcohol, entertainment, indoor sports and late night refreshment together under one comprehensive process and for the first time introduced a measure of democratic accountability. One of the key steps in implementing the Act was the adoption of a Statement of Licensing Policy by the local authority. The policy localises the provisions of the act and makes

public those issues that the council consider as important and guides local decision making. It is one of a suite of documents that guide decisions including statutory guidance issued by the Secretary of State and the Act and associated regulations. The original policy was adopted in January 2005. A review and consultation exercise in 2008 indicated no changes to the existing policy. This latest review has made a number of changes to the statement, otherwise normally known as the Licensing Policy, and these are detailed in the report.

- 1.2 The draft policy recognises that the issues facing Barking and Dagenham are different to many other areas. Whilst the government and media have concentrated on the perceived problems of binge drinking and the club culture, Barking and Dagenham has seen a proliferation of licences allowing sales of alcohol for consumption off the premises. The revised policy seeks to address some of the issues that have arisen. The draft revised policy is attached at Appendix 1 of this report.

2. Proposal and Issues

- 2.1 Since the implementation of the Licensing Act 2003 there has been a dramatic change in the landscape of premises from which it is possible to purchase alcohol. Whilst the media predicted widespread 24 hour availability of alcohol, this has not proved to be the case. Pubs and clubs have closed at an alarming rate and those that remain open are mostly struggling, whilst off sales have exploded with alcohol freely available from most small shops. This has occurred because there is a presumption in the legislation that licences will be granted rather than refused.
- 2.2 The increase in the number of off-licences has been a local cause for concern. The wider range of outlets gives rise to the possibility that it is easier for young people to get access to alcohol. Wide availability encourages and enables drinking within the home and it is known that this is where many of the alcohol related problems within the borough occur. Increasing retail space devoted to alcohol reduces the amount of and range of other goods available to local residents.
- 2.3 The revised policy directly addresses a number of these issues. The following changes have been made in the policy following consultation and listening to the desires of the community.
- Restrictions are proposed for the hours of sale of alcohol, both late at night and in the morning. This will address the concerns about alcohol fuelled crime and disorder late at night and also the nuisance caused by the wide availability of alcohol in the morning and the resulting problems with street drinkers.
 - Recognition is made that there is a loss of local amenity when shops increase alcohol sales to the detriment of other goods and that this may mean a variation in the licence has taken place with the subsequent possibility of enforcement action.
 - Concern about the availability of alcohol to children is addressed by a proposal that licences would generally be refused in the vicinity of schools.
 - There have been instances of children stealing alcohol, particularly high strength drinks, from off-licences and this is dealt with by placing drinks behind the counter or in locked cabinets.
 - The existing Responsible Retailer scheme is explicitly mentioned and will be re-launched following the adoption of the policy to give our retailers an opportunity

to take part in this process. This scheme will emphasise the importance of responsible and proportionate presentation of alcohol, particularly in food shops and grocers.

- The impact that the Olympic Games will have on the availability of police and other emergency services is acknowledged and the potential impact that this may have on proposals for large scale licensable activities.
- Introduce a yellow card / red card system of dealing with licensees who fail to operate their business properly allowing a more formal warning process prior to carrying out a review of the licence.

2.4 Members should be aware that the policy guides the decision making of the Licensing and Regulatory Board. It does not affect licences that are already in existence, unless they are subject to a review, and it will not affect applications for new licences or variations where there are no valid objections. Each application must be dealt with on its own merits and therefore the policy is not a blanket statement rather an indication of the Council's expectations regarding the way that the licensing process should be carried out.

2.5 Parliament has recently passed the Police Reform and Social Responsibility Act 2011 that among other matters seeks to address what are perceived to be some of the weaknesses in the 2003 Act. Changes include:

- The removal of the proximity requirement from the definition of an interested party. This means that anyone living or involved in a business in the borough can make representation or apply for the review of a licence. All representations will still have to be based on one or more of the four licensing objectives.
- Making Primary Care Trusts and health boards and the licensing authority Responsible Authorities. It should be noted that health does not become a licensing objective and therefore objections cannot be made on health grounds to an individual application.
- Reducing the evidential burden for taking action and setting conditions
- Giving powers to the Secretary of State to make regulations allowing local authorities some autonomy in setting the level of fees.
- Allowing a licence to be suspended for non-payment of fees.
- Proposing a late-night levy where there are problems with alcohol fuelled crime and disorder arising from the night-time economy. The proposals are complex and unlikely to be relevant to Barking and Dagenham. They also place considerable burdens on licence holders and result in relatively little money coming to the local authority.

Where possible these changes have been recognised in the policy therefore reducing the potential need to revise it in the near future.

2.6 Elected Members have a very important part to play in the Licensing process, as members of the Licensing and Regulatory Board, as interested parties to applications and as community leaders supporting and advising constituents. To enable them to fulfil this role the current programme of training and support will be enhanced to ensure that all Members can fulfil their role within the community.

3. Options Appraisal

- 3.1 It is a statutory requirement for the licensing authority to adopt a statement of licensing policy. To fail to adopt a policy or to review it could lead to judicial review of the decisions of the Licensing and Regulatory Board if they cannot be locally justified by a policy statement.

Options available to the Council are:

1. Do nothing
2. Confirm the current policy as being appropriate
3. Review and revise the current policy to include matters which are identified as being of local concern.

- 3.2 As indicated above option number 1 is not practicable. Option 2 fails to address local concerns. Option 3 will allow the compliance with the Act and will enable the issues which have been raised locally to be taken account of in any decision of the Licensing and Regulatory Board.

- 3.3 Within option 3 there are a number of proposals which may be regarded as controversial but which nevertheless reflect the wishes of Members and the residents. These are:

- A statement that the Council has an expectation on limiting the opening hours of premises for the sale of alcohol. This is to reduce availability and prevent crime and disorder as well as issues around street drinking.
- A statement that the council is concerned about the reduction in the available retail space because of the creeping change of shops from being general stores to alcohol stores.
- A statement regarding the proximity of off-licensed premises to schools and the concerns about the availability of alcohol to those under 18s.

4. Consultation

- 4.1 The Licensing Act requires that all the responsible authorities shall be consulted, along with any other bodies or individuals that are appropriate. The submissions by consultees and the response to those submissions is detailed in Appendix 3. The response has in general been positive and detailed. Many of the comments have led to amendments to wording in the policy. The Police have raised comment about the proposal to restrict the hours of sale of alcohol and this has been addressed and amended following legal advice.

