

## Notice of Meeting

### ASSEMBLY

**Wednesday, 17 September 2014 - 7:00 pm**  
**Council Chamber, Town Hall, Barking**

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

**Chair:** Cllr Tony Ramsay  
**Deputy Chair:** Cllr Syed Ghani

Date of publication: 9 September 2014

Graham Farrant  
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 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 12 June 2014 (Pages 1 - 22)**
4. **Appointments to the Political Structure and Other Bodies**
5. **Adoption of Barking and Dagenham Employment Areas Local Development Order (Pages 23 - 55)**
6. **Adoption of Public Houses Supplementary Planning Document (Pages 57 - 101)**
7. **Treasury Management Annual Report 2013/14 (Pages 103 - 120)**
8. **Council Constitution (Pages 121 - 125)**

The draft Constitution has been circulated to all Members under separate cover (Supplementary 1).
9. **Vision and Priorities for the Borough (Pages 127 - 139)**

10. **Appointment of Parent Governor (Primary) Co-opted Member to the Children's Services Select Committee (Pages 141 - 142)**
11. **Appointment of Independent Persons (Pages 143 - 146)**
12. **General Question Time**
13. **Motions**
14. **Any other public items which the Chair decides are urgent**
15. **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.***

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

## MINUTES OF ASSEMBLY

Thursday, 12 June 2014  
(7:00 - 7:35 pm)

### PRESENT

Cllr Syed Ahammad	Cllr Sanchia Alasia	Cllr Jeanne Alexander
Cllr Saima Ashraf	Cllr Abdul Aziz	Cllr Melanie Bartlett
Cllr Sade Bright	Cllr Laila Butt	Cllr Evelyn Carpenter
Cllr Peter Chand	Cllr Josie Channer	Cllr Faruk Choudhury
Cllr Danielle Doyle	Cllr Edna Fergus	Cllr Irma Freeborn
Cllr Cameron Geddes	Cllr Syed Ghani	Cllr Rocky Gill
Cllr Kashif Haroon	Cllr Chris Hughes	Cllr Amardeep Singh Jamu
Cllr Jane Jones	Cllr Elizabeth Kangethe	Cllr Eileen Keller
Cllr Mick McCarthy	Cllr Giasuddin Miah	Cllr Dave Miles
Cllr Margaret Mullane	Cllr James Ogungbose	Cllr Adegboyega Oluwole
Cllr Moin Quadri	Cllr Hardial Singh Rai	Cllr Tony Ramsay
Cllr Linda Reason	Cllr Chris Rice	Cllr Lynda Rice
Cllr Darren Rodwell	Cllr Faraaz Shaukat	Cllr Danielle Smith
Cllr Liam Smith	Cllr Bill Turner	Cllr Dominic Twomey
Cllr Jeff Wade	Cllr Lee Waker	Cllr Phil Waker
Cllr John White	Cllr Maureen Worby	Cllr Dan Young
Cllr Linda Zanitchkhah		

### APOLOGIES FOR ABSENCE

Cllr Simon Bremner                      Cllr Sam Tarry

#### 1.     **Formation of the Labour Group**

The Chief Executive announced the formation of the Labour Group for the purposes of the Local Government (Committees and Political Groups) Regulations 1990.

#### 2.     **Appointment of Chair and Deputy Chair**

The Chief Executive invited nominations from the floor for the appointment of Chair and Deputy Chair of the Assembly.

A vote was taken following which Assembly **agreed** the appointment of Councillors Ramsay and Ghani as Chair and Deputy Chair of the Assembly respectively.

#### 3.     **Declaration of Members' Interests**

There were no declarations of interest

#### 4. Minutes (19 February 2014)

The minutes of the meeting held on 19 February 2014 were confirmed as correct.

#### 5. Death of Councillor Tony Perry

Assembly noted with deep regret that following a long illness, Councillor Tony Perry had passed away on 12 April 2014.

Members paid tribute to Councillor Perry, recalling their personal anecdotes and commenting that he was a hard working ward member who stood up for the interests of the elderly and young of the borough, as well as being a good, well rounded human being and a larger than life character whom everyone in the community knew.

The Assembly stood for a minute's silence as a mark of respect.

#### 6. Appointments to the Political Structure and Other Bodies 2014/15

The Assembly received this report, introduced by the Chief Executive, relating to the appointment of Members to the various elements of the political structure and other internal and external bodies.

In introducing the report the Chief Executive advised Assembly that as the Pensions Panel will be taking some very important decisions on investment direction and in anticipation of new legislation, it was proposed to appoint an additional Member to the Panel. Assembly noted that this additional appointment would necessitate an amendment to the Council Constitution.

The Chair invited nominations from the floor for the position of Leader of the Council.

A vote was taken, following which Assembly **agreed** to elect Councillor Rodwell as the Leader of the Council for a fixed term of four years, and as such, his appointment as Chair of the Cabinet.

Assembly **noted** the Leader's appointment of his Cabinet as follows:

Councillor Twomey	Deputy Leader of the Council and as such, Deputy Chair of the Cabinet, and Cabinet Member for Finance
Councillor Ashraf	Deputy Leader of the Council and as such, Deputy Chair of the Cabinet, and Cabinet Member for Housing
Councillor Worby	Cabinet Member for Adult Social Care and Health
Councillor L Rice	Cabinet Member for Environment
Councillor Carpenter	Cabinet Member for Education and Schools
Councillor Turner	Cabinet Member for Children's Social Care
Councillor Geddes	Cabinet Member for Regeneration
Councillor Ogungbose	Cabinet Member for Central Services
Councillor Butt	Cabinet Member for Crime and Enforcement

Councillor White questioned the Leader on why he had decided to appoint two deputies. The Leader responded that he anticipates increased workloads for both portfolios. Therefore the creation of a second deputy post will, in his view, provide capacity for additional support to him in the difficult months and years ahead facing this Council. He added that the cost to the Members' Allowances Scheme of the additional deputy would be offset by the fact that the Scheme to be presented for agreement this evening no longer included a Special Responsibility Allowance (SRA) for the position of Chief Whip (CW), as he had been advised that to do so would be illegal and contrary to legislation.

Councillor McCarthy in enquiring as to the cost that previously applied to the position of CW raised a point of order as to the Leader's view that the additional cost of a second deputy would be offset from the resultant saving. In seeking to clarify his comments the Leader stated that he had been advised by officers that the overall budget for members' allowances would not exceed that provided for last year.

Councillor Smith asked that officers look into the basis of payments of an SRA to the previous position of Chief Whip and report back accordingly.

A number of Members expressed opinions as to the decision to appoint two deputies and the makeup of the new Cabinet in general.

**The Chair then** invited Councillor Carpenter to move the appointments referred to in the tabled Appendices A-E, seconded by Councillor Twomey.

Assembly **agreed:**

- (i) the membership of the various Council meetings (**Appendix A**);
- (ii) the appointment of the Chairs and Deputy Chairs of the various committees and Lead and Deputy Lead Members of the select committees (**Appendix B**);
- (iii) the appointment of the representatives on various internal and external bodies (**Appendix C**);
- (iv) the appointment of the Trustees of Local Charities (**Appendix D**);
- (v) to note the statutory Co-opted Members (**Appendix E**);
- (vi) to note the resignation of Mr Little as Independent Person (IP) and that the Monitoring Officer was in the process of engaging an IP to fill the vacancy created following his resignation, to be retained on the same terms as the current IP, the appointment to be subsequently reported to the Assembly for approval; and
- (vii) as a consequence of appointing an additional Member to the Pensions Panel, to authorise the Monitoring Officer to amend paragraph 3.1 of Article 9 of the Council Constitution accordingly.

## 7. Members' Allowances Scheme 2014/15

Assembly received this report relating to the Members' Allowances Scheme for the 2014/15 municipal year introduced by the Monitoring Officer.

Councillor McCarthy referred to the debate under minute 6, specifically the Leader's reasoning for appointing two Deputy Leaders, namely the perceived additional work load for each Deputy in relation to their portfolios of Housing and Finance. He stated that as the former Cabinet Member for Housing, he had not been consulted on his workload and could see no evidence of it having increased. On that basis he could not support the Members' Allowances Scheme as presented.

Given Councillor McCarthy's remarks, Councillor White proposed that approval of the Scheme, including the provision of two Deputy Leaders, should be conditional on no further monies being expended on Member allowances overall.

The report recommended that no increase would be applied to Members' basic and special responsibility allowances for 2014/15, representing a freeze in allowance levels for the sixth year in succession. On that basis a vote was taken and the Assembly **agreed** that:

The draft Members' Allowance Scheme for 2014/15 attached at Appendix B to the report would come into effect on 12 June 2014, subject to the proviso that the overall cost of Members' basic and special responsibility allowances must not exceed the figure that had been incurred in 2013/14.

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The meeting closed at 7.35 pm

**COUNCILLOR MEMBERSHIP OF COMMITTEES 2014/15**

**ASSEMBLY**

All 51 Councillors

**CEREMONIAL COUNCIL**

All 51 Councillors

**CABINET**

Councillors Ashraf, Butt, Carpenter, Geddes, Ogungbose, L Rice, Rodwell, Turner, Twomey and Worby

**CHILDREN'S SERVICES SELECT COMMITTEE**

Councillors Bartlett, Bright, Choudhury, Doyle, Fergus, Jamu, Kangethe, D Smith and White.

**DEVELOPMENT CONTROL BOARD**

Councillors Ahammad, Alasia, Aziz, Fergus, Geddes, Ghani, Haroon, Jamu, Miah, Miles, Ogungbose, Quadri, Shaukat, Tarry, Turner, P Waker, White and Zanitchkhah

**HEALTH AND ADULT SERVICES SELECT COMMITTEE**

Councillors Ahammad, Alasia, Aziz, Chand, Doyle, Fergus and Keller (two vacancies)

**HEALTH AND WELLBEING BOARD**

Councillors Butt, Carpenter, Turner and Worby

**LICENSING AND REGULATORY BOARD**

Councillors Chand, Channer, Choudhury, Haroon, Keller, Oluwole, Rai and L Waker (two vacancies)

**LIVING AND WORKING SELECT COMMITTEE**

Councillors Bartlett, Bright, Jones, Quadri, Wade, L Waker, P Waker and Zanitchkhah (one vacancy)

**PENSIONS PANEL** (four-year appointment to May 2018)

Councillors Bright, McCarthy, Ogungbose, Quadri, Shaukat, Twomey and Wade

**PERSONNEL BOARD**

Councillors Alasia, Bright, Fergus, Freeborn, Hughes, Jones, Keller, Quadri and P Waker

**PUBLIC ACCOUNTS AND AUDIT SELECT COMMITTEE**

Councillors Ahammad, Alexander, Gill, Jamu, Keller, Miles, Ramsay, P Waker and White

**SAFER AND STRONGER COMMUNITY SELECT COMMITTEE**

Councillors Alexander, Bremner, Choudhury, Haroon, Rai, Ramsay and D Smith (two vacancies)

**STANDARDS COMMITTEE**

Councillors Freeborn, Jamu, Miah, Rai, White and Worby.



**CHAIRS AND DEPUTY CHAIRS 2014/15**

**ASSEMBLY**

**Chair:** Councillor Ramsay

**Deputy Chair:** Councillor Ghani

**CABINET**

**Chair:** Councillor Rodwell (Leader of the Council)

**Deputy Chair:** Councillors Ashraf and Twomey (Deputy Leaders of the Council)

**CEREMONIAL COUNCIL**

**Chair:** Councillor Kangethe (The Mayor)

**Deputy Chair:** Councillor Ramsay (Chair of the Assembly)

**CHILDREN'S SERVICES SELECT COMMITTEE**

**Lead Member:** Councillor White\*

**Deputy Lead Member:** Councillor Bartlett

**DEVELOPMENT CONTROL BOARD**

**Chair:** Councillor Alasia

**Deputy Chair:** Councillor Shaukat

**HEALTH AND ADULT SERVICES SELECT COMMITTEE**

**Lead Member:** Councillor Keller\*

**Deputy Lead Member:** Councillor Doyle

**HEALTH AND WELLBEING BOARD**

**Chair:** Councillor Worby (Cabinet Member for Health)

**Deputy Chair:** appointed by the Board at its annual meeting.

**LICENSING AND REGULATORY BOARD**

**Chair:** Councillor Channer

**Deputy Chair:** Councillor Oluwole

**LIVING AND WORKING SELECT COMMITTEE**

**Lead Member:** Councillor P Waker\*

**Deputy Lead Member:** Councillor Wade

**PENSIONS PANEL** (four-year appointment to May 2018)

**Chair:** Councillor Twomey

**Deputy Chair:** Councillor Shaukat

**PERSONNEL BOARD**

**Chair:** Councillor Bright

**Deputy Chair:** Councillor Jones

**PUBLIC ACCOUNTS AND AUDIT SELECT COMMITTEE**

**Lead Member:** Councillor Miles\*

**Deputy Lead Member:** Councillor Jamu

**SAFER AND STRONGER COMMUNITY SELECT COMMITTEE**

**Lead Member:** Councillor Alexander\*

**Deputy Lead Member:** Councillor Haroon

**STANDARDS COMMITTEE**

**Chair:** Councillor Rai

**Deputy Chair:** Councillor Miah

\* Select Committee Lead Member appointments are for a term of two years – May 2014 to May 2016

## COUNCIL REPRESENTATION ON VARIOUS INTERNAL AND EXTERNAL BODIES 2014/15

**Key:**

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

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Admissions Forum</b>	The Cabinet Member for Education and Schools plus 4 Councillors (4 year appointments)	Cllr Carpenter (June 2014 – May 2018) Cllr Bright (June 2014 – May 2018) Cllr Keller (June 2014 – May 2018) Cllr Oluwole (June 2014 – May 2018) Cllr Shaukat (June 2014 – May 2018)	ChS Jane Hargreaves Ext 2686
<b>Barking and Dagenham Council for Voluntary Services</b>	Relevant Cabinet Member (Leader's portfolio)	Cllr Rodwell	ACS Glynis Rogers Ext 2827
<b>Barking &amp; Dagenham Citizens' Advice Bureau</b>	2 Councillors 4 year appointments	Cllr Chand (June 2014 – May 2018) Cllr Ogungbose (June 2014 – May 2018)	ACS Glynis Rogers Ext 2827
<b>Barking and Dagenham Partnership:</b>			

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> <li>Children's Trust</li> </ul>	Relevant Cabinet Member <ul style="list-style-type: none"> <li>Children's Social Care</li> <li>Education and Schools</li> </ul>	Cllr Turner  Cllr Carpenter	ChS Meena Kishinani Ext 3507
<ul style="list-style-type: none"> <li>Community Safety Partnership</li> </ul>	Relevant Cabinet Member (Crime and Enforcement)	Cllr Butt	ACS Glynis Rogers Ext 2827
<ul style="list-style-type: none"> <li>Skills, Jobs and Enterprise Board</li> </ul>	Relevant Cabinet Member (Regeneration)	Cllr Geddes	CE Jeremy Grint Ext 2443
<b>Barking and Dagenham Safeguarding Adults Board</b>	Relevant Cabinet Member (Adult Social Care and Health)	Cllr Worby	ACS Glynis Rogers Ext 2827
<b>Barking and Dagenham Safeguarding Children Board</b>	Relevant Cabinet Member <ul style="list-style-type: none"> <li>Children's Social Care</li> <li>Education and Schools</li> </ul>	Cllr Turner  Cllr Carpenter	ChS Meena Kishinani Ext 3507

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Barking Riverside Community Interest Company</b>	Relevant Cabinet Member (Regeneration)  One Councillor appointed by Cabinet Member  One Thames Ward Councillor as substitute representative	Cllr Geddes  Cllr Rodwell  Cllr Channer	CE Jeremy Grint Ext 2443
<b>Barking Riverside Limited Board</b>	Relevant Cabinet Member ( Regeneration) (observer status only)	Cllr Geddes	CE Jeremy Grint Ext 2443
<b>East London Housing Partnership</b>	Relevant Cabinet Member (Housing)	Cllr Ashraf	HES Ken Jones Ext 5703
<b>East London Solutions Leaders' Group</b>	Leader of the Council	Cllr Rodwell	CE Jonathan Bunt Ext 8427
<b>East London Waste Authority</b>	Relevant Cabinet Member ( Environment) plus 1 Councillor	Cllr L Rice  Cllr Wade	HES Robin Payne Ext 5660

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Elevate Limited Liability Partnership Board</b>	Relevant Cabinet Member (Central Services) plus 1 Councillor as deputy to be appointed by the Cabinet Member	Cllr Ogungbose  Cllr Channer	CE  Jonathan Bunt Ext 8427
<b>Elevate Strategic Partner Board</b>	Relevant Cabinet Member Finance as Chair plus Relevant Cabinet Member (Central Services) - and 1 non-cabinet Councillor	Cllr Twomey  Cllr Ogungbose  Cllr Fergus	CE  Jonathan Bunt Ext 8427
<b>Employee Joint Consultative Committee</b>	Relevant Cabinet Member (Central Services) plus 5 Councillors	Cllr Ogungbose Cllr Keller Cllr Oluwole Cllr White Cllr Young Cllr Zanitchkhah	CE Martin Rayson Ext 3113
<b>Employee Joint Health, Safety and Wellbeing Committee</b>	Relevant Cabinet Member (Central Services) plus 3 Councillors	Cllr Ogungbose Cllr Bright Cllr Keller Cllr Zanitchkhah	CE Martin Rayson Ext 3113
<b>Greater London Enterprise</b>	Relevant Cabinet Member (Regeneration)	Cllr Geddes	CE Jeremy Grint Ext 2443

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Housing Forum - Barking</b>	One Councillor per Ward with voting rights.	<b>Barking</b> Cllr Doyle            Abbey Cllr Choudhury      Becontree Cllr Rai                Eastbury Cllr Quadri            Gascoigne Cllr Bremner         Goresbrook Cllr L Rice            Longbridge Cllr Oluwole         Mayesbrook Cllr Turner            Thames	HES Ken Jones Ext 5703
<b>Housing Forum – Dagenham</b>	One Councillor per Ward with voting rights.	<b>Dagenham</b> Cllr Hughes            Alibon Cllr Bright             Chadwell Heath Cllr Fergus             Eastbrook Cllr Young              Heath Cllr C Rice              Parsloes Cllr Keller              River Cllr Mullane            Village Cllr Jones               Valence Cllr Bartlett            Whalebone	HES Ken Jones Ext 5703
<b>Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs</b>	Leader of the Council  Relevant Cabinet Member (Regeneration)  plus 2 deputy Councillors appointed by the Leader	Cllr Rodwell  Cllr Geddes  Cllr Cllr	CE Graham Farrant Ext 2137

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Local Development Framework Steering Group</b>	<p>The Leader of the Council and Relevant Cabinet Member(s) :</p> <ul style="list-style-type: none"> <li>❖ Regeneration</li> <li>❖ Central Services</li> <li>❖ Adult Social Care and Health (voting Members)</li> </ul> <p>Plus: The Chair and Deputy-Chair of the Development Control Board (non-voting)</p>	<p>Cllr Rodwell</p> <p>Cllr Geddes Cllr Ogungbose Cllr Worby</p> <p>Cllr Alasia Cllr Shaukat</p>	<p>CE Jeremy Grint Ext 2443</p> <p>CE Jeremy Grint Ext 2443</p>
<b>Local Government Association</b>  General Assembly	<p>Leader Deputy Leader (s)</p> <p>plus 2 Councillors appointed by the Leader</p>	<p>Cllr Rodwell Cllr Twomey Cllr Ashraf</p> <p>Cllr Cllr</p>	<p>CE Graham Farrant Ext 2137</p>
<b>London Borough of Barking and Dagenham Adoption and Permanence Panel</b>	<p>1 Councillor (4 year appointment)</p>	<p>Cllr Turner (June 2014 – May 2018)</p>	<p>ChS Ann Graham Ext 2233</p>



Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>London Borough of Barking and Dagenham Fostering Panel</b>	2 Councillors (4 year appointments)	Cllr Bright (June 2014 – May 2018) Cllr Zanitchkhah (June 2014 – May 2018)	ChS Ann Graham Ext 2233
<b>London Councils</b>			
<ul style="list-style-type: none"> <li>Leaders' Committee</li> </ul>	Leader of the Council  plus 2 named deputies to be appointed by the Leader	Cllr Rodwell  Cllr Cllr	CE Graham Farrant Ext 2137
<ul style="list-style-type: none"> <li>Transport and Environment Committee (Associated Joint Committee)</li> </ul>	Relevant Cabinet Member (Regeneration)  plus up to 4 named deputies to be appointed by the Cabinet Member	Cllr Geddes  Cllr Cllr Cllr Cllr	HES Robin Payne - Ext 5660  CE Jeremy Grint – Ext 2443
<ul style="list-style-type: none"> <li>Grants Committee (Associated Joint Committee)</li> </ul>	Relevant Cabinet Member (Leader's Portfolio) plus up to 4 named deputies ( <b>who must be Cabinet Members</b> ) to be appointed by the Cabinet Member	Cllr Rodwell  Cllr Cllr Cllr Cllr	ACS Glynis Rogers Ext 2827

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> <li>Greater London Employment Forum</li> </ul>	Relevant Cabinet Member (Central Services ) plus 1 deputy	Cllr Ogungbose  Cllr Freeborn	CE Martin Rayson Ext 3113
<ul style="list-style-type: none"> <li>Children and Young People Borough Lead Member</li> </ul>	Relevant Cabinet Member (Children's Social Care)	Cllr Turner	ChS Meena Kishinani Ext 3507
<ul style="list-style-type: none"> <li>Crime and Public Protection Borough Lead Member</li> </ul>	Relevant Cabinet Member (Crime and Enforcement)	Cllr Butt	ACS Glynis Rogers Ext 2827
<ul style="list-style-type: none"> <li>Culture &amp; Tourism Borough Lead Member</li> </ul>	Relevant Cabinet Member (Leader's portfolio)	Cllr Rodwell	ACS Paul Hogan Ext 3576
<ul style="list-style-type: none"> <li>Economic Development / Regeneration Borough Lead Member</li> </ul>	Relevant Cabinet Member (Regeneration)	Cllr Geddes	CE Jeremy Grint Ext 2443
<ul style="list-style-type: none"> <li>Health and Adult Services Borough Lead Member(s)</li> </ul>	Relevant Cabinet Member (Adult Social Care and Health)	Cllr Worby	ACS Glynis Rogers Ext 2827

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<ul style="list-style-type: none"> <li>Housing Borough Lead Member</li> </ul>	Relevant Cabinet Member - Housing	Cllr Ashraf	HES Ken Jones Ext 5703
<ul style="list-style-type: none"> <li>Planning Borough Lead Member</li> </ul>	Relevant Cabinet Member - Regeneration	Cllr Geddes	CE Jeremy Grint Ext 2443
<b>London Road Safety Council</b>	2 Councillors (2 year appointment)	Cllr Rai (June 2014 – May 2016) Cllr White (June 2014 – May 2016)	HES Robin Payne Ext 5660
<b>May &amp; Baker Eastbrook Community Club</b>	3 Eastbrook Ward Councillors (co-terminus with Borough elections)	Cllr Fergus Cllr McCarthy Cllr Ramsay	ACS Paul Hogan Ext 3576
<b>Members' Corporate Parent Group</b>	1 Councillor (appointed by the Relevant Cabinet Member - Children's Social Care) – co-terminus with Borough elections	Cllr Channer (June 2014-May 2018)	ChS Ann Graham Ext 2233
<b>OFSTED Report Panel</b>	Relevant Cabinet Member (Education and Schools) plus <b>up to 9</b> Councillors, for no longer than term of office as a Councillor. Deputy Chair reviewed annually.	Cllr Carpenter Cllr Ahammad Cllr Bright Cllr Geddes Cllr Mullane Cllr Rai Cllr P Waker Cllr White Cllr Cllr	ChS Jane Hargreaves Ext 2686

Organisation	Representation required	Representation 2014/15 (1 year unless specified)	Lead Department & Corporate Director or Divisional Director
<b>Public Transport Liaison Group</b>	Relevant Cabinet Member (Regeneration) plus 1 Councillor to be appointed by Cabinet Member	Cllr Geddes Cllr	CE Jeremy Grint Ext 2443
<b>Registered Provider Forum (formerly Registered Social Landlord Forum)</b>	Relevant Cabinet Member (Housing) plus 2 Councillors to be appointed by the Cabinet Member	Cllr Ashraf  Cllr Cll	HES Ken Jones Ext 5703
<b>Reserve Forces and Cadets Association for Greater London</b>	The Leader or Deputy Leader(s) of the Council	Cllr Rodwell or Cllr Twomey or Cllr Ashraf	ChS Meena Kishinani Ext 3507
<b>Schools Investment Board</b>	Relevant Cabinet Members: ❖ Finance ❖ Education and Schools ❖ Regeneration	Cllr Twomey Cllr Carpenter Cllr Geddes	ChS Helen Jenner Ext 5800

**TRUSTEES OF LOCAL CHARITIES – 2014/2015****Colin Pond Bursaries for Higher Education**

The Colin Pond Bursaries for Higher Education provides students with bursaries to continue into higher education.

The trustees are the Cabinet Member for Children's Services, the Chief Finance Officer, the Corporate Director of Children's Services and the Head of Legal and Democratic Services

**Dagenham United Charity**

The Dagenham United Charity gives financial assistance to those in need at Christmas time and the area of benefit is the former Borough of Dagenham as at 1921 to 1924.

There are five trustees, four of whom are appointed by the Council and may be, but do not need to be, elected Members of the Council. They are elected for a four year term of office:

**Councillors Chand, Mullane, Reason and L Waker  
(June 2014-May 2018)**

**King George V Silver Jubilee Trust Fund**

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

The Council of the London Borough of Barking and subsequently Barking & Dagenham (being the successors to the said Urban District Council) appointed the Mayor, the Chairman of Social Services Committee (now the Lead Member for Children's Services) and the Director of Social Services (now the Corporate Director of Children's Services) to convene a meeting for the purpose of distribution.

**The trustees are the Mayor and the former Director of Social Services (now the Corporate Director of Children's Services).** There is no specific term of office.

**The Kallar Lodge and Few Lodge Trust Fund (formerly The Brocklebank Lodge Trust Fund)**

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

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

**Councillors Keller and Wade (June 2014 – May 2015)**

## STATUTORY CO-OPTED MEMBERS

2014/2015

### Education co-opted members

Education co-opted members have a statutory right to be involved in the Council's decision making processes. However, under the legislation this only applies to an Overview and Scrutiny committee where their functions relate wholly or partly to educational matters which are the responsibility of the Authority's Cabinet.

The Regulations state that a Local Education Authority shall appoint at least two but not more than five Parent Governor representatives to Overview and Scrutiny and, on the assumption that the Council still maintains Roman Catholic schools, the total number of Church representatives to be appointed shall be one Church of England and one Roman Catholic.

