

RESOLVED – That the minutes of the Ordinary Meeting and Extraordinary Meeting of the Council held on 26 October, 2004, be approved.

98. OFFICIAL ANNOUNCEMENTS (Agenda Item 4):

A minute's silence was held to mark the death of Mr Alan P Fletcher, Past Leader of the Council of the London Borough of Barnet and a member of the former Hendon Borough Council.

99. TO RECEIVE DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 5):

Councillor Brian Salinger declared a personal interest in Question No.38 as he was a trustee of the Wright Trust and the SRB (Single Regeneration Budget) Board. Councillor Gill Sargeant also declared a personal interest in this Question as she was also a Trustee of the SRB Board.

100. VARIATION TO ORDER OF BUSINESS (Agenda Item 15.1 (6.1(i)):

Councillor Victor Lyon, duly seconded, moved that the order of business be varied to allow Part 4 – Policy Development, Agenda item 9, to be dealt with after Questions to the Leader and Cabinet.

Upon being put to the vote, the motion was declared carried and

(i) RESOLVED - Accordingly

Councillor Victor Lyon, duly seconded, then moved, in accordance with Council Procedure Rule 35.2, that the Council consider the budget headlines at this meeting as an urgent policy initiative and that, under Rule 14, Rule 35.2 be suspended to the extent that 30minutes be allocated for debate on this policy initiative.

Upon being put to the vote, the motion was declared carried and

(ii) RESOLVED - Accordingly

101. QUESTION TIME FOR MEMBERS (Agenda Item 7):

Questions were put to the Leader and the relevant Members of the Cabinet. Those questions, together with the original answers provided and the text of any supplementary questions and answers are set out in the Appendix to these minutes.

The Worshipful the Mayor indicated that Questions 25 and 28 were asked by Councillor Jeremy Davies and not Councillor Wayne Casey, and that the Cabinet Member for Regeneration and Development had issued revised answers to Questions 6,7,9,12,22,25,33,34,41,42,47,48 and 51.

The Questions, Supplementary Questions and Answers are attached as an Appendix to these minutes.

Councillor Salinger indicated that the figure referred to in the original answer to Question 6 was 3,015.

102. POLICY DEVELOPMENT (Agenda Item 9)

(i) 2005/2006 BUDGET COMPONENTS (Agenda item 15.1 (6.2(ii))

The Leader moved the Motion in his name set out in Agenda 15.1(16.2(ii)).

Debate ensued. Upon being put to the vote, the Motion was carried. Ten Members demanded a division on voting. Upon being taken, the results of the division were declared as follows:

For	Against	Not Voting	Absent when vote taken	Vacancy
Councillors	Councillors	Councillors	Councillors	
The Mayor	Steve Blomer	Brian Coleman	Peter Davis	1
Maureen Braun	Anita Campbell		Vanessa Gearson	

For	Against	Not Voting	Absent when vote taken	Vacancy
Councillors	Councillors	Councillors	Councillors	
Fiona Bulmer	Wayne Casey		Anne Hutton	
Terry Burton	Danish Chopra		Monroe Palmer	
Melvin Cohen	Jack Cohen		Susette Palmer	
Katia David	Jeremy Davies		Kanti Patel	
Aba Dunner	Claire Farrier		Gerard Silverstone	
Kevin Edson	Arun Ghosh		Agnes Slocombe	
Olwen Evans	Sean Hooker			
Anthony Finn	Mark Langton			
Mike Freer	Kitty Lyons			
Brian Gordon	Linda McFadyen			
Eva Greenspan	Kath McGuirk			
Christopher Harris	David Mencer			
Helena Hart	Alison Moore			
Lynne Hillan	Barry Rawlings			
Daniel Hope	Colin Rogers			
Malcolm Lester	Paul Rogers			
Victory Lyon	Gill Sargeant			
John Marshall	Alan Schneiderman			
Jazmin Naghar	Ansuya Sodha			
Robert Newton	Soon-Hoe Teh			
Matthew Offord	Jim Tierney			
Brian Salinger	Allan Turner			
Joan Scannell	Phil Yeoman			
Susan Steinberg				
Leslie Sussman				
Andreas Tambourides				

For	28
Against	25
Not voting	1
Absent	8
Vacancy	1

The motion was declared carried and

RESOLVED - Council notes the key 2005/06 budget components, which incorporate responses to the consultation with residents and which will be subject to consideration by Overview & Scrutiny Committees.

Council further notes that the outcomes of these processes will be reported back to Cabinet in February so that they can be taken into account when the Council sets its budget

(ii) CHILDREN (Agenda item 9)

Councillor Chris Harris moved adoption of the motion at item 9 on the agenda.

Debate ensued. Upon being put to the vote, the motion was declared carried and **RESOLVED - That Council notes the current position on policy in the theme "Children".**

103. ADJOURNMENT OF MEETING

In accordance with the Agenda, the Mayor adjourned the meeting for 15 minutes.
The meeting reconvened at 9.00pm

104. MOTION IN THE NAME OF COUNCILLOR BRIAN GORDON (Agenda Items 8.1 and 15.1.9 (i):

Motion 8.1 in the name of Councillor Brian Gordon was moved.

An amendment in the name of Councillor Kath McGuirk was also moved.

Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Kath McGuirk was declared lost.

The substantive motion was declared carried.

RESOLVED – Council notes with dismay the massive fare increases planned for London Underground and London Buses. These plans, coupled with the parlous state of the signalling on the Northern Line, mean that public transport users in Barnet and other parts of London are receiving an extremely raw deal.

Council notes Mayor Livingstone’s earlier promises that the vast sums of money he is raising from his tax precept and congestion charges would be used towards creating a more efficient and a user-friendly public transport system – promises that have now clearly been forgotten.

Council instructs the Chief Executive to write to the Mayor of London and the Chief Executives of the relevant train and bus authorities to inform them of the contents of this motion and to demand an immediate review of the mismanagement of London’s public transport, in particular with regard to fare increases.

105. MOTION IN THE NAME OF COUNCILLOR ALAN SCHNEIDERMAN (Agenda Items 8.2, and 15.1(.2 (i) and 12):

Motion 8.2 in the name of Councillor Alan Schneiderman was moved.

Amendments in the names of Councillor Kath McGuirk and Katia David were also moved.

Debate ensued. Upon being put to the vote, the amendment in the name of Councillor McGuirk was declared lost and that in the name of Councillor Katia David was declared carried. The substantive motion was declared carried.

RESOLVED – Council congratulates staff for their hard work that resulted in the ‘good’ rating in the recent Cultural Services inspection.

Council welcomes the Audit Commission finding that Cultural Services in Barnet are good because:

- **There are clear and specific links between cultural services plans and corporate and community plan priorities;**
- **The council has clearly stated what are and what are not priorities for cultural services;**
- **The council and partners have engaged the diverse communities within the borough;**
- **There are many positive examples of services being delivered to a wide range of users, including ethnic minority groups, disabled people, young people, the elderly, homeless and asylum seekers;**
- **Improved facilities have been provided in Hendon library, leisure centres, the Artsdepot Centre and in the provision of widely accessible IT; and**
- **User satisfaction levels for libraries and parks are above the London average.**

Council welcomes the Audit Commission’s verdict that prospects for improvement are promising because:

- There is a clear focus on delivering corporate priorities in partnership and robust plans for further improvement across cultural services are in place;
- Current resources are being focussed on priorities;
- The council has demonstrated a track record of delivering new and significantly improved facilities for users through direct investment and in partnership with others, including Hendon Library, the Artsdepot Centre and Finchley Lido;
- Users and stakeholders are engaged in the development of future plans;
- There are sound performance management structures in place to identify and address underachievement, monitor progress and drive improvement; and
- There is a clear timetable for completion of the libraries strategy in line with business and budget planning processes.

Council notes that the administration is not ‘currently closing two libraries’, and that all sixteen libraries in the borough are currently open. Council recognises that although Totteridge library did close in April 2004, residents there are served by a mobile library pending options for reprovision being identified and agreed.

Council notes that the Audit Commission identifies a good level of community engagement concerning the futures of both South Friern and East Finchley libraries.

Council welcomes the Audit Commission finding that Barnet’s library service is delivered at below average costs when compared to other London boroughs, and that usage and user satisfaction levels are above the average for London.

106. MOTION IN THE NAME OF COUNCILLOR FINN (Agenda Items 8.3 and 15.1(ii)):

Motion 8.3 in the name of Councillor Anthony Finn was moved.

An Amendment in the name of Councillor Jeremy Davies was moved.

Debate ensued.

Upon being put to the vote, the amendment in the name of Councillor Jeremy Davies was declared lost. The substantive motion was declared carried.

RESOLVED – This Council deplores the late announcement of the provisional grant support settlement for the third year running. Such delay makes the work of Councils of all political persuasions that much more difficult, particularly restricting the available time for consultation. Council believes that the current system of annual announcements on grant support settlements does not encourage longer term planning. It also notes that London and particularly Barnet, appears to have been starved of funds for a number of years

**107. COMMENTS ON THE WORK OF THE CABINET (Agenda Items 10 and 15.1.10):
Councillor Alan Schneiderman commented**

Thank you Madam Mayor. IJAD applied for a one-off £5,000 grant from the Borough lottery and was well recommended for approval by officers. The Milly Apthorp Trust had already granted £5,000 to the project, and yet Councillor Freer refused the application. IJAD is a local charity which has been operating for several years seeking to widen access to the arts for refugees, asylum seekers, physically disabled and underprivileged children and young people in the Borough. Their new project has been designed to involve refugees and disaffected young people between the ages of thirteen and seventeen from broken homes who are not in school and considered at risk, thus fulfilling one of the objectives of the Council’s own community plan. The project aims to develop confidence, citizenship and motivation using dance and digital technology.

Even the Council's Arts Officer said that their work was among the best he has seen in the Borough. If the Council is serious about diverting young people away from anti-social behaviour and interested in keeping them at school then we should be taking every opportunity to do so.

This project represents good value for money in achieving that, and not to take up the offer would be a missed opportunity for the Council, made worse by the budget cuts already announced at other parts of the youth service tonight.

Councillor Mike Freer Responded

Thank you Madam Mayor. Councillor Schneiderman, of course, is completely wrong. If he actually goes on to the IJAD website, I will not read the whole of the drivel that is on their website, but I will point out some things which led me to refuse their £5,000 grant. It talks about general exercises and an introduction to simple intermediary or advanced, as required, movement vocabulary. It talks about, at the end of sessions users will have a sharing of ideas and thoughts on the workshop experience with IJAD through creative self-evaluation. Well £5,000 out of the grants budget pays for lunch clubs for the elderly, breakfast clubs, grants to genuine refugee work, which actually aids integration and combats social exclusion. That is what I say the grants budget is for. Not some prancing around, pretending to be doing something that it is not doing.

Councillor Paul Rogers Commented:

Thank you Madam Mayor. In Barnet we have an ever-growing problem with providing homes for key workers in our community. These workers are the nurses, the Police Officers, social workers and our own Council staff, who make Barnet a happy and safe community to live in and without whom all of our lives would be far worse.

Madam Mayor, in 1997, the Labour/Liberal Democrat Administration were aware of the problems of affordable homes. So when we were preparing the draft UDP, we drew up a policy that 50% of affordable homes on developments of units of ten and over would be required. In the spring of 2004, the local public inquiry was held into the draft UDP and in October of this year, the Inspector held up the previous Administration's proposals as they were in line with the London Plan. He also found that the Administration had failed to provide sufficient dwellings to replace those that had been lost to the right to buy. So, what is this failed Administration's answer? It is to ask developers to provide money, in Section 106 payments rather than to provide homes. There are no plans for where these homes will be built in the future and there is no provision for them. It is the never-never land to housing provision. So far we have taken some £600,000.

Councillor Brian Salinger responded:

Thank you Madam Mayor, I was beginning to wonder where Councillor Rogers was going as he was not talking about what he said he was going to talk about. As far as key workers are concerned we actually have a number of, and I have to say it sickens me, empty homes on the Adastral Estate which are available for key workers but the Housing Corporation will only allow them to be used for key workers and, despite the efforts of Notting Hill Housing Trust, they have been unable to find people to move into them. And I am talking to the Housing Corporation about how we can use them.

was sold under the right to buy is still there and is still occupied. As far as the future use of Section 106 monies is concerned, we are looking at all the options that will become available to us to make sure that we use those monies to the best effect to provide additional homes for people in this Borough.

Councillor Joan Scannell commented:

Thank you Madam Mayor. I asked a question about the effect the Hillingdon ruling will have on the finances of this Borough, because a number of residents have expressed concern about the hidden costs to be borne by this Council, which have a knock-on effect on the amount of Council Tax that they will pay.

Councillor Chris Harris responded:

The Hillingdon ruling means the Council now has the responsibility to pay for sending newly arrived young people over eighteen who have come to this country onto university, to higher education and for housing them. This costs between £12,000 and £20,000 per young person and is estimated to cost us £280,000 this year. The Government at present are not going to give us any reimbursement. It is another example, like so many others, of added responsibilities for local government with no government money to pay for it. Cheating Barnet Council and Barnet taxpayers.

108. STATUTORY COUNCIL BUSINESS (Agenda Item 11)

In accordance with Procedure Rule 43, the Worshipful the Mayor allocated 30 minutes for Agenda Items 14.1, 14.2 and 14.3, and ten minutes for Agenda Item 15.

109. REPORT OF THE GENERAL FUNCTIONS COMMITTEE 18 NOVEMBER 2004: RESTRUCTURING STREET ENFORCEMENT (Agenda Item 14.1):

Councillor Joan Scannell moved reception and adoption of the Report of General Functions Committee 18 November, 2004 with the following recommendation:

- (1) That the proposed revised structure and grades set out in Appendix A and B be approved with effect from 1 March 2005**
- (2) That the assimilation proposals, comprising redundancy selection criteria, set out in the body of this report be approved**
- (3) That employees who are not successfully assimilated into the revised structure or redeployed in accordance with the Council's Managing Change policy be released on grounds of redundancy under the Council's standard Scheme**
- (4) That a direction be sought to capitalise any costs arising from redundancies.**
- (5) That the Head of Environmental and Neighbourhood Services be instructed to take the appropriate action.**

Debate ensued.

On being put to the vote, it was

RESOLVED - That the Report of the General Functions Committee of 13 October 2004 be approved and adopted.

110. REPORT OF THE LICENSING COMMITTEE, 1 DECEMBER 2004: APPROVAL OF LICENSING POLICY (Agenda Item 14.2):

Councillor Eva Greenspan moved reception and adoption of the Report of Licensing Committee dated 1 December 2004 with the following recommendation:

- 1. That the Council, acting as Licensing Authority, approve and adopt the Statement of Licensing Policy, detailed in the Appendix; and**
- 2. That the relevant officers be instructed to arrange for the policy to be published by 7 January 2005.**

An Amendment in the name of Councillor Anita Campbell was moved. Debate ensued. Upon being put to the vote the amendment in the name of Councillor Anita Campbell was lost. The substantive motion was put to the vote and declared carried.

RESOLVED - That the Report of the Licensing Committee dated 1 December 2004 be approved and adopted.

111. REPORT OF THE SPECIAL (CONSTITUTION REVIEW) COMMITTEE, 8 DECEMBER 2004 (Agenda Item 14.2):

Councillor Victor Lyon moved reception and adoption of the Report of the Special (Constitution Review) Committee of 8 December 2004, with the following recommendations:

1. That Articles 4.02, 6.02(d) and 8 of the Constitution be amended as detailed in the Appendix, with immediate effect;
2. That the existing rules for Part 4 of the Council meeting be deleted and replaced with new rules and associated consequential amendments as detailed in the Appendix, with immediate effect;
3. That no change be made to the existing arrangements for the appointment of substitutes to Overview and Scrutiny Committees;
4. That no change be made to the existing public speaking arrangements at planning committees and sub-committees for a maximum of 3 speakers per application each having up to 3 minutes each;
5. That the public participation rules for planning committees and sub-committees be amended, with immediate effect, as detailed in the Appendix such that applicants will not be permitted to speak if the committee are minded to refuse an application recommended for refusal, where there are no objectors;
6. That no change be made to the starting or finishing times for planning committees and sub-committees;
7. That no change be made to the existing arrangements for deferral of planning applications, but that to emphasise good practice in arranging site visits, the Table in Part 3 Section 2 of the Constitution (Responsibility for Council Functions) be amended, with immediate effect, to include an explanatory note, detailed in the Appendix, within the entry for "Area Planning Sub-Committees";
8. That no change be made to the existing arrangements for Members' referral of applications to committee, which would normally be dealt with under delegated powers, but that in making such a referral, Members should have due regard to Section 10 of the Members' Planning Code of Good Practice; and
9. That the facility allowing Members to speak at planning committees and sub-committees on applications not within their Wards be reviewed again as part of the review of speaking arrangements to be undertaken in six months' time.