5. Financial Implications

Implications completed by: Jo Moore, Finance Group Manager

- 5.1 There are no direct financial implications from the revision of the Licensing Policy. However, as the proposed policy seeks to restrict the current licensing regulations this may result in an increased number of appeals against decisions of the Licensing Board.
- 5.2 This could in turn result in additional legal fees for the Council although in the past six years there has only been 1 appeal in which costs of £1500 were awarded

against the Council in 10 cases. Any legal fees awarded against the Council would be expected to be met from existing legal budgets of £27k.

6. Legal Implications

Implications completed by: Paul Field, Senior Lawyer

- 6.1 The Council is a Licensing Authority for the purposes of the Licensing Act 2003 (the Act)
- 6.2 Section 5 of the Act requires a licensing authority to prepare and publish a statement of its licensing policy every three years. Last year saw changes brought about by the Police Reform and Social Responsibility Act to improve regulation and widening of those who can object to licences, including health authorities.
- 6.3 The policy must be published before the authority carries out any licensing function in relation to applications made under the Act. However, making a statement is a licensing function and as such the authority must have regard to the Secretary of State's Guidance when making and publishing its policy. The proposed Policy takes into account the recent change in legislation and Ministerial Guidance and is therefore up to date with current requirements.

7. Other Implications

- 7.1 **Customer Impact** - An equalities impact assessment has been carried out on this policy. The main impact will be on those applying for or operating licences and persons who wish to purchase alcohol. The majority of licence holders are single traders or small to medium enterprises most of whom are from minority ethnic backgrounds. Restrictions on trade by limiting hours for the sale of alcohol or the location of licensed premise in relation to schools could therefore impact on that group to a disproportionate extent. There are a wide range of outlets for alcohol and as noted above the licences of existing premises will not be affected by this policy. Therefore the opportunity to purchase alcohol will not be significantly reduced. It is felt overall that the community benefits arising from the implementation of the policy outweigh the small potential disbenefit.
- 7.2 **Safeguarding Children** - The protection of children from harm is one of the four licensing objectives and must be taken into account in any licensing decision. The policy explicitly deals with this issue through restrictions on alcohol sales near to schools.
- 7.3 **Health Issues** - The Licensing Act does not specifically address health issues. However alcohol is a known determinant of health and placing controls on sale and availability will have a positive impact on health.
- 7.4 **Crime and Disorder Issues** - The prevention of crime and disorder is a specific licensing objective in the Licensing Act. Issues of crime and disorder are addressed in the policy and the licensing service works closely with the police to deal with alcohol related crime and disorder issues.

Background Papers Used in the Preparation of the Report:

- Statement of Licensing Policy January 2005.
- Licensing Act 2003
- Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.
- "Statement of Licensing Policy 2012 - 2015" report and minute, 20 March 2012

List of appendices:

Appendix 1 – Revised Statement of Licensing Policy
Appendix 2 – Changes from the current policy
Appendix 3 – analysis of responses to consultation.

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Introduction

The Licensing Act 2003 (the Act) brought about a major change in the way that alcohol, entertainment and late night refreshment are administered in England. All three licensing regimes were brought together and alcohol was moved from being the responsibility of the courts to local authorities. It is now six years since the Act came into force and the impact has been particularly noticeable in the way that alcohol is viewed and sold.

The past six years have seen the changed licensing process maturing as both licence holders and the licensing authority have adapted to the different landscape. This policy is designed to facilitate good decision making by the Council's Licensing and Regulatory Board that is consistent with the law and with the wishes of residents and businesses in Barking and Dagenham.

In Barking and Dagenham there has been a dramatic increase in the number of premises selling alcohol for consumption off the premises whilst at the same time pubs are closing. This far wider availability of alcohol for general consumption has raised serious concerns in the wider community. In particular concerns have been raised about the ability of children and young people to access alcohol and the consequential health and social damage that this causes. Alcohol is implicated heavily in crime and anti-social behaviour and issues such as domestic violence and hate crime. Alcohol abuse is a significant drain on the NHS in terms of both immediate accident and emergency care and the long term treatment of alcohol related illness and addiction. Whilst the media has concentrated headlines on the impact of town centre binge drinking, the far greater damage is done behind closed doors in homes across the borough.

The wider issues of alcohol abuse are being addressed by the successful multi-agency alcohol alliance and can be seen in such developments as the borough-wide Designated Public Place Order (DPPO) which confronts the problems caused by street drinkers. The licensing service is committed to working with the Police and Community Safety to reduce the problems that these drinkers cause. There have been changes in the way that those who are suffering from alcohol related disorders are dealt with through the treatment and referral pathways and improved education and enforcement has seen the failure rate for under-age test purchases of alcohol drop from around 25% to 5% in four years.

This policy seeks to address those aspects that fall within the bounds of licensing. It seeks to address the expectations of the community regarding the sale of alcohol and sets out for the first time specific times during which alcohol should be sold dealing with not just the late night, but also early morning alcohol sales. It also addresses the issue of the loss of retail space to the sale of alcohol by specifying a limit on the floor space used for the sale of alcohol in small shops and convenience stores. There is encouragement for the owners of well run premises who take their responsibilities seriously and an affirmation that the responsible use of alcohol is a positive contributor to social cohesion.

The Police Reform and Social Responsibility Act 2011 has recently been passed by Parliament and seeks to redress some of the criticisms that have been levelled at the licensing process. Among these is the widening of those who can object to licences, making the health authorities and the licensing authority responsible authorities and relaxing some of

Appendix 1

the rules around Temporary Events Notices. These changes will be implemented as they are enacted and this policy includes aspects that are of relevance now.

The policy clearly lays out the attitude of the council as licensing authority to those traders who flout the law. Criminal activities associated with the sale of alcohol will be dealt with through review of licence and the authority will take a particularly stringent attitude to those who repeatedly fail to take their responsibilities seriously.