Both Parent Governor and Church representatives, who are elected for a four year period, have the right to vote on education matters and the right to Call-In Cabinet decisions as any other non-Cabinet Member.

The current Church representatives are:-

Church of England	Ms Ingrid Robinson (from 18/7/2013)
Roman Catholic Church	Mrs G Spencer (re-appointed 18/7/2013)

The Parent Governor representatives are elected for a four year period - one representing primary schools, the other representing secondary schools. The current holders of these positions are:-

Primary Schools	<b>Vacant</b>
Secondary Schools	Mr Ishmael Ncube (from 8/12/2010)

### Standards Committee Independent Persons – 3 posts (2 vacancies)

Section 28 (7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person, who will have an advisory role in the determination of allegations that a Member has not complied with the Members' Code of Conduct.

Mr Michael Carpenter	10 October 2012 to Assembly meeting following Annual Assembly in 2016
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**Two vacancies**

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## ASSEMBLY

17 September 2014

<b>Title:</b> Adoption of Barking and Dagenham Employment Areas Local Development Order	
<b>Report of the Cabinet Member for Regeneration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Claire Adams, Principal Planning Policy Officer	<b>Contact Details:</b> Tel: 020 8227 5274 E-mail: <a href="mailto:claire.adams@lbbd.gov.uk">claire.adams@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director of Regeneration	
<b>Accountable Director:</b> Steve Cox, Director of Growth	
<p><b>Summary</b></p> <p>Across the country local authorities have prepared Local Development Orders (LDO) for Enterprise Zones to allow businesses to do more things without the need for planning permission. This prompted officers in the Council's Regeneration Service to explore whether there was benefit in preparing a Local Development Order to benefit businesses in Barking and Dagenham and promote the borough as a business friendly place. Consequently a draft Barking and Dagenham Employment Areas Local Development Order (LDO) was approved by Cabinet on 24 September 2013 for public consultation, (Minute 37 refers).</p> <p>Public consultation took place from 8 November 2013 to 20 December 2013.</p> <p>In response to an objection from the Port of London Authority, the LDO has been amended to ensure that no changes are allowed to the safeguarded wharves which are contrary to London Plan policy. In response to comments from the Environment Agency the condition relating to notification has been amended.</p> <p>The Employment Areas Local Development Order is attached as <b>Appendix 1</b> and the consultation statement is attached as <b>Appendix 2</b>.</p>	
<p><b>Recommendation(s)</b></p> <p>The Assembly is recommended to adopt the Barking and Dagenham Employment Areas Local Development Order attached at Appendix 1 to the report.</p>	
<p><b>Reason(s)</b></p> <p>The Employment Areas Local Development Order will help deliver the Council's priority to "Encourage growth and unlock the potential of Barking and Dagenham and its residents".</p>	

## **1. Introduction and Background**

- 1.1 A report went to Cabinet on 24 September 2013 requesting approval of the draft Barking and Dagenham Employment Areas Local Development Order (LDO) for public consultation. This was agreed and consultation subsequently took place, (Minute 37 refers).
- 1.2 This will allow a change of use between research and development, light industrial, general industrial and warehousing uses without planning permission within the borough's designated employment areas provided the caveats in the Local Plan are adhered to. It will also allow a change of use from non-residential institutional uses within designated employment areas, such as places of worship to R&D, light industrial, general industrial and warehousing uses but not the reverse. The LDO also introduces permitted development rights for new or replacement windows and external cladding for R&D, light industrial, general industrial and warehousing uses.
- 1.3 To ensure the amenities of residents are protected the LDO does not allow changes of use or new windows within 20 metres, and new cladding and replacement windows within 5 metres of the boundaries of existing housing or housing with the benefit of planning permission whether built or not. In these cases a planning permission would still be necessary. To assess the impact on the highway of permitted changes of use the LDO requires a transport statement for changes of use 2500 square metres and above and transport assessment for changes of use over 4000 square metres.
- 1.4 The LDO does not extend to the Ford Stamping Plant or the Sanofi site given the current status of these sites. It is also important to note that the LDO will not introduce any additional permitted development rights for waste management uses.

## **2. Proposal and Issues**

- 2.1 Consultation on the LDO took place for a period of six weeks from 8 November 2013 to 20 December 2013. Eight responses were received and, of these, one objected to the LDO and one suggested a change of wording. Responses are attached as **Appendix 2** (see Section 4 for further details). This has resulted in minor changes to the LDO and therefore officers recommend that Assembly approve its adoption. Due to recent legislative changes the Council is no longer required to submit the LDO to the SoS prior to adoption.

## **3. Options Appraisal**

- 3.1 See Barking and Dagenham Employment Areas Local Development Order Cabinet Report of 24 September 2013 for options appraisal.

## **4. Consultation**

- 4.1 Consultation was undertaken for a period of six weeks from 8 November 2013 to 20 December 2013, in compliance with the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure)(England) Order 2010, which relates specifically to publicity requirements for LDOs. This included consultation with all businesses covered by the LDO, all contacts on the planning policy (Local Plan) database (including the

Barking and Dagenham Chamber of Commerce and other local business forums) and all residents adjacent to the LDO area. In addition, site notices were placed at all Employment Areas affected by the LDO, information was published on the Borough's website and information was made available at Barking Town Hall, the Civic Centre and all public libraries.

- 4.2 Following consultation, all responses were recorded, analysed and assessed in a consultation report, attached as **Appendix 2**.
- 4.3 The Port of London Authority objected to the LDO if it could result in changes being made to the use of a safeguarded wharf and such changes would for example, result in the loss of existing waterborne cargo handling uses or restrict the potential for non operational wharves to be reactivated for waterborne cargo handling uses in line with London Plan policy 7.26. In response to this objection, the LDO has been amended to ensure that no changes are allowed to the safeguarded wharves which are contrary to London Plan policy.
- 4.4 The Environment Agency recommended a change of wording to informative IN5 which advised applicants to gain 'Land Drainage Consent' from the Environment Agency for sites within flood zone 3. This is not entirely correct as Flood Zone 3 is not the trigger point for issuing consent. Applicants should instead consult the Environment Agency on works that are in close proximity to a watercourse and/or its defences. This 'Flood Defence Consent' is a requirement of the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. Suggested wording for IN5 is, 'Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency may be required for any proposed works or structures in, under, over or within 8 metres of a watercourse (16m for the tidal sections of the river Thames) and flood defence structures.' This has been incorporated in the revised LDO.

## **5. Financial Implications**

Implications completed by: Carl Tomlinson, Group Finance Manager

- 5.1 The introduction of the LDO is not expected to have a significant impact on the level of income received from planning fees or S106 payments. The annual income received by the Authority in respect of planning application fees is in excess of £500,000. However, the amount of income that would have been lost in the last two years as a result of the proposed change would have been £1,507. This loss of income would also be partly offset by the £50 fee to be charged for a development allowed through the LDO. In respect of S106, as the change of use of an existing building from one commercial use to another rarely has a significant impact, the level of S106 income is not anticipated to be significantly affected.
- 5.2 The cost of preparing the LDO, consulting on it, and then adoption will be met from the existing Development Planning budget. The LDO should not have a significant impact on the cost of planning enforcement because it is increasing permitted development rights.
- 5.3 Potential income to be received through the new Community Infrastructure Levy is not expected to be affected as any permitted development will still be liable to paying it in the same way as development which requires planning permission.

## 6. Legal Implications

Implications completed by: Paul Feild Senior Governance Lawyer

- 6.1 As observed in the body of this report The Town and Country Planning Act 1990 as amended enables a local planning authority to make a Local Development Order (LDO) to grant planning permission for developments specified in the Order for any part of the land in the authority's area. It establishes local permitted development for such development as specified in the Order. The Order will apply to certain changes of use and minor modifications to buildings focussed on creating and encouraging employment opportunities within the areas of the borough earmarked as to be specific employment areas. The proposals are compliant with the National Planning Policy Framework as they will further the presumption in favour of sustainable development and in particular that sustainable development commences without delay. As LDO's grant planning permission; the adoption of the LDO is not an Executive function and so must be agreed by adoption by the Assembly.
- 6.2 Development is permitted by this Order where it is within the defined range of the permitted uses and development parameters. The LDO does not supersede the requirement for development to comply with all other relevant UK and international legislation, for example building control or environmental permits. The proposal is to be time limited and will be subject to annual and periodic monitoring so as to ensure it is effective and fit for purpose.

## 7. Other Implications

### 7.1 Risk Management

Risk	Probability	Impact	Priority	Action
LDO allows development which causes a nuisance to neighbours	Low	High	High	Conditions are imposed to mitigate impacts.
LDO allows development which affects visual appearance of areas	Low	High	High	Conditions are imposed to mitigate impacts.
Increased activity within Employment Areas may have an impact on traffic	Low	Medium	Medium	Department of Transport thresholds have been applied for submission of transport statements and transport assessments.
LDO may allow too many B8 developments at the expense of B1 and B2 uses which tend to generate higher levels of employment	Medium	Medium	High	In line with Local Plan policy restrictions on the LDO prevent changes to B8 use in Dagenham Dock, and prevent changes of use to B8 if the premises have a floor area of 1,000sqm or larger in Employment Areas north of the A13.

The Council will lose income from planning application fees	Low	Low	Low	Only a handful of planning applications in the last two years would have been affected by this LDO. So it will not have a significant affect on planning income.
The Council will not be able to secure S106 agreements since planning permission will not be required	Low	Low	Low	Since the change of use of an existing building from one commercial use to another rarely has a significant impact a S106 would not normally be justified

- 7.2 **Staffing Issues** - The proposals will not necessitate the need for additional staff.
- 7.3 **Corporate Policy and Customer Impact** - The proposals are likely to have a positive effect on the local community by attracting new investment and allowing existing businesses to adapt to change. This in turn may increase employment opportunities in the borough.
- 7.4 **Crime and Disorder Issues** - It is not anticipated that the proposed LDO will have a negative impact on crime and disorder. Indeed the proposal will make it easier for business to invest in the borough and bring employment opportunities. At the same time there will be less vacant buildings and less opportunity for criminal damage. It will be important, with the removal of the need for planning permission around change of use and minor redevelopment that applicants are reminded at the outset of the need to keep buildings and building materials secure during redevelopment.

**Public Background Papers Used in the Preparation of the Report:**

- Barking and Dagenham Employment Areas Local Development Order, LBBD Cabinet Report, 24 September 2013.

**List of appendices:**

- **Appendix 1:** London Borough of Barking and Dagenham Employment Areas Local Development Order and Statement of Reasons.
- **Appendix 2:** London Borough of Barking and Dagenham Draft Employment Areas Local Development Order: Summary of Comments and Responses, January 2014

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**London Borough of Barking and Dagenham Employment  
Areas Local Development Order and Statement of  
Reasons.**

**Barking and Dagenham: a business friendly borough**

June 2014

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## **Barking and Dagenham: London's Newest Opportunity**

The Council's overarching vision is encouraging growth and unlocking the potential of Barking and Dagenham and its residents. This Local Development Order has been devised to encourage growth in line with the Council's emerging Economic Growth Strategy.

Barking and Dagenham has some of the best value land for development and the most affordable premises for businesses, both large and small, in London. It also has some of the capital's largest stretches of undeveloped riverside frontage.

The borough combines the advantages of London's unmatched accessibility and markets, with the benefits of the suburbs – with 530 hectares of Green Belt land, plus 25 parks and open spaces, and tree lined streets.

Barking and Dagenham has a long history of manufacturing excellence. Industry flourished thanks to strategic transport links, proximity to substantial markets and a skilled population with competitive wages and committed to hard work – these strengths continue to make Barking and Dagenham a great place to do business today.

The borough is turning its manufacturing strengths and rich industrial heritage into creating a low carbon future, while winning high profile accolades for quality buildings and developments such as the award for Best European Public Space for Barking Town Square.

The Rivers Thames and Roding, which played such a key role in the borough's economic heritage, remain central to its future, not only in terms of transporting freight, but also in delivering a high quality place in which to live and work.

A four-year £15million Local Economic Growth Initiative programme enabled the opening of Barking Enterprise Centre and Dagenham Business Centre, and helped build a strong foundation for comprehensive enterprise and business support. As a result, Barking and Dagenham has one of the highest business start-up rates of any borough in the country.

The Council are proud to announce that the London Borough of Barking and Dagenham recently won **Best All Round Small Business Friendly Borough Award** supported by the London Region of The Federation of Small Businesses (FSB) and London Councils inaugural awards. The awards are designed to recognise local council support for small businesses.

More than 20,000 new homes are proposed to be built in the borough over the next 15 years which, in turn, will bring new businesses and customers into the borough.

### **A Well Connected Place**

Barking and Dagenham is at the heart of East London with excellent road and public transport links. Stratford, Canary Wharf, The Royal Docks and the City of London are all accessible within 20 minutes. Crossrail will result in Chadwell Heath station being a 24 minutes journey to Liverpool Street and under an hour to Heathrow. The A13 also leads west to London City Airport in under ten minutes. Stansted and Southend airports can be reached in under an hour. The A12, A13, and A406 provide convenient access to Central London, the M11 corridor, the M25 and the wider South East including the new London Gateway Port complex at Stanford-le-Hope.

The borough's position makes it ideal as a location for businesses serving London and the south east. This includes the substantial logistics sector already in the borough which could be supplemented by a range of enterprises offering support. Some of the companies that have taken advantage of Barking and Dagenham's location include Ford's, British Bakeries, Innovative Output Solutions, DHL, UPS, TNT and Kuehne + Nagel.

Barking and Dagenham also offers scope for further sustainable freight movements with more safeguarded wharves than any other London Borough. Rail freight capacity is also available including direct access onto the High Speed 1 line into continental Europe. The River Thames also has active wharves at Ford, Dagenham Dock and River Road and more than 2km of frontage for public access at Barking Riverside. Barking and Dagenham therefore offers some of the most extensive undeveloped stretches of riverside frontage in London.

### **London Sustainable Industries Park (LSIP)**

The LSIP at Dagenham Dock will be the UK's largest concentration of environmental industries and technologies with significant opportunities for investment.

Leading green enterprises already present at the LSIP are: Closed Loop Recycling (turning used food grade plastic into new packaging), Berryman Glass (glass recycling), Van Dalen UK (Recycled materials), K & D Joinery (building for the retrofit market), ING Solar (design and installation of photovoltaic systems) and OCL Regeneration (recycled aggregates) are benefiting from being based at the LSIP.

Superb transport links into Central London provide a powerful incentive for those businesses locating in the Park. Dagenham Dock is served both by the C2C train service with fast connections to Central London and the East London Transit (ELT) offers easy connections to Barking and Ilford town centres.

There are significant opportunities for new sustainable industrial development at the LSIP. For further information visit [www.londonsip.com](http://www.londonsip.com)

### **Businesseast: attractive large scale site combining bio-science and business**

Businesseast, the former 44 hectare Sanofi site, is located opposite Dagenham East station on the District Line.

The site offers easy access to London, significant vacant brownfield land, dry and

wet laboratory space, sterile and temperature-controlled buildings, air handling systems, micro labs and associated offices. All these facilities would be prohibitively expensive to build from scratch, underlining the hugely attractive offer the area provides.

The site is ideally placed for development as a leading-edge science park for individual companies or a university or group of universities. Some existing lab buildings can be maximised through development into individual units for research, or as the base for start-up companies active in research and development, biotech and the pharmaceutical or bioscience sectors.

For further information visit [www.business-east.co.uk](http://www.business-east.co.uk)

### **South Dagenham & Beam Park West: large scale brownfield sites with great potential**

The restructuring of Ford means two substantial development sites are available. Beam Park West offers over 15 hectares with a new Planning Prospectus setting out a range of opportunities.

AXA REIM have recently obtained planning consent for 38,090sqm B1, B2, B8 development on a 9 hectare site north of Dagenham Dock station (Orion Park) providing new units on the basis of freehold/leasehold design and build development, constructed to occupiers specific requirements. Developments can be delivered within 12 months of parties agreeing contracts.

For information visit: [www.orionpark.co.uk](http://www.orionpark.co.uk)

### **London's Newest Opportunity**

Full details of London's Newest Opportunity can be found at:  
[www.lbbd.gov.uk/londonsnewestopportunity](http://www.lbbd.gov.uk/londonsnewestopportunity)

## **Statement of Reasons for London Borough of Barking and Dagenham Employment Areas Draft Local Development Order**

### **1. Introduction**

- 1.1 This document provides a Statement of Reasons for the Draft Barking and Dagenham Employment Areas Local Development Order (LDO) and a copy of the Draft LDO itself. The LDO has been made to support the objectives of the Council's emerging Economic Growth Strategy and to make it easier for developers to comply with Local Plan policy.
- 1.2 Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) paragraph (1) outlines that 'where a local planning authority propose to make an LDO they shall first prepare:
- (a) A draft of the order; and
  - (b) A statement of their reasons for making the order'.
- 1.3 A draft of the Order follows this statement.
- 1.4 Article 34, paragraph (2) of the DMPO states that 'the statement of reasons shall contain:
- (a) A description of the development which the order would permit; and
  - (b) A plan or statement identifying the land to which the order would relate'.
- 1.5 The text in this document acts as the statement of reasons for making the LDO. A plan identifying the land to which the LDO relates is attached as Appendix A.
- 1.6 The Council have already undertaken a Habitats Regulations Assessment Screening Report for the Core Strategy and Borough Wide Development Policies DPD. The results of this Screening Report, which were agreed by Natural England, were that the suite of documents would not result in likely significant effects upon a Natura 2000 site. Given that the LDO implements policy CE4 of the Core Strategy it is considered it is not necessary to do a separate screening for this LDO.

### **2. Consultation on the LDO**

- 2.1 The Council undertook public consultation on the Employment Areas LDO for a period of six weeks from 8 November 2013 to 20 December 2013 in compliance with the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure)(England) Order 2010. This included consultation with the Barking

and Dagenham Chamber of Commerce and local Business Forums.

- 2.2 This version will be reported to Barking and Dagenham council's Assembly on 12<sup>th</sup> June 2014 for approval.

### **3. Purpose of the LDO**

- 3.1 The purpose of the Barking and Dagenham Employment Area LDO is to extend the range of permitted development rights in the borough's designated employment areas to allow businesses to change use or make certain alterations without the need for planning permission. The changes of use allowed by the HMO are consistent with Core Strategy Policy CE4 of the Local Plan. It is intended that the LDO will make it easier for businesses to diversify or move to bigger premises without the hurdle of seeking planning consent. It therefore helps implement the Council's emerging Economic Growth Strategy and the Council's Local Plan.

### **4. Area covered by the LDO**

- 4.1 The LDO relates to all employment areas designated on the London Borough of Barking and Dagenham's Local Plan Proposals Map (February 2012) as Strategic Industrial Locations (SILs) or Locally Significant Industrial Sites (LSISs) excluding the Sanofi site and Ford Stamping Plant. These are shown on the plan attached as Appendix A. These comprise:

- Kingsway Industrial Estate (SIL)
- River Road Employment Area (SIL)
- Rippleside (SIL)
- Dagenham Dock (SIL)
- Ford (SIL)
  
- Freshwater Road (LSIS)
- Sterling and Wantz Industrial Estate (LSIS)
- Hertford Road (LSIS)
- Fresh Wharf (southern part) (LSIS)
- Gascoigne Business Area (LSIS)
- Lyon Business Park (LSIS)

### **5. What does the LDO permit?**

- 5.1 An LDO is a grant of planning permission through Section 61A of the Town and Country Planning Act 1990, as amended.
- 5.2 In addition to existing permitted development rights and in line with Core Strategy Policy CE4 of the Local Plan the Barking and Dagenham Employment Areas LDO will grant planning permission within the employment

areas shown on the plan in Appendix A for the following changes of use. These rights do not apply to sites within 20 metres of the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not:

- (a) Change of use from B2 to B8 of the Use Classes Order;
- (b) Change of use from B1, to B2 or B8 of the Use Classes Order;
- (c) Change of use from B8 to B1(b), B1(c) or B2 of the Use Classes Order;
- (d) Change of use from D1 to B1(b), B1(c), B2 or B8 of the Use Classes Order;

5.3 In addition to existing permitted development rights the Barking and Dagenham Employment Areas LDO will grant planning permission within the employment areas shown on the plan in Appendix A for the following development for B1(b), B1(c), B2 and B8 uses:

- (a) Installation of new windows where they are more than 20 metres from the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not;
- (b) Replacement windows and recladding of building exteriors where they are more than 5 metres from the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not;

5.4 In line with Core Strategy Policy CE4 of the Local Plan development is not permitted by this LDO for the following:

- North of the A13 a change of use from B1, B2 or D1 to B8 if the change of use would involve floorspace of 1,000 square metres or above
- Within Dagenham Dock (as shown in Appendix A) change of use from B1, B2 or D1 to B8 and any other change of use permitted by this LDO to a use which is not in the environmental industries sector.

5.5 This LDO does not introduce any additional permitted development rights for waste management uses. This includes Dagenham Dock and therefore for the purposes of this LDO they are excluded from the definition of environmental industries. This is because the Council has a clearly defined strategy for meeting the waste apportionment set by the Mayor of London and granting additional permitted development rights for waste management uses would undermine this. Therefore planning applications for waste management uses will continue to be necessary and will be determined against the policies in the Joint Waste Plan.

<http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalPlan/Pages/JointWastePlan.aspx>).

5.6 This LDO does not permit development which has an unacceptable impact on the surrounding transport and road network. Therefore for changes of use to a building between 2,499 and 3,999 square metres of floorspace a transport statement must be submitted. For changes of use involving a building over 3,999 square metres of floorspace a transport assessment must be submitted.

This is to allow the Council to determine whether the proposed change of use has an unacceptable impact on the surrounding transport and road network.

## 6. Conditions

6.1 The LDO is subject to the following conditions:

### General Conditions

- GC1 Any planning conditions imposed on the existing planning consent for the current lawful use will continue to apply to any change of use permitted under this LDO. For the avoidance of doubt the Council will supply a list of existing planning conditions when it confirms any LDO notification.
- GC2 The LDO and the terms within it will be active for a period of three years following the day of its adoption on 12 June 2014 and will expire following this period. It will cease to apply on the Day following the third anniversary of its adoption, i.e. 12 June 2017.
- GC3 Subject to these conditions, uses which have started under the provision of the LDO can continue even if the LDO expires or is modified, but no new changes of use will be allowed under the terms of the LDO following its expiry without express planning permission.

### Specific conditions

- SC1 A transport statement will be required for any change of use to a building over 2499 square metres gross floorspace and a transport assessment for any change of use to a building over 3999 square metres floorspace.

#### **Reason.**

In line with Policy BR10 of the Council's Local Plan to ensure changes of use do not have an unacceptable impact on the surrounding transport and road network.

## 7. Informatives

- IN1 The LDO does not grant consent for the change of use of, or modifications to, any existing or future listed buildings situated within the boundary of the LDO area, which must be the subject of planning permission.
- IN2 The LDO does not grant consent for Schedule 1 and Schedule 2 development (for which an Environmental Statement is required) within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations

2011

- IN3 The LDO does not remove the requirement for development to comply with all other relevant UK and international legislation for example advertisement consent, licensing regulations and the Building Regulations.
- IN4 Approval for permitted development granted under this Order is based on the information submitted with the application. If this information is found to be incorrect, the proposal would no longer be permitted under the LDO and any approval given would be null and void. A full planning application would then be required to regularise the development.
- IN5 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency may be required for any proposed works or structures in, under, over or within 8 metres of a watercourse (16m for the tidal sections of the River Thames) and flood defence structures.
- IN6 The Borough's safeguarded wharves are safeguarded by Ministerial Direction and policy 7.26 of the London Plan 2011 (which will be replaced by the Further Alterations to the London Plan in 2015) which protects them for waterbourne freight handling uses. Therefore, any changes which result in the loss of these uses, or restrict the potential for non-operational wharves to be reactivated for waterbourne cargo handling uses, will not be allowed.
- IN7 When the Council confirms a LDO notification by a developer it will also confirm the existing planning conditions that apply to the development. To vary any existing planning conditions an application will then need to be made to the Council in the normal way.
- IN8 HSE consultation zones exist on Dagenham Dock around the Stolthaven complex and the around the East Ham Gas Holder station. These are shown in Appendix B. Where any change of use is likely to increase the number of people working at the premises the HSE must be consulted. The LDO does not waive this requirement.

## **8. Community Infrastructure Levy (CIL)**

- 8.1 Permitted development may be liable to pay CIL (CIL Regulation (3)(a)(ii)) from 6 April 2013. When you intend to commence development permitted by an LDO you must submit a Notice of Chargeable Development to the local authority before you commence this development. The CIL charge is then calculated and applied by the Council (if the development is liable to pay the charge) just as though planning permission had been issued. This form can be found on the Council's website:

<http://www.lbbd.gov.uk/Environment/planning/Pages/AdoptedMayoralCIL.aspx>

Please contact us on 020 8724 8097 if you require advice on whether your



development is CIL liable.

## **9. How will the LDO be administered and monitored?**

9.1 Notification of proposed development under the Barking and Dagenham Employment Area LDO must be made to the Local Planning Authority prior to commencement of development using the pre-development notification form attached as Appendix C. The application form can also be found on the Council's website:

<http://www.lbbd.gov.uk/Environment/planning/Pages/Applicationformsandvalidationcriteria.aspx>

9.2 Any proposal which fits into the categories permitted by the LDO can take place without planning permission (subject to conditions).

9.3 The Council will acknowledge receipt of submissions by email and within 10 working days of this date the Council will:

- Confirm in writing if development is permitted by the LDO and, if not, why.
- Ask for further information and a further 10 working days to consider the proposal on receipt of that information
- Confirm the existing planning conditions which will continue to apply to the new use permitted by the LDO.

### **Validation Requirements**

- All plans and drawings must include a North point, specify paper size (e.g. A3) and a scale bar indicating a minimum of 0-10metres. The reason for this is that all plans submitted are scanned. Two copies of the plans are required.
- The location plan should identify the land to which the application relates. It should be based on an up-to-date map at a scale of 1:1250 or 1:2500. The site should be edged in red and sufficient roads and buildings should be identified. A blue line should be drawn around any other land owned by the applicant, close or adjoining the site.
- The site plan should typically be at a scale of 1:100 or 1:200 identifying the position of the development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the site boundaries. Where appropriate, the plan should also show the position of the nearest residential property.
- Notice of Chargeable Development (only required if the development is CIL liable)
- A transport statement will be required for any change of use over 2499 square metres and a transport assessment for any change of use over 3999 square metres. Please see condition SC1.