An Amendment in the name of Councillor Jack Cohen was moved. Debate ensued. Upon being put to the vote the amendment in the name of Councillor Jack Cohen was lost. The substantive motion was put to the vote and declared carried.

RESOLVED – That the Report of the Special (Constitution Review) Committee of 8 December 2004 be approved and adopted.

112. REPORTS EXEMPTED FROM THE CALL-IN PROCESS (Agenda Item 15.1(1)):

The Head of Committee reported that, in accordance with the Overview and Scrutiny Rules in the Council's Constitution, the Chairman of the Cabinet Overview and Scrutiny Committee had been consulted and had agreed that the following decisions could be treated as matters of urgency for the reasons stated and thus be exempted from the call-in requirements:

- (i) Decision of the Cabinet Member for Housing, Neighbourhoods and Community Safety: Dispersal Notice

In view of the strong correlation between the increasing rise of incidents and complaints of anti-social behaviour, it was considered appropriate to have these powers in place in the Grahame Park Area as quickly as

possible. These powers would also assisting in overcoming residents' fear of crime.

(ii) Decision of the Leader and the Cabinet member for Performance, Partnerships and Best Value: Grants to Voluntary Organisations – Barnet Citizens' Advice Bureau (CAB)

Decisions on Barnet CAB's requests for assistance in meeting the additional costs arising from the transfer of the Finchley office from Hertford Lodge Annexe to 23 – 35 Hendon Lane, N3, were required before the CAB signed the sub – lease of the Hendon Lane office. The transfer to the new premises had to be completed during the November as the terms of the sale of the Hertford Lodge site required vacant possession by the purchaser by December. Therefore, it was agreed to upgrade the CAB's core service agreement for the provision of an independent advice service agreement for the provision of an independent advice service arising from the transfer of its Finchley Office and to make a one – off grant towards the moving costs and associated expenditure.

(iii) Decision of the Cabinet Members for Resources and Education and Lifelong Learning - Frith Manor School Rebuild – Phase 2 Tender Acceptance

The contractor needed urgently to place orders with key sub – contractors/suppliers to ensure that the Phase 2 works started on programme, in January

The following decisions were therefore, taken

- (a) Subject to authorisation of additional funding, the reduced tender negotiated with Claydon Associates Ltd, in the sum of £3,792,312.50 be accepted;
- (b) Confirmation of action taken by Head of Highways and Design in placing separate orders with Claydon Associates Ltd for pre-contract design services, in the sum of £74, 981.25, to enable the works to commence on site to programme
- (c) Head of Highways and Design authorised to place initial orders with Claydon Associates Ltd to mobilise resources and place orders with key sub –contractors and suppliers prior to the execution of the Contract, with these orders being incorporated into the formal contract; Borough Treasurer also authorised to make payments, should they be required, in advance of the formal contract.

(iv) Decision of the Cabinet Members for Resources and Education and Lifelong Learning: Allocation of finding from Capital Budget item 107A (NDS Schools Modernisation Fund 2004 – 05)

The additional funding for the Frith Manor School rebuilding project was required to be in place to allow the Phase 2 contract to be entered into, to enable the phase 2 works to be started in January. Additionally, funding was required for the relocation of a demountable classroom unit from The Compton School to Clitterhouse Infants School.

Therefore, then allocation of £228,228 was authorised from the unspent balance of £954, 000 from approved Capital Budget item 107A (2004 – 5 NDS Modernisation Fund) to fund the proposals at Frith Manor and Clitterhouse Infants Schools.

113. VACANCIES ON SCHOOL GOVERNING BODIES (Agenda Item 15.1(3) and (9)):

The Head of Committee's report set out details of the appointments or nominations to be made

Nominations in the names of Councillors Joan Scannell, David Mencer and Jeremy Davies were submitted.

An amendment in the name of Councillor Jack Cohen was moved. Debate ensued. On being to the vote it was

RESOLVED –

(1) That the following persons be appointed or nominated as the case may require to fill the vacancies referred to for the period indicated:

VACANCY REFERENCE	PARTICULARS OF APPOINTMENTS OR NOMINATION	PERSON APPOINTED OR NOMINATED
VP.18.1 P2.2	Annunciation RC Junior School Barnet Hill JMI and Nursery School	Councillor Steve Blomer Defer
VP33.1 NP.46.2 P.23.1	Beis Yaacov Primary School Brookhill Nursery School Brookland Infant and Brookland Junior Schools	Defer Defer Defer
P.10.3 P.25.2	Brunswick Park Primary School Chalgrove Primary School	Defer Defer
VS.02.2	Christ Church CE Secondary School	Mr John Harris
P.11.2 P.28a.1	Church Hill School Clitterhouse Infant and Nursery School	Defer Mr John Scott
P.28a.3	Clitterhouse Infant and Nursery School	Defer
P.39.1 P.41.1 P.41.4 S.04.3 P.43a.1	Courtland JMI School Dollis Infant School Dollis Infant School East Barnet School Edgware Infant and Nursery School	Defer Defer Defer Councillor Terry Burton Defer
S.07.1	Friern Barnet School	Defer (Councillor Kath McGuirk unsuccessful)
P.42.1	Frith Manor Junior and Infant School	Defer
P.45.1 P.45.2 P.48.2 P.09.3 SP.02.2 SP.03.2	Grasvenor Avenue Infant School Grasvenor Avenue Infant School Hampden Way Nursery School Monkfrith JMI School Northway School Oakleigh School	Defer Defer Defer Defer Defer Defer
VP14.2 VP32.2 VP.21a.1 VP.16.1 VP.20.1 P.16.1 P.33.1 P.50.4	St Catherines RC JMI School St Johns CE Primary, N11 St Johns NW4 St Josephs RC Junior School St Mary's CE School, N3 Summerside Primary School The Hyde Primary School The Orion Primary and Goldbeaters Primary Schools	Defer Defer Defer Defer Defer Mr Jeremy Moodey Defer Defer Defer
P.1a.3 P.03.1 P.37.3	Underhill Infant School Whitings Hill Primary School Woodcroft Primary School	Defer Councillor Terry Burton Councillor Claire Farrier

(2) Council notes the continuing difficulty in filling vacant posts. Council resolves to instruct the Education and Life Long Learning Overview and Scrutiny Committee to investigate and if considered necessary recommend ways in which the Council could modernise how it makes appointments to School Governing Bodies

114. REPRESENTATION OF THE COUNCIL ON OUTSIDE BODIES (Agenda Items 15.1.5):

The Head of Committee's report set out details of the appointments or nominations to be made

Upon nominations in the names of Councillors Joan Scannell, David Mencer and Jeremy Davies, it was

RESOLVED – That the following persons be appointed or nominated as the case may be to fill the vacancies referred to for the period indicated:

VACANCY REFERENCE	PARTICULARS OF APPOINTMENT OR NOMINATION	PERSON APPOINTED OR NOMINATED
1002	Almshouse Charities of Samuel Atkinson and Others	Defer
0109c	Association of London Government – Grants Committee Substitute	Councillor Chris Harris
4526	Continuing Care Review Panel	Defer
1167	Hampstead Garden Suburb Institute Council	Defer
0085	London Local Authority Arts Forum	Councillor Peter Davis
1166	Stanley Road Playing Fields Association Management Committee	Councillor Colin Rogers

115. CABINET MEMBER FOR HOUSING, NEIGHBOURHOODS AND COMMUNITY SAFETY (AMENDMENT) (Agenda Item 14.1(5)):

The Head of Committee reported that, in view of the recently issued Statutory Instrument 2004 No.2748, the Leader of the Council had amended the portfolio of the Cabinet Member for Housing, Neighbourhoods and Community Safety, so that the first paragraph of his responsibilities read "...licensing, other than matters relating to the Licensing Act, 2003".

RESOLVED – That the Head of Committee be instructed to make the necessary amendment to Part 3 of the Council's Constitution.

116. MEMBERSHIP OF COMMITTEES (Agenda Item 15.1 (7) and (11)):

RESOLVED - That the following changes be made:

- **Culture, Community Engagement, HR and Equalities Overview and Scrutiny Committee: Councillor Malcolm Lester to replace Councillor Joan Scannell as Substitute**
- **Healthy Start and Healthy Futures and Health Hospitals Overview and Scrutiny Committees: Councillor Maureen Braun to replace Councillor Wendy Prentice**
- **Performance Partnerships and Best Value Overview and Scrutiny Committee: Remove: Councillor Maureen Braun**
- **Education and Lifelong Learning Overview and Scrutiny Committee: Remove: Councillor Maureen Braun**
- **Regeneration and Development Overview and Scrutiny Committee: Remove: Councillor Aba Dunne**
- **Social Care and Health: Remove Overview and Scrutiny Committee: Councillor Vanessa Gearson**

- **Environment and Transport Overview and Scrutiny Committee: Remove: Councillor Daniel Hope**
- **Children Transport Overview and Scrutiny Committee: Remove: Councillor Jazmin Naghar.**

117. PUBLIC HEALTH ACTS: APPOINTMENT OF PROPER OFFICER (Cl. Dec.18/5/04 – 1) (Agenda item 15.1(8))

The Head of Committee reported on the need to add three more names to the list approved by the Council on 18 May, 2004.

RESOLVED - That Doctors Alex Mellanby, Steven Kessell and Stephen Conaty, be added to the list of proper officers to exercise the powers listed below in the absence of the Consultant in Communicable Diseases:

- (a) **Sections 11, 20, 21, 36 and 40 of the Public Health (Control of Diseases) Act 1984;**
- (b) **Regulations 6, 8 and Schedules 3 and 4 of the Public Health (Infectious Diseases) Regulations, 1988;**
- (c) **Section 47 of the National Assistance Act, 1948, as amended by the National Assistance (Amendment) Act 1951;**
- (d) **Part VII (Regulations 18 to 20), Milk and Dairies (General);**
- (e) **Sections 84 and 85 of the Public Health Act, 1936;**
- (f) **Section 37 of the Public Health Act, 1961;**
- (g) **any Regulation, Order or other subsidiary legislation made under the above provisions and any commitment amending or replacing.**
- (h) **for the purposes of Sections 18, 22, 24, 29, 31, 32, 42, 43 and 48 of the Public Health (Control of Diseases) Act 1984.**

the meeting finished at 10.47 pm

**Council Questions to Cabinet Members
14 December 2004
Questions and Responses**

Question No. 1**Councillor Sean Hooker**

Will the administration pledge to restore immediately, the Pollution Monitoring Station in North Finchley?

Answer by Councillor Brian Salinger

If Cllr Hooker was a reader of local papers he would have known that the decision to re-commission the air quality monitoring station at North Finchley was taken some time ago...indeed even before the Green party launched its petition to get the station re-commissioned. It is expected to be fully operational by mid January.

Supplementary Question No. 1**Councillor Sean Hooker**

Thank you Madam Mayor. For Councillor Salinger's information I am an avid reader of both our local papers. My question was submitted over two months ago before your decision was made, and has only now been answered. So I have to say it is a poor state of affairs that you expect us to read, get the news of what this Council is doing from the newspapers. That aside, I do welcome your u-turn on the North Finchley Pollution Monitoring Station and agree that the so-called Green Party is again guilty of jumping on the bandwagon.

It is more true to say that this decision was heavily influenced by the revelation, and condemnation by the Liberal Democrats that Ken Livingstone has failed to meet the targets on air pollution and congestion in Outer London. And on that basis, can we now expect new stations to appear in other pollution hotspots around the borough?

Answer by Councillor Brian Salinger

Madam Mayor, the simple answer to that question is 'no'. There is no money in the budget and if the Liberals want it, I shall be looking forward to their alternative budget in due course to see whether they make provision for it in their budget, but the real truth of the matter is that the presence of the monitoring stations does not actually improve the pollution one little bit.

Question No. 2**Councillor Gerard Silverstone**

Will the Cabinet Member for Housing publish a copy of the Council's response to the latest government consultation paper on proposed rises in Council house rents?

Answer by Councillor Brian Salinger

Yes, see below:

"Dear Sirs,

This is a joint response from the LBB and Barnet Homes, following consultation with tenants.

We would like to make the following observations:-

We are concerned that the proposals increase local authority rents further above inflation than originally planned, for at best no net increase in resources available to the HRA. Indeed the effect on Barnet given the subsidy mechanisms is likely to lead to a reduction in resources

The recognition that rent differentials are too compressed in the present formula is welcomed. However the response has simply been to increase rents of the larger properties rather than varying the weighting across all properties. Average rents therefore increase as a result, and we are concerned at the impact in particular on pensioner households not in receipt of benefit.

There has been no consideration of alternative means to achieve harmonisation, other than to increase local authority rents. For example, why couldn't RSL rents be moved to the local authority formula? The primary gainers of the proposals are RSLs who gain additional rental income.

We are concerned that there is no guarantee that M & M allowances are raised to counter the effects of lost subsidy through the guideline rent adjustment.

We are concerned that the only gainers appear to be the RSLs, rather than the additional rental income generated helping to fund new supply. The effect of the national Exchequer is broadly neutral with almost as much lost in paying housing benefit on increased rents as it gains in money extracted from HRAs."

Question No. 3

Councillor Phil Yeoman

What is the Council's target for building new affordable homes in the current financial year?

Answer by Councillor Brian Salinger

The target for new starts is 248.

Supplementary Question No. 3

Councillor Phil Yeoman

Thank you for the Cabinet Member for his response. Could I ask why is the target so low when we have something in excess of 10,000 families in desperate need of housing and why has the Council only built 38 homes for rent so far this year, Councillor Salinger? You are way, way, way off target.

Answer by Councillor Brian Salinger

Well Madam Mayor, again, I should be interested to see the Labour Party's alternative budget and the capital spending part of that budget to see what they put in it. If the Government gave us more money we would be able to do more. The fact of the matter is that they do not and if Councillor Yeoman wants to lecture on affordable housing, he should perhaps look at the record of his own Government, under which homelessness in the last seven years has more than doubled, and whilst his Party was in control of this Council the efforts that they made to tackle the problems were pathetic.

Question No. 4

Councillor Sean Hooker

Can the administration guarantee that it will re-open the three public golf courses in Barnet as Council run facilities after the current winter suspension?

Answer by Councillor Matthew Offord

The three are not closed - Tudor remains open with the support of the associated club. The whole point of the current marketing exercise is to seek private sector organisations who will run them, easing the financial burden on the Council.

Supplementary Question No. 4

Councillor Sean Hooker

Thank you Madam Mayor. Can the Cabinet Member assure the Council that if no private sector organisation is found to run the golf courses that the Council will resume the provision of golf on these sites and will not seek to sell them off for any other purpose.

Answer by Councillor Matthew Offord

I can assure you that we will not sell them off for any other purpose. We have always made that very clear. But what the Member seems to forget is there is not actually a budget for this, so we do have to look out for other partners who will run the service on our behalf, and I can assure you gone are the days when Councils ran golf courses but, once again, I will be looking forward to seeing £160,000 in your budget – unless you fail to produce one.

Question No. 5

Councillor Terence Burton

The ongoing saga regarding any redevelopment plans for Barnet Football Club has now been going on for over two and a half years and would seem to have reached a stalemate between the Council and the Club. Would the Leader please give us an update on what the current position is?

Answer by Councillor Victor Lyon, Leader of the Council

In my opinion the stalemate is of the Club's making. Following the Inspector's judgement regarding the South Underhill proposal that matter is "dead". However, he gave a clear indication that a small incursion into the area behind the existing Barnet Cricket Club Pavilion to enable B.F.C. to redevelop its existing stadium might well be acceptable. B.F.C. have such a plan over which they have had help and advice from Council Officers but they have yet to submit a proper planning application.

I fail to understand why they appear to be procrastinating and trying to blame my Administration. The South Underhill issue has always been one regarding Green Belt which I have stated over and over again but neither the Club nor the local newspapers have scarcely mentioned.