Cllr Jeanette Alexander
Cabinet Member for Crime, Justice and Communities

Part A

1 Purpose of this policy

- a This licensing policy sets out how we will meet the requirements of the Licensing Act 2003 (the Act). It is the statement we must publish every three years under section 5 of the Act. This policy takes account of guidance the Secretary of State issued under section 182 of the Act.
- b The policy aims to:
- ensure that the Council fulfils its duties under the Licensing Act in a way that benefits residents and businesses;
 - boost the local economy; and
 - encourage a range of well managed licensed premises within the borough.
- c To achieve these aims, we will work with others with an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and others) to promote our objectives as set out in this policy. We will work with applicants to enable them to make applications that meet the spirit of the policy; with residents who wish to make representation against applications and with Councillors in fulfilling their community leadership role.
- d This policy is about regulating activities that need to be licensed under the Act focusing on the effect those activities have in and around the premises they take place in and which are under the control of individual licensees and others with relevant authorisations. The policy is not the main way of controlling general nuisance. If we receive an application and nobody objects, we must grant a licence without any conditions other than those which must apply by law.
- e This policy applies to licensable activities carried out on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

2 Activities covered by this policy

- a This policy covers licences to:
- sell alcohol to the public;
 - supply alcohol in clubs;
 - provide entertainment to an audience;
 - put on shows and performances;
 - show films;
 - hold indoor and outdoor events;
 - hold indoor sports (for example, boxing and wrestling);
 - play live or recorded music and have dancing; and
 - supply hot food and drinks after 11pm and before 5am.

3 Our objectives

a When making decisions on granting licences, we will consider our responsibilities as set out in the Act. These responsibilities are as follows:

- **‘Protection of public safety’**
- **‘Protection of children from harm’**
- **‘Prevention of crime and disorder’**
- **‘Prevention of a public nuisance’**

b We aim to provide a licensing service which:

- is fair and honest, and seen to be so;
- is easily accessible to all businesses, residents and people who are interested in licensing (stakeholders);
- sets and maintains a high standard of service;
- deals effectively with all applications and enquiries; and
- avoids repeating the work of other regulators wherever possible.

4 Our community priorities

a The Council’s adopted policy statement is ‘Building a better life for all’ and has identified three specific priorities, raising household incomes, school and post-16 education and housing and estate renewal. There are five priority themes:

- Better together
- Better home
- Better health and well-being
- Better future
- A well run organisation

b We will encourage licence applications from businesses that can show how they will contribute to our priorities.

In particular we will look more favourably on applications that show how the business will:

- actively make sure the area within and around the business is kept clean and free from broken glass, bottles and other rubbish;
- take a responsible attitude to children within any premises where alcohol is sold;
- promote healthy lifestyles by encouraging responsible drinking;
- actively work with the police and council to reduce alcohol fuelled crime and anti-social behaviour;
- work positively with the council and responsible authorities to promote the licensing objectives
- make sure levels of noise and nuisance in and outside their business are kept to a minimum; and
- adopt a ‘no-glass policy’ outside their premises.

- c We will look less favourably on applications that are:
- for very late or early licences, especially those in residential areas or where residents live close to the premises;
 - in areas that are currently a focus for antisocial behaviour;
 - aimed at very young customers or are likely to promote binge drinking.
 - likely to give rise to access to alcohol by young persons because of the way in which it is distributed. In particular the delivery of alcohol as part of the purchase of hot take-away food.

5 Working with stakeholders

- a To produce this policy we consulted stakeholders and took their views into account. Those we consulted are listed in appendix 1. We will consult stakeholders every time we review and revise this policy.
- b Responses to the consultation were positive with a number of detailed amendments suggested. In particular issues around the ready availability of alcohol, particularly the possibility of purchase and consumption by children, together with an erosion of community facilities were of concern. Amendments have been made to take account of changes in legislation that can affect licensed premises.
- c This policy will not:
- reduce anyone's right to apply for a licence under the 2003 Act and to have their application considered; or
 - prevent anyone from commenting on an application, or putting forward a view about any licence, where the Act allows.
- d We will consider equally all comments made on licence applications. However, we will not consider any comments which are:
- not relevant;
 - not justified;
 - made out of spite or to cause annoyance; or
 - repeating comments already made.

In these circumstances, we will explain our reasons for not considering the comments.

- e We will work closely with the Responsible Authorities and Interested Parties in the management of licence applications to ensure that there is a full debate about the licensing process. Responsible Authorities are defined as:
- The chief officer of police
 - The fire authority
 - The health and safety authority
 - The planning authority
 - The environmental health authority

- The body recognised as being responsible for the protection of children from harm
- Inspectors of weights and measures (Trading Standards Officers)
- The relevant authority in the case of vessels

The Police Reform and Social Responsibility Act 2011 will make the following bodies Responsible Authorities:

- The Licensing Authority
- Primary Care Trusts and local Health Boards

Interested parties are defined as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in businesses in the vicinity of the premises
- An elected member of the Council

The Police Reform and Social Responsibility Act 2011 will remove the vicinity test from the definition of an interested party and will instead replace it with a person or body in the area covered by the local authority. However it is intention of the authority to continue to notify those living in the vicinity of a premises that an application has been received. We will also notify Ward Councillors and in the event that a premises is on or near a ward boundary the Councillor of that neighbouring ward.

- f For the purpose of this policy the responsible authority with regard to the objective of preventing children from harm will be the Barking and Dagenham Safeguarding Children Board or the person nominated to respond on their behalf.

Part B

1 Local effect of activities that need to be licensed

- a When deciding whether or not to issue a licence for an activity, we will consider the effect the activity will have on the surrounding area.

2 Tourism and employment

- a Well run licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community. When considering applications for licences, we will take account of our Regeneration Strategy and the effect the premises may have on:
- promoting tourism;
 - creating employment; and
 - making the area more attractive.

3 Transport

- a Good public transport is essential so people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to local residents. We will consider this when we process licences. We will work with the police and organisations such as Transport for London to help develop better public transport in areas where licensed premises are available. We expect applicants to take account of public transport provision when deciding on the detail of their applications.

4 Planning policy and guidance

- a Nothing in this policy takes priority over anything in our planning policies or Local Development Framework. Planning permission is usually needed for changing the way a building is used or developing a new business. When considering licence applications, we will make sure the correct planning permission and building control approval has been granted. Any planning restrictions that have been placed on how a building can be used will be reflected in the conditions of any licence we grant. In the case of new developments, applications for licensing and planning may be made together, particularly in the case of 'provisional statements permission'.
- b Each year the licensing section will give our Development Control Board a report which provides information about the numbers and types of licences we have issued, and crime and disorder trends related to licensed premises in the borough, during the previous year.
- c We will not take account of development issues, such as the commercial need to have a particular type of property in an area, when making decisions on licence applications.