## **Monitoring**

- 9.4 The Council will be monitoring any changes on the ground and should any breaches of the terms of the LDO occur, the council will consider appropriate enforcement action.
- 9.5 The LDO will be formally monitored within the Local Plan (formally known as the Local Development Framework) Authorities Monitoring Report which is published annually. This will highlight how many developments have been allowed under the LDO and the impact this has had on the Employment Areas which it applies to. This will be done using information submitted in the pre-development notification forms.
- 9.6 The LDO will also be subject to a yearly review by the Delegated Decisions Review Panel.
- 9.7 After three years from the date of adoption, the LDO will automatically cease unless the council chooses to renew the LDO in its current or a revised form.

## **Section 61A of the Town and Country Planning Act 1990**

### **London Borough of Barking and Dagenham**

#### **Employment Areas Local Development Order**

This Local Development Order (“LDO”) is made by the London Borough of Barking and Dagenham under Section 61A (2) of the Town and Country Planning Act 1990 (as amended).

It applies to the designated employment areas - Strategic Industrial Locations (SILs) and Locally Significant industrial Sites (LSISs) - detailed on the plan in Appendix A.

This LDO grants planning permission subject to conditions and limitations as set out in this Order. Any development that does not comply with the conditions and limitations of this LDO will require planning permission. Unauthorised development will be liable to enforcement action.

The LDO and the terms within it will be active for a period of three years following the day of its adoption on 12 June 2014 and will expire following this period. It will cease to apply on the Day following the third anniversary of its adoption, 12 June 2017.

Subject to these conditions, uses which have started under the provision of the LDO can continue even if the LDO expires or is modified, but no new changes of use will be allowed under the terms of the LDO following its expiry without express planning permission.

#### **Class 1 Permitted Development**

In addition to existing permitted development rights the Barking and Dagenham Employment Areas LDO will grant planning permission within the employment areas shown on the plan in Appendix A for the following changes of use. These rights do not apply to sites within 20 metres of the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not:

- (a) Change of use from B2 to B8 of the Use Classes Order;
- (b) Change of use from B1, to B2 or B8 of the Use Classes Order;
- (c) Change of use from B8 to B1(b), B1(c) or B2 of the Use Classes Order;
- (d) Change of use from D1 to B1(b), B1(c), B2 or B8 of the Use Classes Order;

In addition to existing permitted development rights the Barking and Dagenham Employment Areas LDO will grant planning permission within the employment areas shown on the plan in Appendix A for the following development for B1(b), B1(c), B2 and B8 uses::

- (a) Installation of new windows where they are more than 20 metres from the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not:

- (b) Replacement windows and recladding of building exteriors where they are more than 5 metres from the boundary of existing residential properties or residential properties with the benefit of planning permission whether built or not:

### **Development not permitted**

Development is not permitted by this LDO for the following:

- (a) North of the A13 a change of use from B1, B2 or D1 to B8 if the change of use would involve floorspace of 1,000 square metres or above
- (b) Within Dagenham Dock (as shown in Appendix A) change of use from B1, B2 or D1 to B8 and any other change of use permitted by this LDO to a use which is not in the environmental industries sector.

This LDO does not introduce any additional permitted development rights for waste management uses. Planning applications for waste management uses will continue to be necessary and will be determined against the policies in the Joint Waste Plan. <http://www.lbbd.gov.uk/Environment/PlanningPolicy/LocalPlan/Pages/JointWastePlan.aspx>.

This LDO does not permit development which has an unacceptable impact on the surrounding transport and road network. Therefore for changes of use between 2,499 and 3,999 square metres of floorspace a transport statement must be submitted. For changes of use involving over 3,999 square metres of floorspace transport assessment must be submitted. This is to allow the Council to determine whether the proposed change of use has an unacceptable impact on the surrounding transport and road network.

### **General Conditions**

- GC1 Any planning conditions imposed on the existing permitted development will continue to apply to any change of use permitted under this LDO. For the avoidance of doubt the Council will supply a list of existing planning conditions when it confirms a LDO notification.
- GC2 The LDO and the terms within it will be active for a period of three years following the day of its adoption on 12 June 2014 and will expire following this period. It will cease to apply on the Day following the third anniversary of its adoption, i.e. 12 June 2017.
- GC3 Subject to these conditions, uses which have started under the provision of the LDO can continue even if the LDO expires or is modified, but no new changes of use will be allowed under the terms of the LDO following its expiry without express planning permission.

### **Specific conditions**

- SC1 A transport statement will be required for any change of use to a building over

2499 square metres gross floorspace and a transport assessment for any change of use to a building over 3999 square metres floorspace.

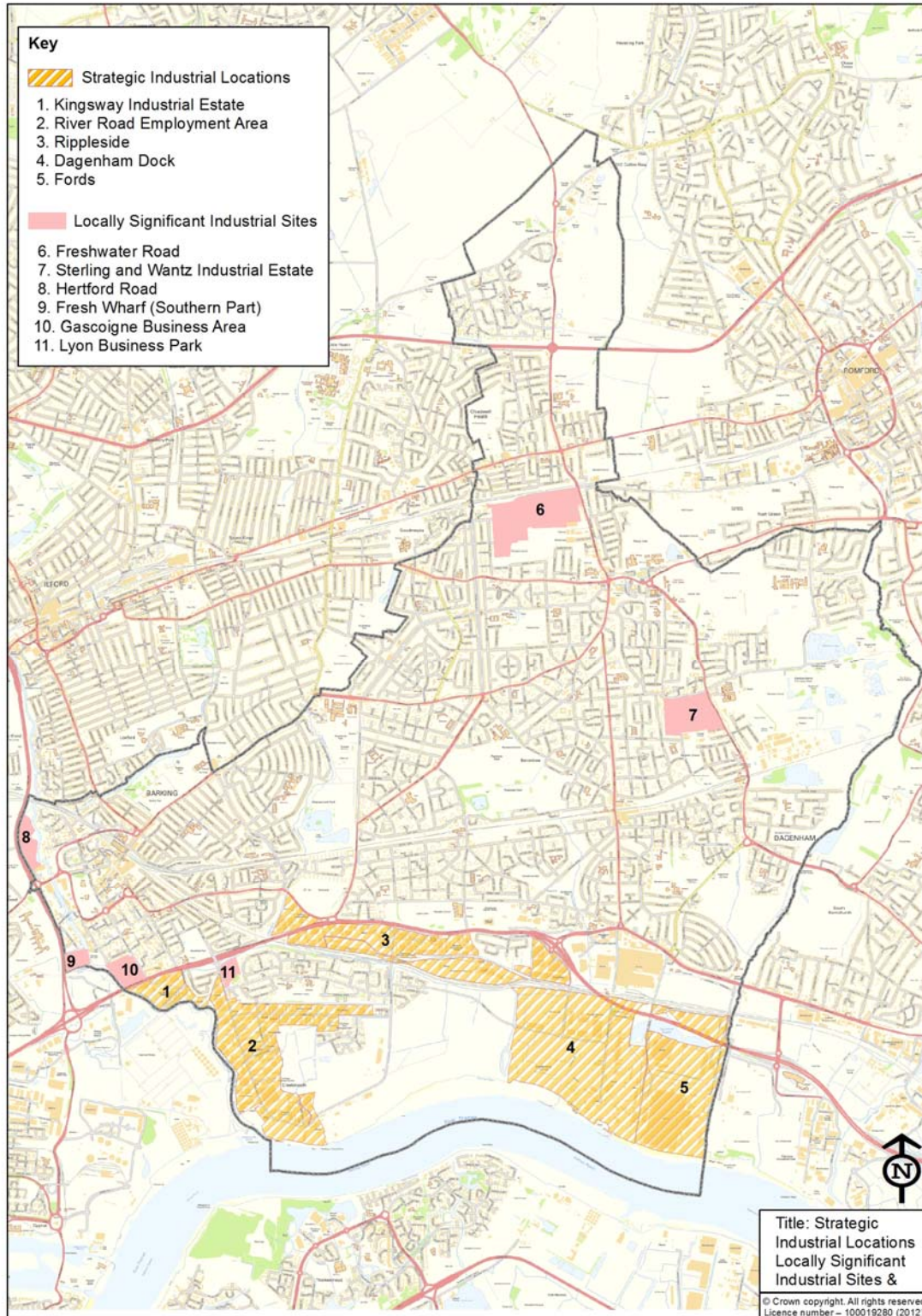
**Reason.**

In line with Policy BR10 of the Council's Local Plan to ensure changes of use do not have an unacceptable impact on the surrounding transport and road network.

**Informatives**

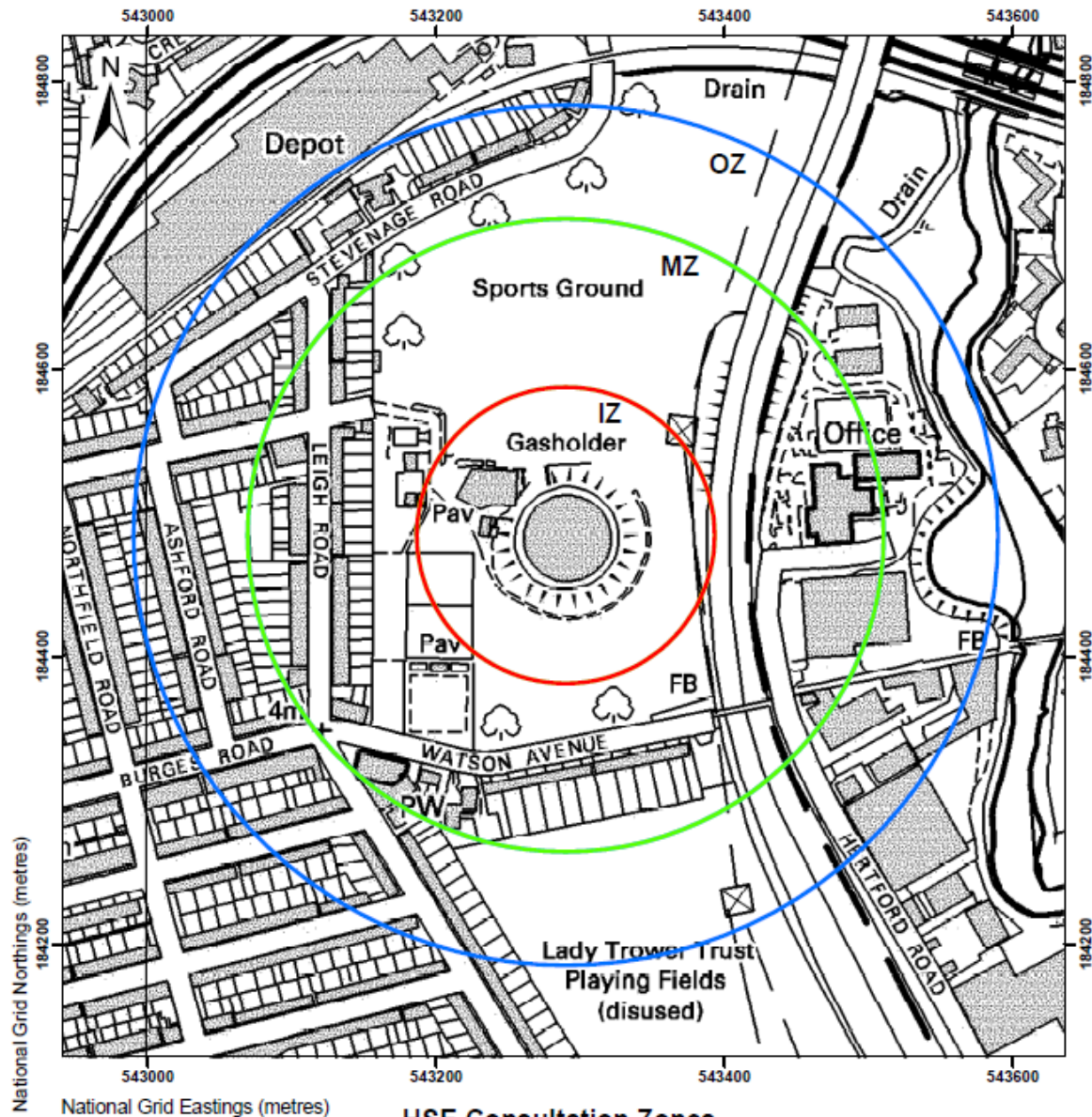
- IN1 The LDO does not grant consent for the change of use of, or modifications to, any existing or future listed buildings situated within the boundary of the LDO area, which must be the subject of planning permission.
- IN2 The LDO does not grant consent for Schedule 1 and Schedule 2 development (for which an Environmental Statement is required) within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011
- IN3 The LDO does not remove the requirement for development to comply with all other relevant UK and international legislation for example advertisement consent, licensing regulations and the Building Regulations.
- IN4 Approval for permitted development granted under this Order is based on the information submitted with the application. If this information is found to be incorrect, the proposal would no longer be permitted under the LDO and any approval given would be null and void. A full planning application would then be required to regularise the development.
- IN5 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency may be required for any proposed works or structures in, under, over or within 8 metres of a watercourse (16m for the tidal sections of the River Thames) and flood defence structures.
- IN6 The Borough's safeguarded wharves are safeguarded by Ministerial Direction and policy 7.26 of the London Plan 2011 (which will be replaced by the Further Alterations to the London Plan in 2015) which protects them for waterbourne freight handling uses. Therefore, any changes which result in the loss of these uses, or restrict the potential for non-operational wharves to be reactivated for waterbourne cargo handling uses, will not be allowed.
- IN7 When the Council confirms a LDO notification by a developer it will also confirm the existing planning conditions that apply to the development. To vary any existing planning conditions an application will then need to be made to the Council in the normal way.
- IN8 HSE consultation zones exist on Dagenham Dock around the Stolthaven complex and the around the East Ham Gas Holder station. These are shown in Appendix B. Where any change of use is likely to increase the number of people working at the premises the HSE must be consulted. The LDO does not waive this requirement.

## Appendix A: Plan showing areas included within the Barking and Dagenham Employment Areas LDO



Appendix B

East Ham HSE Consultation Zone



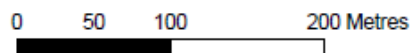
**HSE Consultation Zones**

Transco, East Ham Holder Station, Southend Road, East Ham, London, E6 2AS

HSE HID CI5 Ref: H1750  
Grid Ref: TQ 431 845

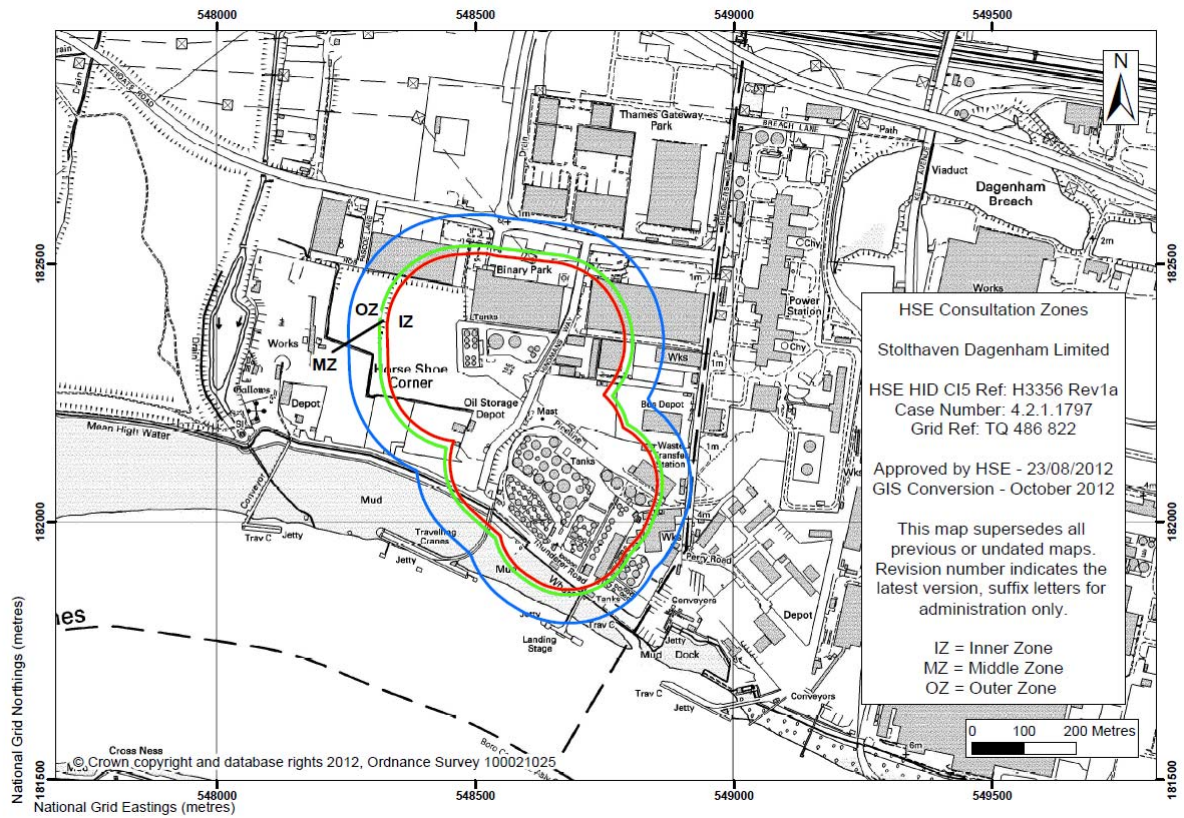
Prepared - November 2006  
This map supersedes all previous or undated maps

IZ = Inner Zone  
MZ = Middle Zone  
OZ = Outer Zone



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Dagenham Dock – Stolthaven Consultation Zone





## Appendix C: Pre-development Notification Form

By submitting this form you are requesting that the London Borough of Barking and Dagenham confirm whether the works you are proposing would constitute permitted development under the additional rights granted by the Barking and Dagenham Employment Areas Local Development Order (LDO).

In assessing this form and the plans provided, the Council will only consider whether your proposal is of a type which constitutes permitted development as provided for by the LDO and, as such, no opinion will be provided on other forms of potentially permitted development. With regard to planning, this will constitute a formal response as required by the Order. Please note that your development will still be subject to the normal requirements with regard to the need for Building Regulation consent and other legislation.

Please complete this form and return to the Council together with the:

- Location plan (scale 1:1250 or 1:2500)
- Site plan (1:100 or 1:200)
- Notice of Chargeable Development (where development is CIL liable)

All measurements should be provided in metric and floor areas specified as gross internal area (GIA).

The 'pre-notification' fee (£50) must be paid to the Council with your submission. Cheques should be made payable to 'London Borough of Barking and Dagenham'.

The Council will acknowledge receipt of your submission by email (it is therefore essential that an email address is provided). Within 10-working days of receipt of your submission the Council will:

- Confirm in writing (or by email) if development is permitted by the LDO and, if not, why.
- Ask for further information and a further 10 working days to consider the proposal on receipt of that information
- Confirm the existing planning conditions which will continue to apply to the new use permitted by the LDO.

The completed form and drawings should be sent by post to:  
Development Management Manager, London Borough of Barking and Dagenham,  
Room 104, Town Hall, Barking, IG11 7LU or by email to  
[planning@lbbd.gov.uk](mailto:planning@lbbd.gov.uk)

Applicant	Agent
Name..... Address..... ..... ..... Postcode..... Telephone no..... Email.....	Name..... Address..... ..... ..... Postcode..... Telephone no..... Email.....
<b>Address / location of proposed works</b> ..... .....	
<b>Description of development or change of use (and Use Classes if known)</b> ..... ..... ..... ..... .....	
<b>Gross Floor Area of development proposed.....</b>	
<b>Brief statement of why you consider the proposed development to be permitted by the LDO</b> ..... ..... .....	
<b>Date works will commence on</b> .....	
<p>Declaration I hereby give notice of my intention to carry out the above works. I also confirm my intention that, if it is confirmed that planning permission is not required as provided for by the Barking and Dagenham Employment Areas LDO, I shall carry out the proposed work in accordance with the details included on this form. I understand that any variation from these details may require a re-assessment of the situation.</p> Name..... Signature..... Date.....	
<b>Attached information</b> I attach the following information:  Location plan (scale 1:1250 or 1:2500)  Site plan (1:500 or 1:200)	

The pre-notification fee of £50 (cheques should be made payable to 'London Borough of Barking and Dagenham')

A transport statement must be submitted for any development between 2500 and 3999 square metres gross floorspace and a transport assessment for any development over 4000 square metres gross floorspace

.....  
.....  
.....  
.....  
.....

Notes:

**Freedom of Information Act:**

*Please note with regard to the above legislation, it is possible that this enquiry, together with any response made by this Council, could be made available for public inspection at some future date.*

**Building Regulations:**

*Please contact London Borough of Barking and Dagenham's Building Control Section concerning any separate consent that may be required under the Building Regulations.*

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London Borough of Barking and Dagenham  
Draft Employment Areas Local Development Order  
Summary of Comments and Responses  
June 2014

<b>Response No.</b>	<b>Respondent Name</b>	<b>Summary of Comments</b>	<b>Council Response</b>	<b>Local Development Order Amendments</b>
<b>1</b>	Geoff Lentin, Local Dialogue	Expressed an interest in the potential for development in Barking and Dagenham.	Noted.	None
<b>2</b>	David Hussey, Highways Agency	No comments at this time. Will be concerned with proposals that have the potential to impact the safe and efficient operation of the strategic road network.	Noted.	None
<b>3</b>	Lucy Owen, Port of London Authority	The PLA objects to the LDO if it could result in changes being made to the use of a safeguarded wharf and such changes would for example, result in the loss of existing waterborne cargo handling uses or restrict the potential for non operational wharves to be reactivated for waterborne cargo handling uses in line with policy 7.26.	The Council agrees that the safeguarded wharves should be protected in line with London Plan policy 7.26 and LBBB Core Strategy Policy CE4.	An informative has been added to ensure that any changes which result in the loss of existing waterborne cargo uses, or restrict the potential for non-operational wharves to be reactivated for waterborne cargo handling uses, will not be allowed.
<b>4</b>	Julie Patenaude, English Heritage	No Comment on LDO.  English Heritage would strongly advise that the local authority's conservation staff are involved throughout the preparation and implementation of the Local Development Order, as they are often best placed to advise on: local historic environment issues and priorities, sources of data; and consideration of options relating to the historic environment.	Noted.	None

Response No.	Respondent Name	Summary of Comments	Council Response	Local Development Order Amendments
5	Sean Peacock, Transport for London	<p>TfL have no objection to the adoption of this LDO.</p> <p>The proposed condition of this order to require applicants to submit a Transport Statement or Transport Assessment, where development is above a threshold of 2499sqm and 3999 sqm respectively, is welcomed. The borough are encouraged to continue notifying and consulting TfL in the usual way if any proposal is considered to have an impact on the Transport for London Road Network, Strategic Road Network or public transport safety and operations.</p>	Noted.	None
6	Andy Goymer, Environment Agency	<p>No objections to the proposals but recommend a change of wording to one of the informatives in section 7 on page 10.</p> <p>Informative <i>IN5</i> advises applicants to gain 'Land Drainage Consent' from the Environment Agency for sites within flood zone 3. This is not entirely correct as Flood zone 3 is not the trigger point for issuing consent. Applicants should instead consult us on works that are in close proximity to a watercourse and/or its defences. This '<i>Flood Defence Consent</i>' is a requirement of the Water</p>	The Council agrees with the recommended change of wording.	<p>Informative IN5 to be replaced with the following:</p> <p><i>Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency may be required for any proposed works or structures in, under, over or within 8 metres of a watercourse (16m for the</i></p>

Response No.	Respondent Name	Summary of Comments	Council Response	Local Development Order Amendments
		<p>Resources Act 1991 and the Thames Land Drainage Byelaws 1981.</p> <p><b>Suggested wording:</b>  <i>Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency may be required for any proposed works or structures in, under, over or within 8 metres of a watercourse (16m for the tidal sections of the river Thames) and flood defence structures.</i></p>		<p><i>tidal sections of the river Thames) and flood defence structures.</i></p>
7	Michael Cullen, Ramblers Association	No objections to the LDO but wishes to express that the need, importance and value of green spaces is recognised.	Noted.	None
8	Piotr Behnke, Natural England	<p>Natural England has no issue with the content.</p> <p>It would be good to see more use of Green infrastructure within the area. Given the locations of a number of the areas covered by this development order are in fact near to the Thames it would make sense to ensure that as much as possible is done to ensure that any changes of use include some kind of biodiversity benefits in their plans, whether this be through the use of green</p>	Noted.	None



<b>Response No.</b>	<b>Respondent Name</b>	<b>Summary of Comments</b>	<b>Council Response</b>	<b>Local Development Order Amendments</b>
		<p>roofs or rainwater harvesting for use within the buildings themselves for instance.</p> <p>It should also be noted that the LDO would need to ensure that any works carried out are in conformity with the Barking Riverside Masterplan so as to be complementary to it and not competing with the objectives set out in the plan.</p>		

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## ASSEMBLY

17 September 2014

<b>Title:</b> Approval of Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'	
<b>Report of the Cabinet Member for Regeneration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
<b>Report Author:</b> Jamie Simpson, Planning Officer	<b>Contact Details:</b> Tel: 020 8227 5816 E-mail: <a href="mailto:jamie.simpson@lbbd.gov.uk">jamie.simpson@lbbd.gov.uk</a>
<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director Regeneration	
<b>Accountable Director:</b> Steve Cox, Director of Growth	
<p><b>Summary:</b></p> <p>The number of public houses (pubs) in the borough has reduced from 48 to 28 in the last 26 years. The rate of loss is accelerating; in the last six years 13 pubs have closed. With the loss of a local pub comes the loss of a community facility, the loss of a business and in some cases the loss of an important historical building of architectural and civic interest.</p> <p>Consequently on 18 December 2013 Cabinet agreed to approve the draft Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses' for public consultation. (Minute no. 79 refers). This aims to give the Council more control over the loss of pubs through the planning system.</p> <p>The Council consulted on the draft SPD from 15 January 2014 to 26 February 2014. In total six written consultation representations were received. Objections were received from a planning consultant requesting the Council reconsider the introduction of the guidance. The Greater London Authority, English Heritage and a member of the public supported the principle of the guidance.</p> <p>Officers have made three minor revisions to the SPD taking on board a comment from English Heritage, to note the Further Alterations to the London Plan which was published for consultation in January 2014, and to clarify the permitted development rights that pubs enjoy, otherwise there are no changes proposed.</p> <p>The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. A copy of the proposed final SPD is attached as <b>Appendix 1</b> and the consultation statement is attached as <b>Appendix 2</b>.</p>	
<b>Recommendation(s)</b>	
The Assembly is recommended to adopt the Supplementary Planning Document "Last Orders? Preserving Public Houses" attached at Appendix 1 to the report.	

**Reason(s)**

In order to assist the Council to achieve its vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Create thriving communities'.

**1. Introduction and Background**

- 1.1 A report went to Cabinet on 18 December 2013 requesting approval of the draft Supplementary Planning Document (SPD), Last Orders? Preserving Public Houses and to issue the document for public consultation. This was agreed and consultation subsequently took place (Minute no. 79 refers).