Supplementary Question No. 5

Councillor Terence Burton

Madam Mayor, I thank the Leader for his answer. Some time ago, I was invited by a match sponsor to visit Barnet Football Club and see a match. I must admit, it was the first time in my life I have ever been to a live football match, and what an exhilarating experience it was.

The young players were fast, athletic and multi-talented. Their fans were young, old, male and female, and the entire atmosphere was absolutely fun, electric and exciting. Needless to say, we won 5-nil against Dagenham.

It certainly gave me a whole new understanding about this wonderful borough asset. No wonder there is so much support for this historical club to remain and be part of its own town, Barnet. They are part of our history. We would be very foolish as a Council not to find a way to help this Club in any way that we can, we owe it to our residents.

Madam Mayor, having said all this, we all understand the past failed joint negotiations and blaming each other for the failures, but surely as a Council, we should be seen as positively doing everything in our power to ensure a satisfactory settlement for planning to enable this Club to remain and be part of and a success in Barnet and not all sit back saying 'I give up'.

Would the Leader, bearing this in mind, be prepared to give a Directive to the Chief Executive to immediately open dialogue with Barnet Football Club, stay with it and get this unfortunate situation resolved once and for all?

Answer by Councillor Victor Lyon, Leader of the Council

I entirely endorse the sentiments expressed by Councillor Burton, Madam Mayor, but of course he is unaware that for two-and-a-half years there has been an ongoing dialogue with the Club, both with the Members, with the officers, with BRASS and all the parties involved and that is continuing now, and I can only reiterate what I have said here.

The plan that we saw from the Club, bearing in mind the Inspector's report, where he ruled out the possibility of the South Underhill development, is a practical alternative.

It was virtually the one that the Club itself put up at a meeting of Ravenscroft School some time ago and which I said, and I repeat, that provided it had local support we would be only too pleased to try to assist them. That has in fact been done but until we get a planning application we cannot do any more.

Question No. 6

Councillor Alison Moore

What is the Council's estimate of the number of new housing units that will be built by 2016, and the number of new affordable housing units over the same period? Please state how many of these will be replacement units for homes demolished as part of the estate redevelopment projects.

Answer by Councillor Melvin Cohen/Councillor Brian Salinger

The UDP target is 17,780 up to 2016 although this will be reviewed by the GLA Housing Capacity survey and review of the London Plan by 2006. Barnet's UDP (Revised deposit draft) currently seeks to deliver 30%-50% of this total over the London Plan period, subject to any modifications to the UDP and any replacement development plan. The four priority housing estate regeneration projects involve demolition of approximately 3,000 units and replacement by 7,500 units. Affordable housing would vary from 33% - 42% depending on the individual circumstances of each development project and the availability of public subsidy.

Supplementary Question No. 6

Councillor Alison Moore

Thank you Madam Mayor. Could the Cabinet Member clarify whether the replacement homes on the regeneration estates will be counted as new homes to meet the affordable housing target or whether they will be discounted as they are replacing units already in existence?

Answer by Councillor Brian Salinger

I will be quite honest with you, I am not sure which way the Government or the Council are counting them but I will write to the Member and advise her. But the important thing is that we do get on with it and provide those people with new homes. Arguing about the exact numbers in this context does not help anybody.

Question No. 7

Councillor Wayne Casey

Could the Cabinet Member explain why the residents of 12 Thornfield Court were consulted on the planning application for 179-197 Holders Hill Road but not on 199-209 Holders Hill Road?

Answer by Councillor Melvin Cohen

The owner / occupier of 12 Thornfield Court was consulted on the original outline planning applications relating to each site including 199-209 Holder Hill Road (Ref: W10892A/00 - Demolition of the existing houses and construction of a three-storey block of 21 flats with surface car parking for 26 cars, and new vehicular access. (Outline Application).

Appeals by the developers were allowed by Government inspectors on both schemes. The concerns raised by the residents of 12 Thornfield Court in respect of the outline submissions were thoroughly considered by the Council and the Inspector at appeal.

Following Government approval a detailed reserved matters application for 199-209 Holders Hill Road was submitted and approved in April 2002 (Ref: W10892B/02 - Details of design, external appearance of building and landscaping of the site required by condition 1 attached to successful appeal).

The development has now been completed. As this was a detailed submission of various minor matters for discharge of standard conditions, consultation was not carried out at this reserved matters stage for which there is no statutory obligation. The substantive planning issues had already been consulted upon and considered at the outline and appeal stages.

The site at 179-197 Holders Hill Road remains undeveloped but has been subject to further outline planning applications, which have been subject to public consultation. The owner/occupier of 12 Thornfield Court was notified of the following applications relating to this adjoining site: -

W10843D/00 - Demolition of existing houses and development with 3 storey blocks of flats (Outline Application) – allowed on appeal.

W10843E/00 - Demolition of existing houses and construction of two x two-storey, plus rooms within roof space, blocks of 36 flats with new vehicular accesses and associated basement and surface car parking (Outline Application),

W10843F/01 - Demolition of existing houses and construction of 2 x 2 storey plus rooms within the roofspace blocks of 24 flats with new vehicular access and associated basement and surface car parking (outline application) as an amendment to application allowed on appeal (Ref. W10843E/00) for the construction of 2 x 2 storey blocks of 36 flats.

Supplementary Question No. 7

Councillor Wayne Casey

Madam Mayor, I thank the Cabinet Member for the answer. However, I have been assured by the resident at 12 Thornfield Court that he was not consulted on 199-209 Holders Hill Road and although I do not expect the Cabinet Member to give me answer tonight, could he verify this fact, because the resident concerned is not somebody who is likely to have overlooked a consultation of this kind.

Answer by Councillor Melvin Cohen

I am very happy to write to the Member, but my understanding is that 5-16 Thornfield Court were amongst the consultees for this particular development, but I will write.

Question No. 8

Councillor Brian Coleman

Is it correct that the department issuing blue badges to disabled residents is “understaffed”, if so what action is being taken to rectify the situation and how long before the backlog is dealt with?

Answer by Councillor Fiona Bulmer

Blue Badges are administered by the *assisted travel section*. This section is not under staffed but has suffered some problems as a result of staff sickness. This has now been rectified.

A management review of the whole section is being undertaken in order to find ways of improving the performance of the service.

Supplementary Question No. 8

Councillor Brian Coleman

Thank you Madam Mayor. Will Councillor Bulmer take a personal interest in the standard of service provided to this department to ensure that residents of this borough no longer suffer unacceptable delays in the renewal and the issuing of their blue badges?

Answer by Councillor Fiona Bulmer

Yes. I was most concerned to learn of the delays and that is why a review is now underway and I am certainly personally determined to improve the service residents get from this section.

Question No. 9**Councillor Jim Tierney**

The London Plan states that, in setting targets, boroughs should take account of the London-wide objective that 70 per cent of all affordable housing provision should be social housing and 30 per cent intermediate provision. The Inspector's report recommends Barnet's UDP should follow suit. Does the Cabinet Member agree with the Inspector, will the UDP include such a commitment and what is the rationale for this?

Answer by Councillor Melvin Cohen

The London Plan sets out the strategic target for housing provision in London. UDPs also remain the development plan. In a recent decision on another London borough UDP in Richmond the Mayor's 50% housing target was dismissed in favour of the locally set target of 40% reflecting that borough's particularly local circumstances.

Paragraph 3.37 of the London Plan explains that the target of 50% of all additional housing should be affordable includes affordable housing from all sources, not just secured through planning obligations. Policy 3A.6 of the London Plan defines affordable housing as social housing, intermediate housing, and in some cases, low-cost market housing. It can therefore include gains from conversions and bringing long term vacant properties back into use.

Paragraph 3.38 says that within the overall 50% target, there is a London-wide objective to achieve 70% social housing and 30% intermediate housing. This should be kept under review, taking into account the most robust available assessment of housing capacity and potential sources of supply.

Policy 3A.7 of the London Plan states that boroughs should set affordable housing targets that take account of the London-wide objectives, assessments of housing needs and supply, and the promotion of mixed and balanced communities. At the same time Barnet's local housing and planning circumstances will carry considerable weight and, like Richmond the appropriate mix and overall provision in the UDP will reflect what is appropriate for the borough.

The Inspector's report will be given careful consideration in the light of the London Plan's target and local circumstances, including housing needs in the borough and the objective of providing mixed and balanced communities. Ultimately, the local authority is best placed to determine the appropriate housing mix and planning of new development and the UDP modifications will primarily reflect local circumstances and take into account the strategic objectives in London Plan.

Supplementary Question No. 9**Councillor Jim Tierney**

Madam Mayor, I thank Councillor Melvin Cohen for his answer. In fact, for both answers actually. In October, Madam Mayor, we had 14,588 households on our waiting list, 12,171 of which are outside the system looking for Council accommodation or Housing Association accommodation for the first time and 2,383 are looking for internal transfers. Now, we made 371 lettings between the 1st of April and 31st of October this year. That rates at about 636 a year. At that rate we would be 23 years satisfying the housing need. In responding to my question, I wonder, did the Member, Councillor Cohen, look at the housing need figures. And it is nice to hear about Richmond, but Richmond is Richmond, and I suspect they do not have the same need as we have. But nevertheless 40% is not adequate.

Should not we be pushing aggressively, with these terrible housing figures, should not we be pushing aggressively for a 50% target on affordable housing, and does he not now regret reducing the threshold in our UDP from the ten that we set it at and does he not regret increasing it to fifteen. And will he not now use his influence, will he not now use his position up at the new LDF process to bring the threshold down again to ten as we had it? Otherwise, we are not offering the citizens of Barnet a very happy new year message with these housing figures and our refusal to go for 50% and the threshold.

Answer by Councillor Melvin Cohen

I make no apology at all for the increase, which the Inspector has endorsed, from a threshold of ten to a threshold of fifteen. As Councillor Tierney will know I have given instructions for Counsel to be consulted as to whether or not it would be appropriate to accept the recommendation of the Inspector. I think it is relevant that the Inspector did not actually disapprove the Council's position. In fact he praised the Council's position, keeping abreast of strategic developments, but he did say admittedly that it would be preferable if the Council would move towards a 50% affordable housing split, but the Mayor's London Plan is not the universal panacea it is made out to be. It is a strategic plan for the whole of London, and Barnet I am afraid is not an island, and what might be good for Barking and Dagenham, for example, or Enfield may not be good for Barnet. It is also relevant, in relation to your question Councillor Tierney, that the 70-30 split that at the UDP, at the inquiry, which preceded the publication or came after the publication of the London Plan, the forum that considered it actually said that it would not be appropriate for individual councillors to be hide-bound into this 70-30 split, and needless to say the Mayor of London completely ignored that. So why should we fall into that same trap.

You cannot make a decision in a vacuum. You are going to have to look at all the facts and you will have an opportunity Councillor Tierney, along with other Members of this Council, in the LDF Committee which will be under my chairmanship considering the various options, to put your case and if it is acceptable then it is acceptable. But I think you should also bear in mind, of course, that although Richmond has got 40%, if you look at the three UDP's that were adopted since then, Lewisham, Bexley and Harrow, Bexley and Lewisham's affordable housing is 35% and Harrow is 50% as a target across the borough with 30% as a target for sites for above fifteen dwellings. So it may be that you are in a minority but, as I said, we make no decisions, I give no commitments, we will consider this as part of the LDF process and you will have an opportunity to input into that as you well know.

Question No. 10

Councillor Jeremy Davies

Would the Cabinet Member for Resources confirm the current position regarding the level of net current assets of the Council detailing movements from Annual Accounts for 2003/04?

Answer by Councillor Anthony Finn

The figure for net current assets that appears in the balance sheet represents the position on one day, 31 March.

This figure is constructed as part of closing the accounts, which takes a few weeks to complete. Trying to construct the figure at any other point in time would be extremely time consuming and in any event would be a completely pointless exercise.

Supplementary Question No. 10

Councillor Jeremy Davies

Thank you Madam Mayor. I was very interested to read Councillor Finn's comments and I only can presume it is a continuation of a theme of other questions I have asked him about the balance sheet. He should be able to answer all the items, the main items that make up the current assets and current liabilities of the Council except for the stocks and work in progress and probably the provisions, but quite clearly he should know what the Council's overdraft is with the bank. I mean, I can tell him the figure last year, it was twelve, nearly thirteen million.

He should know what the creditor position is and what the borrowing of less than twelve months is and he should also know what the temporary investments are and what the debtors' position is. And I would ask Councillor Finn to actually send that to me in writing please because otherwise I just assume that you are unwilling to provide the information.

Answer by Councillor Anthony Finn

Thank you Councillor Davies. If you could provide me at any time with a balance sheet with net current assets at a particular day within a period of a week, you can come and work for me and I will give you a fantastic salary because anybody with basic accounting knowledge knows that to prepare a meaningful set of accounts, a balance sheet and a set of books takes weeks and weeks for a small limited company. Whereas for an authority of this size it takes months.

The best I can give you is the figure which I gave you in reply to question seventeen last time, when I gave you the figure at the 31st of March 2004. I will give you the figure for the 31st of March 2005 next year.

Question No. 11

Councillor Brian Gordon

Is there any possibility of extending the night-time curfew facilities for unsupervised loitering youths on council estates such as Grahame Park to some of the more central high street areas such as Edgware and Burnt Oak?

Answer by Councillor Brian Salinger

The Dispersal Orders to which Cllr Gordon refers have not been restricted to Council estates so far and indeed of the two currently in force the first was in the East Barnet area.

The Orders principally relate to Police powers and the decision to proceed with one in a particular area is a decision for the Borough Commander, subject to consultation with the local authority. I have worked closely with the Borough Commander in establishing the orders currently in force and will continue to do so. There is every evidence that the Orders are successful in reducing the level of anti-social behaviour in the areas covered and that they do not lead to displacement in to neighbouring areas. It is likely that we will continue to expand their use. However they do make certain demands on Police resources so we need to be sure that orders are only put in place when they can be backed up by Police on the ground.

Supplementary Question No. 11

Councillor Brian Gordon

Councillor Salinger, I am very pleased to note that the dispersal orders for yobbos who indulge in anti-social behaviour does not just apply to council estates. There are certain areas of private residential housing in my own Ward where we have had a number of complaints about anti-social behaviour. If I give you details of these particular areas, would you be kind enough to undertake to look into them for me.

Answer by Councillor Brian Salinger

Indeed I will. Thank you.

Question No. 12

Councillor Paul Rogers

Can the Cabinet Member please advise where in Whetstone the "infill and regeneration area" will be located as proposed in the so-called Three Strands Approach?

Answer by Councillor Melvin Cohen

The Three Strands Approach suggests a number of options for Barnet's town centers, such as Whetstone. As an option it recommends that where town centers like Whetstone are highly accessible with good public transport, they could support sustainable growth. This approach is fully in accordance with Government planning policy (PPG6 and draft PPS6) and the London Plan, which supports appropriate growth firstly in town centers. Although specific sites have not been identified at this stage, one typical infill site that has already been developed is the Boots store on the corner of the High Road and Totteridge Lane.

Other similar sites may be redeveloped or come forward in the future for mixed retail and residential development, for example the Barnet House site, potentially. In this respect town center regeneration and revitalisation is an important and proper planning objective. The hinterland beyond the core commercial high street areas may be subject to more restrictive controls over scale of development in order to protect amenity of neighbouring residential areas. It should be noted that Whetstone along with other town centres were possibilities and no firm decisions have yet been reached until formalized through the LDF process. But the principles are premised on good planning and developing sustainable highly accessible town centers that have capacity for new growth.

Supplementary Question No. 12

Councillor Paul Rogers

Thank you Madam Mayor and I would like to thank the Cabinet Member for both of his answers. Can the Cabinet Member please advise, where in Whetstone the infill and regeneration areas will be located, as the proposed so-called three strands approach? In his answer to question number fifty, on the same issue, the Cabinet Member says that circumstances may change in the future. Could he give us some examples of what would count as change of circumstances? Is it just whether some sites become available or more sites become available or the views of the residents or the Ward Councillors? Thank you.

Answer by Councillor Melvin Cohen

The matter will be decided on strictly planning grounds and I was not aware that the views of the Ward Councillors are material planning consideration. We have to have a sophisticated planning policy for town centres. We have to preserve suburbia and at the same time maximise the opportunities for commercial town centre locations. I cannot tell him where in Whetstone is appropriate. This will be subject to the emerging LDF procedures and if he has a little bit of patience, as I have said before, the matter will be decided by an all-party committee to formulate and put bones on the bare bones policy set out in the three strands approach. It is a broad-brush approach. It does not particularise at this stage.