5 'Saturation' policies and 'cumulative impact'

- a We expect that applicants would consider the area and existing types of licensed premises before making an application. If applicants do not consider these issues we will consider working with the responsible authorities to adopt a saturation policy (see clause c below).
- b We may receive comments that an area has too many licensed premises and that the resulting nuisance and disorder cannot be blamed on individual premises. If those making the comments can give us evidence to show that any more licensed premises will increase the crime, nuisance and disorder (that is, have a 'cumulative impact'), we will consider whether or not to grant any more licences in that area.
- c If conditions attached to licences will not prevent further problems in the area, we can adopt a policy known as a 'saturation policy', that allows us to refuse all new applications for licences within the area. However, we will still consider every licence application on its merits.
- d Before we introduce a saturation policy we will:
 - check whether local residents, or a responsible authority, such as the police, are concerned about alcohol related crime, nuisance and disorder;
 - assess the causes of the crime, nuisance and disorder;
 - identify the area problems are arising from and the boundaries of that area; and
 - adopt a policy about future applications for licences in that area.
- e If we adopt a saturation policy we will review it every three years. We will not set limits on the number of licensed premises within an area and we will still judge each application on its merits.

6 Restricted opening hours

- a Shops, stores and supermarkets can apply to be licensed to supply alcohol during their normal opening hours. If the police, other responsible authorities or members of the public tell us about particular shops which contribute to disturbance and disorder, we will consider restricting the hours when those shops can supply alcohol.
- b We know that nuisance can be caused to residents near shops, stores and supermarkets with extended hours. In the case of applications in residential areas or small shopping parades, where relevant representations have been made, our policy is to refuse new licences and variations that permit hours for the off-sale of alcohol beyond 23.00 Monday to Saturday or 22.00 on Sunday or start the sale of alcohol before 11.00. The policy is intended to be strictly applied and will only be departed from in genuinely exceptional cases. The onus of demonstrating that the circumstances are genuinely exceptional lies upon the applicant. The fact that the premises would be well-run, that the applicant is of good character or that the extension sought is a small one would not be considered exceptional.

National guidance states that: *"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail*

outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.” To the extent that the above policy represents a departure from the guidance, the licensing authority believes that the local problems of nuisance caused to nearby residents by extended hours of alcohol outlets justifies the departure.

7 Staggered closing times

- a To reduce any risk of nuisance to residents, staggered closing times in any particular area are more favourable than having a standard closing time as this avoids everyone leaving licensed premises at the same time.
- b We will avoid ‘zoning’ where premises in one area stay open after those in another area have closed. This can cause people to move from one area to another, leading to greater disturbance and noise at particular times.
- c We would consider applications favourably if they stated the last entry time within the premises operating schedule. Having a last entry time helps to stop the problem of customers moving from one premises to another late at night.
- e We are aware that in granting licences with flexible hours there is a need to balance the opportunities that are given by providing consumers with choice against need to have regard to the four licensing objectives and the rights of local residents to peace and quiet.

8 Proximity to Schools

This council recognises that in the correct setting alcohol has many social and economic benefits. It also recognises that there are some groups within society who are particularly vulnerable and the protection of children from harm is uppermost in that thinking.

The council is particularly concerned about proximity of off-licences to secondary schools.

When applications are made for new off-licences within 400 metres of a secondary school, applicants are strongly encouraged to include the following controls in their operating schedules. If such controls are not included, and if relevant representations are made, the council’s policy is to include the controls as conditions on the licences except in very exceptional circumstances.

The controls are:

- a. Alcohol should not be advertised in the shop window.
- b. All alcohol should be stored behind the shop counter.
- c. No display boards or other advertising should be shown on the shop floor.
- d. No alcohol should be capable of purchase through self-service check-outs.
- e. The licensee shall operate a Challenge 25 policy.

- f. All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products.
- g. All supervisors should hold a personal licence.
- h. The licensee should maintain a refusals register which should be kept at the premises and produced to the police and licensing authority forthwith on request.
- i. All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at least every 3 months. The content of the training should be documented and records of training shall be kept. The content and records should be kept at the premises and produced to the police and licensing authority forthwith on request.
- j. Cans of alcohol should not be sold singly.
- k. Bottles of beer under 1 litre should not be sold singly.
- l. No beer or cider over 5.5% ABV should be sold.
- m. No alcopops should be sold.

9 Off-licence layout

- a We expect that in shops with off-licences shopkeepers will lay out their shops in a way that prevents theft and will expect that high strength beers, lagers, ciders and perries (greater than 8%ABV) will be kept behind a counter unless there are other adequate controls such as display in a locked unit in place. We will work with the police and other agencies to prevent easy access of young people to alcohol.
- b We know that local shops play an important part in the community. Unless a shop is a dedicated off-licence we will expect that a wide range of goods will remain available and that in any case alcohol does not become the dominant product. We consider that a maximum of 30% of retail space should be devoted to the sale of alcohol. We will carefully consider the action that can be taken where this becomes the case as there may have been a variation in the terms of the licence. In addition, where the premises are within 400 metres of a secondary school, the policy in paragraph 8 above applies.

10 Live music, dancing and theatre

- a We encourage live music, dance and theatre within the community. Wherever practical, we will license our own premises and hire them out to people who want to use them without needing to get a temporary licence. In doing so, we will balance the need to make sure disturbance does not occur with the need to make sure cultural activities can take place.

11. Smokefree environments

The Health Act 2006 made all enclosed public spaces smokefree from the 1st July 2007. An enclosed space is defined by regulation. The Council supports the health benefits that come from smokefree atmospheres but recognises that individuals have a right to smoke. We will look favourably on those applications where steps are taken to limit the impact that smokers have on the surrounding area that arises from noise and litter. We will encourage applicants to take real steps to control the waste that arises from smoking debris to minimise the impact on the local environment.

12 Other policies, objectives and guidance

a When applying this policy we will take account of other related policies, strategies and guidance including:

- the Community Safety Strategy;
- The Community Safety Plan
- the Crime and Disorder Strategy;
- cultural and tourism strategies;
- drug and alcohol strategies
- The Drug and Alcohol Treatment Plan
- The Alcohol Alliance plan
- the Enforcement Policy;
- the Environmental Strategy;
- the Corporate Equalities Policy Statement;
- the Leisure Strategy;
- the Local Authorities Enforcement Concordat;
- the Regulatory compliance code
- the Neighbourhood Renewal Strategy;
- the Regeneration Strategy;
- the Transport Plan;
- Core Strategies and Borough Wide Development Policies of the Local Development Framework;
- the Waste Strategy, and
- the Health and Wellbeing Strategy

b When applying this policy we will take account of the Government's strategies and policies, and any other relevant strategies and policies, including:

- the Anti-Social Behaviour Act 2003;
- the Crime and Disorder Act 1998 (as amended);
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Policing and Crime Act 2009
- security industry authority policies;
- the Government's 'Safer Clubbing' guide;

- the Government's Alcohol Harm Reduction Strategy;
 - the Mayor's Ambient Noise Strategy; and
 - the Local Authorities' Coordinating Body on Regulatory Services' Test Purchase Code.
 - Safe. Sensible. Social. The next steps in the national alcohol strategy.
- c On 24 March 2010 this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001 to make the whole borough a Designated Public Place and subsequently a Designated Public Place Order (DPPO) was enacted to create a borough-wide alcohol control zone. This designation does not have any bearing on the ability of individuals, companies or relevant organisations to apply for a premises licence or club premises certificate. The Council will expect licence holders to trade responsibly and in particular not to sell alcohol to those who are visibly drunk regardless of the time of day. We will be working with the Police and the Community Safety Team to encourage responsible trading.