**2. Proposal and Issues**

- 2.1 Consultation was undertaken for a period of six weeks from 15 January to 26 February 2014 in compliance with legal requirements set out in Local Plan Regulations. A press notice was published and an advertisement was set out in the Barking and Dagenham Post.
- 2.2 Copies of the draft SPD were set out on the Council website. Also hardcopies of the draft SPD were made available in Barking and Dagenham libraries, Barking Town Hall and Dagenham Civic Centre.
- 2.3 Selected individuals and organisations on the Local Plan consultation database were notified via email or letter. In addition, all known landlords or owners of pubs were notified via email or letter, as well as other interested stakeholders such as Campaign for Real Ale (CAMRA) and the British Beer and Pubs Association (BBPA). In addition statutory consultees were notified via email or letter.
- 2.4 In total six consultation responses were received as shown below.

Table 1 – Stakeholders Responses to the SPD Consultation

	<b>Object</b>	<b>Support</b>	<b>Neutral</b>
Resident		1	
Greater London Authority (GLA)		1	
English Heritage		1	
Highways Authority (HA)			1
Marine Management Organisation (MMA)			1
Gerardeve LLP (on behalf of Regents Park Properties)	1		
<b>Total</b>	<b>1</b>	<b>3</b>	<b>2</b>

- 2.5 Provided below is a summary of the main points raised in the objection from Gerrardeve LLP, representing Regents Park Properties. The Council's suggested response is provided in italics.

- The SPD is not in line with the adopted development plan. The adopted plan for the borough does not include planning policies on the protection of pubs and therefore the SPD goes beyond planning guidance. The adopted development plan does not specifically define pubs as a community facility.

*The National Planning Policy Framework is clear that public houses are a community facility and therefore the SPD implements policies CC2 and BC6 of the Local Plan which aim to prevent the loss of community facilities*

- Strongly disagree with the context of the draft SPD and the generation of new guidance on the protection of Public Houses through an SPD rather than through the Local Plan, as the draft SPD effectively seeks to generate a new policy, which will not have been subject to testing by way of examination.

*The SPD supplements policies in the Local Plan*

- The SPD will result in the unnecessary blanket protection on public houses which is not welcome.

*The SPD is not a blanket protection on public houses. Existing permitted development rights have not been removed. The SPD sets out the circumstances when change of use, redevelopment or demolition may be allowed.*

- The draft guidance is not considered to be effective. It is onerous and a prescriptive restriction which will ultimately discourage investment in underused sites in the borough which are in need of regeneration and would be better suited for alternative uses.

*The SPD will help shape investment whilst protecting valued community facilities.*

- The guidance offers no flexibility such as where public houses are not well used or become unviable.

*The SPD requires applicants to demonstrate that the existing pub use is not viable before a change of use is considered. Therefore it is flexible.*

- No justification for guidance point three; where if a building is assessed as having a historical significance, the Council will require the ground floor of the building to be retained as a public use.

*This is justified in paragraph 5.11 of the guidance. Here the guidance explains that with reference to paragraph 135 of the NPPF the Council regards locally listed pubs as especially significant given the number lost in recent years and their important contribution to defining Barking and Dagenham's character. Therefore, any proposals involving listed or locally listed pubs must preserve and enhance the building's historic significance and maintain an active ground floor frontage in a use which is accessible to the public.*

- No policy justification for where a pub is demolished the replacement development would need to make an equal or greater community benefit contribution which in itself is not defined in terms of policy tests.

*The guidance is clear that in these cases proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate. This is consistent with paragraph 70 of the National Planning Policy Framework which requires local authorities to plan positively for the provision of community facilities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.*

2.5 Support was received from:

- English Heritage
- Member of the public
- Greater London Authority

2.7 Below is a summary of the main points raised in support:

### **English Heritage**

- English Heritage welcomes the publication of this document and hopes it will assist the Borough in conserving the historic significance of the Borough's public houses
- For accuracy paragraph 3.22 states the SPD should be revised to include "...In assessing any proposals for listed pubs which require planning permission, Local Authorities must give great weight to the asset's conservation."

### **Greater London Authority**

- The SPD appears comprehensive and is in line with London Plan (2011) Policy 4.8 and the Further Alterations to the London Plan (FALP) (January 2014).
- The Mayor recognises the important role that London public houses can play in the social fabric of communities and encourages boroughs to bring forward policies to maintain, manage and enhance public houses.

### **Member of the Public**

- A member of the public supported the principle of protecting public houses in the Borough and against conversion to residential.

2.8 Given the feedback from the consultation, three amendments have been made to the SPD. Paragraph 3.22 has been amended to respond to the comments made by English Heritage. In addition paragraphs 3.18 – 3.20 have been amended. Due to the ongoing changes to permitted development rights this section has been simplified so it focuses on the current permitted development rights that apply to public houses.

2.9 Finally the SPD now includes reference to the Further Alterations to the London Plan which was published for consultation in January 2014. The consultation statement is attached as **Appendix 2**.

### 3. Financial Implications

Implications completed by: Phil Horner, Principal Accountant

3.1 The only financial impact could be on levels of Planning Application income received and, due to the small number of pubs now located in the Borough, the financial implications for this report are not significant.

### 4. Legal Implications

Implications completed by: Paul Feild, Senior Corporate Governance Lawyer

4.1 The Planning and Compulsory Purchase Act 2004 required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF) now known as the Local Plan. The SPD will inform the Local Plan

4.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) provides that adoption of Local Plan documents are not solely to be an executive function, so the resolution to adopt SPD documents must be carried out by the Assembly.

### 5. Other Implications

5.1 **Risk Management** - Officers consider that there is a sound policy basis for producing this Supplementary Planning Document.

Risk	Probability	Impact	Priority	Action
Failure to meet legal requirements.	Low	High	High	Relevant Act and Regulations were followed in preparing and adopting SPD.
Policy not applied successfully	Low	High	High	Development Management staff were fully briefed.
Failure to integrate fully with other Council policies and strategies	Low	High	High	The SPD is consistent with the National Planning Policy Framework and the Council's Community Strategy, Local Plan and Heritage Strategy.
Guidance is not upheld at appeal	Medium	High	High	This SPD is in line with the National Planning Policy Framework. Its purpose is to provide detailed guidance to developers on the implementation of Local Plan policy set out in the Borough Wide Development Policies DPD and the Core Strategy which have now been adopted.
Policy is challenged by developers.	Low	High	High	Other local authorities have issued similar guidance. Whilst Cambridge's guidance was the subject of a legal challenge this was not upheld.

- 5.2 **Staffing Issues** - The proposals will not necessitate the need for additional staff.
- 5.3 **Corporate Policy and Customer Impact** - The proposals are likely to have a positive effect on the local community by retaining the number of public houses in the Borough which are considered a valued public asset.
- 5.4 **Safeguarding Children** - Pubs traditionally are considered the domain of adults. However, in a changing industry many pubs have opened themselves up and diversified. One such trend has been emergence of family pubs. Often such pubs have play areas for children or shared community facilities. Such pubs can, where managed appropriately, help to create a healthy social environment for children as well as adults.

Although the primary motive for the guidance is aimed at the protection of pubs, the guidance also states that where the pub operation is not economically viable then the building should be retained as a community facility of some kind. This offers the opportunity for these sites as community facilities which could include facilities which would be of benefit to children.

- 5.5 **Health Issues** - The health problems and financial impact on public health services created by increased alcohol consumption need to be considered against the positive effects of local pubs. Alcohol misuse is a significant problem both for society and for the NHS in England. It is estimated that a quarter of adults in England drink a hazardous or harmful amount of alcohol. Alcohol has an effect on judgement, concentration, reaction time, balance and vision and hence it is a major cause of accidents and crime. Some religions forbid the use of alcohol and others commonly abstain from drinking.

The 2012 Joint Strategic Needs Assessment highlights that alcohol-related disorder has been identified as a concern by residents of Barking and Dagenham through local and national surveys. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the detrimental effect this has on the environment and on residents feelings of safety. However, it is important to stress that the negative impacts outlined above relate to alcohol consumption rather than the pub itself although there is naturally a relationship.

- 5.6 **Crime and Disorder Issues** - Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. A locally listed building that is well cared for can contribute to the local identity of an area and encourage a sense of pride in and respect for the local environment and therefore may help to reduce vandalism. Equally disused and vacant buildings can become eyesore sites and attract anti-social behaviour. Officers consider that the guidance strikes the right balance in this regard.
- 5.7 **Property / Asset Issues** - It should be noted that restrictions on any type of development may affect the volume of private sector interest in development, the level of investment and/or the viability of business. The financial impact on the Council of this cannot be estimated.



**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix 1** - Supplementary Planning Document (SPD) 'Last Orders? Preserving Public Houses'
- **Appendix 2** – Post consultation statement

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**Last Orders? Preserving Public Houses  
Supplementary Planning Document**

June 2014

# Contents

**1. Introduction**

**2. Status**

**3. Planning policy framework**

**4. Purpose and scope**

**5. The guidance**

**6. Monitoring, Implementation and Review**

**7. References**

**Appendix 1: Pubs closures and openings 1987-2013**

## 1. Introduction

- 1.1** This Supplementary Planning Document (SPD) explains the Council's overall guidance on the retention of public houses (pubs) in the borough. It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character of the borough. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed.
- 1.2** This document is a response to community concerns regarding the declining number of pubs in the borough. With only 28 pubs still in operation, a figure which is low for London, it is clear that doing nothing is not an appropriate response. The rate of decline in Barking and Dagenham is high with a reduction of 41.6 percent over the past twenty six years, with most of this occurring in the last ten years.
- 1.3** Whilst the loss of pubs in the borough is concerning, many of our pubs have managed to stay successful businesses even in testing economic times. Proving that with the right management, sales and offer our local pubs can and do thrive. Nevertheless, the pub industry nationally remains a challenging environment.
- 1.4** Pubs are special, more than private businesses; the local pub often brings people from different walks of life together, supporting community cohesion. Many of the pubs in Barking and Dagenham are also of local and in some instances national historic significance and contribute to the unique character and appearance of the borough, including its conservation areas. To put it simply, our pubs matter and it is for this reason that the Council wants to give pubs a greater level of protection.
- 1.5** The guidance, detailed in Section 6, sets out a level of protection for the Borough's pubs. This SPD is considered a pragmatic and proportionate response to the challenges we face in maintaining the borough's pub stock. It will allow the opportunity for pubs to flexibly change use in appropriate circumstances.
- 1.6** This SPD has been prepared to take into account the following key principles:
- a. The importance of pubs as community gathering spaces which reinforce the importance of community and social interaction.
  - b. A need to preserve the important economic functions of pubs which provide a substantial amount of local employment, providing job opportunities to local people.
  - c. The need to preserve pubs which have an important historical and architectural function, contributing to the local townscape.
  - d. A need to be flexible enough to respond to the changes and realities of the local economy and the wider economic environment.

- 1.7** It should also be noted that the guidance is not proposing the use of an Article 4 Direction to remove permitted development rights for pubs to change to cafes and restaurants (A3), financial and professional services (A2) or shops (A1). However, the Council may use an immediate Article 4 Direction on a case by case basis should it be deemed by the Council to be appropriate. Immediate Article 4 Directions can be imposed on specific buildings or land when there is a justified and urgent requirement for the land or buildings protection. The Council as the planning authority would therefore have the right to stop permitted development changes relating to a pub if required.
- 1.8** This SPD is supported by national and regional policy (see Section 3 for a review of relevant planning policy). This is reflected by the National Planning Policy Framework (NPPF), which encourages a positive approach towards the protection of community facilities such as pubs (NPPF, Para 70).
- 1.9** This SPD will assist the Council to achieve its Community Strategy vision to 'Encourage growth and unlock the potential of Barking and Dagenham and its residents' and the priorities 'Reduce crime and the fear of crime', 'Maximise growth opportunities and increase household income of borough residents' and 'Creating thriving communities.'
- 1.10** The SPD specifically supplements the following policies and objectives of the Local Plan:

*Core Strategy (2010)*

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Historic Environment
- CC2: Social Infrastructure to Meet Community Needs

*Borough Wide Development Policies (2011)*

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities
- BP2: Conservation Areas and Listed Buildings

- 1.11** The SPD does not have the same status as the Development Plan but is a material consideration in the determination of planning applications.
- 1.12** The provisions of this SPD will be implemented primarily through the Development Management process and the determination of applications for change of use of pubs. This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Plan.

### **Public houses - a definition**

- 1.13** In planning terms a pub is designated as Use Class A4 Drinking Establishments under the Town & Country Planning Use Classes Order (1987) as amended. Pubs require a premises license under the Licensing Act 2003 which is administered by the Council. Under their license terms, the definition of a 'public house' is framed so as to include all premises licensed for the supply of alcohol for consumption on the premises, including bars and restaurants. The license is valid for an indefinite period once granted and can only be repealed if the proprietor breaks the terms and conditions of their license, or fails to pay their annual fee.

## **2. Status**

- 2.1** This guidance has been put together in accordance with the National Planning Policy Framework (NPPF, 2012). The statutory Development Plan is the starting point when determining a planning application for the development or use of land. The Development Plan consists of the London Plan (2011) and the Development Plan Documents within the London Borough of Barking and Dagenham's Local Plan. This SPD provided further detail on the implementation of Local Plan policy that applicants must follow to ensure they meet the policy requirements.

## **3. Planning policy framework**

- 3.1** This Supplementary Planning Document (SPD) has been produced to address the impact of the loss of pubs. The guidance seeks to encourage a diverse and active pubs sector in Barking and Dagenham. It draws upon national and regional planning policy guidance and expands on local policies set out in the Local Plan.

### **The National Planning Policy Framework**

- 3.2** The National Planning Policy Framework (NPPF) recognises the importance of community facilities and seeks to protect against their loss. The NPPF sets the achievement of sustainable development as its main focus. This encompasses three goals; economic, social and environmental. Pubs help contribute to supporting all three. First, in terms of their social contribution, the borough's pubs provide a social meeting place for the community. Second, in terms of economic contributions, local pubs are an important source of local employment and support the local economy<sup>1</sup>. Lastly, environmentally, many of our pubs contribute to the history and architectural heritage of our borough and are therefore identified as heritage assets in their own right. A thriving local pub sector is

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<sup>1</sup> An 11 percent decline in the national pub stock was recorded in the UK public house stock between 2007 – 2011. Source: British Beer and Pubs Association, <http://www.beerandpub.com/statistics>

therefore important to achieving the principle function of national planning policy; achieving sustainable development.

**3.3** The NPPF provides a wealth of general support for those community facilities which can promote social inclusion whilst supporting the economy. In particular paragraph 70 defines pubs as community facilities. The Council's Local Plan does not include pubs as a community facility. However, the Council intends to use the more recent definition of community facilities in the NPPF in implementing its Local Plan policies including CC2 and BC6. Paragraph 70 of the NPPF recommends that planning policies and decisions should:

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet day to day needs;*
- *Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *Ensure an integrated approach to considering the location of housing economic uses and community facilities and services*

**3.4** The NPPF also places great emphasis on maintaining the character and distinctiveness of an area. Paragraph 50 expects development to respond to local character and history whilst demonstrating an understanding of the defining characteristics of an area.

**3.5** Some pubs may make a positive contribution to the character and appearance of conservation areas. Under the NPPF Loss of those that do should be treated as either harm or substantial harm to a designated heritage asset, as appropriate, taking into account its contribution to the significance of the conservation area.

**3.6** Substantial harm to a conservation area should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss, and that sufficient viability testing has been carried out, including appropriate marketing (paragraph 133).

**3.7** Local Authorities are required to look for opportunities for new development within conservation areas to enhance or better reveal their significance.

**3.8** Under the NPPF Local Authorities should require developers to record and advance understanding of the significance of heritage assets to be lost in a manner proportionate to their significance. English Heritage has provided



guidance on the appropriate level of building recording, available at [www.english-heritage.org.uk](http://www.english-heritage.org.uk)

**3.9** Paragraph 153 of the NPPF states that Supplementary Planning Documents should only be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. With relation to this, it is considered that this SPD is required to assist applicants make successful planning applications in respect to development involving a pub. It is not considered that this SPD adds unnecessarily to the financial burdens on development. The guidance set out in Section 6 provides appropriate and proportionate criteria to protect and retain pubs. When reading the NPPF as a whole, it can be seen that the SPD will aid the delivery of sustainable development by aiding in the retention, where viable, of valued community facilities.

### **London Plan**

**3.10** At the London (regional) level, the London Plan (2011) forms part of the development plan for the area. Pubs can be considered to be social infrastructure when read in alignment with the NPPF which, as set out above, consider pubs community facilities. London Plan Policy 3.16 – Protection and Enhancement of Social Infrastructure, in part states:

*Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

**3.11** Other London Plan policies that are relevant to the protection of pubs include:

- Policy 2.5: Town Centres
- Policy 3.1: Ensuring equal life chances for all
- Policy 4.1: Developing London's economy
- Policy 4.6: Support for and enhancement of arts, culture, sport and entertainment provision
- Policy 4.8: Supporting a successful and diverse retail sector
- Policy 7.1: Building London's neighbourhoods and communities
- Policy 7.4: Local character
- Policy 7.8: Heritage assets and archaeology

**3.12** In January 2014, the Mayor of London published his Further Alterations to the London Plan (FALP) for consultation. Paragraph 4.48a provides further detail to policy 4.8 of the London Plan and is relevant to this SPD. This states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade. As a consequence the FALP advises where there is sufficient evidence of need, community asset value and viability in pub use, boroughs will be encouraged to bring forward policies to maintain, manage and

enhance public houses. Although proposals set out in the FALP are at the consultation stage, it demonstrates the direction of travel within London on the issue of public house protection.

### **Barking and Dagenham Local Plan**

**3.13** At the local level, the Barking and Dagenham Local Plan is divided into a portfolio of Development Plan Documents (DPDs) which includes:

- Core Strategy (DPD)
- Borough Wide Development Policies (DPD)
- Site Specific Allocations (DPD)
- Barking Town Centre Area Action Plan (DPD)
- Proposals Map
- Joint Waste Development Plan (DPD)

### **Barking and Dagenham Core Strategy (2010)**

**3.14** The Core Strategy is considered the principle planning document within the Local Plan. It sets out the strategic policies which guide all planning decisions. The document shapes strategic growth in the borough. It sets a range of policies which are relevant to the issue of the protection of pubs.

**3.15** Core Strategy Policy CC2 – Social Infrastructure to Meet Communities Needs seeks to resist the loss in community facilities. It states the following:

*To maintain and improve community wellbeing; support will be given to proposals and activities that protect, retain or enhance existing community facilities, or lead to the provision of additional community facilities.*

*The loss of community facilities will only be allowed in exceptional circumstances.*

*Community facilities should be sustainable and accessible. For example they should:*

- *Be located where they can be accessed on foot, bicycle or public transport, rather than only by car.*
- *Be located in premises that comply with the access requirements of the Disability Discrimination Act 2005.*
- *Where possible, be developed as part of mixed-use developments so that facilities are better linked to housing, jobs, shopping, leisure and other local service, in order to minimise travel distances.*
- *Where possible, be located in close proximity to the community that the facility will serve.*

*Where appropriate, the dual-use of premises for a range of community uses will be encouraged. Appropriate locations may include underused existing*

*community facilities or vacant premises within retail parades in designated town centres, subject to the provisions of town centre retail policy.*

**3.16** Other Core Strategy policies which are relevant to the protection of pubs include:

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Prosperous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protecting and Promoting the Built Environment
- CC2: Social Infrastructure to Meet Community Needs

### **Barking and Dagenham – Borough Wide Development Policies (2011)**

**3.17** The Borough Wide Development Policies (DPD) provides further interpretation and further detail to Core Strategy policies. Policy BC6 Loss of Community Facilities states:

- *Planning permission that will result in the loss of a community facility will only be permitted where one of the following criteria is met:*
- *The facility is replaced within the new development.*
- *The facility is relocated or a better facility is provided in a more appropriate building or location on another site which improves its accessibility for its users in terms of proximity, walking and public transport, safety (real and perceived) and physical accessibility.*
- *The Council is satisfied that the facility is no longer needed and there are no reasonable prospects of reuse by an alternative community use despite attempts (over a minimum period of 12 months) to market it.*

**3.18** Other Borough Wide Development policies which are relevant include:

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities

### **Legislation Review - Planning Law and Public houses**

**3.19 The Town and Country Planning (Use Classes) Order 1987 (as amended)**

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In general terms, a use class can be considered a grouping of similar uses. Planning permission is generally not required when both the present and proposed uses fall within the same use class; this is considered permitted

development. In some cases planning permission is also not required when changing from one use class to another.

- 3.20** In the case of Pubs planning permission is not required to change use to a shop (Use Class A1), a financial or professional service (Use Class A2) or a restaurant or cafe (Use Class A3). This is considered to be permitted development.
- 3.21** In addition since 2013, pubs under 150 metres can change to a B1 business use for a temporary period of two years. A pub can also change use to a state funded school for a single academic year provided it is approved by the Secretary of State. In both cases the Council must be notified first and a number of restrictions apply.

### **Listed Buildings**

- 3.22** Listed buildings are given statutory legal protection due to their national historical or architectural interest. Any works which affect their character as buildings of historic or architectural character require listed building consent, including, for example, historic interiors.
- 3.23** Under the NPPF listed buildings are considered designated heritage assets. At paragraph 133 the NPPF requires Local Planning Authorities to refuse consent in cases of substantial harm, unless it can be demonstrated that this is necessary to achieve a number of public benefits which outweigh that harm. In assessing any proposals for listed pubs which require planning permission Local Authorities must give great weight to the asset's conservation"
- 3.24** There are two statutory listed pubs in Barking and Dagenham (detailed in Table 9).

### **Locally Listed Building**

- 3.25** Locally listed buildings are properties which have been listed by the Local Authority due to their local historic or architectural importance. These buildings are not deemed to be of national importance but are of local value. The National Planning Policy Framework (NPPF) classifies a locally listed building as a non-designated heritage asset; as distinct from those buildings which are statutorily listed and classified as designated heritage assets. The NPPF makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application.
- 3.26** Barking and Dagenham's locally listed pubs not only have an innate heritage value but make a positive contribution to the borough's local character and sense of place. The Borough has 20 locally listed buildings which are or were pubs, 12 of which are currently open and 3 of which have closed. In addition the borough also has 5 former pubs which are locally listed where the primary use has changed but the building has been retained.

### **Localism Act 2011**

- 3.27** The Localism Act received Royal assent in November 2011. This introduced Community Right to Bid. Under the Community Right to Bid buildings of community importance, such as local pubs, can be nominated for listing on a register of assets of community value. If the owner of a listed asset of community value wants to sell it they have to notify the local authority. The local authority in turn has to notify any interested parties. If local groups are interested in buying the asset they have six months to prepare a bid to buy it before the asset can be sold.
- 3.28** It has been established that there is a strong planning basis for undertaking this SPD. The NPPF, London Plan and local plan policies demonstrate strong planning policy support for the protection of pubs, for the economic, social and historical contribution they make to the Borough.

## **4. Purpose and scope**

- 4.1** Pubs nationally and locally are facing difficult times. Between 2007 and 2011 an estimated 6,396 pubs closed in the UK equating to an 11 percent loss<sup>1</sup>. Indeed, in the second half of 2011<sup>2</sup>, pubs were closing at a rate of 16 a week. Whilst the UK picture is bleak, the rate of decline experienced locally has been over twice that of the national rate. Barking and Dagenham has witnessed a 27.5 percent decline in the borough's pub stock between 2007 and 2011. Yet despite this decline, the pub remains an important and much valued community asset.

### **A place of community cohesion**

- 4.2** The importance of the pub as a community asset has been acknowledged by a range of leading organisations, such as the All Party Parliamentary Beer Group<sup>3</sup> and the British Beer and Pubs Association. In particular, the Institute for Public Policy Research (IPPR) published 'The Social Value of Community Pubs' (2012). This outlines in great detail the social and community importance of pubs. It outlines the importance of pubs as hubs for the development of social networks between local people. A lack of social infrastructure is not just an inconvenience for residents but can have significant long-term consequences, and associated costs, for communities. Social infrastructure and amenities can support wellbeing, health and sustainability agendas.
- 4.3** The IPPRs research, states that local pubs are important to communities for the following reasons:
- Allowing people to strengthen existing social networks by meeting up with friends and family.
  - Extending social networks whilst reinforce community cohesion and community participation.
  - Pubs are perceived by people to be important social institutions for promoting interactions between people from different walks of life.

#### **A place of important historical and architectural character**

- 4.4** Like many parts of Britain, pubs have historically played an important role in the cultural, social and communal life of the Borough. As a result they have become repositories of cultural heritage value – archaeological, architectural, artistic and historic. Their historic functions and importance to the community are often reflected in their architectural character, quality and prominence within the townscape hierarchy. Tony Clifford, a local writer and historian, wrote extensively about the Borough's pubs in the mid 1990s. These perhaps above all other sources help to illustrate the wonderful contribution the Boroughs pubs have made to the social character and appearance of the borough<sup>4 5</sup>. Their contribution to conservation areas may also be recorded in conservation area appraisals.
- 4.5** Some local pubs have intrinsic historic and architectural value due to their age and rarity: Clifford's research illustrates how the local pub history dates back long before the formation of the Borough. The earliest currently operating pub is, according to Clifford, a pub which established itself in 1708 as the Queens Head. Known today as the Cross Keys, the building - which itself dates back to the 15<sup>th</sup> century - is a fine timber framed hall house with gabled jettied wings and is considered to be the oldest secular building in the Borough.
- 4.6** It is quite evident to anyone who has visited one of the Borough's historical pubs that they play a very important role in the local townscape. The 15th century Cross Keys building, mentioned above, with its timber framed construction and unique character is an obvious example. Indeed, this is pub is of national important and as such is Grade II listed. More contemporary pubs can also make a fine contribution to the appearance of the borough. The Grade II\* listed Eastbrook pub in Dagenham is one of the Borough's most important buildings. Indeed, it is considered to be within the top 4 percent of all listed buildings in terms of architectural importance across England. A unique modern pub, the Eastbrook is listed in the National Inventory of Historic Pub Interiors published by CAMRA<sup>6</sup>. This guide states that the Eastbrook is the finest 1930s pub in the inventory due to its completeness. The architecture of the pub makes considerable play of panels of brick alternating with render, and hipped roofs with pantile coverings. Its unique character can also be evidenced through its Oak Room and Walnut Room.
- 4.7** The area of the Borough known as the Becontree Estate has an interesting relationship with the pub. Prior to the building of the estate Dagenham was an Essex village. Conceived in the post-Great War years, the Becontree Estate provided some 27,000 new 'Homes for Heroes'. Interestingly, as the area developed in the 1920s and 1930s very few pubs were built. The estate was characterised by large pubs which were few and far between – unlike the rest of London which developed along a pattern of smaller pubs in closer proximity. Records suggest that these larger pubs were not always popular with the new residents of the Becontree Estate who mainly came from the East End of London<sup>7</sup>. This explains why there is a sparse base of local pubs in this area of the Borough.