Question No. 13

Councillor Jeremy Davies

Would the Cabinet Member for Resources detail the current revenue position of the Council and the year-end projection, identifying any in year amendments to the 2004/05 budget?

Answer by Councillor Anthony Finn

The latest budget monitoring report was presented to Cabinet Resources Committee on 25 November. It showed forecast balances at the year end of £3.4m, but Heads of Service are required to continue identifying compensatory savings for any budgeted savings that they consider may not be achieved in full. The forecast of £3.4m incorporated £0.5m of the efficiency savings approved in January, and I consider this figure will increase in the coming weeks. The increase in fees and charges from 1 January will also contribute.

Supplementary Question No. 13

Councillor Jeremy Davies

Thank you Madam Mayor. I am glad Councillor Finn could actually answer this question but I think quite clearly and maybe he would like to confirm this. In fact, when they set the budget in 2004/5 his target was £5million, restoring the balances to £5million by the end of this year and quite clearly he is going to fail in that objective by £1.5million. Maybe he would like to confirm that?

Answer by Councillor Anthony Finn

He never gives up this fellow! Councillor Davies, I have told you many, many times exactly what the score is. If our balances are not £5million on the 31st of March, they will be well over £5million the day after on the 1st of April.

Question No. 14**Councillor Brian Gordon**

The Government is very keen on extending licensing arrangements for casinos throughout the country. Would the Cabinet Member not agree that a proliferation of such overt gambling establishments within the London Borough of Barnet would not be desirable and can this Administration work, as far as possible, to ensure that this does not happen?

Answer by Councillor Brian Salinger

As I understand it the Government has watered down plans for casinos across the country. I would not welcome a proliferation of overt gambling establishments in Barnet, but I do recognise that unless gambling is deemed unlawful we may be unable to stop all applications.

Supplementary Question No. 14**Councillor Brian Gordon**

No one is saying that we should stop all applications for casinos. All I am asking is whether you would agree that they should be kept to a sensible minimum as such establishments are not always the havens of the highest moral values and behaviour.

Answer by Councillor Brian Salinger

I have a lot of sympathy with the position that Councillor Gordon has taken and I think, as I said in the reply, I would not welcome a proliferation of gambling establishments. I do not think that we need them in Barnet, but having said that, we will have to look at the Bill as it becomes an Act and we will have to respond to it at that time. I am in no doubt at all that the Bill will change considerably as it goes through the House.

Question No. 15**Councillor Danish Chopra**

How many residents attended the budget open day?

Answer by Councillor Anthony Finn

Ten.

Supplementary Question No. 15**Councillor Danish Chopra**

So just ten people turned up to the Budget Advice Open Day, Tony, of which eight were probably Cabinet Members from your own party, and I congratulate you because this is an improvement on last year because you had three people turn up last year. Can you tell me exactly what you are going to do about the rest of the 300,000 people that live in Barnet?

Answer by Councillor Anthony Finn

Councillor Chopra, I notice you did not turn up and perhaps you would have been well advised to turn up, you might have learned something. It is quality not quantity which counts and the quality of the people who attended, some of whom are sitting in the front row was very high. Many of the people who attended were representing outside bodies. Mr Davison represented many thousands of people on low income. You do not expect thousands of people to come, you expect their representatives to come. Another gentleman told me he represented many hundreds of people. So it is not the number of people that turned up, it is the people who they represented which is important.

Question No. 16**Councillor Jeremy Davies**

Would the Cabinet Member for the Environment detail the proposed work programme and order of priorities for the revised Street Enforcement Service?

Answer by Councillor Matthew Offord

The Street Enforcement Service's work programme will see a focus on developing smarter and more efficient ways to drive up the quality of services offered to residents. The priorities, in equal measure, will be to continue to help make this borough cleaner and greener and help reduce the fear of crime. Officers will do this by dealing with abandoned vehicles, fly-tipping, tackling problems of graffiti, reducing littering and dog fouling.

Supplementary Question No. 16

Councillor Jeremy Davies

Thank you Madam Mayor. I would like to ask Councillor Offord, in light of his comments about that this is going to be an AA style of service, whether he is talking about the Automobile Association or whether he is talking about Alcoholics Anonymous. If he is talking about the AA, is it one of those kind of responsive services that you have to, you know, pay for with a specific call out time and target time for achieving things and, quite clearly, if you do not renew your membership like I happened to do a couple of months ago inadvertently you get charged a penalty charge. So would Councillor Offord like to confirm how he proposes this system to work?

Answer by Councillor Matthew Offord

Madam Mayor, I am sure that you are all aware that residents of this Borough do pay for the service through their council tax. I thought that was patently obvious. One thing that it will provide as does the AA, it will provide a greater flexibility across the coverage of the whole of Barnet without having officers being made to walk up single roads. It will also ensure that the work rate increases by three or four times. It will ensure more time on the street for the officers. It will also provide a willingness on behalf of the officers to use their palm pilots to note problems within the borough and get them sorted out quicker. In fact it will be a more responsive, quicker and more fruitful service for the whole of the borough.

Question No. 17

Councillor Brian Gordon

Could the Cabinet Member join me in congratulating the London Fire and Emergency Planning Authority, and in particular Councillor Brian Coleman, for the decision to deploy an extra fire engine at Finchley. What further pressure can our Council bring to bear to increase further the provision of fire engines?

Answer by Councillor Brian Salinger

Under the draft Second London Safety Plan currently out to consultation proposed by the London Fire and Emergency Planning Authority, Finchley does gain an additional Fire appliance bringing the total in the Borough to 5. Following the significant progress towards modernising the Fire Service in the United Kingdom it is pleasing to note that the disposition of fire appliances is now determined primarily by risk to life and limb rather than a pre war formula on value of property. If the Second London Safety Plan proposals are implemented not just Barnet but the whole of London will be a safer place.

Brian Coleman as Conservative Leader on the London Fire and Emergency Planning Authority since 2000 has been leading the modernisation agenda in London and indeed nationally through his involvement in the Local Government Association. Brian also played a major role in ensuring that the long running fire pay dispute was resolved in August 2004 overcoming the intransigence of both Unions and some on the Employers side.

Partnership working between the London Fire Brigade and the London Borough of Barnet has further enhanced safety within the Borough and I am delighted to welcome the appointment of the new Borough Fire Commander Nick O' Reilly.

Brian Coleman's major role in LFEPA has ensured that the interests of the suburbs in general and Barnet in particular are to the forefront of Fire Brigade thinking.

Supplementary Question No. 17**Councillor Brian Gordon**

Councillor Salinger, I am pleased to note your endorsement of the good working relationship between the London Fire Brigade and our Council. Is this not all part and parcel of the Conservative approach to a safer and more secure borough?

Answer by Councillor Brian Salinger

Yes.

Question No. 18**Councillor Ansuya Sodha**

How many staff will be/have been issued with redundancy notices as a result of the decisions of the General Functions Committee on 18 November, what is the final figure of compulsory redundancies, and what is the cost?

Answer by Councillor Katia David

At present the number of potential redundancies from the efficiency savings is 37, however redeployment has reduced this from an initial 48. All of the staff have received notification of redundancy, however selection exercises are underway and to date 11 individuals have been advised that they will be made redundant. The majority of the posts (20) are in Environment Services who are currently undergoing a selection exercise to identify staff who will be made redundant from January 2005 onwards. At present it is not possible to provide accurate costings until this exercise has been completed.

Supplementary Question No. 18**Councillor Ansuya Sodha**

Thank you Madam Mayor. Councillor Katia David, I would like to thank the officers for helping you to give me these answers because it is a typical civil service answer - just like the one later on when I asked you the question on equal pay. You have given a typical general answer which is 'We are carrying out a review to the year 2007'. Councillor Katia David, this is the 21st century. The equal pay legislation was passed in 1973. Councillor Katia David, my question to you is that, as a Cabinet Member for HR, do you want to be remembered as a Member for equalities or human resource, or as a Member who did not do anything for the disabled. Just say, oh well we are not obliged to do anything, we are not obliged to implement this equal access legislation or are you going to be remembered as a Cabinet Member for hundreds of redundancies and can you please tell me, how many redundancies will there be after tonight's budget figures? Can you please give me figures, how many more redundancies will there be?

Answer by Councillor Katia David

Madam Mayor, it is Christmas and pantomime time so, obviously, Councillor Sodha, she has always wanted to do that. Madam Mayor, I want to be remembered as the long-suffering Cabinet Member for HR who had Councillor Sodha as her shadow.

Question No. 19**Councillor Jeremy Davies**

Would the Cabinet Member for Culture, Community Engagement and HR please detail the current position and likely costs regarding the redundancies proposed at the last Council meeting?

Answer by Councillor Katia David

The efficiency savings for 2004/5 resulted in 48 posts being identified for redundancy. Successful redeployment has reduced this to 37 posts. The majority of the posts (20) are in Environment Services who are currently undergoing a selection exercise to identify staff who will be made redundant from January 2005 onwards. At present it is not possible to provide accurate costings until this exercise has been completed.

Supplementary Question No. 19**Councillor Jeremy Davies**

Thank you Madam Mayor. I would like to ask Councillor David, I thank her for the response I have got, but I will push her in terms of I would like a financial amount for the redundancies and maybe I can make it a multiple choice question. We have got in the Cabinet Resource papers, we have got a figure for last year, well 2004/5, £1.5million of the cost of redundancies and in the budget papers tonight we have a cost pressure of £3million. So am I to assume the difference of £1.5million will be the cost of the redundancies or the figure I quoted at the last meeting which was £750,000?

Answer by Councillor Katia David

Councillor Davies, you insist on asking the same questions every month and I think it must be catchy, contagious with Councillor Sodha sitting so close to you. It is not possible to give a figure at the moment because you still know that we are consulting with our staff. When we know the figure you will be first to know. I assure you.

Question No. 20**Councillor Brian Gordon**

What efforts is the Administration taking to combat or protest against the decision to scrap the bus service between Edgware and Barnet hospitals?

Answer by Councillor Fiona Bulmer

I understand that the proposal to scrap the bus service has now been withdrawn. However, this administration will continue to highlight to both Barnet and Chase Farm Hospitals Trust and Barnet PCT the importance of providing accessible health services to all residents of the Borough.

Supplementary Question No. 20**Councillor Brian Gordon**

Councillor Bulmer, I am aware of the fact that since the time I tabled this question, the bus service between the two hospitals has in fact now been saved and is going to continue, but would you please join with me in congratulating all those people who campaigned to try and keep this bus service and also perhaps in requesting the Trust that next time they make any announcements about their plans they think a little bit more carefully first and act with a little bit more sensitivity towards members of the public who need these sorts of facilities.

Answer by Councillor Fiona Bulmer

Yes, I am happy to congratulate those who protested on this and I am well aware of the importance of this service and I certainly will continue to keep a close eye on this matter as I am sure you will too, and continue to stress to the Trust the importance, as I said in my answer, of providing services that are accessible to local people either on the site or providing appropriate transport to and from.

Question No. 21**Councillor Soon-Hoe Teh**

Is the Council still intending to refurbish Friary House to the original specifications, or will the Council now submit new plans, because CAB are now not going to move into Friary House and there is a definite impasse as far as the day care people are concerned?

Answer by Councillor Anthony Finn

Now that the Citizens' Advice Bureau has moved from Hertford Lodge Annexe into 23/35 Hendon Lane it no longer requires space at Friary House. There is, therefore, a need to reconsider the specification of works to be carried out to Friary House. Such consideration will include the issue of car parking provision and appropriation, Officers are looking into these matters with a view to bringing a report to a future meeting of the Cabinet Resources Committee.

Supplementary Question No. 21**Councillor Soon-Hoe Teh**

Thank you Madam Mayor. Even though Councillor Finn has refused to answer my written questions, will the Cabinet Member at least give a commitment that only voluntary and charitable organisations will be allowed to move into Friary House, and that the Council will move the building back from general purpose use to open use, and also that the Council will stop building a car park if neither groups move into Friary House? These were the original questions, so I would be grateful if you would please give a direct answer. Thank you Councillor Finn.

Answer by Councillor Anthony Finn

Councillor Soon-Hoe Teh, thank you, nice to hear from you because you have never asked me a question before and I am always delighted when fresh people ask me a question. If you do not ask, you do not learn and my answer is very simple. That officers are looking into the matter with a view to bringing a report to a future meeting of the Cabinet. I hope that answers your question.

Question No. 22**Councillor Jeremy Davies**

Would the Cabinet Member for Regeneration and Development list developments since May 2002, with the number of units involved; where the Council did not require the developer to meet the UDP policy regarding the provision of affordable housing i.e. the provision of between 30% and 50% affordable housing?

Answer by Councillor Melvin Cohen

Firstly, following advice from the Borough Solicitor I am not required to answer as the question is not an Executive function, it is a Council function since the Planning Committees decide affordable housing provision requirements associated with planning applications. As Cabinet Member for Regeneration and Development, I am not as a Member of the Executive responsible for Planning Committee decisions.

However, I will provide an indication in my Cabinet responsibility for UDP targets, rather than a site by site list of how much housing is being delivered to provide the member with the gist of where the Council is going on housing. The member can obtain more detailed lists from Housing Services or obtain a copy of the Planning Service Annual Monitoring report when it is produced next year. The adopted UDP contains no affordable housing policy. The revised deposit draft UDP contains an emerging policy which has been gaining in weight as the UDP went through its various deposit draft consultation stages and the public inquiry earlier this year. However, it should be noted that until the UDP is adopted the Council does not have a statutory local affordable housing policy. It is only since the UDP inquiry and publication of the London Plan that the draft policy and targets have been robust for the purposes of site by site planning negotiations.

However, I would like to remind Councillor Davies that one of the largest residential towers in the borough with over 150 units was granted with his party's agreement to the Arts Depot. The affordable housing contribution in this case was zero.

The number of sites in residential developments of 15 units or more, without affordable housing, on a year by year basis, in approximate figures (subject to confirmation in the Annual Monitoring report) is as follows: -

Year Without Affordable Housing	With Affordable Housing
2002 6 sites – 163 total private sale	9 sites – 296 AH units plus commuted payments (no figures yet)

2003	7 sites – 132 total private sale	12 sites – 262 AH units plus £1.51 million commuted payments
2004	6 sites – 158 total private sale	28 sites – 183 affordable units on £3.54 million commuted payments

The overall percentage of affordable housing units negotiated and approved between 2002-2004 varies depending on the individual site cases and circumstances. But as a broad brush figure the 2003-04 figures are on average between 33% - 50% affordable housing provision (on site, off site or equivalent commuted payments).

Supplementary Question No. 22

Councillor Jeremy Davies

Thank you Madam Mayor. I note from the response we have got tonight, that the items that were listed for 2002 were actually approved under the last Administration, not the current Administration, but I think it causes a number of us a great deal of concern when we have planning applications coming up like the Russell Lane redevelopment where the Council is proposing commuted payments.

It is a very large and substantial development and it is not being used to help meet the need for affordable housing, and I would like to ask the Cabinet Member specifically on what basis that was put forward because the questions I actually asked the developer and the calculation I made at the meeting made it appear to me that the Council was both being short-changed, in terms of affordable housing and in terms of planning gain in other benefits compared to the total the Council should have got and it, as I said, it causes me a great deal of concern because I think it sets a great precedent for the future of how we consider planning applications in this Authority.

Answer by Councillor Melvin Cohen

Basically, quite frankly, the situation is that under the previous Administration the number of affordable units was less than appears to be the case by looking at the figures since 2002. Just look, for example, the 163 units in the Arts Centre and not a single one, not a single one was affordable housing and I think you really need to get your own house in order before you start lecturing me.

Question No. 23

Councillor Brian Gordon

What efforts are being made to improve the clarity of parking prohibition signs within the Borough?

Answer by Councillor Matthew Offord

In recognition of parking controls in the borough and the increasing age of some of the associated signage, the maintenance element of the parking team is being expanded and a new procedure introduced to streamline the reporting of any defects through a central control desk and by a standardised procedure to a dedicated resource.