13 Olympic Games

- a The council is fully committed to a safe and successful Olympic and Paralympic Games in London during 2012. The council recognises that the resources of the police, transport and emergency services will be planned out and prioritised for the security of major events before, during and after the Games, as a minimum from 15th July 2012 until 16th September 2012. Due consideration will be given by the council to representations from the Police in relation to licence applications for activity during Games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted.

Part C

1 Licence terms and conditions

- a If we receive relevant objections to a licence application, we may attach terms and conditions to the licence to control activities associated with licensed premises and activities. When setting the terms and conditions, we will assess how they will affect people living, working or spending leisure time in the local area, and the people or business being licensed. We will make sure that any new terms and conditions attached to a licence:
- are necessary;
 - are in proportion to the activity being licensed;
 - are reasonable;
 - can be met by the people or business being licensed (the licensees); and
 - can be enforced.
- b Any terms and conditions attached to a licence will take account of all other relevant laws and legal requirements affecting licensees and licensed premises including the Health & Safety At Work Etc Act 1974, the Health Act 2006, the Environmental Protection Act 1990 and the Equality Act 2010. The policy is not intended to replace or repeat any other law or legal requirement.
- c We will not try to use terms and conditions attached to a licence to restrict or regulate anything outside the licensee's control, or anything which relates to areas away from the licensed premises. However, we may use conditions to control what goes on inside the premises, which may directly or indirectly affect what goes on outside. We cannot use licences to control antisocial behaviour by people once they are away from licensed premises.
- d Any terms and conditions attached to licences will support strategies to promote one or more of the four licensing objectives.
- e We will take account of the individual style and characteristics of premises, along with the type of events or activities that will take place, when we attach conditions to a licence.
- f We expect, licence holders to become active members of relevant local organisations such as 'Pub Watch' or 'OffWatch'. These schemes aim to promote best practice and working together to achieve the licensing objectives. We would also expect all business owners to be actively involved in promoting proof-of-age schemes. We also expect that shopkeepers become members of the Council's Responsible Retailer scheme and participate in any related campaigns and activities.
- g We would expect all people applying for licences to install and maintain good-quality closed-circuit television (CCTV) in the interests of public safety and security. All CCTV systems should be installed in consultation with the police to ensure that their needs are met.

2 Operating schedule

- a Apart from a more detailed explanation of how a business will meet the four licensing objectives, it would be helpful for the operating schedule to set out how the business could contribute to the community priorities. Specific issues that could be tackled include protecting children, contributing to a safer, cleaner environment, and monitoring noise levels in and around the premises. By contributing to these measures, the business would show it has a responsible attitude and concern for the local community.

3 Standard licence conditions

- a We will develop, maintain and regularly review a range of standard licence conditions which we may use when considering applications. However, we may set conditions that are tailored to each application.

4 Children in licensed premises

- a For the purpose of this document and the Licensing Act 2003, a child is anyone under the age of 16 unless we say otherwise. If there are no licensing restrictions, licensees or 'designated premises supervisors' can normally decide whether or not to let children on their premises. However, if we receive a relevant objection we may attach a condition restricting access by children if this is necessary to prevent physical, moral or psychological harm to them. Premises where we would probably set a condition to restrict access by children include premises where:

- the licensee has been convicted of serving alcohol to underage people;
- there is evidence of underage drinking;
- there is evidence of drug taking or dealing;
- a lot of gambling takes place;
- adult entertainment is provided;
- the only or main purpose of the establishment is to supply alcohol to be drunk on the premises.

- b Licence conditions which restrict access by children may include:

- limits on the hours when children can be present;
- age limits for people under 18;
- children not being allowed in part or all of the premises when certain activities are taking place;
- all children having to be accompanied by an adult;
- anyone under 18 not being allowed on the premises when any activity which needs a licence is taking place; and
- children not being allowed in when films with a certificate (according to the British Board of Film Classification) higher than their age are being shown; and
- having to have a trained adult member of staff for a set number of children who are likely to be on any licensed premises.

- c If a licensee does not want to allow children on their premises, we will not set a condition to make them let children in.

5 Casinos and bingo clubs

- a The Licensing Act 2003 covers activities within casinos and bingo clubs. This does not affect the conditions of the Gambling Act 2005 or any new Gaming legislation.

6 Sports grounds

- a At premises the Safety at Sports Ground Act applies to, safety is more important than conditions set or activities allowed by the premises licence during times when the safety certificate applies.

7 Door supervisors

- a Competent and professional door supervisors are essential for public safety at licensed premises and only people registered and licensed by the Security Industry Authority (SIA) can work as door supervisors within the borough. We would look more favourably on licence applications from businesses recruiting staff from a reputable company with SIA approval. If there were any criminal activities in or around the premises, the door supervisors would help to bring about order and, if necessary, give evidence in court.

Part D

1 Enforcing licenses

- a We will enforce licensing laws in line with the principles of the Local Government Enforcement Concordat, the Regulators Compliance Code and in line with our enforcement policy. We will work closely with the police to make sure our enforcement measures are effective. We intend to develop our enforcement procedures with the local police and other people with an interest in licensing.
- b Inspection of licensed premises will normally take place following an assessment of the risk posed to the licensing objectives or following complaint or concerns about the way that the business is being run.
- c The police and other agencies outside the council will continue to make routine visits to all licensed premises.
- d We will monitor licensed premises and if it is found that they are not meeting the licensing objectives or are breaching a condition of their licence action will be taken.
- e We consider the sale of alcohol to underage people to be a very serious matter. We expect the responsible authorities to seriously consider applying for a review of the licence following evidence of sale to underage people. We will undertake regular test-purchasing of alcoholic drinks at licensed premises to ensure compliance with age restrictions.
- f The Licensing Authority will put in place a Licensing Panel which is made up of a group of senior level Officers from the Responsible Authorities who will deal with premises that are a cause for concern but not yet at the point of being reviewed. This Authority will therefore make use of the "Yellow Card Red Card Approach" issued by the DCMS in a Ministerial Statement entitled; "Problem Premises on probation – Red and Yellow Cards: How it would work". Guidance issued by the Home Secretary in relation to Red Card - Yellow Card. The Licence holder will initially be called in for an interview and be given a number of remedial steps by way of written agreement to improve the current situation, this will be viewed as the "Yellow Card". If after a specified period of time and monitoring if there has been no sign of improvement the premises will be issued with a "Red card" which will mean the matter will be put forward to a Review hearing.
This process does not however stop any Interested Party or Responsible Authority from applying for a review at any time.