- 4.8** Any change of use experienced by pubs can have impact on the external appearance of buildings (and therefore on the local townscape) and on historic interiors. A change of use which restricts or removes access to the building undermines the public's ability to enjoy their historic and cultural values as heritage assets. This guidance is therefore an important means of maintaining access to pubs wherever possible so that these buildings can be enjoyed by the public.
- 4.9** Two of the boroughs pubs are statutory listed and a further 12 operational pubs are recognised on the Local List. Barking and Dagenham has relatively few statutory listed buildings and other buildings of architectural and heritage importance when compared to other London boroughs. It is vital therefore to protect the borough's remaining assets, including its pubs.
- 4.10** The rest of this Section will establish the rate of pub decline in the Borough and any geographic patterns to their loss. This will inform the guidance set out in Section 6.

#### **Barking and Dagenham - a declining pub sector**

- 4.11** An analysis of pubs operating in the borough between 1987 - 2012 has been undertaken to establish when they closed, demolished or changed use. The starting point has been the Council's Local Land and Property Gazetteer and this has been supplemented with planning, building control and historical records. The data supporting these results are presented in Appendix 1 and a dataset which accompanies the SPD. Further to this, Appendix 1 also presents the number of pubs in operation in the middle of 2013.
- 4.12** The headline figure from this analysis is that the borough's pub stock has declined by 39.5 percent between 1987 and 2012 equating to a net loss of 19 pubs. This decline has largely been generated over the last ten years, with the rate of stock decline increasing over the five years leading to 2012.

#### **Timeframes**

- 4.13** Using the analysis and methods outlined above data has been generated for each five year period in the last 25 years showing how the borough's pub stock has changed. For a detailed breakdown of these results please see Appendix 1.
- 4.14** In 1987 there were 48 pubs in the Borough. By the end of 1992 this had declined to 46. Over the five years leading to the end of 1992 a total of 3 pubs closed. The first JD Wetherspoon in the borough opened in 1992 (the Barking Dog) equating to a net loss of 2 pubs between 1987 and 1992.
- 4.15** This small decline in the pub stock recovered by the end of 1997. The five years between the end of 1992 and the end of 1997 witnessed no pub closures and two gains. Wetherspoon grew their investment in the borough, opening a further pub in Dagenham in 1993 (the Lord Denman), another pub opened in a former shop on Goresbrook Road (Me'An O'Brien's). This meant that in 1997 there were the same number of pubs as in 1987.

- 4.16** Five pubs closed between the end of 1997 and end of 2002, with only one pub opening (Barking Arms); a net loss of 4 pubs, leaving 44 pubs
- 4.17** Between 2002 and 2007 4 pubs closed with no gains; leaving 40 pubs.
- 4.18** Between 2007 and 2012 12 pubs closed and one opened (Brewers Fayre – Chequers Lane). This has resulted in a net loss of 11 pubs, a 27.5 percent reduction, leaving 29 pubs.

**Table 2 – Number of Pubs in the Borough 1987 – 2012**

Year Ending	Number of Pubs	Net loss/ gain	Cumulative net loss / gain
1987	48	NA	0
1992	46	- 2	- 2
1997	48	+ 2	0
2002	44	- 4	- 4
2007	40	- 4	- 8
2012	29	- 11	- 19

- 4.19** In 2013 the Crooked Billet (Marks Gate) closed its doors, leaving 28 pubs open in the borough at the date of publication.
- 4.20** Whilst the number of pubs closing has significantly increased over the past twenty five years, during this time five pubs have been gained, as shown in Table 3.

**Table 3 – Number of New Pubs Opened 1987 – 2012**

Pub	Opened
The Barking Dog	1992
Lord Denman	1993
Me'An O'Brien's	1997
Barking Arms PH	2000
Brewers Fayre	2012

**Rate of Public House Decline in Barking and Dagenham**

- 4.21** The table set out below shows the rate of decline between 1987 and 2012. What can be clearly deduced is that the loss of pubs has risen substantially in the last ten years and has accelerated over the five years leading to the end of 2012. If the rate of change experienced over the last ten years is maintained over the next ten years then 24 pubs will remain. If the 27.5 percent decrease experienced in the last five years is repeated over the next ten then 11 pubs will remain. Whilst the Council acknowledges that this ignores underlying factors it nevertheless demonstrates that locally the role of the pub as an important social, economic and place making facility is in danger of being consigned to history if the Council does not respond.



**Table 4 – Rate of Public House Decline**

Year	1987	1992	Rate	Annual Rate
Stock Total	48	46	Loss 4.1%	Loss 0.82%
Year	1992	1997	Rate	Annual Rate
Stock Total	46	48	Gain 4.3%	Gain 0.86%
Year	1997	2002	Rate	Annual Rate
Stock Total	48	44	Loss 8.3%	Loss 1.66%
Year	2002	2007	Rate	Annual Rate
Stock Total	44	40	Loss 9.0%	Loss 1.8%
Year	2007	2012	Rate	Annual Rate
Stock Total	40	29	Loss 27.5%	Loss 5.5%

**Public House Closures**

**4.22** Over the timeframe period (1987 – 2012) a total of 24 pubs closed. However, a further pub closed in 2013 (the Crooked Billet, Marks Gate) taking the total to 25 closures over the period 1987 – 2013. Table 5 shows those pubs which have been closed between 1987 and 2013.

**Table 5 – Pub Closures 1987 – 2013**

Pub	Address	Demolition Date	Closure Date	Status
Chequers	Ripple Road, Dagenham	1987	1987	Demolished and scheme implemented
Henry Ford	Ballards Road Dagenham	1989	1989	Demolished and scheme implemented
Merry Fiddlers	Wood Lane, Dagenham	1992	1992	Demolished and scheme implemented
The Stag	Ripple Road Barking	1999	1999	Demolished and scheme implemented
The Volunteer	Alfreds Way Barking	2001	1999	Demolished and scheme implemented
The Royal Oak	715 Green Lane, Dagenham	NA	2000	Changed use building retained
The Westbury Arms	Ripple Road	2011	2001	Demolished
Anglers Retreat	New Road, Dagenham	2002	2001	Demolished
Fishing Smack	92 Abbey Road	2008/9	2003	Demolished and scheme implemented
The Pipers	Gale Street, Dagenham	2004	2004	Demolished and scheme implemented
The Church Elm	Church Elm Lane, Dagenham	2008	2005	Demolished and scheme implemented
The Robin Hood	807 - 829 Longbridge Road, Dagenham	2005	2005	Demolished and scheme implemented
Barge Aground	15 Broadway, Barking	NA	2008	Closed

The Red Lion	66 North Street, Barking	NA	2008	Changed use building retained
The Short Blue	Bastable Avenue, Barking	2013	2009	Demolished and scheme implemented
The Britannia	1A Church Road, Barking	NA	2009	Changed use building retained
Captain Cook	Axe Street, Barking	2010	2009	Demolished and scheme implemented
The Bull	2-4 North Street, Barking	NA	2010	Closed
Farmhouse Tavern	649 Dagenham Road, Rush Green	NA	2010	Closed
The Ship & Anchor	Wood Lane, Dagenham	NA	2010	Closed
The Railway Hotel	Shafter Road, Dagenham	NA	2010	Changed use building retained
The Harrow	Ripple Road, Barking	2013	2010	Demolished and scheme implemented
The Hope	170 Gascoigne Road, Barking	NA	2011	Changed use building retained
The Beacon	201 Oxlow Lane, Dagenham	NA	2012	Changed use building retained
The Crooked Billet	Marks Gate	NA	2013	Closed

### Change of Use

**4.23** Of the 48 pubs which existed in 1987, six pubs have changed use but the building has been retained in some form while twelve have been demolished and schemes implemented for a different use. This equates to 37.5 percent of the 1987 pub stock. Table 6 details the nature of these planning applications.

**Table 6 – Implemented Public House Schemes**

Change of Use	Total	Percent
Residential and Residential Led Mixed Use	8	44.5
Supermarket and Supermarket Led Residential	5	28
Transport Improvements	1	5.5
Restaurant	1	5.5
Petrol Filling Station	1	-5.5
Community Facilities	1	-5.5
Place of Worship	1	5.5

**4.24** At the date of publication five previously operational pub sites in the Borough were nearing completion for new uses. As such, these pubs have been included in the above calculations. The Hope has discharged all conditions in connection to its permitted planning permission for change of use to a Place of Worship. It is expected that the applicant will implement the change of use soon and for this reason has been included in Table 6 as 'changed use and building retained'. Short Blue and The Harrow are both in the process of being implemented with demolition having taken place in 2013. The Captain Cook

has been demolished and the site is currently being implemented as a sports centre.

- 4.25** As can be seen, the change of use to residential or residential-led mixed use development has been the most frequent change of use followed by supermarket development. The table shows that transport improvements, restaurants and a petrol filling station have also replaced pubs.

#### **Listed Public Houses**

- 4.26** One of the key reasons for this guidance is to protect against the loss of pubs for the architectural merit and the contribution they make to the character of the local townscape.
- 4.27** The Borough has two statutory listed pubs. These are considered to be of national importance and are set out in Table 7.

**Table 7 – Statutory Listed Pubs in the Borough**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Cross Keys	Crown Street, Dagenham	Statutory Grade II	Open
Eastbrook Public House	Dagenham Road, Dagenham	Statutory Grade II*	Open

#### **Locally Listed Public Houses**

- 4.28** As well as the statutory listed pubs, the Borough has many pubs on its Local List. The Council's regeneration directorate compiles, publishes and maintains a List of Buildings of Local Architectural or Historic Interest - a 'Local List'. This is separate from the national statutory list of Listed Buildings held by the Secretary of State. These are buildings and structures of local importance and are afforded protection under the NPPF, Policy CP2 and Policy BP2 the Local Plan.
- 4.29** Pubs are well represented on the Local List. Currently there are 20 pubs on the Local List out of a total of 124 locally listed buildings. Of these, 12 locally listed pubs are open, three are closed and five have changed use but the buildings and its features have been retained in some form. These comprise: The Britannia, The Red Lion, The Railway Hotel and The Beacon.
- 4.30** The Britannia has been converted to a residential-led scheme with community use on ground floor. Some features have been retained such as the pub's windows and decorative mouldings. The Red Lion has also converted to residential and is also easily noticeable as a former pub. The Railway Hotel has been implemented as a metro supermarket-led development with residential above. The Beacon has also converted to a metro supermarket. Those locally listed pubs which are open are set out in Table 8; locally listed pubs which are closed or have changed use are set out in Table 9.

**Table 8– Open Locally Listed Pubs**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Jolly Fisherman	108 North Street, Barking	Locally	Open
King's Lounge	2 Linton Road, Barking	Locally	Open
Spotted Dog	15 Longbridge Road, Barking	Locally	Open
The White Horse	High Road, Chadwell Heath	Locally	Open
The Admiral Vernon	141 Broad Street, Dagenham	Locally	Open
The Cherry Tree	Wood Lane, Dagenham	Locally	Open
The Harrow	Billet Road, Romford	Locally	Open
The Roundhouse	Lodge Avenue, Dagenham	Locally	Open
The Royal Oak	Longbridge Road, Barking	Locally	Open
The Ship And Shovel	Ripple Road, Barking	Locally	Open
The Three Travellers	Wood Lane, Dagenham,	Locally	Open
The Crooked Billet	113 River Road, Barking	Locally	Open

**Table 9 – Closed and Implemented Locally Listed Pubs**

<b>Pub</b>	<b>Address</b>	<b>Listing</b>	<b>Status</b>
The Bull	2-4 North Street, Barking	Locally	Closed
The Britannia	1A Church Road, Barking	Locally	Changed use building retained
The Hope	170 Gascoigne Road, Barking	Locally	Changed use building retained
The Red Lion	66 North Street, Barking	Locally	Changed use building retained
Farmhouse Tavern	649 Dagenham Road, Rush Green	Locally	Closed
The Railway Hotel	Shafter Road, Dagenham	Locally	Changed use building retained
The Ship & Anchor	Wood Lane, Dagenham	Locally	Closed
The Beacon	201 Oxlow Lane, Dagenham	Locally	Changed use building retained

### **Spatial Distribution of Public Houses Closures**

**4.31** As noted the boroughs pub stock has declined by 39.5 percent over the last twenty five years with the majority of this loss occurring over the past ten years. Table 10 outlines the loss of pubs and gains by borough ward. It illustrates that, with the exception of Longbridge, Mayesbrook, Parsloes and Alibon, all wards have experienced the loss of at least one pub.

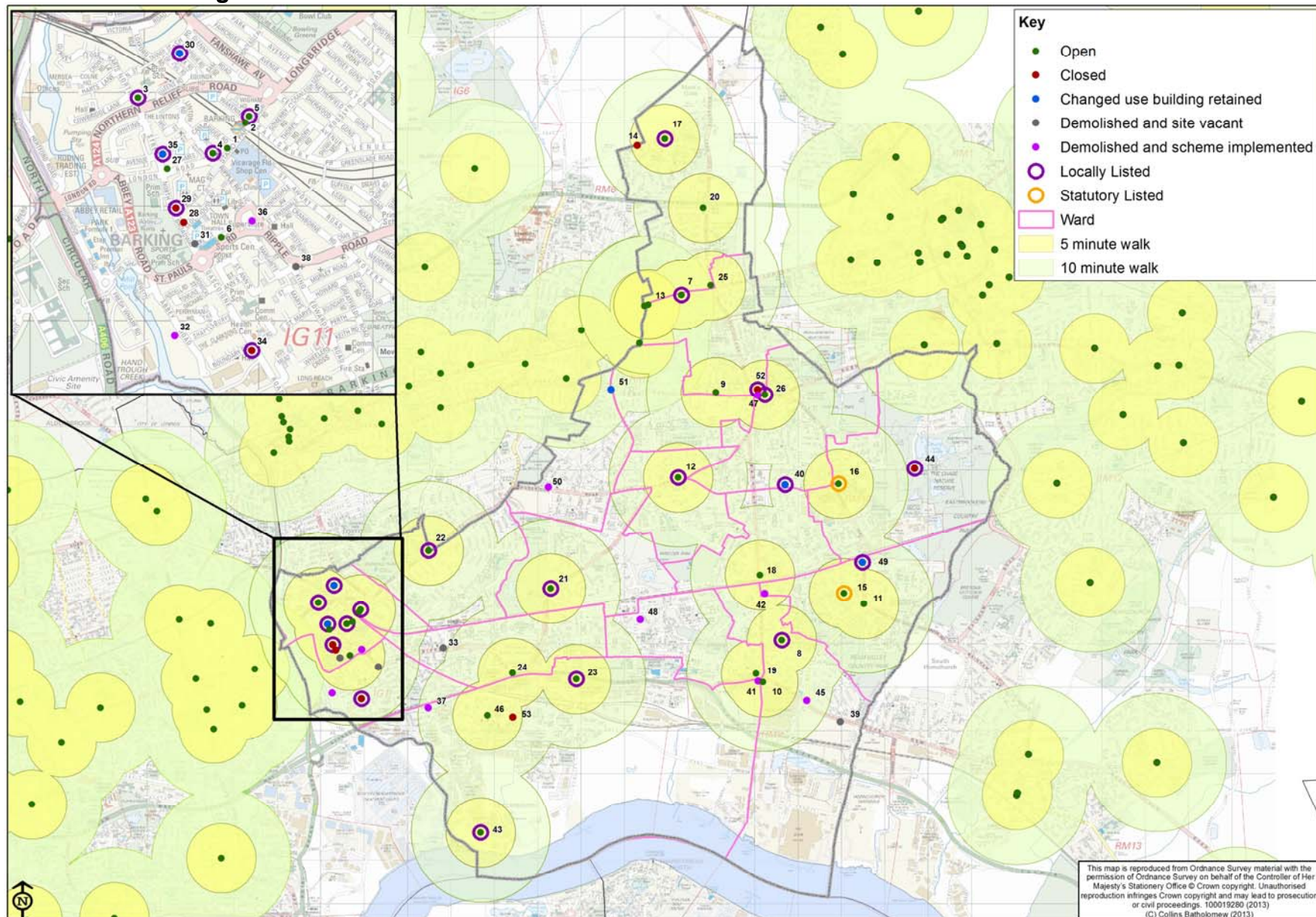
**Table 10 – Pub Losses and Gains 1987 – 2013**

<b>Wards</b>	<b>1987 pubs</b>	<b>Loss</b>	<b>Gain</b>	<b>Net Loss</b>	<b>2013 pubs</b>	<b>% loss/ Gain</b>
Abbey	11	6	2	-4	7	- 36%
Alibon	0	0	1	0	1	+ 100%
Becontree	1	1	0	-1	0	- 100%
Chadwell Heath	6	1	0	-1	5	- 17%
Eastbrook	2	1	0	-1	1	- 50%
Eastbury	2	1	0	-1	1	- 50%
Gascoigne	3	3	0	-3	0	- 100%
Goresbrook	1	1	1	0	1	0%
Heath	3	2	0	-2	1	- 67%
Longbridge	1	0	0	0	1	0%
Mayesbrook	1	0	0	0	1	0%
Parsloes	1	0	0	0	1	0%
River	3	2	1	-1	2	- 33%
Thames	6	3	0	-3	3	- 50%
Valence	1	1	0	-1	0	- 100%
Village	4	2	0	-2	2	- 50%
Whalebone	2	1	0	-1	1	- 50%
<b>Total</b>	<b>48</b>	<b>25</b>	<b>5</b>	<b>20</b>	<b>28</b>	

**4.32** As Table 10 and Figure 1 demonstrate, pub closures have occurred across the whole of the borough, both in urban and more suburban locations. The impact of pubs loss is however perhaps felt more keenly in suburban areas where the pub stock is already at a low base. As outlined in Table 10, the majority of wards have lost at least one pub over the past 25 years. Abbey ward has experienced the highest loss, with a net loss of four, followed by Gascoigne and Thames which have lost three.

**4.33** Figure 1 also illustrates how there are parts of the Borough which are not within eight hundred metres of a pub (deemed to be a 10 minute walking distance). In terms of being within 400 metres, which is considered a 5 minute reasonable walking distance, it can also be noted that a considerable proportion of the Borough is not within this distance. This is most strongly felt in the suburban areas to the north of the Borough and in Becontree Ward. As Figure 1 shows, Becontree has no pubs and is for the most part outside of the five and ten minute walking distance of a pub. In fact only a small amount of the north east boundary of the Becontree Ward is within an acceptable five or ten minute distance of a pub. As well as Becontree, the wards of Gascoigne and Valence have no currently functioning pubs.

**Figure 1: Public House in Barking and Dagenham**  
**Indicating areas of Pub Deficit**



## Summarising the Data Analysis

**4.34** The data analysis has outlined the significant decline in the pubs stock over the last 25 years leading to 2012. The main messages to take from the analysis are as follows:

- a. There has been a significant decline in the number of pubs. This recent decline can be considered to be higher than the national rate of stock decline. Between 2007 and 2011 the national rate of stock decline was 11 percent where as the boroughs stock decline was 25 percent. Albeit from a much smaller base.
- b. The rate of decline has increased over time. Between 2007 and 2012 there was a decline of 27.5 percent.
- c. The decline has been experienced in both suburban and the more urban wards of the Borough.
- d. Pubs appear under threat from change of use from two main types of development, which could be deemed to be more viable than the pub sector:
  - Residential (43 percent of development)
  - Metro supermarket (36 percent of development)
- e. There have been relatively few pub gains, only five pub openings over the last 25 years.
- f. Many pubs on the Council's Local List have closed or changed use. This has ultimately impacted on the public's ability to interact with these important character buildings.
- g. Between the years 1987 – 2013 a total of 14 pubs have been demolished. twelve of these demolished pubs have been implemented as new development. The remaining two have been demolished but with no schemes coming forward to date, although two have extant planning permissions.

## **5. The guidance**

### **SPD Guidance – Protecting Public Houses**

- 1. The retention of public houses (pubs) is supported. The loss, change of use, redevelopment or demolition of a pub will be resisted.**
- 2. Proposed change of use of a pub will only be permitted where the applicant has satisfied the following criteria:**
  - A.** The pub has been marketed for a continuous period of 12 months as a pub, at a price agreed with the Council, following an independent professional valuation (paid for by the developer) and there has been no interest in either the free or leasehold as a pub. The outcome of this exercise should be presented in a viability report which demonstrates to the Council's satisfaction that all reasonable efforts have been made to preserve the pub use but it has been proven that it would not be economically viable to do so.
  - B.** It has been demonstrated to the Council's satisfaction that there are no reasonable prospects of reuse by an alternative community use despite attempts over 12 months to market it. Evidence must demonstrate that it is not economically viable to utilise the building for a community use.
- 3. In cases where submitted evidence demonstrates to the Council's satisfaction that criteria A and B are met but where the building is assessed as having historic significance, or making a positive contribution to local character or appearance of the streetscape including conservation areas, the Council will require the ground floor of the building to be retained for a publicly accessible use which maintains an active frontage.**
- 4. Where a pub is demolished the replacement development must make an equal or greater contribution to the street scene and community benefit than the building and use it is replacing. Proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate.**
- 5. In cases where pubs are demolished but the former pub is considered to make a valued contribution to the Borough's past the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) by sending the most important components of the building to the Council for archiving or public display, in line with best practice guidance published by English Heritage.**



## REASONED JUSTIFICATION

- 5.1** The London Borough of Barking and Dagenham has witnessed a significant loss of pub stock. Between 1987 and 2012 there has been a 39.5 percent decline in pubs. Most of this loss has taken place over the last ten years with a significant increase in loss over the five years leading to the end of 2012.
- 5.2** Pubs are important community assets, providing both employment and a meeting place for local people, whilst also often adding to the architectural quality of the borough. The Council supports the retention of pubs and will resist their change of use, redevelopment or demolition.
- 5.3** It is not considered desirable to implement a blanket protection of pubs nor is it deemed necessary to remove permitted development rights. Pubs in the borough will retain their right to change use to A1, A2 or A3 uses. This SPD provides guidance where planning permission is necessary. The Council may also utilise an Immediate Article 4 Direction to specific buildings where the threat to the future of that building warrants it.
- 5.4** Criterion A of the guidance requires applicants to demonstrate that all reasonable efforts have been made to preserve the pub use. The Council encourages applicants to speak to the Council before they commence their marketing exercise since some pub sites may have development potential which can compliment rather than threaten the pub building and use. Whilst the Council has not stipulated that the pub should be marketed without a 'tie', which require the purchase of drinks through the vendor and often with restrictive covenants, this is the preferred approach. Marketing without such 'ties' maximises the potential for a continuation of the pub use for other pub operators, breweries, local businesses or community groups.
- 5.5** The pub should be marketed over a continuous period of twelve months at a price agreed by the Council with reference to an independent valuation by a RICS accredited valuer paid for by the applicant. It is important that pubs do not become closed, neglected eyesore sites. Twelve months, in the current market conditions, is considered to be a reasonable timeframe to allow for the marketing of a pub and is consistent with the period set in Policy BE1 for the loss of retail uses. For pubs which have been closed prior to this guidance coming into force the Council will take into account existing marketing exercises.
- 5.6** The outcome of the marketing should be detailed in a viability report which demonstrates that every effort has been taken to maintain the pub use. The report should include analysis of local demand for a pub use as well as the proximity and offer of other local pubs in evidencing that the pub use is not economically viable. The Council maintains a viability spread sheet which enables comparison of site values across the Borough; this will be used when assessing applicants supporting evidence. The viability report should cover different format of pubs with reference to the local demographic and trends in the pub sector since some formats are proving more successful than others. This is supported by the NPPF which:

- Guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensures that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

**5.7** Criterion B of the guidance applies when Criterion A has been satisfied. Criterion B seeks to ensure that where the pub use cannot be sustained that an alternative community use is secured. With reference to Policy BP6 of the Local Plan this should be evidenced through proof that the premises has been offered for sale or hire at a reasonable charge to community or voluntary organisations over a twelve month period. The price of hire and use rate should be agreed by the Council before hand. It is appreciated that not all pubs will lend themselves to alternative community uses since they may give rise to unacceptable impacts on residential amenity, parking and road safety. For this reason applicants are encouraged to seek advice from the Council on whether it is necessary to seek an alternative community use. Pubs which are converted to an alternative community facility must be, sustainable and accessible, meeting the following criteria:

- Located where they can be accessed on foot, bicycle or public transport, rather than only by car.
- Located in premises that comply with the access requirements of the Disability Discrimination Act 2005.
- Where possible, be located in close proximity to the community that the facility will serve.

**5.8** This accords with Core Strategy Policy CC2 and Borough Wide Development Planning Policy BC6 and which resist the loss of community facilities.

**5.9** Alternative community uses must be sympathetic to the building's design, character and heritage value, this is especially important for those pubs which are locally listed and statutorily listed.

**5.10** There may be some instances where a pub is located in close proximity to another pub of significantly more valued by the local community and/or of far greater interest architecturally and historically. In these instances the Council concedes that it may not be appropriate to market the building for a pub use or to secure an alternative community use. This illustrates the importance of the applicant speaking to the Council at the earliest opportunity.

**5.11** Where is it not possible to sustain a pub use and the Council is satisfied that it is not appropriate or possible to secure an alternative community use then proposals must be sympathetic to the architectural quality of the building, its heritage value and its contribution to the street scene irrespective of its status, although the Council will prioritise the retention of listed and locally listed buildings. With reference to paragraph 135 of the NPPF the Council regards locally listed pubs as especially significant given the number lost in recent years

and their important contribution to defining Barking and Dagenham's character. Therefore, any proposals involving listed or locally listed pubs must preserve and enhance the building's historic significance and maintain an active ground floor frontage in a use which is accessible to the public.

- 5.12** Should a pub be demolished the Council will expect the replacement building to provide an equal or greater contribution to the street scene, community benefit, and in the case of conservation areas, their historic significance, than the building it is replacing. In this respect the Council will expect proposals to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate. This is consistent with paragraph 70 of the NPPF which requires local authorities to plan positively for the provision of community facilities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 5.13** As a last resort, where a pub of local historical value is to be demolished, the applicant will be required to record and advance understanding of the significance of any heritage assets to be lost. This is in accordance with paragraph 141 of the NPPF which requires copies of evidence to be deposited within a local museum or other public depository. In the case of Barking and Dagenham this would be held at Valance House Museum. Applicants should first speak with Development Management for guidance, Officers will then, where applicable, refer the case to the Council's Archivist.
- 5.14** A pub which has lawfully changed to an alternative use will be expected to preserve its important historical details and to retain its character over the entire lifetime of the building. This is regardless of the building's future change of use.