Supplementary Question No. 23

Councillor Brian Gordon

Councillor Offord, thank you for your answer. You know that I have got a very deep interest in parking issues and not just for myself but for all the other residents who regularly contact me on these particular things, and they know that I feel strongly about this. So I want to ask you this question.

Does all this streamlining which you refer to mean that at the end of the day we are going to see an end to a situation when in so many places, the parking signs, the prohibitions, the hours of restriction are quite ambiguous, arrows pointing this way and that way and you have to really be a sort of a computer engineer, at the very least, to understand and decipher what they mean.

Maybe I am exaggerating slightly. But can we see an end to that because we do seem to have a situation at the moment where a lot of people are being fined quite unfairly, who want to try and keep to the rules, and just do not understand what the parking signs are saying and it is jolly unfair.

Answer by Councillor Matthew Offord

Yes, Councillor Gordon, that is exactly what it means. I always endeavour to ensure that it is fairness for the motorist and all other road users in the borough.

Question No. 24

Councillor Kath McGuirk

If the Cabinet Member could state whether the road safety measures on the following roads will be removed as part of the Council's resurfacing (and road safety removal) programme in 2005:

- Osidge Lane
- Rushdene Avenue
- Victoria Road
- North End Road
- Deansway
- Addison Way
- Long Lane
- Brampton Grove
- Brent Street
- Lawrence Avenue
- Lawrence Street, and
- Park Road?

Answer by Councillor Matthew Offord

When you state road safety measures you actually mean traffic management measures, whose removal is necessary to re-surface the road.

Supplementary Question No. 24

Councillor Kath McGuirk

Thank you. Just for the record, Madam Mayor, I do actually mean road safety measures. The Finchley and Golders Green Area Environment Sub-Committee agreed at its most recent meeting that residents should be consulted before their road safety measures are removed, not afterwards.

What is this service doing to ensure that this is actually done and, oh yes, by the way, Councillor Offord, there is provisional funding from the Mayor for road safety measures and safe routes to schools in the budget for the next financial years? I hope your policies reflect the Borough's needs.

Answer by Councillor Matthew Offord

I understand entirely what was agreed at the Finchley and Golders Green Environment Sub-Committee and that will occur but I will not take any lessons from the Councillor or any of her colleagues on the issue of consultation.

Once again, I will explain the policy. Once the resurfacing takes place we consult with the emergency services, with local residents, with the Cabinet Member, who is myself of course, and also the Area Environment Sub-Committee and the Chairman. Under her Administration all they consulted was a few residents here and there, so thank you but no thanks. We will do it our way.

Question No. 25

Councillor Jeremy Davies

Would the Cabinet Member for Regeneration & Development consider amending the guidelines related to the means of enclosure of new developments to encourage railing & or hedging/shrubbery in preference to walls and fences to reduce the opportunity for graffiti?

Answer by Councillor Melvin Cohen

Certainly, I will consider this suggestion. In accordance with the design support for the special qualities and character of our Suburbs to be found in the Three Strands Approach, the policies in the emerging UDP and the council's Design Guidance Note 9 "Walls, Fences and Gates" the council will seek to maintain the overall character of boundaries in the relevant area. Often these will be hedging and/or railings with brickwork dwarf walls and piers. There will be occasions when the character of an area is different to that and the principles of good design will generally require that new boundaries are in keeping with the area. For new developments, planners will require that they are in accordance with Design Guidance Note 12 "Designing to Reduce Crime". The disfiguring effect of graffiti will be part of that assessment. The Local Development Framework will develop the options further in this area.

Supplementary Question No. 25

Councillor Jeremy Davies

Thank you Madam Mayor. I would like to thank the Cabinet Member for his response. The question arose out of a member of the public actually writing to me on this issue, and I think the further question I would like to ask is that in the Local Development Plan there is fairly strong guidance down this route because I have seen in the area that I represent, we have seen greater urbanisation where people have come in, they have taken away hedges, they have replaced them by fences, they have replaced them by brick walls.

It does change the character of the area quite substantially but incrementally, and I think also there is also going to be the huge benefit that if you have a hedge there, you have not got a brick wall to spray on, you have not got a fence to spray on and it would be a great advantage to the environment and to the residents of this Borough.

Answer by Councillor Melvin Cohen

The Member will have read my answer. I do not really think I have much to add. I said I will consider it and I do not know what else I can say.

Question No. 26

Councillor Brian Gordon

Would the Leader join with me in condemning the Mayor of London's office for exploiting "The Londoner" freesheet as a vehicle for extolling the "virtues" of the London Mayor and publishing, at the taxpayers' expense, some of the most outrageously biased left-wing propaganda?

Answer by Councillor Victor Lyon, Leader of the Council

Yes! I wholeheartedly agree with Cllr. Gordon's comments.

Question No. 27

Councillor Gill Sargeant

The Grahame Park Football Pitch was due to open in December and is delayed yet again. Could you confirm that the football pitch will be opened in January?

Answer by Councillor Katia David

The construction of the Grahame Park All Weather Pitch and changing facilities will be completed in December. Some landscaping work will continue into early January. The site will not be able to open for use at that time because there is a delay in the provision of the electrical supply from EDF Energy which they currently forecast will not be operational until late January.

Supplementary Question No. 27

Councillor Gill Sargeant

Thank you very much Madam Mayor. I know this is addressed to Councillor Katia David but I also want to address my supplementary question to Councillor Salinger because he has been most involved with this. Because I just wondered to what extent the delay is due to the fact that the contract for the regeneration of Grahame Park has still not been signed and that Barnet Council has not decided who will take over full responsibility for the football pitch. Does Councillor Salinger see the Wright Trust as taking over responsibility and will this mean that the football pitch is likely to be February at least before it is developed?

Councillor Katia David

Madam Mayor, I think the supplementary should relate to the question, so her supplementary has got nothing to do with the original question.

You have got the answer. If Councillor Sargeant would like to ask a supplementary on the question that she asked and she has got her answer, it is very clear, that there is an issue with the electricity. Perhaps Councillor Sargeant, you can ask your colleague to your left, who seems to be saying everything anyway this evening. Perhaps he can use his influence and ask the electricity board to hurry up.

Question No. 28

Councillor Jeremy Davies

Would the Cabinet Member for Housing please confirm when Bittacy Court will be considered for a major works refurbishment scheme and will this include the replacement of the metal-framed window for double-glazing?

Answer by Councillor Brian Salinger

The management of the Council's housing stock is now handled by Barnet Homes Ltd, and questions about individual properties or blocks should be addressed to them.

Question No. 29

Councillor Brian Gordon

Who is to blame for the recent decision to axe some 200 medical posts at Barnet Hospital and how will this affect Barnet residents?

Answer by Councillor Fiona Bulmer

The responsibility for staff numbers at Barnet hospital lies with the Barnet and Chase Farm Hospitals Trust. Clearly, any reduction in front line medical posts will potentially have a detrimental effect on the health care provided for Barnet residents.

Question No. 30

Councillor Alan Schneiderman

What consultation is planned with residents on the future of South Friern Library?

Answer by Councillor Katia David

Submissions from potential developers are being assessed prior to bringing a report to a Cabinet Resources Committee. Once a decision has been taken about the preferred developer/s, there will be consultation with the local community about the development, including the provision of a new library facility.

Question No. 31**Councillor Lynne Hillan**

How many additional regulations and burdens have been put onto Children's Services during the last 7 years?

Answer by Councillor Christopher Harris

The period between 1991 and 1997, immediately following its implementation, saw activity focussed mainly on the implementation of the 1989 Children Act and its associated raft of regulations and guidance. Frankly, most of local authorities were concentrating their energy and resources on adult social services. Children's services slipped off the policy agenda at local and national level.

However, in 1997, following a number of high profile cases involving the abuse of children in residential and foster care, the Government launched the Quality Protects initiative with the then Secretary of State's (Frank Dobson) personal letter to every local Councillor in the country reminding them of their corporate responsibility towards children in need in their borough and particularly those in care. Children's services were back on the agenda in a big way.

The increased attention to the safety and developmental progress of the most vulnerable children in our communities is of course welcome and has resulted in better outcomes for these children. Inevitably it has also resulted in a plethora of legislation, regulation, guidance and, perhaps most important, national performance indicators and targets which have placed enormous pressure on front line services and local management capacity.

Many (but not all) of the initiatives listed below have attracted, often time limited grant support. However for a borough with the demographic profile of Barnet, such grants have usually been smaller than those provided to neighbouring Inner London Boroughs and in some cases (e.g. Sure Start, Children's Fund) have only come through very late in the day due to Barnet being in the last "tranch" of the "roll out" programme.

Initiatives since 1997 include:

National Objectives of Children's Social Services

Associated national targets, BVPIs, LSPAs. etc.

The national performance assessment framework (PAF) with associated data collections, meetings and inspections.

Emphasis on placement choice, recruitment of more foster carers.

Emphasis on ensuring child care cases are all allocated to qualified social workers – recruitment and retention strategies.

New adoption legislation with increased duties on local councils.

National care standards for residential, foster care and adoption with associated inspection regimes.

New performance management and inspection regime re Youth Offending Teams.

Asylum legislation increased local authorities responsibilities for families as well as unaccompanied minors.

European legislation, particularly Single Status.

Working time directive.

Children's Rights Convention.

Carers legislation – placing new duty to assess and provide for carers in their own right.

The Leaving Care Act – extending Council's responsibilities for children in care to 21 years (in some circumstances, 24).

The Hillingdon Case court ruling – extending responsibilities towards unaccompanied asylum-seeking children to 21 or 24.

New “judicial protocols” to speed-up care proceedings.

The Laming Inquiry Report into Victoria Climbié’s death – leading to new pan-London child protection procedures and of course the 2004 Children Act.

New entertainment licensing legislation placing responsibilities on local child protection systems. Reviewing Officer Regulations 2003 – requiring the Council to appoint “independent” reviewing officers for all children in care.

Expectations re electronic social care records, information management etc, leading to SWIFT.

Question No. 32

Councillor Phil Yeoman

When is the Council (not the police or other bodies) going to restore East Finchley’s detached youth worker cut by the Tories?

Answer by Councillor John Marshall

The pattern of youth service provision is changing. I cannot promise that there will such a move. However I can promise that the youth service will become more effective. In addition the Council has encouraged the provision of facilities which young people find attractive. I am sorry that Cllr Yeoman failed to ask questions about the excellent achievements of the education and schools service. I should, however, like to pay tribute to all they do as well as the work of the youth service.

Question No. 33

Councillor Alison Moore

What is the target for the number of new housing units required by 2016 in Barnet and what is the target for the number of affordable housing units over the same period?

Answer by Councillor Melvin Cohen/Councillor Brian Salinger

The target for the number of new housing units is 17,780 by 2016 in Barnet. The minimum target for the affordable housing units over this period on a site-by-site basis with 15 units or more is 30% to 50%. The actual units target based on the earlier housing needs assessment is 7,295 up to 2016 (from 1997) (note: this figure originated from the UDP pre-inquiry changes in January 2003). This actual unit target is likely to be reviewed following the London capacity survey completion and the process of developing the Local Development Framework and Barnet Housing Needs assessment.

However, Barnet seems likely to achieve this as the overall housing being built in the borough looks set to exceed significantly the UDP target. This minimum actual affordable housing unit target should not be confused with the 30-50% target on a site by site basis.

Question No. 34

Councillor Jim Tierney

The UDP Inspector, Chris Glossop, has made recommendations for changes to Policy GH3 that the target on affordable housing includes units from all sources and not just those secured through planning obligations. Does the Cabinet Member agree with the Inspector, will the UDP include such a commitment and what is the rationale for this?

Answer by Councillor Melvin Cohen

The Inspector, in his recommendation to the reasoned justification to Policy GH3, (paragraph 8.1.10) seeks to clarify the definition of affordable housing.

The draft revised UDP paragraph 8.1.10 refers to affordable housing being provided by private and public sector funding whereas the Inspector recommends that this definition is replaced by a more comprehensive definition, in line with the London Plan. This would include a wider definition of intermediate housing (shared ownership/equity, key worker) and low cost for sale or discounted sale or private rent.

The Inspector's report will be given careful consideration in the light of the London Plan and local circumstances, including housing needs in the borough and the objective of providing mixed and balanced communities. A decision will be made when formal modifications of the UDP are considered next year.

Question No. 35

Councillor Danish Chopra

Is the Cabinet Member for Resources happy with the quality of financial information provided to all Members?

Answer by Councillor Anthony Finn

Yes, considering the age of the accounting system.

Question No. 36

Councillor Ansuya Sodha

Which services will be cut as a result of the latest redundancies?

Answer by Councillor Katia David

The latest redundancies affect the following service areas:

Committee and Special Projects
Customer Care
Education
Environment
Human Resources

The areas where the current service provision will be delivered by different means are:

1. The Interpreter and Translation Service in Customer Care which will be outsourced and the
2. The Recruitment Response handling in Human Resources will now be conducted by the Service Areas in a phased transition.

No services will be cut.

Question No. 37

Councillor Soon-Hoe Teh

If neither group move into Friary House, will the Council move the building back from General Purposes use to open space use?

Answer by Councillor Anthony Finn

Please refer to my answer to Question 21.

Question No. 38

Councillor Gill Sargeant

Can the Lead Member confirm that the Wright Trust will continue to be the exit strategy for the SRB?

Answer by Councillor Brian Salinger

I have to declare an interest in this question as I am a trustee of the Wright Trust, and the SRB board as is Cllr Sargeant. The Wright Trust was set up as a Community Development Trust operating principally in the Grahame Park Area. It is in fact one of the recipients of money from the SRB for Grahame Park.

The SRB delivery plan for this year (the document that forms the basis of the agreement between the Partnership Board and the LDA), states that a community development trust will provide a capacity building role for community groups when the SRB programme ends.

The Forward Strategy section of the current year's delivery plan states that the main ethos of the Trust is to improve the social and economic regeneration of the estate to prepare and aid the community during the new build housing development.

Specific areas of work will include youth issues, enhancement of education and training prospects, increasing unemployment options, expanding childcare facilities, providing capacity support to existing community groups on the estate.

The year 4 Delivery Plan states that the intention is to form a community development trust for the area and that an action plan will be formed which will aim for a seamless transition from SRB to the trust, to ensure the SRB leaves a legacy.

So, there appear to be no statements as such that the Trust will be the 'exit strategy' for the SRB, but there are a number that allude to that being the intention. However, this in no way guarantees future funding and it would still be up to the Trust and the project sponsors to demonstrate that the Trust has a relevant and sustainable role to play in the future plans for the area.

If Cllr Sargeant means, 'will the Trust continue to finance the other projects that have been financed by the SRB monies over the last 4 years', then the answer is no. The Trust does not yet have any resources of its own and the trust itself is looking for new sources of funding to pay for the staff that it employs. All the projects that have been funded by the SRB have known from day one that funding will cease on 31st March 2005.

Question No. 39

Councillor Alan Schneiderman

How many young people in the Borough have started work on a Duke of Edinburgh award since the Youth Service took over responsibility earlier in the year?

Answer by Councillor John Marshall

As the Councillor knows the main work with the Duke of Edinburgh award in the Borough is undertaken by Ravenscroft School. I should like again to congratulate everything that Mary Karaolis and her staff do - I recently visited the school and was most impressed. The Borough will learn from her successes.

Question No. 40

Councillor Phil Yeoman

If the Council Leader would join me in congratulating the Borough Solicitor on his chairing of the Childs Hill and Golders Green Area Forum on Tuesday 23 November, and if the Council Leader could explain why no Tory councillors bothered showing up to chair the meeting themselves?

Answer by Councillor Victor Lyon, Leader of the Council

Obviously I am grateful to the Borough Solicitor for Chairing the Area Forum in the apparent absence of Members. This was an unfortunate set of circumstances where the Chairman was unavailable due to illness and other Members had unbreakable commitments.

If any of Cllr Yeoman's Labour Group had bothered to attend the meeting themselves, they would have known that Cllr Harris arrived from his commitment about half an hour after the meeting had started, so was indeed present for much of it.

Question No. 41

Councillor Alison Moore

How many housing units have been built in Barnet in 2002/3 and 2003/4 and how many affordable housing units in 2002/3 and 2003/4 (broken down by social rented, shared ownership, key worker housing, etc)?

Answer by Councillor Melvin Cohen/Councillor Brian Salinger

At the UDP inquiry the Government Inspector welcomed the fact that Barnet was achieving its target of creating 890 units per annum of which a proportion includes conversions.