2 Reviews

- a A responsible authority or an interested party may make an application to the Licensing Authority at any time if it is thought that a licensed premises is not meeting the licensing objectives.
- b Applications for review made to the Licensing Authority will be dealt with fairly by a hearing of the Licensing and Regulatory Board and decided only after all of the evidence

has been heard. The board will take particularly seriously situations where a licensed premises is used for the following criminal activities:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of hate crime or the promotion of hate attacks;
- for unlawful gaming and gambling;
- for the sale of counterfeit goods; and
- for the sale of smuggled tobacco and alcohol.

c There are various options open to the Board in deciding the outcome of an application for a review. These are

- (a) to modify the conditions of a premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

d In the event that a licence has been revoked following a review we would not normally expect to grant a new licence to the same person or body, or to agree to that person serving as the Designated Premises Supervisor of the premises for at least one year following the date of the decision. We expect that any person whose licence has been revoked will have undertaken appropriate documented refresher training prior to making a further application.

Part E

1 Granting licences

- a We will grant licence applications that no-one objects to as long as the person or business applying for the licence can meet all relevant standards set by us.
- b We issue a premise licence for the lifetime of the business at the premises concerned. There is no annual renewal. If a business changes ownership or the type of activity at the premises changes significantly, we will reconsider the licence.
- c In order to run a licensed premises, a person must hold a personal licence and apply to become a 'designated premises supervisor'. Personal licences are issued for 10 years and are valid nationwide to those who have received appropriate training and had a Criminal Records Bureau check.
- d Although a licence may be granted, we can review it at any time, which may lead to the premises' licensed hours being restricted or the licence being withdrawn.

2 Temporary Events Notices (TENs)

A Temporary Events Notice allows an individual to hold an event with licensable activities for a period of up to 96 hours. The event holder must not allow any more than 499 people to attend the event. Any application is in the form of a notice to the Council and Police. The Council cannot object to these types of events and the Police can only object on the grounds of crime and disorder. The Police have only two working days in which to do this. Applications are unlawful if they are not submitted to both the Police and the Licensing Authority ten clear working days prior to the start of the event. The ten days do not include the day it is submitted. Representations received from the Police against a Temporary Event Notice will be considered by the Licensing Board having regard to the four licensing objectives and the principles outlined in this statement of Licensing Policy.

The introduction of the Police Reform and Social Responsibility Act 2011 will bring changes to the administration and application of Temporary Event Notices. These changes include: widening the grounds for objecting to a notice, add the Local Authority to the list of objectors; introduce the possibility for the imposition of conditions; allow for the electronic submission of applications, allowing a shorter time period for approval and individual notices will cover a period of 168 hours rather than the current 96. The Council will work with the Police and event holders to ensure that the Temporary Event Notice continues to allow flexibility but also to give protection to residents from potential abuses.

3 Provisional Statements

Premises yet to be constructed, that are in the process of construction, or which are subject to extension or substantial structural change with a view to being used for licensable activities may be the subject of an application for a provisional statement particularly where it is not yet possible to make a full licence application. This provides a grant in principle of a licence. The same criteria that are detailed above will be used in

determining whether or not to grant a provisional statement. Any premises subject to the grant of a provisional statement would then need a full licence in order to operate.

4 Licensing Board

- a Under section 6 of the Licensing Act 2003, our Licensing and Regulatory Board will perform all our functions relating to licensing, as laid out in appendix 2.
- b We will annually appoint 10 members to sit on the licensing board. Only councillors who have received licensing training will take part in decisions on licensing matters.
- c Members of the Licensing Board will not take part in any licensing decisions about premises they have an interest in. A Board Member may not hear an application that is in their own ward, but may observe the meeting as a member of the public unless they have a prejudicial interest.
- d If a Licensing Board starts considering a licensing matter but does not reach a decision, the matter will be considered again, and a decision made, by the same board members.
- e Some licensing decisions will be made by the licensing board, and some by council officers through delegated authority, in line with the table set out in appendix 2.

5 Appeals

If an applicant, responsible authority or interested party who has made a representation is unhappy with the decisions made by the Licensing and Regulatory board they may appeal the decision to the Magistrate's Court. This must be done within 21 days from the date that the applicant is notified by the Licensing Authority of its decision. There is no provision for appeal beyond the Magistrate's Court.

6 Licence fees

- a We will charge the licence fees set under the Act and the licence fees we receive will help to fund the cost of providing our licensing service, including the costs of:
 - consulting stakeholders;
 - enforcing licensing laws;
 - inspecting licensed premises;
 - considering licence applications;
 - supporting a licensing board;
 - setting up and managing the service; and
 - handling appeals against licensing decisions.

The Police Reform and Social Responsibility Act introduces two changes to the fee structure. Firstly it will allow fees to be set in accordance with local need within a statutory envelope and secondly it introduces the concept of the Late Night Levy to deal with issues around the night time economy. Barking and Dagenham does not have the issues of

crime and disorder that the levy is aimed at, and therefore although the Council will keep the matter under review there is no intention to adopt the powers at this time.

Part F

1 Start date and reviews

This policy is effective from xx xx xxxx . It will stay in force for three years and we will review and revise it, as necessary, during that period. We will publish a new licensing policy at the end of the three-year period.