## **6. Monitoring, Implementation and Review**

### **Monitoring**

- 6.1** Preparation of Local Plan documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 6.2** This will be done through a regular process of monitoring in partnership with the appropriate partner bodies. The Annual Monitoring Report will present the success of the guidance.
- 6.3** Such indicators may include:
- The total number of pubs in the borough – monitored on an annual basis in the Authorities Monitoring Report
  - Decrease in the annual rate of pub loss
  - Success at appeal

## **Implementation**

**6.4** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan, but it will be an important material consideration in determining planning applications.

## **Review**

**6.5** The Council's Annual Monitoring Report will highlight any issues that may need a review.

**6.6** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

## Appendix 1

Pubs closures and openings 1987-2013							
Pub	Address	1992	1997	2002	2007	2012	2013
Chequers	Ripple Road, Dagenham	-1					
Henry Ford	Ballards Road Dagenham Essex	-2					
Merry Fiddlers	Wood Lane, Dagenham, Essex	-3					
The Stag	Ripple Road Barking Essex	1	1	-4			
The Volunteer	Alfreds Way Barking Essex	2	2	-5			
The Westbury Arms	Ripple Road	3	3	-6			
Anglers Retreat	New Road, Dagenham	4	4	-7			
The Royal Oak	715 Green Lane, Dagenham	5	5	-8			
Fishing Smack	92 Abbey Road, Barking	6	6	1	-9		
The Church Elm	Church Elm Lane, Dagenham	7	7	2	-10		
The Pipers PH / Fanshawe	Gale Street, Dagenham	8	8	3	-11		
The Robin Hood	807 - 829 Longbridge Road, Dagenham	9	9	4	-12		
Barge Aground	15 Broadway, Barking	10	10	5	1	-13	
The Bull	2-4 North Street, Barking	11	11	6	2	-14	
The Britannia	1A Church Road, Barking	12	12	7	3	-15	
The Hope	170 Gascoigne Road, Barking	13	13	8	4	-16	
The Red Lion	66 North Street, Barking	14	14	9	5	-17	
Farmhouse Tavern	649 Dagenham Road, Rush Green	15	15	10	6	-18	
The Railway Hotel	Shafter Road, Dagenham	16	16	11	7	-19	
The Ship & Anchor	Wood Lane, Dagenham	17	17	12	8	-20	
The Beacon	201 Oxlow Lane, Dagenham	18	18	13	9	-21	
The Short Blue	Bastable Avenue, Barking	19	19	14	10	-22	
The Harrow	Ripple Road, Barking, Essex	20	20	15	11	-23	
Captain Cook	Axe Street, Barking	21	21	16	12	-24	
The Crooked Billet	Marks Gate	22	22	17	13	1	-25
The Jolly Fisherman	108 North Street, Barking	23	23	18	14	2	1
King's Lounge	2 Linton Road, Barking, Essex	24	24	19	15	3	2
Spotted Dog	15 Longbridge Road, Barking, Essex	25	25	20	16	4	3
The Victoria	Axe Street, Barking, Essex	26	26	21	17	5	4

The White Horse	High Road, Chadwell Heath, Essex	27	27	22	18	6	5
The Admiral Vernon	141 Broad Street, Dagenham	28	28	23	19	7	6
Beacon Tree	945 Green Lane, Dagenham	29	29	24	20	8	7
The Bull Tavern	Rainham Road South, Dagenham	30	30	25	21	9	8
The Cherry Tree	Wood Lane, Dagenham	31	31	26	22	10	9
The Coopers Arms	2 High Road, Chadwell Heath, Essex	32	32	27	23	11	10
The Cross Keys	Crown Street Dagenham, Essex	33	33	28	24	12	11
Eastbrook Hotel	Dagenham Road, Dagenham	34	34	29	25	13	12
The Harrow	Billet Road, Romford, Essex	35	35	30	26	14	13
The Moby Dick	Whalebone Lane North, Chadwell Heath	36	36	31	27	15	14
The Roundhouse	Lodge Avenue, Dagenham	37	37	32	28	16	15
The Royal Oak	Longbridge Road, Barking	38	38	33	29	17	16
The Ship And Shovel	Ripple Road, Barking	39	39	34	30	18	17
The Thatched House	Ripple Road, Barking	40	40	35	31	19	18
The Tollgate Hotel	High Road, Chadwell Heath	41	41	36	32	20	19
The Three Travellers	Wood Lane, Dagenham, Essex	42	42	37	33	21	20
The White Horse	North Street, Barking, Essex	43	43	38	34	22	21
The Crooked Billet	113 River Road, Barking, Essex	44	44	39	35	23	22
Lighterman	109 Bastable Avenue, Barking, Essex	45	45	40	36	24	23
The Barking Dog	61 Station Parade Barking	46	46	41	37	25	24
Lord Denman	270-272 Heathway Dagenham		47	42	38	26	25
Me'An O'Brien's	26-28 Goresbrook Road		48	43	39	27	26
Barking Arms	25-27 Station Parade, Barking, Essex			44	40	28	27
Brewers Fayre	2 New Road Dagenham					29	28

Closures	3	0	5	4	12	1
Openings	1	2	1	0	1	0
Total pubs open	46	48	44	40	29	28

**Key**

	Closed
	New pub
	Open

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## 7. References

- 1 British Beer and Pub Association. Available online at:  
<http://www.beerandpub.com/statistics> (accessed - September 2013)
- 2 IPPR – Pubs and Places – The Social Value of Community Pubs, 2012
- 3 Pubs is the Hub Campaign. Available at:  
[http://www.pubisthehub.org.uk/assets/media\\_library/PITH\\_full\\_report.pdf](http://www.pubisthehub.org.uk/assets/media_library/PITH_full_report.pdf)  
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- 5 Dagenham Past and Present, Tony Clifford 1996
- 6 CAMARA National guide – the Eastbrook:  
<http://www.heritagepubs.org.uk/pubs/pubguide-print-region.asp?Region=London>
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**Post Consultation Statement**  
**Last Orders? Preserving Public Houses**  
**Supplementary Planning Document**  
**June 2014**

## **Last Orders? Preserving Public Houses – Supplementary Planning Document**

### **Purpose**

Between 15 January 2014 – 26 February 2014 the London Borough of Barking and Dagenham consulted on a draft Supplementary Planning Document (SPD) which regarded the protection of public houses. The name of this SPD was ‘Last Orders? Preserving Public Houses – Supplementary Planning Documents’.

The purpose of this statement is to set out details of the consultation process and how it informed the further refinement of the Supplementary Planning Document (SPD). This document sets out:

- Details of early consultation which took place prior to the formal consultation with selected internal and external stakeholders
- Details of the SEA screening which took place prior to the formal consultation
- Details of the formal consultation, including who was consulted, how and when
- What main issues were raised and how these were addressed

The Statement has been produced in order to demonstrate to stakeholders and the community how their comments have been taken into account. As well as this it demonstrates compliance with regulation 12 of the Town and Country (Local Planning Regulations) 2012 which sets out the requirements for public participation and for preparing a consultation statement.

The SPD provides further guidance to Local Plan policies CC2 as well as policies CM1, CM5, CE1, CP1, CP2, BE2, BP11 and BC6, It sets out guidance on the protection of public houses within the London Borough of Barking and Dagenham.

Importantly, the SPD does not create new policy but provides details on how relevant planning policies will be applied.

### **Early Consultation**

During the preparation of the draft SPD there has been informal consultation with the following internal stakeholders; the development management team, regeneration team, environment licensing team and public health team. Also advice was sought from English Heritage and additionally, between 4 – 11 November 2013 a formal in-house consultation took place with relevant internal departments, prior to taking the SPD to Cabinet. This early consultation led to revisions to the SPD before it was made available to public consultation.

In terms of the changes as a result of this early consultation the following revisions were made; a further emphasis on the importance pubs play to preserving local history and character, clarifying the requirements of the NPPF regarding listed buildings, amending terminology relating to historic assets to ensure consistency with the NPPF and reference to the paragraph 141 of the NPPF which deals with building recording.

### **SEA Screening Consultation**

The requirement for a Strategic Environmental Assessment (SEA) stems from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on

the environment” (SEA Directive). This Directive was transposed in law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

This legislation places an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects (which includes development sites over 0.5ha).

Section 180 of the Planning Act 2008 removes the requirement for a sustainability appraisal report to be prepared for all SPDs. This is reflected in the Town and Country Planning Regulations 2012. Despite no longer requiring a Sustainability Appraisal, SPDs may require screening, to ensure that legal requirements for Sustainability appraisal are met where there impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD) or where an assessment is required by the SEA Directive.

As a consequence of the need for a screening statement the Council produced a Screening Statement which concluded that the Public House SPD was unlikely to have significant social or economic effects beyond those of the policies it supplements. This document also concluded that there is no statutory reason to undertake an SA for this document.

In line with regulations the Council consulted with the specified statutory organisations (English Heritage, Environment Agency and Natural England) for the prescribed period of five weeks. This was between the 9 December 2013 - 13 January 2014.

**Table 1: Summary of SEA consultation**

<b>Organisation Consulted</b>	<b>Response</b>	<b>How Addressed in the SPD Process</b>
<b>English Heritage</b>	Having viewed the draft SPDs concerned we are of the opinion that SEA is not required for either SPDs. This is because the policies contained within the SPDs supplement Local Plan policies which have already been subject to sustainability appraisal incorporating SEA.	No issues to address.
<b>Natural England</b>	Having checked the screening document included with this consultation Natural England would be agreeable with the conclusion drawn that no further assessment would be required at this stage.	No issues to address.
<b>Environment Agency</b>	I can confirm that we have no comments to make with regards to the SPD.	No issues to address.

### **Formal Consultation on the Draft SPD**

As noted, formal public consultation on the SPD was undertaken from 15 January 2014 – 26 February 2014.

A press notice was published and an advertisement was set out in the Barking and Dagenham Post. Alongside this, a webpage on the Council's website went active to publicise the consultation.

The draft SPD alongside the SEA Screening Statement were published on the Council website.

Copies of the SPD alongside the appendix document and the Screening Statement were placed in Council's libraries. Hard copies of these documents were also made available in Barking Town Hall and Dagenham Civic Centre.

Selected individuals and organisations on the Local Plan database were notified via email or letter. In addition, all known landlords or owners of pubs were notified via email or letter as well as other interested stakeholders, such as Campaign for Real Ale (CAMRA) and the British Beer and Pubs Association (BBPA). Additional to this, statutory consultations were notified via email or letter.

People and organisations were invited to send feedback in the following ways:

- By email to [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk)
- Or in writing to: Planning Policy Team, Planning and Regeneration, Room 104, Barking Town Hall, 1 Town Square, Barking, IG11 7LU

### **Results of the formal consultation**

The Council received formal written consultation responses from six respondents this included a member of the public, a planning consultant, statutory bodies as well as the Greater London Authority.

The table overleaf provides a summary of the responses and how they were addressed in the final version of the SPD.

### **Conclusion**

The production of the Public House SPD has involved extensive and ongoing consultation. This has directly influenced both early development and later refinement of the SPD. The process has complied with all relevant legal regulations.

**Table 2 – Summary of Responses to the Consultation**

Organisation	Summary of Response	How Addressed in the Final SPD
<b>English Heritage</b>	<ul style="list-style-type: none"> <li>• English Heritage welcomes the publication of this document which will assist the Borough in conserving the historic significance of the Borough's public houses.</li> <li>• For accuracy English Heritage state that draft SPD paragraph 3.22 could be further refined to read "...In assessing any proposals for listed pubs which require planning permission, Local Authorities must give great weight to the asset's conservation." This is because the National Planning Policy Framework requires that Local Authorities refuse consent in cases of substantial harm, unless it can be demonstrated that this is necessary to achieve a number of public benefits which outweigh that harm (NPPF paragraph 133).</li> </ul>	Paragraph 3.22 has been refined further in connection with comments made.
<b>Greater London Authority</b>	<ul style="list-style-type: none"> <li>• The GLA state that the SPD appears comprehensive and is in line with London Plan (2011) Policy 4.8 and the Further Alterations to the London Plan (FALP) (January 2014).</li> <li>• The GLA state that in the FALP, the Mayor recognises the important role that London public houses can play in the social fabric of communities and encourages boroughs to bring forward policies to maintain, manage and enhance public houses.</li> </ul>	Paragraph 3.12 now makes reference to paragraph 4.48A of the FALP.
<b>Highways Authority (HA)</b>	<ul style="list-style-type: none"> <li>• The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We have reviewed the consultation and do not have any comments at this time.</li> </ul>	No changes required.

<p><b>Gerardeve LLP (on behalf of Regents Park Properties)</b></p>	<ul style="list-style-type: none"> <li>• Gerardeve LLP considers that the draft guidance on protecting Public Houses is not in line with the adopted development plan. The adopted Core Strategy (2010) and Borough Wide Development Policies (2011) include no policies on the protection of Public Houses. No definition of community facilities including public houses is provided.</li> <li>• Strongly disagree with the context of the draft SPD and the generation of new guidance on the protection of Public Houses through a SPD rather than through the Local Plan as the draft SPD effectively seeks to generate a new policy, which will not have been subject to testing by way of examination</li> <li>• Gerardeve LLP does not agree with this wholly unnecessary blanket protection on public houses.</li> <li>• Concern that the guidance is onerous and a prescriptive restriction which will ultimately discourage investment in underused sites in the Borough which are in need of regeneration and would be better suited for alternative uses.</li> <li>• Concerns that the guidance offers no flexibility, for instances where public houses are not well used, become unviable. In some instances, the site may be better utilised for other land uses and therefore flexibility needs to remain.</li> </ul>	<p>The guidance is in alignment with policies BC6 and CC2 which regard community infrastructure. The definition of a community facility is set out in the Core Strategy. It is acknowledged that public houses are not specifically mentioned. Importantly however, the definition makes it clear that the list provided is not limited to those community facilities set out. Paragraph 70 makes of the NPPF makes it quite clear that public houses are considered community facilities.</p> <p>The SPD supplements policies in the Local Plan. It has taken into account all legal and policy requirements and as a consequence; it is considered that it is legitimate for an SPD to be used to protect public houses.</p> <p>The SPD is not a blanket protection on public houses. Existing permitted development rights have not been removed. The SPD sets out the circumstances when change of use, redevelopment or demolition may be allowed.</p> <p>The SPD is not considered onerous or prescriptive nor would it discourage investment. It is considered that the guidance will help shape investment whilst preserving valued community facilities.</p> <p>The SPD requires applicants to demonstrate that the existing pub use is not viable before a change of use is considered. Therefore it is flexible.</p>
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	<ul style="list-style-type: none"> <li>• There is no justification for this guidance point, which, even if the criteria under point 2 can be satisfied, would require the ground floor of pub uses to remain as active frontage. The wording of this guidance is inappropriate and impractical and should be deleted</li> <li>• There is no policy justification for, where a pub is demolished, the replacement development being required to make an equal or greater community benefit contribution – which in itself is not defined in terms of policy tests.</li> </ul>	<p>This is justified in paragraph 5.11 of the guidance. Here the guidance explains that with reference to paragraph 135 of the NPPF the Council regards locally listed pubs as especially significant given the number lost in recent years and their important contribution to defining Barking and Dagenham’s character. Therefore, any proposals involving listed or locally listed pubs must preserve and enhance the building’s historic significance and maintain an active ground floor frontage in a use which is accessible to the public.</p> <p>The guidance is clear that in these cases proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate. This is consistent with paragraph 70 of the National Planning Policy Framework which requires local authorities to plan positively for the provision of community facilities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.</p>
<b>Marine Management Organisation</b>	<ul style="list-style-type: none"> <li>• The Marine Management Organisation has no comments to make in relation to this consultation.</li> </ul>	No changes required.
<b>Member of the Public</b>	<ul style="list-style-type: none"> <li>• A member of the public supported the principle of protecting public houses and against conversion to residential.</li> </ul>	No changes required.

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## Assembly

**17 September 2014**

<b>Title:</b> Treasury Management Annual Report 2013/14	
<b>Report of the Cabinet Member for Finance</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> Yes
<b>Report Author:</b> David Dickinson, Group Manager Pensions and Treasury	<b>Contact Details:</b> Tel: 020 8227 2722 E-mail: david.dickinson@lbbd.gov.uk
<b>Accountable Director:</b> Jonathan Bunt, Chief Finance Officer	
<p><b>Summary</b></p> <p>Changes in the regulatory environment now place a greater onus on Elected Members for the review and scrutiny of treasury management policy and activities. The Treasury Management Annual Report is important in that respect, as it provides details of the outturn position for treasury activities, significant new borrowing proposed, and highlights compliance with the Council's policies approved by the Assembly prior to the start of each financial year.</p> <p>This report presents the Council's outturn position in respect of its treasury management activities during 2013/14. The key points to note are as follows:</p> <ul style="list-style-type: none"> <li>➤ Investment income for the year was £1.3m (2012/13: £1.9m);</li> <li>➤ There was no General Fund borrowing in 2013/14 to finance the capital programme as the Council utilised internal borrowing;</li> <li>➤ A £10m Public Works Loan Board was repaid during the year and was not replaced; and</li> <li>➤ The Council did not breach its 2013/14 authorised borrowing limit of £502m and complied with all other set treasury and prudential limits.</li> </ul> <p>The Cabinet considered this report at its meeting on 4 August 2014 (Minute 6 refers) and endorsed the recommendations below. Recommendation (vi) relates to the "Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 Funding Proposals" report approved by the Cabinet at that same meeting, which included proposals for new borrowing and lending arrangements. As a consequence of that decision, it will be necessary for elements of the Treasury Management Strategy Statement to be updated accordingly.</p>	

## **Recommendation(s)**

The Assembly is recommended to:

- (i) Note the Treasury Management Annual Report for 2013/14;
- (ii) Note that the Council complied with all 2013/14 treasury management indicators;
- (iii) Note that the Council did not borrow in 2013/14 to finance its capital programme but utilised internal cash in line with its strategy;
- (iv) Agree to an increase in the period the Council can invest with the Royal Bank of Scotland (RBS) from one year to a maximum of two years, as outlined in section 4.5 of the report.;
- (v) Approve the actual Prudential and Treasury Indicators for 2013/14; and
- (vi) Delegate authority to the Chief Finance Officer, in consultation with the Cabinet Member for Finance, to approve appropriate amendments to the authorised and operational borrowing limits and proportionally amend the counterparty lending limits within the Treasury Management Strategy Statement, to reflect the decisions made by the Cabinet in respect of the "Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 Funding Proposals" as detailed in paragraph 3.3.4 below.

## **Reason(s)**

This report is required to be presented to the Council in accordance with the Revised CIPFA Code of Practice for Treasury Management in the Public Services.

### **1. Introduction and Background**

- 1.1. The Council is required by regulations issued under the Local Government Act 2003 (as amended 2010) to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2013/14.
- 1.2 The report has been produced in accordance with the Revised CIPFA Code of Practice for Treasury Management in the Public Services 2009 adopted by this Council on 16 February 2010 and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.3 For the 2013/14 period Assembly received the following reports:
  - an annual treasury strategy in advance of the year (Assembly 25/02/2013);
  - a mid-year (minimum) treasury update report (Assembly 04/12/2013); and
  - an annual review following the end of the year describing the activity compared to the strategy (this report).
- 1.4 This Annual Treasury Report covers:
  - The Council's treasury position as at 31 March 2014;
  - Economic Factors and Interest rates in 2013/14;

- Investment Strategy and Performance in 2013/14;
- Borrowing Outturn;
- Treasury Management costs in 2013/14;
- Compliance with Treasury limits and Prudential indicators;
- Lending to Commercial and External Organisations; and
- Prudential Indicators for 2013/14 (Appendix 1).

## 2. Treasury Position as at 31 March 2014

2.1 The Council's treasury position at the start and end of 2013/14 can be found in Table 1:

**Table 1: Council's treasury position at the start and end of 2013/14**

	31 March 2014 £'000	Average Rate /Return	Average Life (yrs)	31 March 2013 £'000	Average Rate /Return	Average Life (yrs)
<b>Fixed Rate Debt</b>						
PWLB	275,912	3.52%	37.68	285,912	3.55%	38.75
<b>Variable Rate Debt</b>						
PWLB	0	0	0	0	0	0
Market	40,000	4.01%	54.61	40,000	4.02%	55.61
<b>Total Debt</b>	<b>315,912</b>	<b>3.59%</b>	<b>39.45</b>	<b>325,912</b>	<b>3.41%</b>	<b>40.45</b>
<b>Investments</b>						
In-House*	121,258			70,766		
External Managers:	0			39,088		
<b>Total Investments</b>	<b>121,258</b>	<b>0.98%</b>		<b>109,854</b>	<b>1.67%</b>	

\* excludes a prepayment made to Elevate and external school cash balances.

- 2.2 The Council manages its debt and investment positions through its in-house treasury section in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities.
- 2.3 Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices.

## 3. The Economy and Interest rate in 2013/14

### 3.1 Growth and inflation

- 3.1.1 Until 2013, the economic recovery in the UK since 2008 had been the worst and slowest recovery in recent history. However, better than forecast growth in 2013, driven by consumer spending and the housing market, has led to positive forward surveys indicating that growth prospects are also strong for 2014 in all three main sectors: services, manufacturing and construction. There has been a sharp fall in inflation, with the Consumer Price Index (CPI) reaching 1.7% in February 2014. Forward indications are that inflation will continue to be subdued.

## 3.2 Government Debt

3.2.1 The return to growth has also helped lower forecasts for the increase in Government debt by £73bn over the next five years, as announced in the Autumn Statement, and by an additional £24bn, as announced in the March 2014 Budget.

## 3.3 Global Outlook

3.3.1 The United States faces similar debt problems to those of the UK, but thanks to reasonable growth, cuts in government expenditure and tax rises, the annual government deficit has been halved from its peak without appearing to do too much damage to growth, although labour force participation rates remain lower than ideal.

3.3.2 Concerns subsided considerably in the Eurozone during 2013. However, sovereign debt difficulties have not gone away and major concerns could return in countries that do not address fundamental issues of low growth, uncompetitiveness and the need for overdue reforms of the economy. It is, therefore, possible that levels of government debt to GDP ratios could continue to rise to levels that could result in a loss of investor confidence in the financial viability of such countries.

3.3.3 The economic situation within the Eurozone is characterised by the risk of long-term deflation. To encourage lending and economic growth the European Central Bank (ECB) has reduced its lending rates as follows: Marginal Lending Rate to 0.4%; its Main Refinancing Fixed rate to 0.15% and its Deposit Facility rate to minus 0.10%.

3.3.4 To support economic and social development the European Union (EU) actively invests in urban regeneration projects through the European Investment Bank (EIB). The bank is wholly owned by the EU and provides low-cost funding to support projects which contribute to achieving economic growth and social objectives throughout the EU. EIB investment is available to the Council and terms have been negotiated to fund an urban regeneration and economic development programme in the borough. These proposals were considered by the Cabinet at its meeting on 4 August 2014 (Minute 16 refers) and the following was agreed:

- (i) To borrow £66m from the European Investment Bank within the General Fund to finance the development and ownership of the Shared Ownership and Affordable Rent tenures in the Gascoigne Estate (East) Phase 1 re-development project;
- (ii) To borrow £4.5m from the PWLB to fund 50% of 51 private for sale units to be developed and sold jointly by the Council and East Thames Group via a limited company;
- (iii) That £23m be borrowed from the EIB within the General Fund to finance the development and ownership of the Affordable Rent tenures in the Abbey Road Phase 2 development project;
- (iv) To the reallocation of £2m from the Budget Support Reserve to create an EIB Development Period Reserve to meet the costs of interest payment during the development period to enable taking the borrowing at the earliest opportunity and at the lowest rate;

- (v) To develop and own Abbey Road Phase 2 within the Special Purpose Vehicle to be established for the redevelopment of Gascoigne Phase 1, pursuant to Minute 123 (viii) of the Cabinet on 30 June 2014;
- (vi) To delegate authority to the Chief Executive, in consultation with the Head of Legal and Democratic Services, the Chief Financial Officer and the Cabinet Members for Finance and Regeneration, to negotiate terms and agree the contract documents to fully implement and effect the projects; and
- (vii) To authorise the Head of Legal and Democratic Services, or an authorised delegate on her behalf, to execute all of the legal agreements, contracts and other documents on behalf of the Council.

### **3.4 Interest Rate Forecast**

- 3.4.1 Improved UK growth resulted in unemployment falling below the threshold of 7%, set by the MPC last August, before it said it would consider any increases in Bank Rate. In the February 2014 Inflation Report, the MPC therefore broadened its forward guidance by adopting five qualitative principles and looking at a much wider range of indicators.
- 3.4.2 Markets have priced in a first increase in early 2015, though recent comments from MPC members have emphasised they would want to see strong growth well established, and an increase in labour productivity before a Bank Rate rise. The Council's treasury advisor, Capita Asset Services, forecasts a first increase in Bank Rate in quarter 4 of 2015 (previously quarter 2 of 2016).

## **4. Investment Strategy and Performance in 2013/14**

### **4.1 Annual Investment Strategy 2013/14**

- 4.1.1 All in-house investments are made with institutions of high credit standing listed in the Council's approved lending list and specified limits. The Council invests over a range of periods from overnight to two years and in some cases over two years dependent on the Council's cash flows, its treasury management adviser's view, its interest rate view and the interest rates on offer.
- 4.1.2 The Council meets quarterly with its Investment Adviser to discuss financial performance, objectives and targets in relation to the investments and borrowing managed on behalf of the Council. A monthly treasury meeting is held between the Chief Finance Officer (CFO) and the treasury section to discuss strategy and to ensure close monitoring of investment decisions.
- 4.1.3 The Council's investment policy is governed by CLG guidance, which was implemented in the annual investment strategy approved by the Assembly on 25 February 2013. The policy sets out the Council's approach for choosing investment counterparties.
- 4.1.4 The key points relating to the annual investment strategy were:

- That the challenging economic outlook, the use by central banks of quantitative easing and the UK government's funding for lending scheme mean that investment returns are likely to remain relatively low during 2013/14;
- That the Council and its cash managers adhere to the procedures set for use of different classes of asset (specified and non-specified) and the maximum periods which funds can be committed and adhere to its counterparty limits; and
- That the Council maintains a balance of funding at shorter-term rates to match short-term investments thus maintaining balanced treasury risk.

## 4.2 Investments decisions during 2013/14

4.2.1 When making investment decisions the Council must have regard to its investment priorities being:

- (a) The **security** of capital;
- (b) The **liquidity** of its investments; and
- (c) **Yield** (after ensuring the above are met).

4.2.2 Using the above as the basis for investment decisions does mean that investment returns will be lower than would be possible were yield the only consideration. During 2013/14 the Council ensured that all investments were made with appropriately rated counterparties and that liquidity was maintained. On occasion short term borrowing was also used to allow the Council to take advantage of investment opportunities.