2002/2003 – 181 affordable units were handed over to housing associations of which 125 units were complete new build (the remaining upgraded and repairs) and 7 were new build shared ownership and there were no key worker.

2003/2004 – 176 affordable housing affordable units were handed over to housing associations of which units were complete new build (the remaining upgraded and repairs). 108 of these were new build, 23 shared ownership new build and 18 key worker new build.

Both of the above figures do not include off-site payments or direct provision of affordable housing by the private sector or other voluntary housing organizations. The figures are therefore an under-estimate of the total affordable housing units built (rather than approved planning permission).

Question No. 42

Councillor Jim Tierney

The UDP Inspector is clear that the UDP should set out that the Council can only take off-site affordable housing provision and/or commuted payments in **exceptional** circumstances. Does the Cabinet Member agree with the Inspector that this must only be in exceptional circumstances, will the UDP include such a commitment and what is the rationale for this?

Answer by Councillor Melvin Cohen

Government Circular 6/98 on Affordable Housing accepts that off-site provision or payments in lieu may in certain circumstances be acceptable, particularly in achieving acceptable planning outcomes and mixed balanced communities. The Government in September this year introduced major planning reforms through the Planning and Compulsory Purchase Act 2004. **Sections 46 and 47 of the Act 2004** brought in a number of Section 106 changes and the introduction of an **Optional Planning Charge** whereby off-site provision or payments in lieu would be an acceptable, rather than just an exceptional, option for achieving planning community contributions, including affordable housing. The Government is currently consulting on a draft circular on planning obligations whereby the optional planning charge with standard off-site provisions will be taken forward as part of Section 106 reforms. In this respect, the option of off-site affordable housing provision or payments in lieu would remain and be formalised further.

Policy H8 in the Revised UDP deals with commuted payments in lieu of affordable housing. In his report, Dr. Gossop the Planning Inspector who was given the task of presiding over the Public Local Inquiry has subsequently endorsed the general stance adopted by Barnet Council. The Inspector's recommendation will be formally considered next year when the UDP modifications are considered.

Question No. 43

Councillor Danish Chopra

What was the level of the Council's balances as at 30th November 2004?

Answer by Councillor Anthony Finn

I refer the Councillor to my responses to similar questions he has asked at previous Council meetings.

Question No. 44

Councillor Ansuya Sodha

What efforts are being made to re-deploy or re-train staff, and will the current Head of HR oversee these redundancies?

Answer by Councillor Katia David

Human Resources prioritise vacancies for staff facing redundancy and have maintained tight recruitment controls to ensure that where possible staff can be redeployed. The terms of redeployment are that staff are provided with training opportunities in order to undertake new duties. Discussions are underway with the trade unions to provide an enhanced redeployment and skills training service. The current staff reductions are being overseen by the Policy and Equalities Manager and Departmental Services Manager in Human Resources.

Question No. 45

Councillor Soon-Hoe The

If neither group move into Friary House, the justification to dig up the park for 12 car parking spaces – which were not requested in the first place – falls. Will the Council build the car park even if neither group moves into Friary House?

Answer by Councillor Anthony Finn

Please refer to my answer to Question 21.

Question No. 46

Councillor Alan Schneiderman

What will happen to the golf courses in Tudor Park, Oakhill Park and Bethune Park if a private sector operator(s) are not interested in running them?

Answer by Councillor Matthew Offord

The matter will be reported back to the Cabinet Resources Committee.

Question No. 47

Councillor Alison Moore

How many housing units have been built in Barnet so far in 2004/5, and how many affordable housing units have been built so far in 2004/5?

Answer by Councillor Melvin Cohen/Councillor Brian Salinger

Please see response to questions 6 and 22 as this question is partly already answered.

There is always a time lag between planning approvals (which last 5 years) and completed constructions and therefore the measurement of built housing units is subject to site assessments and surveys, not planning permissions. The Council annually monitors housing completions and is currently assessing the period up to 2003/04. Therefore data on this financial year is not yet completed and will be available next year when the monitoring process is completed.

At the UDP Inquiry in May 2004 it was acknowledged that Barnet was achieving its London Plan target of 890 new units per annum of which a proportion are affordable housing and some through conversions. Initially, for 2004/05 Housing Services has been notified of 65 units handed over to housing associations of which all but one are new build. Due to time lags between approvals, completions, housing association transfers and occupation it is not known at this stage what the full year figure on affordable housing will be, but data will be available next year. The above figures do not include off-site payments or direct provision of affordable housing by the private sector or other voluntary housing organizations. The figures are likely therefore to be an under-estimate of the total affordable housing units built.

Question No. 48

Councillor Jim Tierney

The Inspector has recommended that paragraph 8.3.17 of the UDP and the glossary should be modified to include a definition of affordable housing which fully accords with that given in the London Plan. Does the Cabinet Member agree with the Inspector, will the UDP include such a commitment and what is the rationale for this?

Answer by Councillor Melvin Cohen

The Inspector has recommended that the UDP definition of affordable housing should be changed so as to accord with the definition in the London Plan. The Inspector commented that it was evident that the council had made changes to the UDP as it progressed from the first draft in 2000 to pre Inquiry changes in 2003 in order to keep up to date with changes made at the strategic level on the subject of affordable housing and intermediate housing.

The Inspector's report will be given careful consideration and modifications will be reported to the council next year.

Question No. 49

Councillor Ansuya Sodha

When was the access audit of Council buildings conducted and what were the results?

Answer by Councillor Katia David

The access audits of public buildings were carried out as a rolling programme between 2002 and 2003 prioritised according to usage, with additional audits being carried out during 2004 mainly to minor buildings and to those sites where significant changes had taken place since the original audit dates.

The result of the audits was a comprehensive documented set of options for alterations to the physical environment in and around the buildings in which the council provides services. This was then provided to Heads of Services to assist them in considering how their service needed to change to overcome physical barriers and in order to provide equal access to all potential users.

The Disability Discrimination Act does not require that all buildings should be fully accessible but that reasonable adjustments should be made to our buildings to facilitate access to services. The solution therefore may sometimes be to remove obstructions but will often be to provide the service in a different way or in a different place. Each service is addressing this specifically for the services and locations which are relevant to it.

The information contained in the access audits and the feedback from services through the annual Asset Management Suitability Survey are being reported to the Corporate Asset Strategy and Management Group and will inform decisions about the use and utilisation of the assets in which the council offers its services in future.

Question No. 50

Councillor Jim Tierney

The Three Strands Approach to guide progress on the Local Development Framework includes reference to infill areas and town centres. Edgware, North Finchley, Whetstone, New Barnet and Mill Hill Broadway are down for expansion, but East Barnet, Chipping Barnet, Friern Barnet and Temple Fortune are all down for no development. In order that Members can be sure this is not back-of-the-envelope stuff, can the Cabinet Member explain the rationale for the inclusion of each of these town centres within each of the two categories at this preliminary stage?

Answer by Councillor Melvin Cohen

The Three Strands Approach report lists a number of different town centres across the borough where it is suggested that different planning, development and regeneration policies may apply, depending on their individual circumstances and characteristics. This would reflect both the diversity and richness of Barnet's town centres and other factors such as character, conservation areas, regeneration and development potential and capacity to deliver growth. Underpinning all of these town centres is the achievement of high quality sustainable centres, which maximise accessibility, particularly by public transport. The lists are not finite and are suggestions at this stage.

The decisions on what category or strand town centres will fall within will be fully considered by the Local Development Framework process of which there is a member steering panel to consider all options.

The first group of town centres have sites that are identified for development in the draft revised UDP or have come forward for development. They have the capacity for mixed use development, which will contribute to sustainable communities and have good public transport accessibility.

The second group of town centres do not have obvious sites for infill development at this stage, although circumstances may change in the future. At this stage none are identified in the draft revised UDP apart from those referred to in the Three Strands Strategy as 'opportunity sites' in Chipping Barnet.

The potential for development will be kept under review, as stated in the strategy, and further refined in the context of maintaining healthy, sustainable and attractive town centres.

Question No. 51

Councillor Ansuya Sodha

What is the Cabinet Member doing to improve the pay structure and pay of women in the Council?

Answer by Councillor Katia David

The Council operates equal pay for work of equal value and therefore does not differentiate between men and women in terms of pay structure and pay. As part of the 2004 National Pay Agreement, Human Resources will be undertaking a pay and grading review which will be completed by March 2007. The review will include:

- An Equality Impact Assessment of proposed changes to grading and pay and other conditions.
- An Equal Pay Audit.

APPENDIX

Statement of Licensing Policy **Under the Licensing Act, 2003**

**Recommended for adoption by Council,
acting as Licensing Authority, on 14 December 2004.**

London Borough of Barnet

Licensing Policy

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1 Introduction

- 1.1 The Council is a licensing authority in accordance with the Licensing Act 2003. We are empowered to grant premises licences, personal licences and club premises certificates, and deal with temporary event notices. We can take enforcement action when premises or activities are unlicensed, or licence conditions are not complied with.
- 1.2 This policy provides a framework for all decisions and actions of the Council and its officers in connection with the Council's function as licensing authority.

It provides information for elected Members and officers about the powers of Licensing Authorities. It sets out the boundaries within which decisions are made.

It informs applicants of the way in which the Council will make licensing decisions and how a licensed premises is likely to be permitted to operate.

It informs residents and businesses of the way in which the Council will make licensing decisions and how their needs will be addressed.

It will support licensing decisions made by the Council if they are challenged.

1.3 The policy covers the following licensable activities:

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment, including plays, films, indoor sports events, boxing and wrestling, live music and dance
- The provision of late night refreshment.

1.4 The Act defines four licensing objectives:

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

1.5 The Council wants to work in partnership with all parties involved to ensure that these objectives are safeguarded. The other parties are:

- 'Responsible authorities' as defined in the Act, with which we may share information, and which may make representations to the Council and seek a review of a licence. In Barnet, these are:
 - The Metropolitan Police Service
 - The London Fire and Emergency Planning Authority
 - The Council's health and safety enforcement service, or in a small number of cases, the Health and Safety Executive
 - The Council's Planning Service
 - A group comprising the Council's Scientific Services Group Manager, Noise and Statutory Nuisance Manager and Street Services Manager
 - The Safeguarding Children Board
- 'Interested parties' as defined in the Act. These are people living, or involved in a business, in the vicinity of the premises concerned, and their representatives. An interested party can make representations to the Council on an application for the grant, variation or review of a premises licence or club premises certificate, and may seek a review of an existing premises licence or club premises certificate.
- Premises licence and certificate holders or applicants, designated premises supervisors and personal licence holders.

1.6 This policy provides important support for the Council's aims as set out in the Corporate Plan 2004/5 – 2007/8. They are:

- Tackling crime
- Creating a cleaner, greener Barnet
- Supporting the vulnerable in our community

- 1.7 In producing this policy, we took into account the Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Act (www.culture.gov.uk), and all submissions received following consultation.

2 Policy objectives

- 2.1 The Council recognises that licensed venues can make Barnet more attractive, provide employment and are valued by residents and visitors to the Borough. We want businesses to thrive, and fully support the provision of recreational and cultural activities that everyone can enjoy. Our Community Plan includes a commitment to encourage a regulated evening economy in suitable locations (for example in connection with the Artsdepot in North Finchley), but we are mindful of the tensions that such activities may generate. They can sometimes cause nuisance or safety risks, harm children or increase the risk of crime and disorder. We will therefore seek to balance competing interests, so that problem businesses are controlled, while those that will not cause significant risk to the licensing objectives are not subject to unnecessary restrictions.
- 2.2 We will take account of any relevant representations on the issue of a licence or applications for review of a licence (provided they are not frivolous, vexatious or repetitious as described in the statutory guidance). However, we will not attempt to prevent or restrict any licensable activity by withholding a licence, imposing conditions or revoking a licence unless it is clearly justified by the risk to the licensing objectives in the specific individual circumstances of each case.
- 2.3 The over-riding intention of this Policy is that the Council will deal with each application on its merits.

3 Licensing principles

- 3.1 The purpose of licensing is the proper control of licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the Act. Conditions may be attached to a licence if they are volunteered by the applicant in the operating schedule, or if there is a representation against the application. These conditions will focus on matters within the control of the licensee and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activity, and the vicinity of those premises. When considering the affect of licensable activities outside the premises, the Council will focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.2 The Council acknowledges that licensing powers, although important, are not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual business or club holding the licence, certificate or authorisation concerned.

4 Cumulative impact

- 4.1 This is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

- 4.2 The Council will take account of the possible cumulative impact of licensed premises on the licensing objectives. In doing so, we will differentiate between cumulative impact and the possible need or commercial demand for the premises to be licensed. 'Need' and 'commercial demand' are not matters for a licensing authority.
- 4.3 Although the likely cumulative impact may constitute grounds for refusing a licence, we will not do so without taking full account of the individual merits of the application.
- 4.4 The Council is aware that some responses to consultation on this policy expressed concern about cumulative impact in certain areas. There is not at this time clear evidence to justify a special saturation policy that would be a presumption against new premises licences or club premises certificates, or variations, in any part of the Borough. However, we will keep this matter under review, through the licensing forum meetings that will be held, and by other means. We will work with the Metropolitan Police Service and others to research the cumulative impact of licensed premises in these areas, and may if necessary, after further consultation, introduce special saturation policies at a later date. It is important to note that the absence of a saturation policy does not prevent any responsible authority or interested party from making representations in connection with an application on the grounds of cumulative impact.
- 4.5 The Council is aware that premises providing late night refreshment can be a useful amenity, but we are concerned that a proliferation of such premises, particularly in the vicinity of premises selling alcohol can add to the cumulative impact of the licensable activities in the area. We will take this factor into account when considering representations in connection with new licence applications, but will treat each case on its individual merits.
- 4.6 If necessary, and as is consistent with Guidance and the remainder of this policy, we will seek to work with neighbouring licensing authorities to deal with any cumulative impact that may straddle the Borough boundary.

5 Other mechanisms for controlling cumulative impact

- 5.1 Licensing powers are not the primary mechanism for the general control of nuisance and anti-social behaviour away from licensed premises. Other means are available, including:
- Planning controls;
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
 - The adequate provision of CCTV surveillance in town centres, taxi ranks, public conveniences open late at night, street cleaning and litter patrols;
 - Powers of the Council to designate places where alcohol may not be consumed publicly;
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises;

- When legislation permits, closure of the premises by an authorised environmental health officer on the grounds of noise nuisance;
- The Metropolitan Police Service or other responsible authority, or a local resident or business can seek a review of the licence or certificate in question;
- At certain times of day, action by parking control officers or the Council's Street Enforcement Service;
- The prosecution of any personal licence holder or member of staff at such premises who commit offences such as selling alcohol to children under 18.
- Action by Metropolitan Police Service Community Support Officers;
- Closure by the Metropolitan Police Service of premises where drugs crime is taking place.
- The issue of Dispersal Notices, in areas designated under Part 4 of the Anti-social Behaviour Act 2003, by the Metropolitan Police Service
- Action by the Council to tackle anti-social behaviour, including the use of Anti-Social Behaviour Orders (ASBOs)

6 Licensing hours

- 6.1 Before the introduction of the Licensing Act 2003, there were permitted hours for the sale of alcohol. The Council recognises that longer licensing hours for the sale of alcohol are important to avoid concentrations of customers leaving premises simultaneously, and that this can reduce the risk of nuisance and crime and disorder. For example, it can reduce friction at fast food outlets and transport queues.
- 6.2 We will consider any application regarding licensing hours on its merits, and this policy makes no presumption about closing times. In determining applications, we will be mindful that although nuisance can arise at any time, it may be possible for licensed premises to operate at any time of the day or night without adverse effect. If the applicant's operating schedule has adequately addressed the licensing objectives there may be no justification for restricting opening hours. If representations are made, appropriate licence conditions may be applied, and these may be stricter if the application is for later hours.
- 6.3 The Council will not establish zones within which we set fixed trading hours that may be different to those set elsewhere, as this could lead to problems when customers move from one zone to another. However, we will always take due account of local circumstances and stricter conditions may be applied where there is denser residential occupation.
- 6.4 The Council will not use licensing powers to limit the retail sale of alcohol for consumption off the premises unless the Metropolitan Police Service make a representation, for example because the premises are a focus of disorder and disturbance.