Appendix A

Stakeholders consulted when preparing this policy

The Responsible Authorities

All Councillors

Barking and Dagenham Alcohol Alliance

Barking and Dagenham Safeguarding Children Board

Barking and Dagenham Safer, Stronger Communities Board

Barking and Dagenham Health and Wellbeing Board

Barking and Dagenham Chamber of Commerce

All Premises Licence holders

All Club Premises Certificate Holders

Association of Licensed Multiple Retailers

British Beer and Pub Association

Barking and Dagenham Drug and Alcohol Action Team

The Probation Service

Barking and Dagenham Disabilities Forum

Barking and Dagenham Black, Asian and Minority Ethnic forum

Barking and Dagenham Lesbian, Gay, Bisexual and Transgender Forum

Barking and Dagenham Faith Forum

Barking and Dagenham Public Health Directorate

London Borough of Newham

London Borough of Redbridge

London Borough of Havering

Appendix B Table of who makes licensing decisions

Decisions made by: Matter being decided:	Licensing board	Council officers
An application for a personal licence	If anyone objects	If no-one objects
An application for a personal licence from a person with a conviction that is not spent (A spent conviction is one that does not need to be declared as a specific length of time has passed.)	In all cases	
An application for a premises licence or club premises certificate	If anyone objects	If no-one objects
An application for a provisional statement	If anyone objects	If no-one objects
An application to vary a premises licence or a club premises certificate	If anyone objects	If no-one objects
An application to change a 'designated premises supervisor'	If the police object	In all other cases
An application to stop being a 'designated premises supervisor'		In all cases
An application for a premises licence to be transferred	If the police object	In all other cases
An applications for interim authorities	If the police object	In all other cases
An application to review a premises licence or a club premises certificate	In all cases	
Whether a complaint is irrelevant, unjustified, or made out of spite or to annoy		In all cases
Whether or not to object to an application we are consulted on but not being asked to license	In all cases	
A police objection about a temporary event notice	In all cases	

Licensing Policy Revision 2011

Changes from the original policy

There have been a number of changes to the original policy that was first adopted in 2005. These changes derive from two sources, firstly because of legislative and administrative changes and secondly following comments made during internal consultation with officers, the Police and the portfolio holder and chair of the Licensing and Regulatory Board. The Government has instructed that reviews of licensing policies should proceed even though it has recently consulted on the licensing process and is likely to make changes in the coming months. This summary draws out those changes made following consultation:

Page	Paragraph	Summary
6	Part A 1(b)	Clarity on the objectives of the policy.
6	Part A 4(a)	Revised community priorities
7	Part A 4(c)	Inclusion of early licences as well as late. Introduce issue of alcohol delivery along with take-away food. Issue of general store just selling alcohol.
10	Part B 6 (b)	New paragraph explicitly stating the times we expect off-licences to be selling alcohol
11	Part B 8	New section dealing with the proximity to schools
12	Part B 9	New section stating explicitly maximum percentage of floor space for alcohol sales of 30%. Statement about layout of shop to reduce crime and location of high strength beers etc.
14	Part B 12(c)	Statement about the DPPO and its effect on the licensing policy
14	Part B 13	Statement regarding licensing arrangements during the Olympic and Paralympic games.
15	Part C 1(g)	Explicit statement about expectation on attendance at Pubwatch and Offwatch and membership of the responsible retailers scheme
15	Part C 1(h)	Explicit statement about expectations for CCTV as crime prevention as well as safety.
18	Part D 1(e)	Statement expecting strict action when under-age sales have occurred.
18	Part D 2(b)	Series of statements about the type of activities that will result in the strongest action at review. Taken from statutory guidance.
20	Part E (2)	New paragraph dealing with Temporary Events Notices.
21	Part E 4(c)	Includes a sentence allowing ward members to be present during the hearing of applications in their ward although not taking part.

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Consultation comment and response

Page	Section	Respondee	Comment	Response
6	4c	Cllr Carpenter Police licensing officer	Positive comment Floor space for alcohol sales: "not sure this will be legal and/or enforceable, it appears to suggest a need test"	This clause has been deleted. See comment on 8b below.
9	6a	Police licensing officer	Suggests that the source of information could be widened.	Modification made
9	6b	Police licensing officer	Hours of sale of alcohol: "Most off-licences start at 0800hrs, as this is the old LA 1964 time. Most pubs in the area can open at 10am, again a quirk in the LA1964 because Barking had a market"	Revision to the policy made following legal advice
10	8a	Police licensing officer	Shop layout: "it may be wise to include a definition of high strength, or we will be arguing with lawyers about what this means"	Suggest 8% for beers, lagers, ciders and parries.
10	8b	Police licensing officer	Floor space for alcohol: "we are not sure this will be legal and/or enforceable, could well be viewed as a restriction on trade"	Modified to become a policy aim rather than a specific statement.
12	1d	Police licensing officer	Conditions applied to licences: "Can we also include the other Licensing Objectives?"	Modification made
12	1f	Police licensing officer	Previous history of a premises: "from experience at Committee, it will be very difficult to do this, as each new owner or DPS can not be tarred with his/her predecessors mistakes"	Clause removed
13	4a	Police licensing officer	Children: "notes for guidance 13:43 states 16yrs"	Modification made
15	1b	Police licensing officer	Visits: "this may tie your hands somewhat, and any premises that is visited will be deemed to have fallen foul of the law"	Modification made
15	1e	Police licensing officer	Under-age sales: "Will this include a single sale by a first time offender?"	Noted and slight modification made

15	2b	Police licensing officer	Consider the insertion of "counterfeit" in the list of criminal activities.	Modification made
4	1b	Divisional Director for Community Safety and Public Protection (DDCSPP)	Part a 1b could we say encourage a range of well managed licensed premises within the borough	Modification made
5	4b&c	DDCSPP	4b and 4c do these tally, we say we look favourably on applications that etc ... then unfavourable on applications that do not Can we make virtues of the 'do not's' eg premises that actively work with the police and council to reduce anti-social behaviour ... etc	Change to the clause to incorporate comments made
		DDCSPP	When we refer to take a responsible attitude to children within the premises – can we say more about off licences	Change to be inclusive of all licence types
		DDCSPP	Can we add licensees who are receptive to conditions that assist them in managing their premises to the standard	Modification made
6	5e	DDCSPP	5e an elected member of the licensing authority – this is confusing we should say in this case a Member of the Council	Modification made
8	2b	DDCSPP	Part B 2a Should start Well run licensed premises	Modification made
		DDCSPP	No reference to them promoting vibrant, cohesive communities and contributing to health and wellbeing	Not part of the regeneration strategy
8	3	DDCSPP	3 Transport ... end the para and to ensure that transport links are considered when an application is made (this is particularly relevant to dispersal from large premises)	Modification made
8	5a	DDCSPP	5a saturation policies ... this would help us to avoid adopting..... etc . I wonder whether we should be more direct, in the event that applicants do not do this	Modification made