4.2.3 Throughout 2013/14 rates of return offered by financial institutions continued to decline, especially in investments with a maturity of less than 95 days. However, due to improvements in economic conditions, from the end of May 2013 the cost of borrowing did start to increase significantly, presenting opportunities for the Council to lend to public sector bodies.

4.2.4 An investment return target of 1% was used by the treasury section for the year.

4.2.5 The amount of cash available held by the Council as at 1 April 2013 totalled £110m. This figure was made up of a range of balances including, revenue reserves and general operational cash balances. The amount available for investment varies throughout the financial year depending on:

- Investment maturity dates;
- Profile for the receipt of grants;
- Temporary use of internal cash to fund new capital projects rather than borrowing at periods of high borrowing interest rates; and
- Cash flow management.

At 31 March 2014 the level of investments had increased by £11m to £121m, all of which was internally managed.

## 4.3 Strategy Changes in 2013/14

4.3.1 Historically the Council has used an external cash manager to allow for greater diversification of investments within the investment strategy. However, following poor performance and due to management costs significantly reducing net returns,

cash invested by the external cash manager was brought back in-house in December 2013.

4.3.2 To accommodate the increase in internally invested cash, on 4 December the Assembly agreed to three changes to the investment strategy, including:

1. Change the variable counterparty limit for Lloyds Bank, which was the higher of £40m or 40% of total investable cash, to a fixed limit of £50m;
2. Allow the in-house treasury section to manage (hold and sell), but not purchase, UK government debt with maturities in excess of one year and up to a maximum maturity period of five years; and
3. Allow the in-house treasury section to invest in non-UK banks that meet the minimum credit rating colour band up to a maximum of £10m per counterparty and up to a total limit of £30m for all non-UK banks.

### **Medium and long term investments**

4.3.3 In October 2013 through to December 2013, an increase in the cost of medium term borrowing presented an opportunity for the Council to invest over a longer time frame with public sector bodies at higher than average rates and at very low risk. As a result £25m was invested over durations of between eighteen months to two year at rates between 1% and 1.1%. This provided a secure base of investment income for the Council until mid 2015, which is when interest rates are expected to start to increase.

4.3.4 In December the Council recalled the cash invested in an external manager. Part of the recalled cash was an investment of £5.78m in UK government debt (GILTS), with a maturity date of 18 July 2018. Following agreement by the Assembly on 4 December 2013 authorising the in-house treasury section to manage (hold and sell) GILTS, the GILTS were transferred to the Council's custodian, King and Shaxson. The intention is to hold the GILTS, which have a return of 1.25%, until they mature in 2018.

4.3.5 Again, following the changes in strategy agreed by the Assembly, a total of £50m was invested with Lloyds Banking Group during the year with maturities of one year. £10m was invested with Goldman Sachs International Bank with a six month maturity at a rate of 0.8%

### **Short Term investments**

4.3.6 To ensure that the Council maintained sufficient liquidity a number of investments were made in overnight and 95 day notice accounts. Returns over the shorter durations were low throughout the year and varied between 0.41 and 0.80%.

## **4.4 Performance Measurement in 2013/14**

4.4.1 The Council earned £1.32 million, gross of fees, in interest from its investments in 2013/14, which was £20k higher than the interest income budget set of £1.30m. This represents an average return for the year of 0.98%, against a benchmark rate of 0.4% for 3 Month LIBID (uncompounded) and a target return of 1%.

## **Cash Manager**

- 4.4.2 Approximately £39m of the Council's cash was managed by a cash manager, Investec, during the year. For the period they were funded, Investec returned 0.54% net of fees. The cash manager return does not include an unrealised market loss of £160k from the £5.78m UK GILT investment that was transferred to the Council in December 2013. If this loss is taken into account then the net return would be 0.12%.

## **In-House Treasury section**

- 4.4.3 The in-house treasury section returned an average of 1.05% for the year against a target return of 1.0%. A negative contributor to the average return was the need to hold short term cash to manage the Council's liquidity.

## **4.5 Investment Strategy changes proposed for 2014/15**

- 4.5.1 The Council's investment policy was agreed in the annual investment strategy approved by the Assembly on 19 February 2014. Members are asked to agree a change to investment restrictions outlined in the report. The changes requested are:

- to increase the period the Council can invest with the Royal Bank of Scotland (RBS) from one year to a maximum of two years; and
- to delegate authority to the Chief Finance Officer, in consultation with the Cabinet Member for Finance, to approve appropriate amendments to the authorised and operational borrowing limits and proportionally amend the counterparty lending limits agreed within the Treasury Management Strategy Statement, to reflect the decisions made by the Cabinet in respect of the "Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 Funding Proposals" as detailed in paragraph 3.3.4 above.

### **4.5.2 RBS Duration**

The reason for this request is that it is likely that RBS will remain part nationalised until at least 2015 and even then the reduction in the Government's holding will be over an extended time period.

Currently the Council does not hold any investments with RBS due to the rates of return being offered for investments under a year not being competitive. RBS provide competitive rates over a two year period which, if they remain competitive, the treasury section would like to include within its investment counterparty and duration options.

### **4.5.3 European Investment Bank Funding**

The EIB is the funding institution of the European Union and is constituted as a non-profit making bank. The objective of the EIB is to support economic growth and employment through investment in the following priority areas:

- Innovation and skills



- Access to finance for smaller businesses
  - Climate action
  - Strategic infrastructure
- 4.5.4 To deliver these objectives the Greater London Authority (GLA) and the EIB are promoting the 'London Green Fund Co-financing Loan' to fund urban regeneration and growth programmes within the London area. The Cabinet report (4 August 2014) entitled "Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 Funding Proposals" set out the implications from a treasury management perspective of the proposals to fund the Phase 1 redevelopment.
- 4.5.5 Although Cabinet approved the proposals to borrow from the EIB, there will be a delay between the Council receiving the money from the EIB and paying for the various projects. The Council will therefore hold a significantly higher cash balance than originally forecast.
- 4.5.6 The Council's Treasury Investment Strategy was based on an average cash balance of approximately £150m. It is likely that the amount of cash the Council holds will increase above £200m and it is therefore recommended that the current counterparty limits are increased in proportion with the EIB tranche payments.
- 4.5.7 To ensure that any increase in counterparty limits are linked to the increase cash available to invest, it is recommended that the Chief Finance Officer be authorised, in consultation with the Cabinet Member for Finance, to approve appropriate amendments to the authorised and operational borrowing limits and proportionally amend the counterparty lending limits agreed within the Treasury Management Strategy Statement to reflect the decisions made by the Cabinet, as detailed in paragraph 3.3.4 above

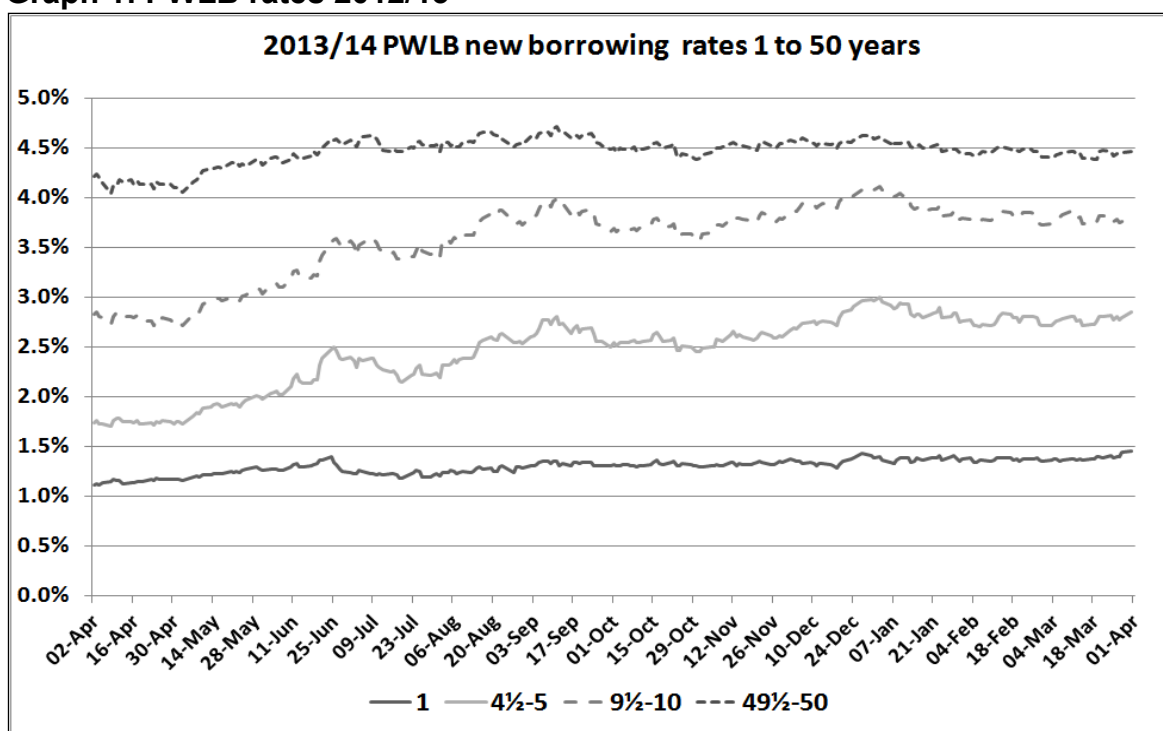
## **5. Borrowing Outturn**

- 5.1 The key points relating to the 2013/14 borrowing strategy, as agreed within the TMSS, were:
- To set an authorised borrowing limit of £499m for 2013/14;
  - The Council's borrowing strategy will give consideration to the following when deciding to take-up new loans:
    - Use internal cash balances, while the current rate of interest on investments remain low, with consideration given to weighing the short term advantage of internal borrowing against potential long term costs if long term borrowing rates begin to increase more than forecast;
    - Using a range of durations for long term fixed rate market loans where rates were significantly less than PWLB rates for the equivalent maturity period;
    - Use short dated PWLB variable rate loans where rates are expected to be significantly lower than rates for longer period;
    - Ensure that new borrowing, if required, is timed at periods when rates are expected to be low; and
    - Consider the issue of stocks and bonds if appropriate.
  - The Council will continue to utilise internal borrowing rather than external borrowing as the opportunity arises.

## 5.2 PWLB borrowing rates

Graph 1 below shows how the PWLB rates increased, especially over the medium to long term during 2013/14.

**Graph 1: PWLB rates 2012/13**



## 5.3 Debt Rescheduling, Repayment and New Borrowing

On 29 April 2013 a £10m PWLB loan at an average rate of 4.07% was repaid and was not refinanced. This helped reduce the borrowing costs by £373k for the year.

As investment rates remained low during the year and the cash flow forecasts remained strong, the treasury management continued using cash balances rather than borrowing, which helped to keep borrowing costs low and also meant reduced counterparty risk on the investment portfolio. Consequently no new borrowing took place in 2013/14. This strategy provided treasury management budget savings as investment rates were on average over 3% lower than new borrowing rates.

## 6. Treasury Management Costs

6.1 The costs associated with the Treasury Management function comprise of a recharge of a proportion of the internal team's salary, software, treasury management advisers fees and external managers fees. Treasury management costs are summarised in table 2 below:

**Table 2: Treasury Management costs for 2013/14**

Salary Recharge	30,600
Software and other costs	8,627
Capita Treasury Limited	17,000
Investec Asset Management	40,692
	<b>96,919</b>

## **7. Compliance with Treasury Limits and Prudential Indicators**

- 7.1 It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordable limits) are included in the approved Treasury Management Strategy (TMSS).
- 7.2 During the financial year to date the Council has operated within and complied with the treasury limits and Prudential Indicators set out in the Council's annual TMSS. The Council's prudential indicators are set out in Appendix 1 to this report. In 2013/14, the Council did not breach its authorised limit on borrowing of £499m.
- 7.3 The Operational limit set in the 2013/14 TMSS was £429m, which was not breached.

## **8. Lending to commercial and external organisations**

- 8.1 As part of the Council's mitigation of risk strategies around delivering and continued value for money services with external organisations, the Council should from time to time have the ability to make loans to external organisations.
- 8.2 Section 2 of the Local Government Act 2000 (power of well-being) gives authorities the power to lend as part of promotion or improvement of economic /social wellbeing of the Borough. The guidance encourages local authorities to use the well-being power as the power of first resort removing the need to look for powers in other legislation. Further the power provides a strong basis on which to deliver many of the priorities identified by local communities and embodies in community strategies. The Chief Finance Officer determines the rates and terms of such loans.

## **9. Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 Funding Proposals**

- 9.1 At the 4 August 2014 Cabinet a report was presented on the Gascoigne Estate (East) Phase 1 and Abbey Road Phase 2 funding proposals. Cabinet agreed with the recommendations that the European Investment Bank offered the most economically advantageous funding solution, acknowledging that alternative funding via the Public Works Loan Board was necessary for the development of private sale properties.
- 9.2 As this borrowing was not included in the Prudential Indicators (PIs) agreed by Council on 19 February 2014 as part of the Treasury Management Strategy Statement, it is necessary for Council to agree revised PIs. Agreeing to an increase in the PIs will prevent any breach of the operational and approved borrowing limits, within which the Council needs to restrict its borrowing.

## **10. Conclusions**

- 10.1 The key conclusions to draw from this report are as follows:
- a) That the Council complied with prudential and treasury indicators in 2013/14;
  - b) That the value of investments as at 31 March 2014 totalled £121.2 million; and

- c) That value of long term borrowing as at 31 March 2011 totalled £315.9m. This comprised both market and PWLB loans.

## **11. Options Appraisal**

- 11.1 There is no legal requirement to prepare a Treasury Management Annual Report, however, it is good governance to do so and meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

## **12. Consultation**

- 12.1 The Chief Finance Officer has been informed of the approach, data and commentary in this report.

## **13. Financial Implications**

Implications completed by: Jonathan Bunt, Chief Finance Officer

- 13.1 This report sets out the outturn position on the Council's treasury management position and is concerned with the returns on the Council's investments as well as its short and long term borrowing positions.

## **14. Legal Implications**

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

- 14.1 The legal and governance provisions have been incorporated in the body of this report. There are no further legal implications to highlight.

## **15. Other Implications**

- 15.1 **Risk Management** The whole report concerns itself with the management of risks relating to the Council's cash flow. The report mostly contains information on how the Treasury Management Strategy has been used to maximise income throughout the past year.

### **Background Papers Used in the Preparation of the Report:**

- Treasury Management Strategy Statement - Assembly Report 25 February 2013 and 19 February 2014
- Capita Asset Management Economic and Interest Rate Report
- CIPFA – Revised Treasury Management in the Public Sector
- CIPFA – Revised Prudential Code for Capital Finance in Local Authorities

### **List of appendices:**

- Appendix 1** - Treasury Management Outturn Report 2013/14  
**Appendix 2** - Glossary of Terms

## The Prudential Code for Capital Investment in Local Authorities

### Treasury Management Outturn Report 2013/14

#### 1. Introduction

1.1 There are a number of treasury indicators which previously formed part of the Prudential code, but which are now more appropriately linked to the Revised Treasury Management Code and guidance 2009. Local authorities are still required to “have regard” to these treasury indicators.

1.2 The key treasury indicators which are still part of the Prudential Code are:

- Authorised limit for external debt
- Operational boundary for external debt
- Actual external debt

#### 2. Net borrowing and the Capital Financing Requirement

2.1 To ensure that borrowing levels are prudent over the medium term the Council’s external borrowing, net of investments, must only be for a capital purpose. This essentially means that the Council is not borrowing to support revenue expenditure.

2.2 Net borrowing should not therefore, except in the short term, have exceeded the Capital Financing Requirement (“CFR”) for 2013/14 plus the expected changes to the CFR over 2013/14 and 2014/15 from financing the capital programme. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2013/14.

2.3 **The authorised limit** – This sets the maximum level of external borrowing on a gross basis (i.e. Not net of investments) and is the statutory limit determined under Section 3 (1) of the Local Government Act 2003 (referred to in the legislation as Affordable Limit).

2.4 **The operational limit** – This links directly to the Council’s estimates of the CFR and estimates of other cash flow requirements. This indicator is based on the same estimates as the Authorised Limits reflecting the most likely prudent but not worst case scenario but without the additional headroom included within the Authorised Limit for future known capital needs now. It should act as a monitor indicator to ensure the authorised limit is not breached.

2.5 The total Capital Financing Requirement as at 31 March 2014 was £491.6m, which is lower than the Approved Authorised Limit of £499m set by the Assembly in February 2013.

2.6 The Operational and Authorised Limit relates to external borrowing only and Council’s CFR has large internal borrowing element. Total external borrowing was £315.9m which was inside the Approved Authorised Limit.

- 2.7 The actual 2013/14 borrowing requirements and estimates for authorised limits and operational boundary limit set out in Table 4.

**Table 4: Operational Limit and Authorised Borrowing Limits**

	<b>Previous 13/14 Estimate</b>	<b>2013/14 Actual</b>	<b>2014/15 Estimate</b>	<b>2015/16 Estimate</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Capital Programme Borrowing Requirement (Cumulative)	161,121	156,177	153,260	147,125
HRA Self Financing Debt	267,722	267,722	277,649	277,649
Alternative Financing Arrangements:				
- Current PFI Schemes on Balance Sheet	55,052	55,068	53,780	52,426
- Finance Leases	2,866	5,776	4,411	3,046
Total Alternative Financing Arrangements	<b>57,918</b>	<b>60,844</b>	<b>58,191</b>	<b>55,472</b>
<b>Total CFR</b>	<b>488,761</b>	<b>484,743</b>	<b>489,100</b>	<b>480,246</b>
External Borrowing (Cumulative)	315,912	315,912	305,912	315,912
Approved Operational Boundary on Borrowing	396,000	396,000	433,000	451,000
Approved Authorised Limit (affordable limit)	502,000	502,000	500,000	502,000

### 3. Limits for Fixed and Variable Interest Exposure

The following prudential indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget.

The Council's existing level of fixed interest rate exposure is 100.0% and variable rate exposure is 0.0%. The high fixed interest rate is as a result of locking in low long-term rates for the HRA borrowing.

The table 5 below shows the fixed and variable interest rate exposure.

**Table 5: Fixed and variable rate exposure 2011 to 2015**

<b>Interest Rate Exposures</b>	<b>2012/13 Actual %</b>	<b>2012/13 Estimate %</b>	<b>2013/14 Estimate %</b>	<b>2014/15 Estimate %</b>
Upper limit for fixed interest rate exposure	100.0	100.0	100.0	100.0
Upper limit for variable interest rate exposure	0.0	70.0	70.0	70.0

#### 4. Maturity Structure of Fixed Rate Borrowing

This prudential indicator deals with projected borrowing over the period and the rates that they will mature over the period, as summarised in table 6.

**Table 6: Borrowing as at 31 March 2014**

	<b>Actual Position</b>	<b>Upper Limit</b>	<b>Lower Limit</b>
Under 12 months	£10,000,000	20%	0%
	3.17%		
12 months and within 24 months	£0	40%	0%
	0.00%		
24 months and within 5 years	£0	70%	0%
	0.00%		
5 years and within 10 years	£0	70%	0%
	0.00%		
10 years and above	£305,912,000	100%	0%
	96.83%		

The fixed rate borrowing over 10 years was 96.83%, which is within the limits outlined below:

**Table 7: Maturity Structure of Borrowing for 2013/14**

	<b>Upper Limit</b>	<b>Lower Limit</b>
Under 12 months	20%	0%
12 months and within 24 months	40%	0%
24 months and within 5 years	70%	0%
5 years and within 10 years	70%	0%
10 years and above	100%	0%

#### 5. Investments over 364 days

- 5.1 The overriding objective of the investment strategy is to ensure that funds are available on a daily basis to meet the Council's liabilities. Taking into account the current level of investments, and future projections of capital expenditure, the following limits will be applied to sums invested:

<b>Maximum principal sums invested &gt; 364 days £'000s</b>	<b>2013/14 £000's Actual</b>	<b>2014/15 £000's Estimate</b>	<b>2015/16 £000's Estimate</b>	<b>2016/17 £000's Estimate</b>
<b>Principal sums invested &gt; 364 days</b>	30,780	50,000	50,000	50,000

#### 6. Summary Assessment

- 6.1 The outturn position is set out above in respect of the Prudential Indicators approved by Assembly in February 2013.
- 6.2 The outturn figures confirm that the limits and controls set for 2013/14 were applied throughout the year, and that the treasury management function

adhered to the key principles of the CIPFA Prudential Code of prudence, affordability and sustainability. The treasury management indicators were regularly monitored throughout 2013/14, however the operational limit was breached, this is however not a statutory limit.



### Glossary of Terms

1. **Authorised Limit** –represents the limit beyond which borrowing is prohibited, and needs to be set and revised by the Council. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable. It is the expected maximum borrowing need, with some headroom for unexpected movements.
2. **Bank Rate** – the rate at which the Bank of England offers loans to the wholesale banks, thereby controlling general interest rates in the economy.
3. **Counterparty** – the other party involved in a borrowing or investment transaction.
4. **Capital Financing Requirement (CFR)** – the level of capital expenditure to be financed from borrowing.
5. **Liquidity** – The ability of an asset to be converted into cash quickly and without any price discount. The more liquid a business is, the better able it is to meet short term financial obligations.
6. **LIBID** – London Interbank Bid Rate - The interest rate at which London banks ask to pay for borrowing Eurocurrencies from other banks. Unlike LIBOR, which is the rate at which banks lend money, LIBID is the rate at which banks ask to borrow. It is not set by anybody or organisation, but is calculated as the average of the interest rates at which London banks bid for borrowed Eurocurrency funds from other banks. It is also the interest rate London banks pay for deposits from other banks.
7. **LOBO** (Lenders Option Borrowers Option) - Long term borrowing deals structured which usually has a short, initial period (anything from 1 year to 7 years), followed by a “step rate” to a higher rate of interest (the “back end” interest rate), which is to be charged for the remainder of the loan period.  
  
The overall length of LOBO’s is usually 50 or 60 years but can be shorter or longer periods. After the “step up” date, and at set intervals thereafter, the lender (the bank) has the option of increasing the “back end” interest rate. Whenever this option is exercised, if the proposed new rate is unacceptable, the borrower (The Council) can redeem the loan without penalty.
8. **Monetary Policy Committee** – independent body which determines the Bank Rate.
9. **Operational Boundary** – This indicator is based on the probable external debt during the course of the year; it is not a limit and actual borrowing could vary around this boundary for short times during the year. It should act as an early warning indicator to ensure the Authorised Limit is not breached.
10. **Prudential Code** – The Local Government Act 2003 requires the Council to ‘have due regard to the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council’s capital investment plans are affordable, prudent and sustainable.

11. **PWLB** – Public Works Loan Board. An institution managed by the Government to provide loans to public bodies at rates which reflect the rates at which the government is able to sell gilts.

## ASSEMBLY

17 September 2014

<b>Title:</b> Constitution Review	
<b>Report of the Chief Executive</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Alan Dawson, Democratic Services Manager	<b>Contact Details:</b> Tel: 020 8227 2348 E-mail: alan.dawson@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Fiona Taylor, Head of Legal and Democratic Services	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<p><b>Summary</b></p> <p>The Council is required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date and under annual review.</p> <p>A comprehensive review has been carried out over the past 12 months to ensure that the document is up to date and reflects new legislative requirements, and in order to deal with any ambiguity or poor wording. A plain English approach has also been adopted.</p> <p>This report presents the proposed new Constitution in its entirety - the document is listed as Appendix 1 and has been sent to all Members under separate cover. The structure remains largely the same as the current Constitution and includes the vast majority of the original component parts, although there are several new elements and some former elements have been removed, the details of which are covered in more detail in the body of the report.</p> <p>The full Constitution is presented for formal adoption but the Head of Legal and Democratic Services will keep the document under continual review. Any issues or questions which Members may have can be dealt with under that continual review process and, where necessary, appropriate amendments put forward to subsequent meetings of the Assembly.</p>	
<p><b>Recommendation(s)</b></p> <p>The Assembly is recommended to adopt the new Council Constitution at Appendix 1 to the report.</p>	
<p><b>Reason(s)</b></p> <p>To meet the requirements of the Local Government Act 2000.</p>	

## **1. Introduction and Background**

- 1.1 Section 37 of the Local Government Act 2000 requires that the Council has in place a document, known as its Constitution, which contains the Council's standing orders, codes of conduct, and such other information as the Council considers appropriate or required by law.
- 1.2 The Council Constitution was adopted by the Assembly in 2000 and although it has been maintained and updated throughout that time it has never undergone a full, cover-to-cover review. With that in mind, a comprehensive review was initiated last year.
- 1.3 There were two key principals underpinning the review. The first was to 'challenge' the Council's rules and protocols to ensure that they reflected modern ways of working and new legislative requirements. The second was to improve the general language to make the document easier to read and understand, while at the same time maintaining the integrity of such an important document.
- 1.4 During the course of the last year, the Assembly has been presented with some of the elements of the new Constitution as they have been completed. These include the Contract and Financial Rules which were approved by Minutes 41 and 42 of the meeting on 4 December 2013 and the Employees' Code of Conduct and Protocol for Councillor/Employee Relations which were approved by Minute 57 of the meeting on 19 February 2014.

## **2. Proposal and Issues**

- 2.1 As the entire Constitution has been updated it is not possible / practical to show all of the changes that have been made. Paragraph 2.2 below deals with the significant changes but the key points to highlight from a more general perspective are:
  - a) There is a greater focus on Council procedure rules, statutory functions and responsibilities;
  - b) The revised structure brings together each committee's procedures and responsibilities into one document under the individual Articles in Part 2 (previously these were separate in Parts B and C);
  - c) Some non-essential (from a constitutional perspective) but nonetheless practical information, such as "Use of Council resources, facilities and equipment", "Protocol re Communications for Council members" and "Conference, visit and hospitality rules" in the previous Constitution have been removed and will now be maintained, following review, and available on the Council's website for Councillors and officers to refer to;
  - d) Simpler language and less repetition;
  - e) 60+ fewer pages.

- 2.2 The significant changes are as follows (these are listed under the relevant Part of the new Constitution):

## **Part 2**

- (i) **Merger of former Leader’s Questions and General Questions processes into single “Questions with Notice” section (Chapter 4, paragraph 9).**

The separate Leader’s Questions and General Questions processes were considered to be an unnecessary duplication and could cause confusion due to different deadlines for each process. Therefore, a single process is proposed which allows an individual Councillor to submit up to two questions by a deadline of midday the Friday before the meeting, which is a compromise between the former five working day deadline for Leader’s and two working day deadline for General Questions.

- (ii) **Clarification of the process for Call-In, the requirements for a valid call-in and Chief Executive’s determination (Chapter 8, paragraph 6).**

There are no proposed changes to the deadlines or thresholds for call-in. The changes are aimed at providing greater clarity to Members on the factors that they need to take into account, including providing evidence, when considering a call-in. The changes also include specific circumstances where a call-in would be considered invalid (for example, when pre-decision scrutiny has been undertaken), specify that the Chief Executive is responsible for making the final decision on the validity or otherwise of a call-in request and include a new exemption from call-in in relation to the awarding of contracts that have followed a lawful procurement process.