7 Integration of licensing with other strategies

The Council will ensure, so far as is consistent with the licensing objectives, that action taken under this policy supports and does not conflict with strategies for local crime prevention, community safety, drugs and alcohol, planning, transport, equality, tourism and cultural issues, including in particular:

- The Community Plan for Barnet 2003-2006
http://www.barnet.gov.uk/local_democracy/community_plan/index.php3
- The Cultural Strategy for London
http://www.london.gov.uk/view_press_release.jsp?releaseid=1618
- The Mayor's London Ambient Noise Strategy
<http://www.london.gov.uk/mayor/strategies/noise/index.jsp>
- The objectives of the Security Industry Authority <http://www.the-sia.org.uk/pdf/SIA-Corporate-and-Business-Plan.pdf>
- The Safer Communities Strategy
http://www.barnet.gov.uk/community/safer_communities/index.php3
- The Alcohol Harm Reduction Strategy <http://www.pixunlimited.co.uk/sys-files/Society/documents/2004/03/15/alcoholstrategy.pdf>
- Putting the community first: Barnet's Equalities Policy
<http://www.barnet.gov.uk/community/equalities/index.php3>

8 Prevention of crime and disorder

- 8.1 Conditions attached to licences will so far as is possible reflect and support local crime and disorder prevention strategies. The Metropolitan Police Service will be informed of applications, and may make a representation about a licence or request a review.
- 8.2 When a relevant representation is made, the Council will consider applying conditions to minimise the risk of crime and disorder, which include, for example:
- Drugs being taken onto, sold or distributed, or used at or in the vicinity of licensed premises, and to minimise the harmful consequences should drug use occur
 - Weapons being taken onto or used at licensed premises
 - Fighting between customers
 - Theft and other property crime taking place at or in the vicinity of the premises.
- 8.3 Applicants may refer to the Home Office guide 'Safer Clubbing' and the Metropolitan Police Service publication 'Controlled drugs and weapons in licensed premises' for advice on minimising crime and disorder.
(www.drugs.gov.uk/reportsandpublications/communities/103417428/safer_clubbing.txt.pdf)

9 The protection of children from harm

- 9.1 The Council will take all appropriate action to protect children from harm. This will include education of traders, parents and minors and targeted test purchasing using volunteer children.
- 9.2 However, we will not seek to prevent or limit access by children to licensed premises unless it is necessary to protect them from physical, moral or psychological harm. Licences may be sought for a great variety of premises in addition to pubs and nightclubs, at many of which the admission of children will not cause any significant risk. Each application will be considered on its individual merits.

- 9.3 Circumstances that are likely to give rise to particular concern include the following, and the Council will give special consideration to such cases:
- There have been convictions of members of the current staff at the premises for serving alcohol to minors or the premises have a reputation for under-age drinking
 - There is a known association with drug taking or dealing
 - There is a strong element of gambling on the premises
 - Entertainment or services of an adult or sexual nature are commonly provided
 - There has been a conviction of a member of the current staff for an offence against a child or the Police believe that person could otherwise be a risk to children
 - The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.4 Although the Council will not normally prohibit access by children to any premises, we may apply licence conditions, including the following options:
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations or exclusion of the presence of children under a specified age when particular specified activities are taking place
 - Requirements for children to be accompanied by an adult (including for example a combination of requirements which provide that children under a particular age must be accompanied by an adult)
 - Exclusion of people under 18 from the premises when any licensable activities are taking place.
 - Limitations on the parts of premises to which children may be given access.
- 9.5 The Council will not impose a condition requiring the admission of children to any premises.
- 9.6 The Portman Group, on behalf of the alcohol industry, has produced a code of practice on the naming, packaging and promotion of alcoholic drinks (www.portman-group.org.uk). We endorse this Code, and encourage licensees to adhere to it.
- 9.7 In the case of premises giving film exhibitions, we will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.
- 9.8 The Council recognises the Barnet Safeguarding Children Board as the responsible authority competent to advise on matters relating to the protection of children from harm. The Board will be informed of applications, and may make a representation about a licence or request a review.

10 Prevention of nuisance

- 10.1 We use the term 'nuisance' with its every-day meaning, to include, for example, excessive noise (whether generated within the licensed premises, or in the vicinity by people arriving or leaving, queuing or spilling out of the premises), vibration, accumulated refuse, litter or lack of cleanliness outside licensed premises, problem advertising and leaflet distribution, obstruction of rights of way and smell or light pollution.

- 10.2 If a relevant representation is made, the Council may attach conditions to a licence to prevent nuisance.
- 10.3 We encourage licence applicants to give careful consideration to the likely environmental effect of their proposed activities, and to take steps to minimise any adverse impact, for example by providing noise insulation where appropriate, adequate refuse disposal arrangements and anti-litter measures.
- 10.4 We will bear in mind that, in appropriate locations, such as where there is a cluster of licensed premises with little impact on neighbouring premises, limited noise emanating from the premises can have a positive effect, adding to the 'city soundscape'.

11 Cultural activities and entertainments

- 11.1 The Council is aware of the value to the community of a broad range of cultural activities and entertainments, such as live music, dancing, theatre, circuses and street arts. Live performance is central to the development of cultural diversity and vibrant, exciting communities. We wish to encourage these activities for the benefit of all.
- 11.2 When there is a representation in connection with an application for such activities, we will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children. Although all representations will be taken into account, we will not allow the views of vocal minorities to predominate over the general interests of the community.
- 11.3 We will only attach licence conditions that are reasonable, proportionate, and strictly necessary for the promotion of the licensing objectives. We are aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing unnecessary costs.
- 11.4 The Council will seek in its own name premises licences for appropriate public spaces within the Borough. This will make it easier for people to organise suitable cultural events in those spaces, as they will not need to apply for a licence or give a temporary event notice themselves. They will only need to obtain our permission. We will consider any request for permission to use such public spaces for cultural activities.
- 11.5 We will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary will change this Policy.

12 Planning and Building Control

- 12.1 The Council wishes to reconcile planning, building control and licensing considerations whenever possible. Licensing decisions will not over-rule planning or building control decisions, as the legal framework for each is different.
- 12.2 Licensable activities cannot lawfully be carried on at premises unless there is a premises licence or club premises certificate and any necessary planning permission and building regulation approval. A licence will not relieve the licensee of the need to apply for planning permission or building regulation approval, should these be required. The onus is on the licensee or applicant to ensure that these conditions are satisfied.

12.3 Where there is no relevant planning permission or building regulation approval, or where there are planning conditions that conflict with the licence application, we invite the applicant to submit a planning application or building regulation approval application as early as possible in order to regularise the position. The Council's Planning Service and Building Control Service will be informed of new applications. As a responsible authority in Barnet, the Planning Service may make a representation about the licence.

12.4 However, when making decisions the Council will ensure separation of its licensing function from its planning and building control functions. The Licensing Committee will determine applications where there is a relevant representation, and may grant a premises licence or club premises certificate where there is no planning consent or building regulation approval. In such a case we expect that a planning application or building regulation approval application would be submitted and determined separately.

13 Applications for premises licences and club premises certificates

13.1 The Act requires the licence applicant to publicise the application. This is to enable interested parties and responsible authorities to make a representation if they wish. Our experience as a licensing authority is that statutory publicity may not always bring applications to the attention of all parties. Therefore, in addition to putting applications on our web site, we may notify interested parties and responsible authorities when we have received an application. In doing so, we will not solicit representations.

13.2 When notified of an application, responsible authorities will consider whether to make a representation, and may carry out an inspection. The Council's licensing officers may check that adequate risk control measures are in place to achieve the licensing objectives. If they consider that the objectives may be at risk they may inform the relevant responsible authority, which may then decide to make a representation. The licensing officers may offer the applicant the opportunity to make changes that will better protect the licensing objectives. This may avoid the need for a Licensing Committee hearing.

13.3 The Licensing Committee will take account of representations from the applicant and from interested parties or responsible authorities making representations, treating each fairly and equally. Matters of fact will be decided on the balance of probabilities.

13.4 If the Committee considers that the impact on the licensing objectives of granting the licence is likely to be acceptable it will grant the licence, subject to any conditions that it considers necessary to protect the objectives.

14 Premises Licence and club premises certificate conditions

14.1 Applications during the transitional period to convert existing licences to premises licences or club premises certificates will be granted under the same conditions as the existing licence.

14.2 In the interests of speed and efficiency, applicants for a new premises licence or club premises certificate, or a variation, should make sure that their operating schedule adequately addresses each of the four licensing objectives.

- 14.3 To assist applicants, we will provide information and advice, in the form of a good practice guide, about the expectations of the responsible authorities with respect to the licensing objectives in various circumstances. Although applicants are not bound by these expectations, and we will not seek to enforce them where they are unnecessary or unsuitable, we encourage applicants for new licences or variations to refer to our good practice guide (or other appropriate guidance) when preparing their operating schedules. Where the control measures suggested in the guide are appropriate, we expect that applicants will include them, or others with equivalent effect. We may apply licence conditions from the guide if there is a relevant representation in connection with the application.
- 14.4 If risk control measures such as those in our good practice guide are included in the operating schedule (and will therefore become licence conditions if the licence is granted), people will see that the licensing objectives are safeguarded. They may then be less likely to object to the licence. It may therefore be to the applicant's advantage to take care over their operating schedule and to volunteer adequate risk control measures.
- 14.5 A pool of potential conditions is included for the information of all parties in the Guidance to the Act (www.culture.gov.uk). Applicants may adopt relevant conditions from the pool, and incorporate them in their operating schedules.
- 14.6 We will not set licence conditions that duplicate clear and specific requirements of other regulatory regimes.
- 14.7 We accept as a key concept underscoring the 2003 Act that any conditions that the Licensing Committee attaches to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. We will not apply conditions from a standard list unless they are necessary for the promotion of the licensing objectives. In this way, unnecessary or disproportionate conditions will be avoided. Unless a relevant representation is made, only conditions that are consistent with the applicant's operating schedule can be applied to the licence.

15 Complaints about premises

The Council is prepared to receive complaints about licensed premises and, with the agreement of the complainant, deal with them informally with the aim of securing improvement if necessary without the need for a formal review of the licence.

16 Enforcement

- 16.1 The Council will establish and maintain adequate liaison with the responsible authorities to agree enforcement protocols.
- 16.2 Our licensing officers will monitor ongoing compliance with licence conditions in accordance with a risk-based enforcement strategy. They may carry out inspections without prior notice to the occupier or licensee.
- 16.3 We will develop a risk rating system for individual premises, so premises with the greatest assessed risk receive the most regulatory attention. The ratings will be kept under review and we may share this information with responsible authorities. Our inspection program will supplement those of the responsible authorities, and we will co-ordinate our activities with theirs as far as possible.

16.4 We will take appropriate enforcement action, in accordance with our Enforcement Policy, when there is licensable but unlicensed activity or a breach of licensing conditions causing significant risk to the licensing objectives.

16.5 The Council has adopted the Enforcement Concordat (www.cabinetoffice.gov.uk/regulation/ps/enforce/enforcecon.asp), which sets out the principles of enforcement for local authorities.

17 Review of premises licence or club premises certificate

17.1 Any interested party or responsible authority may request the Council to review an existing premises licence or club premises certificate. Without prejudice to this right, with the agreement of the relevant interested party or responsible authority, we may deal with complaints informally to avoid the need for a review (see 'Complaints about premises'). When possible we will inform licence holders of any concerns that could lead to a review, in order that improvements can be made.

17.2 In every case where a review is requested, the representation must relate to particular premises for which a premises licence or club premises certificate is in existence, and must be relevant to the promotion of the licensing objectives. Representations must be in writing, although they may be amplified at the subsequent hearing.

17.3 The Council will not consider a request for a review if the Head of Environmental and Neighbourhood Services deems it irrelevant, vexatious, frivolous or repetitious within the terms of the statutory guidance to the Act.

18 Temporary events

18.1 The Act allows a limited number of events for less than 500 people and lasting up to 96 hours to be held without a premises licence, providing certain conditions are met and due procedure is followed. Anyone wishing to hold such an event may contact our licensing officers for information and advice.

18.2 The Act only requires event organisers to give ten days notice, but this may not always allow for the proper planning of the event and meaningful consultation with responsible authorities in the interest of the licensing objectives. We strongly recommend that they give us at least three months notice of all but the smallest events. The Metropolitan Police Service may object to events that have not been properly planned and may undermine the Crime Prevention Objective.

18.3 Guidance is available to organisers to assist in the planning of temporary events.

Organisers of large scale events which require a premises licence are strongly advised to seek guidance from the following documents in the preparation of their operating schedules:

- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Guide") ISBN 071762453
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Five Steps to Risk Assessment; Case Studies (HSE 1998) ISBN 0717615804
- The Guide to Safety at Sports Grounds 1997 ("The Green Guide") ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the independent Street Arts Network, www.streetartsnetwork.org/pages/publications

19 Personal licences

19.1 If there is no representation from the Metropolitan Police Service, the Council must grant any valid application for a personal licence where the appropriate qualifications are satisfied.

19.2 The Licensing Committee will determine any application from an individual who has a conviction for a relevant unspent offence. Such an application may be refused unless there are, in the opinion of the Committee, exceptional and compelling reasons that justify granting the application.

20 Transport

20.1 The Council recognises the relevance of transport availability to licensing decisions, as it affects the way in which people can disperse from town centres swiftly and safely. We support the Safer Travel at Night initiatives in conjunction with Transport for London, the Greater London Authority and the Metropolitan Police (www.london.gov.uk/mayor/safer_travel/index.jsp).

20.2 Reports will be made to the Council's Planning, Highways and Design Service when appropriate so that the Service can take proper account of licensing issues.

21 Tourism and employment

The Council recognises the relevance of licensing to tourism and employment in the Borough. The Licensing Committee will receive reports from any body that it considers appropriate on the needs of the local cultural strategy, and tourist economy, including the employment situation in the area and the need for new investment and employment, so that these issues can be taken into account when making licensing decisions.

22 People with disabilities

The Council assumes that people with disabilities may be present when licensable activities take place, and encourages the provision of proper facilities for them at licensed premises. We will offer advice and information where necessary to assist applicants.

23 Promotion of equality

23.1 The Council is obliged to have due regard to the need to eliminate unlawful discrimination, for example on the grounds of race, gender, disability, sexual orientation or religion, and

to promote equality of opportunity and good relations between persons of different groups.

23.2 We encourage equal representation at any meetings of the Licensing Forum, and will monitor the impact of this Policy on the promotion of equality. When considering applications and representations, we will take into account only the issues provided for in the Licensing Act and Guidance, and will not discriminate against any group.

24 Administration and the exercise and delegation of functions

24.1 In the interests of speed, efficiency and cost-effectiveness the Council delegates all administrative functions to its officers.

24.2 Table of delegation of licensing functions

Matter to be dealt with	Licensing sub-committee	Head of Environmental and Neighbourhood Services
Application for personal licence	If a Metropolitan Police Service representation made	If no representation made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Metropolitan Police Service representation	All other cases
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If a Metropolitan Police Service representation	All other cases
Application for Interim Authorities	If a Metropolitan Police Service representation	All other cases
Application to review premises licence/club premises certificate	All cases	

Decision on whether a complaint is irrelevant, repetitious, frivolous or vexatious within the terms of the statutory guidance		All cases
Decision to make a representation when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Metropolitan Police Service representation in connection with a temporary event notice	All cases	

25 Licensing Register

The Council will establish and maintain a Licensing Register containing the information required by statute, and keep it available for inspection.

26 Licensing Forum

The Council is keen to hear people's views on licensing issues, and we will establish a licensing forum at which they can be discussed. To supplement information gained from the forum, we may use other appropriate methods.

27 Guidance

The Council and its officers will at all times take into account guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 (www.culture.gov.uk), and guidance or advice from any other appropriate source.

28 Relevant documents

- The Council's Enforcement Policy
- The Enforcement Concordat
www.cabinetoffice.gov.uk/regulation/pst/enforce/enforcecon.asp
- The Human Rights Act 1998 www.hmso.gov.uk/acts/acts1998/19980042.htm
- Crime and Disorder Act 1998 www.hmso.gov.uk/acts/acts1998/19980037.htm
- Disability Discrimination Act 1995
http://www.hmso.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm
and other anti-discrimination legislation

- Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 (www.culture.gov.uk).
- Home Office Safer Clubbing Guide
www.drugs.gov.uk/reportsandpublications/communities/103417428/safer_clubbing_txt.pdf
- Metropolitan Police Service publication 'Controlled drugs and weapons in licensed premises'
- The Mayor's London Ambient Noise Strategy
www.london.gov.uk/mayor/strategies/noise/index.jsp

The above is not an exhaustive list.