11	11a	DDCSPP	we will consider adopting a saturation Details of policies to be referenced	Modification made
11	11b	DDCSPP	No reference to public health legislation	Health is not a licensing objective
13	3a	DDCSPP	I would like to see standard licence conditions being as wide as possible with it clear we can pick from them and attached for discussion. Communities may have views on others.	Standard conditions will change over time. It may be appropriate to publish these separately but not as part of the licensing policy statement
15	2b	DDCSPP	Nothing in 2b about nuisance or disorder	List is indicative of criminal activities that will result in the strongest action. Nuisance and disorder are specifically named as licensing objectives.
15	2b	DDCSPP	Top of page 16 refers to racist – should be ‘hate’	Modification made
		Drug and Alcohol Action Team (DAAT)	No comment	
		Assistant Director Public Health	A number of comments on the principles of the policy. In general the policy is welcomed and the inclusion of specific health related issues is positive. Would seek a variation to the section on proximity to schools but understands that this is not appropriate at this time.	Comments noted. No changes required.

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THE ASSEMBLY

28 March 2012

Title:	Extension of term of two Independent Members of the Standards Committee		
Report of:	CHIEF EXECUTIVE		
Open	For Decision		
Wards Affected: None	Key Decision: No		
Report Author: Tasnim Shawkat Monitoring Officer	Contact Details: Tel: 020 8227 2114 E-mail: tasnim.shawkatt@lbbd.gov.uk		
Accountable Divisional Director: Tasnim Shawkat			
Accountable Director: Chief Executive			
Summary:			
<p>The Council's arrangements for ethical governance and the standards regime will need to be changed under the Localism Act, which received Royal Assent on 15 November 2011. In the meantime a vacancy has arisen for an Independent Member of the Standards Committee, which should be filled under our Constitution. However, given the impending change, it is proposed that Assembly approve the extension of Mr Madden and Mr Sandiford's terms of office as Independent Members to 30 June 2012 or until such time as the new Standards regime is implemented.</p>			
Recommendation(s)			
<p>The Assembly is recommended to agree:</p> <ol style="list-style-type: none"> 1. to waive paragraph 11.5 of Article 7 of the Council Constitution; and 2. to an extension to the term 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 new Standards regime is implemented. 			
Reason(s)			
<p>To enable the Standards Committee to continue to fulfil its current responsibilities in</p> <ol style="list-style-type: none"> (i) promoting and maintaining high standards of conduct by Members, statutory co-opted members and employees, plus the independent members of the Standards Committee; and (ii) dealing with allegations of breaches of the Members' Code of Conduct, for which sub-committees will be appointed to discharge functions relating thereto. 			

1. Introduction and Background

- 1.1 The Decentralisation and Localism Bill, which proposed the abolition of Standards for England and for local authorities to manage their governance issues under local arrangements received Royal Assent on 15 November 2011 and is now an Act of Parliament, the Localism Act 2011 (the Act).
- 1.2 The Government initially indicated that 1 April 2012 would be the implementation date of those parts of the Act affecting the future standards regime, subject to a two month transitional period for resolving all outstanding complaints under the old regime. The implementation date has been extended to 1 July 2012.

2. Proposal and Issues

- 2.1 The Council's Standards Committee currently has a vacancy for an Independent Member. The Assembly agreed on 23 February 2011 that it should remain vacant and be reconsidered when the future of the Standards regime is more certain. The term of office of Independent Members, Mr Kevin Madden and Mr Delbert Sandiford, will expire on 13 May 2012 and their departure will reduce the number of Independent Members on the Standards Committee to two.
- 2.2 A minimum of four Independent Members is required to enable the Standards Committee to fulfil its current responsibilities in undertaking initial assessments, reviews of assessment decisions and determination of complaints.
- 2.3 Article 7 of the Council's Constitution at paragraph 11.5 states:

"Independent members are appointed for a period of not more than four years and cannot be re-appointed to the Standards Committee until the expiry of at least two years."
- 2.4 Any complaints against Members of the Council received between now and the 1 July 2012 would be required to be completed under current arrangements.
- 2.5 Due to these exceptional circumstances, it is proposed that Assembly agree to waive paragraph 11.5 as referred to above and approve the extension of Mr Maddan and Mr Sandiford's terms of office to 30 June 2012 or until such time as the new Standards regime is implemented.

3. Options Appraisal

- 3.1 The quorum for each Standards Sub-Committee is three, two of whom must be Independent Members. Current legislation requires that Sub-Committees appointed to deal with an initial assessment of a complaint and a review of that assessment must not have the same membership. Thus at least four Independent Members are required to be in post in order to deal with the complaints process.
- 3.2 One option would be to allow Mr Madden and Mr Sandiford's terms of office to expire on 13 May 2012. However, as any complaints against Members of the Council received between now and the implementation of the new regime would be required to be completed under current arrangements, this option would prevent the Standards Committee from fulfilling its role in dealing with allegations of breaches of

the Members' Code of Conduct.

- 3.3 Another alternative would be to advertise and recruit two new Independent Members. However, this would be inefficient as time and resources would be spent in recruiting Independent Members and training them during a period of change and transition. Any new Independent Member appointed under the current standards regime would not be able to continue under the new standards regime.

4. Consultation

- 4.1 n/a

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 new financial implications or incremental costs associated with this report, i.e. prior to the new standards regime being implemented; the extension of terms will continue to be funded from within the current Democratic Services budget.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager and Deputy Monitoring Officer
Telephone and email: 020 8227 3995 fiona.taylor@lbbd.gov.uk

- 6.1 Legal implications are included in the report.

7. Other Implications

7.1 Risk Management

The Standards Committee is responsible for:

- (i) promoting and maintaining high standards of conduct by Members, statutory co-opted members and employees, plus the independent members of the Standards Committee; and
- (ii) dealing with allegations of breaches of the Members' Code of Conduct, for which sub-committees will be appointed to discharge functions relating thereto.

If it is unable to fulfil its role, it risks bringing the Council into disrepute.

7.2 Contractual Issues – n/a

7.3 Staffing Issues – n/a

7.4 Customer Impact – n/a

7.5 **Safeguarding Children – n/a**

7.6 **Health Issues – n/a**

7.7 **Crime and Disorder Issues – n/a**

7.8 **Property / Asset Issues – n/a**

Background Papers Used in the Preparation of the Report:

Minutes of the Assembly Meeting of 23 February 2011

Decentralisation and Localism Bill

The Localism Act 2011

The Council Constitution