Linked to this point, the Budget and Policy Framework now includes a detailed process for dealing with call-in decisions which are potentially considered to be contrary to the Budget or Policy Framework (**Chapter 18, paragraph 6**).

- (iii) **Creation of new Licensing Sub-Committee to consider all applications (Chapter 10).**

Statutory Guidance issued in June 2013 under Section 182 of the Licensing Act 2003 recommends that decisions on applications where there are representations should be delegated to a sub-committee and not dealt with by the full committee. With that in mind, revised terms of reference of the Licensing and Regulatory Board (LRB) have been drawn up which propose the appointment of a sub-committee, with a membership of three, to determine applications that have, up to now, been considered by the full LRB. There are no proposed changes to the level of decisions which are made by Members and those made by officers under delegated authority. The full LRB would meet quarterly to consider strategic / policy matters and other current issues and the new Licensing Sub-Committee would meet as and when required to consider applications.

- (iv) **New section on “Outside Bodies” which includes a “Guide to the Law for Councillors and Officers on Outside Bodies” (Chapter 15)**

### **Part 3**

(v) **Officer Scheme of Delegation (Chapter 1, paragraph 14).**

A new clause has been included to reflect requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the recording and publication of delegated decisions taken by officers.

### **Part 5**

(vi) **New protocol to reflect the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to filming, social media etc. at Council meetings (Chapter 6).**

(vii) **New protocol on Politically Restricted Posts (Chapter 7).**

(viii) **New protocol on Indemnities for Members and Officers (Chapter 8).**

- 2.3 The Land Acquisition and Disposal Rules (Part 4, Chapter 4) have been updated but only in terms of cross-referencing, terminology and other minor changes. These Rules are subject to a significant review by the Chief Finance Officer, in consultation with the Cabinet Member for Finance, and the new Rules will be presented to the Assembly in due course.

### **3. Options Appraisal**

- 3.1 This is not relevant to this report.

### **4. Consultation**

- 4.1 This Constitution review has been led by officers in Legal and Democratic Services who have consulted with relevant colleagues throughout.

- 4.2 In respect of the areas of significant change, consultation has taken place with the appropriate Cabinet Members, Chairs and Deputy Chairs and the views of the Leader's office have also been sought on the full document.

- 4.3 The Constitution will be subject to continual review. Any issues or questions which Members may have can be dealt with under that continual review process via the Head of Legal and Democratic Services and, where necessary, appropriate amendments put forward to subsequent meetings of the Assembly.

### **5. Financial Implications**

Implications completed by: Jonathan Bunt, Chief Finance Officer

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

## **6. Legal Implications**

Implications completed by: Fiona Taylor, Head of Legal and Democratic Services

- 6.1 The Local Government Act 2000 requires Councils to produce, maintain and review the Constitution document as part of their good governance arrangements.

**Public Background Papers Used in the Preparation of the Report:** None

### **List of appendices:**

- Appendix 1 - New Constitution (circulated under separate cover and available on the Council's website at <http://moderngov.barking-dagenham.gov.uk/ieListDocuments.aspx?CId=179&MId=7537&Ver=4>)

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## ASSEMBLY

17 September 2014

<b>Title:</b> Vision and Priorities for Barking and Dagenham	
<b>Report of the Leader of the Council</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b>
<b>Report Author:</b> Karen Wheeler Head of Strategy & Communications	<b>Contact Details:</b> Tel: 020 8227 2317 E-mail: <a href="mailto:karen.wheeler@lbbd.gov.uk">karen.wheeler@lbbd.gov.uk</a>
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<p><b>Summary:</b></p> <p>This report sets out the proposed new vision and priorities for Barking and Dagenham.</p> <p>They are intended to reflect the changing relationship between the Council, partners and the community, and our role in place shaping and enabling community leadership within the context of a significantly reducing budget. They also reflect the ambitions of the new Administration.</p> <p>The proposed vision for the borough is:</p> <p style="text-align: center;"><b>One borough; one community; London's growth opportunity</b></p> <p>The three corporate priorities that will support the vision are:</p> <ul style="list-style-type: none"> <li>• Encouraging civic pride</li> <li>• Enabling social responsibility</li> <li>• Growing the borough</li> </ul> <p>The Cabinet considered this report at its meeting on 4 August 2014 and endorsed the proposed new vision and priorities.</p>	
<b>Recommendation(s)</b>	
The Assembly is recommended to adopt the refreshed vision and priorities, as detailed in Appendix 1 to the report.	
<b>Reason(s)</b>	
Although there is no longer a statutory requirement to produce a Community Strategy or Corporate Plan, it is good governance to frame the vision for the borough and agree the Council's policy priorities to inform decision making and allocation of resources.	

## 1 Introduction

- 1.1 This report sets out the proposed new vision and priorities for Barking and Dagenham. They have been developed to reflect the changing relationship between the Council, partners and the community, and our role in place shaping and enabling community leadership within the context of a significantly reducing budget.
- 1.2 As a result of reductions in the money received from the Government and other pressures on services from the growing population and national policy changes, the Council will have to make approximately £55-60m of savings over the three years between 2015/16 and 2017/18. This reduction in funding is unprecedented, requiring a fundamental change in the way the Council approaches addressing the budget gap and in considering the future shape of the Council going forward. This means that the development and delivery of the vision and priorities and relationship with the Medium Term Financial Strategy (MTFS) and resources available to achieve them is key.
- 1.3 The proposed vision and priorities also reflect the ambitions of the new Administration. Barking and Dagenham has the most untapped potential for growth in London, and the Council needs to define its role and champion the delivery of that ambition and aspiration for its communities. In doing so it recognises that with an increasingly diverse population, community cohesion and the active engagement and participation of the community are key components to improving the quality of lives of our residents and maximising the opportunities created by growth. It also reflects that wherever possible we enable our residents to help themselves, support their neighbours and live more independently, whilst still offering a safety net for the most vulnerable.

## 2. Vision and Priorities

- 2.1 The proposed vision and priorities for the borough are:

### **One borough; one community; London's growth opportunity**

- Encouraging civic pride
- Enabling social responsibility
- Growing the borough

- 2.2 Each priority has a set of key objectives sitting beneath them that define the areas of focus for the Council, partners and community. These are set out below and in full at Appendix 1. A more detailed narrative for each priority and its objectives is included at Appendices 2 to 4. This will inform the overall strategic narrative about the borough for use in our communication and engagement activity with residents, partners, including the voluntary sector and businesses, and in London to demonstrate our ambition and build our reputation and profile locally and nationally.

### **Encouraging civic pride**

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces

- Narrow the gap in attainment and realise high aspirations for every child

### **Enabling social responsibility**

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

### **Growing the borough**

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

2.3 The Cabinet endorsed the new vision and priorities at its meeting on 4 August 2014 (Minute 3 refers). Partners and the community have also been consulted through existing boards and groups, and given the opportunity to adopt them as community priorities for the borough. The Council is also developing new values that will closely integrate with and run alongside the vision and priorities.

## **3. Corporate Delivery Plan**

3.1 In order to ensure that the Council's contribution to achieving the priorities is proactive, co-ordinated, resourced in line with the MTFs and monitored so that Members and residents can see progress, an annual corporate delivery plan will be developed along with key performance indicators and targets. These will be reported to Cabinet in October 2014 for approval. Progress will be reported quarterly to Cabinet and six-monthly to Public Accounts and Audit Select Committee (PAASC).

3.2 To demonstrate the Cabinet's commitment to ensuring the ambitious vision and priorities are delivered and the Council has the ability and capacity to lead and deliver them, the LGA were invited to carry out a Corporate Peer Challenge from 29 July to 1 August 2014. This explored these areas and helped to provide challenge and reassurance.

3.3 In addition to the core components of a corporate peer review, the LGA and peer team were asked to provide an external perspective on:

- The Council's vision for the future, its position in London and how it can best develop external partnerships
- How to cope with the increasing demands being placed upon children's services given the significant financial challenge
- The role of elected members in the authority.

3.4 The outcomes of the review will be reported to Cabinet and inform the development of the corporate delivery plan.

#### **4. Consultation**

- 4.1 The new vision and priorities for the Council were developed with the Leader, Cabinet members and Leadership Group during Strategy Week in June 2014.
- 4.2 The Cabinet considered this report at its meeting on 4 August 2014 and endorsed the proposed new vision and priorities. Partners and the community have been asked for their views on the vision and priorities through existing boards and groups, and given the opportunity to adopt them as community priorities for the borough. The new vision and priorities are also due to be considered by the Community Safety Partnership on 8 September and the Health and Wellbeing Board on 9 September.
- 4.3 Feedback from the consultation will inform the final vision and priorities presented to the Assembly.

#### **5. Financial Implications**

Prepared by Tamara Beckford, Interim Group Manager - Corporate Finance

- 5.1 The new vision and priorities reflect the Council's context and priorities. These have been written in line with the funding arrangements identified at a high level within the Medium Term Financial Strategy (MTFS).
- 5.2 Officers are responsible for ensuring that service plans are aligned to available budgets in order to set and maintain a balanced budget while delivering quality services. Essential actions are being delivered to ensure the sustainability of the Council's new vision and priorities. This will be monitored through the existing financial management process to identify and address potential issues on a timely basis.

#### **6. Legal Implications**

Prepared and verified by Eldred Taylor-Camara, Legal Group Manager

- 6.1 The Assembly is the central political focus of the Council and the co-ordinating body for all elements of the political structure. It sets the overall corporate direction, policy framework and financial limits for the Council within which all operations and policies are carried out.
- 6.2 Under the Council's Constitution it is the responsibility of the Assembly to approve and adopt the Council's Community Strategy, the Community Priorities and the Council Plan.
- 6.3 It is the function of Cabinet to determine all major issues affecting the Council, particularly strategic, financial, policy related and corporate management matters, within the overall policy framework set by the Assembly.
- 6.4 Cabinet endorsed the new Vision and Priorities (Community Strategy) document and agreed to the development of a corporate delivery plan on 4 August 2014, the documents are now submitted to Assembly (as the Council's policy-making body) for

final decision and adoption. Once Assembly approves and adopts the plan, the responsibility for implementation will rest with Cabinet.

## **7. Other Implications**

- 7.1 **Risk Management** – There are no specific risks associated with this report. The corporate delivery plan and ongoing monitoring will set out any risks and mitigating action. The Council’s business planning process sitting underneath the vision and priorities describes how risks are mitigated by linking with the Corporate Risk Register.
- 7.2 **Contractual Issues** - Any contractual issues relating to delivering activities to meet borough priorities will be identified and dealt with in individual project plans.
- 7.3 **Staffing Issues** - There are no specific staffing implications.
- 7.4 **Customer Impact** – The new vision and priorities give a clear and consistent message to residents and partners in Barking and Dagenham about the Council’s role in place shaping and providing community leadership.
- 7.5 **Safeguarding Children** - The priority **Enabling social responsibility** encompasses activities to safeguard children in the borough and is delivered through the Local Safeguarding Children Board and Children’s Trust.
- 7.6 **Health Issues** - The priority **Enabling social responsibility** encompasses activities to support the prevention and resolution of health issues in the borough and is delivered through the Health and Wellbeing Board.
- 7.7 **Crime and Disorder Issues** - The priority **Encouraging civic pride** encompasses activities to tackle crime and disorder issues and will be delivered through the Community Safety Partnership.

**Background Papers Used in the Preparation of the Report:** None

### **List of appendices:**

- Appendix 1: Vision and priorities  
Appendix 2: Priority 1: Encouraging civic pride  
Appendix 3: Priority 2: Enabling social responsibility  
Appendix 4: Priority 3: Growing the borough

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### **One borough; one community; London's growth opportunity**

#### **Encouraging civic pride**

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

#### **Enabling social responsibility**

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

#### **Growing the borough**

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

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## Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

With an increasingly diverse population, community cohesion and the active engagement and participation of the community are key components to improving the quality of lives of our residents. According to the Census 2011 the current population of the Borough is 190,560 but is projected to rise to over 247,400 by 2030. This places ongoing and increasing demand on the borough and Council services. We saw almost a 50% rise in 0-4 year olds between 2001 and 2011, and subsequently a 7.5% rise in 5-9 years olds between 2012 and 2013.

We will work the voluntary, community and faith sector to build pride, respect and cohesion across the borough. Residents will be encouraged to share responsibility for their community, their environment and the area in which they live.

Community safety is important to all residents particularly the most vulnerable groups. We will continue to work with partners and our community to tackle the fear of crime by building resilient communities where people look out for each other, whilst also supporting and protecting those most at risk.

Promoting and protecting our green and public open spaces will be a priority, however this needs to be approached innovatively and within the context of significantly less government funding in this area. Encouraging our community to take pride in the borough and working with our partners to build civic responsibility will support this aim.

We want a stronger community where everyone feels they have a place, whatever their background, age and aspiration. This is why the Leader of the Council has chosen to personally lead on this portfolio area and bring our community together.

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## Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

With reduced government funding for the Council we will have to work differently with our partners and the community. This means that wherever possible we need to ensure there are support mechanisms to enable our residents to live more independently, whilst still offering a safety net of support for our most vulnerable.

We will work with our partners to build resilience in local communities by supporting active citizens, local assets and neighbourhood networks. We want to enable and empower local communities to develop, manage and sustain local community hubs.

We will support the connection of public health with the local community and help create a place that supports well-being thereby encouraging residents to make informed choices for a healthy lifestyle and behaviours which improve their own health.

We will continue to work with our health partners to ensure our residents can get good quality healthcare when they need it from their local surgery, hospital, or at home - ensuring the voice of local residents informs decisions about health and social care that affect them and their families.

Our vision for the borough's youngest residents is that every child is valued, supported and challenged so that they develop the ambition, skills and resilience to succeed. We need every child to know that they are a part of, and have a responsibility to contribute to building a strong, empowered and cohesive community.

Collectively, we will work with our partners and the communities to help Barking and Dagenham residents live long, fulfilling and healthy lives.

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## Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

Barking and Dagenham has the most untapped potential for growth in the capital, has excellent accessibility and is London's next big growth story after Docklands and Stratford. Barking and Dagenham will deliver 17,000 new homes and 10,000 new jobs over the next twenty years. The Council is committed to growth, to playing its role in London and delivering for its community. We have ambition and aspiration to become a destination of choice, where people stay and feel welcome.

We have **five** growth hubs and an unrivalled opportunity to deliver a wide range of new jobs and housing across the borough. They are:

1. **Barking Riverside** – one of the largest residential developments in the UK, 11,000 homes with superb River Thames frontage, in a strong partnership with the GLA
2. **Beam Park/Ford Stamping Plant** – major brownfield site with great potential for housing and commercial activity **with** 2,500 new homes and over 1,000 new jobs
3. **Barking Town Centre** – 15 minutes from Central London, east London's cultural hub, a vibrant and culturally rich community, with space for creative industries, superb accessibility, and opportunity for at least 4,000 more homes
4. **London Sustainable Industries Park (LSIP)** – addressing the low carbon economy, the platform for B&D to become London's greenest Borough
5. **londoneast-uk** – working with the private sector to transform the former Sanofi site into a bio tech based economic hub that is unique in the capital

Barking and Dagenham has strength and potential for growth across six economic sectors:

1. **Green tech** - recognising the potential for green energy and the opportunities at LSIP
2. **Bio tech** - based on the superb laboratory facilities at Business east
3. **Health and social care** opportunities, including the development of Care City
4. **Creative industries** - centred on the Ice House Quarter and Broadway Theatre in Barking
5. **Logistics** and other London serving industries harnessing our excellent accessibility
6. **Advanced manufacturing** - building on the borough's manufacturing heritage

To deliver this growth and realise this ambition we are committed to working with the Mayor, GLA, other London partners, with neighbouring boroughs, businesses and communities. Together we need:

- The Gospel Oak to Barking line extended to Barking Riverside
- Barking Town Centre to be designated as a 'London Housing Zone'
- High quality 'gateways' into Barking Riverside
- An East London network of enterprise hubs for start-up and growing businesses
- Barking as East London's new creative industries hub at the Ice House quarter along the River Roding
- An eastern spur of Crossrail 2 to link Barking and beyond, to Stratford
- 'Care City' established in Barking Town Centre
- londoneast-uk as London's bio tech centre of excellence
- Beam Park and the site of the Ford Stamping Plant to become an aspirational new mixed use commercial and residential centre
- The London Sustainable Industries Park vision to be delivered so that we become London's greenest borough
- The A13 as a priority transport corridor for investment to relieve congestion and facilitate movement.

**Barking and Dagenham is open for business, with space for growth, an ambitious and aspirational community and a local authority committed to deliver and succeed.**

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**ASSEMBLY****17 September 2014**

<b>Title:</b> Appointment of Parent Governor (Primary) Co-opted Member to the Children's Services Select Committee	
<b>Report of the Chief Executive</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Masuma Ahmed, Democratic Services Officer	<b>Contact Details:</b> Tel: 020 8227 2756 E-mail: masuma.ahmed@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Fiona Taylor, Head of Legal and Democratic Services	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>Summary</b>	
<p>The Primary School Parent Governor representative position on the Children's Services Select Committee is currently vacant as a result of the previous representative resigning from the position of Parent Governor.</p> <p>The selection of the Parent Governor representative is a two-stage process; the first being the nomination stage and the second being a ballot (assuming more than one nomination is received). All serving school parent governors are eligible to take part in the election process.</p> <p>An election process was co-ordinated by Children's Services in July 2014. Two nominations to fill the position of Primary School Parent Governor representative on the Children's Services Select Committee were received and a ballot for the role was carried out.</p> <p>The successful nominee for the position is Mrs Toluwalope Elizabeth Dahunsi who is currently serving on the governing bodies of Valence Primary School and Village Infants' School.</p>	
<b>Recommendation</b>	
<p>The Assembly is recommended to approve the appointment of Mrs Toluwalope Elizabeth Dahunsi as the Primary School Parent Governor Co-opted Member to the Children's Services Select Committee for a term of four years.</p>	
<b>Reason</b>	
<p>To ensure that the Council's Scrutiny function is in accordance with the Council's Constitution and legislation.</p>	

## **1. Financial Implications**

There are no financial implications from this appointment. The appointment of the new primary school parent governor replaces the existing post holder, hence, no additional resources will be required for this appointment.

Implications completed by: Ranjit Solomon, Principal Accountant, Chief Executive

## **2. Legal Implications**

This report sets out the process for the appointment of a Primary School Parent Governor representative position on the Children's Services Select Committee following a resignation from that position. The report covers the procedure followed leading to that appointment and that this appointment is in accordance with the Council's Constitution and legislation.

Implications completed by: Chris Pickering, Principal Solicitor - Employment & Litigation, Legal and Democratic Services

### **Public Background Papers Used in the Preparation of the Report:**

Council Constitution

### **List of appendices:**

None.



**ASSEMBLY****17 September 2014**

<b>Title:</b> Independent Persons - The Localism Act 2011	
<b>Report of the Monitoring Officer</b>	
<b>Open</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Paul Field, Senior Governance Solicitor	<b>Contact Details:</b> Tel: 020 8227 3133 E-mail: <a href="mailto:paul.feild@lbbd.gov.uk">paul.feild@lbbd.gov.uk</a>
<b>Accountable Head of Service:</b> Fiona Taylor, Head of Legal and Democratic Services	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>Summary:</b>  This report relates to the requirement to appoint Independent Persons to carry out an advisory role as part of arrangements the Council must have in place to investigate and determine complaints regarding the Councillors' Code of Conduct as required by Section 28(6) (a) & (b) and 28(7) the Localism Act 2011(the Act).	
<b>Recommendation(s)</b>  The Assembly is asked to approve the appointment of Mr John Boylin and Mr Michael Hawkins as Independent Persons with effect from 1 October 2014 until the next Assembly meeting following the Annual Assembly in 2016.	
<b>Reason(s)</b>  To accord with the requirements of Section 28(8) (c) (iii) of the Localism Act 2011 which states that decisions of appointment of Independent Persons must be agreed by a majority of the whole number of Councillors.	

**1. Introduction and Background**

- 1.1 From 1 July 2012 The Localism Act 2011 (the Act) required that principal councils such as district, county and London boroughs all adopt local codes of conduct and establish the means to investigate and determine complaints. At the Assembly meeting on 11 July 2012, Members adopted the LBBB Code of Conduct in accordance with the Act, together with procedures for investigating and deciding on allegations of breaches of the Code.
- 1.2 The Act further required that the Council appoints at least one Independent Person(IP):

- (a) whose views are to be sought and taken into account by the Monitoring Officer on an allegation being considered for investigation, but before a decision to investigate is made; and
- (b) whose views may be sought:
  - (i) by the Monitoring Officer on other matters relating to an allegation; and
  - (ii) by a member or co-opted member of the Council who has been complained about.

1.3 To ensure 'independence', this person is not to have links to the Council, councillors or officers or been a member for the last five years. This meant that the previous Independent Members of the statutory Standards Committee, who had served for a number of years, were disqualified from applying for the role as they were co-opted members of the Council.

1.4 In January 2014 it was considered timely to carry out a review of the role of the IPs and a training and consultation session with the Independent Persons was conducted. The current IPs at the time, Mr Carpenter and Mr Little, had held the role for just 18 months. Both were advised that provisionally their initial period would terminate after Annual Assembly in 2014. During the review it was noted that the current picture was that the level of complaints against Members requiring the involvement of IPs had so far been at a low level.

1.5 The Monitoring Officer presented a report to Assembly on 19 February 2014 recommending that the Council make an additional appointment of an IP to provide resilience in the event of potential issues of conflict of interest or general unavailability of one of the Council's IPs. The Monitoring Officer further recommended that to ensure a good return on the investment in austere times, rather than embark on a further recruitment exercise in summer 2014; that the engagement of the IPs be so as to continue to after the Annual Assembly meeting in 2016. This would afford time to provide further experience and enhance their skills and competencies. The Assembly agreed both recommendations.

1.6 Mr Little gave notice that he was stepping down from the role after deciding to be a candidate in the 2014 local elections. This meant that the Council's IP numbers went down to one (Mr Carpenter).

## **2. Proposal to Appoint**

2.1 In accordance with the Localism Act, to meet the risks outlined above, the Monitoring Officer carried out a recruitment exercise. The recruitment was conducted with local and web based advertisements. Two expressions of interest were received from Mr John Boylin and Mr Mike Hawkins.

2.2 The candidates were invited for interview on 15 July 2014 and 23 July 2014 respectively. The quality of performance of the interviewed candidates and their experience was very high. Both candidates have experience in dealing with Code of Conduct complaints against Members and neither have any connection with any political parties or have been members. Indeed the Monitoring Officer has now made this a specific requirement.

- 2.3 The applications were assessed by a recruitment panel under the direction of Fiona Taylor Head of Legal / Divisional Director and Monitoring Officer, David Lawson, Deputy Head of Legal and Deputy Monitoring Officer and Paul Feild Senior Governance Solicitor. The panel recommended that the two candidates be appointed based on their performance at interview and the identified need for three IPs to allow for conflict of interests that may arise where the IP is consulted by both the Member and the Panel.

### **3. About the Candidates**

#### **3.1 John Boylin**

John is a retired senior Police Officer having served as Borough Commander for Newham and then Redbridge. He then served as officer in charge of Redbridge's Parks Police. He is non political. He recently served as Operations Manager for Security Infrastructure for London Olympics 2012 and has served as an IP for Brentwood Borough Council for several years.

#### **3.2 Mike Hawkins**

Mike is currently Chief Executive of Brentwood Chamber of Commerce, a position he has held for 10 years. He was appointed as a magistrate and since became a bench Chairman. He is non political. He was Divisional Director of NatWest/RBS Group and also Chairman of MasterCard UK. He believes in maintenance of strict political impartiality and has served as an IP for Brentwood Borough Council for several year, helping to adjudicate some difficult disputes between or involving members. He also has a role as an 'Expert' member of the European Payments Council, Brussels, arbitrating between banks and major corporations on disputes regarding the major EU initiative of implementing Single Europe Payments.

### **4. Terms of engagement**

- 4.1 The appointments will commence from 1 October 2014 subject to satisfactory references. They would run until after the Annual Assembly meeting in 2016. An induction process is in the process of being arranged, which will allow John Boylin and Mike Hawkins to meet Members and officers of the Council. Unlike the previous standards regime, the IP is not a formal Member of a Council committee and has a purely advisory role.

- 4.2 The appointment attracts an annual allowance of £500. The appointment of an additional IP will necessitate payment of an additional allowance of £500 which can be met from existing budgets. The IPs may also claim reasonable expenses for attendance, travel and subsistence. The IPs are not Co-Opted Members and therefore the inclusion of such an allowance provision will not engage any need to have it approved / reviewed by the LBBB Members' Remuneration Panel.

### **5. Options Appraisal**

- 5.1 The appointment of at least one IP is a statutory requirement of the Act. Discussions with other authorities indicate that while there is a statutory minimum of one IP under the Act, it is common agreement that one is not sufficient. For example last year when Thurrock Council lost an IP through an early death it took a number of months to recruit and place a replacement. During the vacant period it

would not have been possible to manage complaints without conflicts of interest arising. When Barking and Dagenham Council's scheme was established in late 2012 a minimum number of two was proposed principally because of the risk of conflict of interest. Officers believe that recent experience indicates that to ensure resilience there needs to be an additional appointment.

- 5.2 The recent experience of an early resignation leaving only one IP confirms that the 2014 proposals to aim for three IPs does provide the necessary level of resilience at minimal cost to the potential risk.

## **6. Consultation**

- 6.1 It is a statutory requirement that Assembly is consulted and approves the appointments.

## **7. Financial Implications**

Implications completed by: Olufunke Johnson, Finance Manager

- 7.1 The allowance and expenses required to fund these posts will be funded from existing budgets within Democratic Services.

## **8. Legal Implications**

Implications completed by: David Lawson, Deputy Head of Legal

- 8.1 The body of this report sets out the legal framework and as explained the Council is required to have a minimum of one IP though this should be considered to be unsatisfactory as there are circumstances where statutory obligations such as the right for a Member to consult with an IP and the need for consultation by the Monitoring Officer and a Sub-Committee means that two IPs is the bare minimum but such an arrangement provides for no resilience if an IP is not available.

## **9. Other Implications**

- 9.1 **Risk Management** - The Council has a duty to promote and maintain high standards of conduct. Failure to appoint IPs puts the Council at risk of not being able to fulfil these duties in accordance with the Act
- 9.2 **Customer Impact** - Residents of the borough must be confident that the Council will continue to promote and maintain high standards of conduct through the implementation of the statutory requirements of the Act

**Public Background Papers Used in the Preparation of the Report:** None

**List of Appendices:** None