29 Complaints about our service

In accordance with the Council's complaints procedure, we will investigate any complaint about the way our officers dealt with a licensing issue, and we will inform the complainant of the outcome. If the complaint is justified, we will put the problem right if possible

30 Commencement and review

This Policy will come into effect on 7 February 2005. It will be kept under review and the Council may make changes after consultation. It will be renewed every three years. We will be pleased to receive the views of responsible authorities, interested individuals or organisations at any time and, after consultation, may change the Policy.

Appendix 1

Contacts

The Council is willing to give advice and guidance on licensing matters to applicants, businesses and residents. The following list of contacts may be altered from time to time.

Area of responsibility	Name of authority	Address	Contact
General enquiries and first point of contact. Applications, fees, licence conditions, complaints, representations, licence reviews and administration	London Borough of Barnet Licensing Team	Licensing Team, Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP	020 8359 7995 terry.vaughan@barnet.gov.uk fax 0870 889 6739 www.barnet.gov.uk
Crime and Antisocial Behaviour	Metropolitan Police Service	Borough Commander, Colindale Police Station, Grahame Park Way, Colindale NW9 5TW	mark.ricketts@met.police.uk www.met.police.uk/barnet 020 82001212
Antisocial Behaviour	London Borough of Barnet Environmental and Neighbourhood Services	Building 4 North London Business Park Oakleigh Road South New Southgate N11 1NP	Street Services Manager Tom Morrissey 020 8359 7495 tom.morrissey@barnet.gov.uk
Community Safety Partnership	London Borough of Barnet Leisure and Youth Services	Safer Communities Team Building 4 North London Business Park Oakleigh Road South New Southgate N11 1NP and room 201 Colindale Police Station	andrew.nathan@barnet.gov.uk 020 8359 7029 Julia.hicks@barnet.gov.uk 020 8359 4469 www.barnet.gov.uk
Fire Safety	London Fire and Emergency Planning Authority	LFEP 1 st . Floor Finchley Fire Station 227 Long Lane London N3 2RP	Assistant Divisional Officer Turan Turan turan.turan@london-fire.gov.uk www.london-fire.gov.uk Tel 0207 587 2276 Fax 020 7587 2271

Protection of Children	London Borough of Barnet Safeguarding Children Board	Barnet House 1255 High Road Whetstone N20 0EJ	Bridget Griffin bridget.griffin@barnet.gov.uk www.barnet.gov.uk 020 8359 4532
The sale of alcohol to children and underage test purchasing of alcohol using child volunteers	Metropolitan Police Service London Borough of Barnet Trading Standards service	John Bennett Principal Trading Standards Officer	john.bennett@barnet.gov.uk 020 8359 4928
Nuisance	London Borough of Barnet Environmental and Neighbourhood Services	Noise and Statutory Nuisance Manager Building 4 North London Business Park Oakleigh Road South New Southgate N11 1NP	Belinda Livesey belinda.livesey@barnet.gov.uk 020 8359 7438
Planning issues	London Borough of Barnet Planning,	Barnet House 1255 High Road Whetstone N20 0EJ	Stewart Murray 020 8359 4838 stuart.murray@barnet.gov.uk
Building Control	London Borough of Barnet Highways and Design	Barnet House 1255 High Road Whetstone N20 0EJ	Premila Abadia 020 8359 4850 premila.abadia@barnet.gov.uk
Transport issues	Highways and Design Traffic and Transportation	Barnet House 1255 High Road Whetstone N20 0EJ	Ian Counce Acting Chief Engineer 020 8359 4343 ian.counce@barnet.gov.uk www.barnet.gov.uk
Use of public spaces for licensable activities	Environmental Services	Building 4 North London Business Park Oakleigh Road South New Southgate N11 1NP	David Dench, Service Manager for Green Spaces 020 8359 7803 david.dench@barnet.gov.uk
Public safety - At premises where selling food or drink is the main activity	Food team	Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP	Chris Carabine, Group Manager, Food. chris.carabine@barnet.gov.uk 0208 359 7995 fax 0870 889 6793

- At other premises	Health and Safety team	Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP	terry.vaughan@barnet.gov.uk 020 8359 7995 fax 0870 889 6793
- At schools and premises managed by the Council	Health and Safety Executive	Rose Court, Southwark Bridge, London, SE1 9HS	020 7556 2100 www.hse.gov.uk
Licensing Committee issues	London Borough of Barnet	Democratic Services, Town Hall, The Burroughs, Hendon, London, NW4	John Marr John.marr@barnet.gov.uk 020 8359 2031
Disability issues	London Borough of Barnet Disability Action in Barnet Centre for Accessible Environments	 945 High Road, Finchley, N12 9RX Nutmeg House, 60 Gainsford Street, London, SE1 2NY	Dan Ash, Building Surveying Manager 020 8359 4320 020 8446 6935 disability@dabb.org.uk 020 7357 8182 www.cae.org.uk info@cae.org.uk

Amendments to the Constitution

4.01 Meanings

(a) **Policy Framework.**

The policy framework means the following plans and strategies required by law to be adopted by the council:

- Best Value Performance Plan;
- Children’s Services Plan;
- Community Plan;
- Crime and Disorder Reduction Strategy (incorporating Drug and Alcohol Team Strategy);
- Education Development Plan;
- London Transport Strategy – Local Implementation Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan;
- Single Education Plan (from 2005)

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader and members of the cabinet;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them **subject to the right of a political group within the meaning given by the Local Government and Housing Act 1989 and regulations made under that Act to make nominations for those appointments at the meeting that makes appointments before the appointments are made;**
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the freedom of the borough or granting Freedom of Entry to the Borough, or the establishment of a new civic link (which must be considered at a specially convened meeting of the Council);
- (i) confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

Explanatory Note

Final approval of bylaws rests with the full Council. Responsibility for preparing the bylaws and recommending them to the Council is dependent on whether the function is the responsibility of the Council or the Executive. For the former it would be the relevant council committee. For the latter it could be the Cabinet, a Cabinet member, a Cabinet committee or an area committee.

- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
- (l) all other matters which, by law, must be reserved to Council, including:
 - Ombudsman reports (non-executive functions) where there has been a finding of maladministration;
 - statutory reports of the Monitoring Officer, Chief Finance Officer and Head of Paid Service, and external auditors' public interest reports;
- (m) discharging the powers under section 70 of the Deregulation and Contracting Out Act 1994 to contract out functions that are the responsibility of the Council.
- (n) determining affordability under the prudential borrowing provisions in the Local Government Act 2003.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 6 - Overview and Scrutiny Committees

References:

Section 21 and schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000
 Chapters 3 and 9, DETR Guidance

6.01 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left-hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right-hand column of the same table.

Scrutiny Committee	Scope of Scrutiny
Cabinet	Reviewing Executive decisions made but not implemented.
Audit and Resources	The Council's Audit function. Central and support services including legal, financial, and committee. Scrutinising the budget process, service resourcing, risk management.
Children	The Council's Social Services provision for children and families and other matters relevant to Children's Services, including the Youth Offending Team.
<u>Culture, Community, Engagement, Equalities and Human Resources.</u>	The Council's provision, management and development of all sporting, cultural and recreational facilities and activities for people who live in, work in or visit the borough. The provision and implementation of the Council's equalities policies, recruitment and retention strategies, employee learning and development programmes.
Education and Lifelong Learning	The Council's Educational Services and any other matters relevant to education, for all those below the age of 19, including Early Years provision and the Youth Service.
Environment and Transport	The Council's functions in relation to highways, transport planning, consumer protection, environmental health services, refuse collection, recycling, street cleansing, removal of fly tipping, street lighting.

Scrutiny Committee	Scope of Scrutiny
<u>Health and Social Care</u>	The provision of seamless community care for all client groups aged 18 and over, including needs assessment, care planning, service provision and commissioning. The operation of National Health Services in the Borough for those aged 18 and over.
Housing, Neighbourhoods and Community Safety	The provision, maintenance, management and allocation of social housing in the borough, provided directly and in partnership with others. The planning and provision of services for people who are homeless or in housing need. The public and private sector housing stock, and community safety.
Performance, Partnerships and Best Value	The Council's duty of Best Value, corporate improvement strategies and response to CPA, implementation and delivery of ICT, consultation strategy.
Regeneration and Development	The Council's functions in relation to economic development, planning, development, building control and strategic development activity.

6.02 **General role**

- (a) Only the Cabinet Overview and Scrutiny Committee will exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or area committees.
- (b) The Performance, Partnerships and Best Value Review Overview and Scrutiny Committee will consider best value reviews and inspection reports and comment to the Executive. This Committee will also assist the Executive by overseeing Best Value reviews and evaluating and analysing the findings.
- (c) Within their terms of reference, the other named overview and scrutiny committees will:
 - i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - ii) make reports and/or recommendations to the full Council and/or the executive and/or any or area committee in connection with the discharge of any functions;
 - iii) consider any matter affecting the area or its inhabitants.
- (d) (i) Any Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees **subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made..**
 - (ii) Two or more Overview and Scrutiny Committees may appoint Joint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees so that the Scrutiny Role may be performed in a cross-cutting way.
 - (iii) Any such Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above are subject to the rules on public meetings and political balance within the terms of the relevant legislation.

- (iv) The Terms of Reference of any Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above must be clearly stipulated by the appointing “parent” Overview and Scrutiny Committee(s) together with a defined period for their operation and existence and must be within the powers of the appointing Overview and Scrutiny Committee(s).
- (v) Overview and Scrutiny Committees individually or jointly with other Overview and Scrutiny Committees may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or other groups to assist the Committees in their functions. Such groups are not Sub-Committees, are not subject to the rules on public meetings and political balance, and accordingly have no powers other than to investigate and make recommendations to the parent Committee. The Terms of Reference of such groups must be within the Committee appointing them and must be clearly stipulated, with a defined period for their operation and existence.

6.03 Specific functions

- (a) **Policy development and review.** Overview and scrutiny committees may:
 - i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
 - v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- (b) **Scrutiny.** Overview and scrutiny committees may:
 - i) review and scrutinise the decisions made by and performance of the executive and/or committees and Council officers both in relation to individual decisions and over time;
 - ii) scrutinise decisions which the executive is planning to take and comment on them to the executive;
 - iii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - iv) question members of the executive and/or committee and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - v) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
 - vii) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations to full Council for future work programmes and amended working methods if appropriate.

- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of any officers employed to support their work.

6.04 **Proceedings of overview and scrutiny committees**

Overview and Scrutiny Committees (including any Sub-Committees or Joint Sub-Committees appointed under paragraph 6.02 (d)(i) and (ii) above) will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 2 of that table.

Sub – Committees and panels

8.02 *Following the annual meeting of the Council, standing committees shall appoint :*
8.02.1 *sub – committees, panels and, if appropriate, agree their terms of reference*
8.02.2 *a Chairman, and if considered necessary, a Vice – Chairman and substitute members*

8.03 *The standing Sub – Committees which are set out in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 2 of that table shall be appointed annually by a Special Joint Meeting of the parent Committees concerned, which will meet immediately following the Annual Meeting of the Council.*

Additional Sub – Committees and Panels

8.04 *Any Committee appointed by the Council may at any time appoint additional sub – committees and panels throughout the year. Such bodies' terms of reference and the delegation of powers to them shall be explicit and within the appointing committee's terms of reference.*

8.05 *A member of an additional sub – committee or panel must be a member of the sub – committee appointing it.*

Appointment of Members to Committees, Sub – Committees and Panels

8.06 *The Council in the case of Standing Committees or the parent committee in the case of Sub – Committees or Panels will in the case of Sub-Committees or Panels appoint the members to serve on the Committee, Sub – Committee or Panel **subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.***

3 Ordinary meetings

3.2 Ordinary meetings will deal with the following matters except for the meeting that deals with the approval of the budget and council tax to which only Parts 1 and 6 will apply.

Part 4 – Policy Development (60 minutes)

9 Administration Policy Item (30 minutes)

Matters proposed by the political group led by the Leader of the Council and any other political group which acknowledges that it has combined with it to form a political administration.

10 Opposition Policy Item (30 minutes)

Matters proposed by the other political groups, lasting no more than 30 minutes.

In the absence of agreement between the opposition political groups, the time available in this part of the meeting will be allocated pro rata to the number of members in each group.

4 Agenda Conference and Timetable for Meetings

4.2 The Head of Committee will consult by e-mail the Leaders or if unavailable another representative of the political groups at least two working weeks before the meeting to consult them on the agenda and timetable. This will be known as “the agenda conference”. The Administration and the Opposition will confirm to the Head of Committee in writing by 4pm that day the full text of the policy initiatives to be debated in Part 4 of the meeting.

Rules that apply to Part 4 of the meeting

35 Administration and Opposition Policy Initiatives

Explanatory note

Part 4 of the meeting will debate:

- Any motions put forward by the Leader of the Council, a member of the Cabinet or the Leader of any other party or parties who form part of an administration. The time limit for the debate will be 30 minutes.
- Any motions put forward by the opposition groups. The time limit for the debate will be 30 minutes.

35.1 Motions must consist of comments or requests addressed to the Executive. They must address broad policy issues and relate to the Council’s powers or duties or matters that affect the Borough or its residents.

35.2 Motions may not promote a policy initiative which has been rejected, or negate a policy initiative that has been agreed by Council or the Executive in the six months before the meeting.

36 Rules of Debate

36.1 The rules of debate for administration and opposition policy initiatives are as follows:

36.2 Each policy initiative will be dealt with in turn in the order set out on the agenda. The initiative need not be seconded. The Leader of the group promoting the policy initiative, or another member of that group, will open the debate. The leader of each of the other groups, or another member of their group, will then have the opportunity to comment. The time for this part of the debate will be set out in the timetable, and at the end of the time allowed, the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

36.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated, the motion will be debated. Then the member who opened the debate, or his/ her nominee, has the right to respond.

36.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried, it alters the substantive motion.

36.5 The Mayor will then put the initiative to the vote.

37 Amendments to motions

37.1 Amendments to motions must relate to the motion on the agenda. They may be:

37.1.1 submitted to the Head of Committee in writing, by hand, post, fax or e-mail (in which case they must be received by no later than 10.30am on the working day before the day of the meeting, and will be circulated by the Head of Committee at or before the meeting); or

37.1.2 moved orally at the meeting. The Head of Committee may require oral amendments to be submitted in writing at the meeting.

38 Time for Debate

38.1 The time allowed for Part 4 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 36.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time, the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all of the business for that part of the meeting has been dealt with. The Mayor will then put any remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

38.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment or motion be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Council Procedure Rules
Section 4 – Public Participation

EXTRACT

Additional Rules for planning applications only:

- 6.7 The following additional rules apply to public comments on planning applications at the Planning and Environment Committee or an area planning sub-committee:
- 6.10 Where no objectors wish to speak on an application recommended for refusal or to be refused by the Committee or sub-committee the applicant or the applicant's representative named on a planning application **shall not** be permitted to speak.

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations sets out the Council functions that are not allocated to the Executive. The following table sets out the body responsible for these.

Many decisions are taken by Officers or Sub-Committees under delegated powers. Delegation to Officers is set out in section 6 below. The division of responsibility between Planning and Environment Committee and the Area Committees is also set out below.

(Note: amendments relating to a single Appeals Committee are to take effect as soon as practicable following implementation of the new licensing regime on 7 February 2005)

Body responsible	<i>Functions</i>	Membership
Area Planning Sub-Committees (3)	<p><i>To discharge the council's functions, within the boundaries of their areas, in accordance with council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection.</i></p> <p>This excludes the functions reserved to the Planning and Environment Committee.</p>	1 councillor for each ward in the area, with a substitute member for each ward.

Explanatory note – consideration of planning applications by Area Planning Sub-Committees

The work of the Area Planning Sub-Committees consists mostly of determining applications for planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance criteria and impact adversely on the interests of applicants and affected residents.

One cause of such delays is the deferral by sub-committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:

- Chairmen of Area Planning Sub-Committees should arrange for site visits to be made in advance of the Sub-Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area;
- Sub-Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered.