

# Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

Tuesday, 7 November, 2006 at 7.00pm

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## A G E N D A

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## Council Meeting

**7 November, 2006  
Agenda and Timetable**

Item	Subject	Time for Debate	Page Nos.
	<b><u>Part 1 - Statutory formalities/ Announcements (15 minutes)</u></b>	7.00pm – 7.15pm	
1.	Prayer		
2.	Apologies for absence		
3.	Minutes of last meeting held on 12 September 2006		1-50
4.	Official announcements		
5.	Declarations of interest		
6.	Any business remaining from last meeting		
	<b><u>Part 2 – Question Time (30 minutes or until 7.45pm, whichever is the longer)</u></b>	7.15pm – 7.45pm	
7.	Questions to the Leader and Cabinet		To be circulated separately
	<b><u>Part 3 — Members' Motions (60 minutes)</u></b>	7.45pm – 8.45pm	
8.	Motions in the order in which notice has been given.		
8.1	<b>From Councillor Mike Freer</b>		
	<p>Council is extremely concerned at Government proposals to give the Mayor of London greater powers over both planning and housing.</p> <p>Council notes that The Mayor of London instigated, via the Secretary of State, the move that ensured LBB altered its UDP, raising the threshold for affordable housing and stipulating a 50% level for new developments.</p>		

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	<p>Council further notes that the current Mayor of London, Ken Livingstone, has made no secret of his “love” for tall buildings or dense housing developments.</p> <p>Council believes granting the Mayor any new powers over planning and housing could further threaten Barnet’s pleasant suburban landscape, as he/she would be able to ride roughshod over local communities, local Councillors and local planning policies.</p> <p>Council further believes this could effectively nullify the Borough’s “Three Strand” Planning Policy, one that seeks to protect the suburbs while allowing for growth. The Mayor of London would not be bound in any way by this document, and could ignore all guidance therein.</p> <p>Council agrees it is of the utmost importance that these proposals are strongly opposed, otherwise Barnet’s Planning Committees would have little or no say over major developments in the Borough.</p> <p>Council therefore instructs the Chief Executive to: (a) make representations about Council’s concerns and opposition to the Government’s proposal to grant further powers to the Mayor in the formal consultation process; and (b) write to the local MPs and GLA member to ask them to raise these concerns in Parliament and at the London Assembly.</p>		

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	<p>Council also calls on Barnet's representatives on the ALG to work with the other London Boroughs, through that said body, in lobbying against these proposals</p> <p>Councillor Freer has requested, in accordance with Council Procedure Rule, Part 4, Section 1, 31.5, that if the item is not dealt with by the end of the meeting it be voted upon at the council meeting.</p>		
8.2	<b>From Councillor Helena Hart</b>		
	<p>Council welcomes and supports the All Party Statement, issued on 29th September 2006, on the Barnet, Enfield &amp; Haringey NHS Clinical Strategy.</p> <p>Council notes that this Statement came out of the recognition that none of the 10 scenarios originally put forward by the Barnet, Enfield &amp; Haringey NHS Clinical Strategy represented any improvement in service for Barnet patients. Council further notes that these scenarios importantly took no account of Barnet's projected growth in population, especially in the West of the Borough furthest from Chase Farm and the health needs of our present and future generations.</p> <p>Council believes that the four scenarios subsequently chosen for further work and consultation are equally unacceptable representing as they do an actual diminution of health services for the people of Barnet.</p> <p>Council therefore applauds and reiterates the 11th Scenario put forward by us.</p>		

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	<p>However, Council remains gravely concerned regarding the future provision of in-patient maternity and obstetric services and the fact that any transfer of such services from Chase Farm to Barnet Hospital will put intolerable strain on an already overstretched service.</p> <p>Council notes that with in-patient facilities currently being available at 6 sites across Barnet, Enfield, Haringey, Camden and Islington, Barnet still does not appear to have adequate provision for its current population - let alone the Borough's projected increase of which a large proportion is in the 15-44 age range. Council believes this equates to a real need for additional maternity, obstetric, neo natal and paediatric services. Council implores that this Borough must not have a repetition of the case where, having developed unexpected complications during a natural birth, a mother was turned away from the nearest hospital with in-patient provision because it was full before finally being accepted by Chase Farm.</p> <p>Council therefore requests the Chief Executive to write to the Chief Executives of both Barnet PCT and all the various Trusts involved in the provision of in-patient maternity and obstetric services to inform them of our concerns. Council further requests that they ensure that systems are in place not only to provide safe and timely back up in these cases but that the Ambulance service is always in possession of the most up to date information and thereby able to immediately transport the mother to the nearest hospital with space available.</p> <p style="text-align: right;"><b>V</b></p>		

Item	Subject	Time for Debate	Page Nos.
	<p>Councillor Hart has requested, in accordance with Council Procedure Rule, Part 4, Section 1, 31.5, that if the item is not dealt with by the end of the meeting it be voted upon at the council meeting.</p>		
8.3	<p><b>From Councillor Anne Hutton</b></p>		
	<p>Council regrets that the OFSTED inspection report published on 10 October 2006 has found Barnet's Youth Service to be performing overall at "minimum requirements", and is only performing at minimum requirements in the inspection categories of 'standards of achievement', 'curriculum and resources' and 'management'.</p> <p>Council regrets that Barnet invests less money in young people than any other local authority in England. Council recalls that the amount invested in youth services by Barnet has dropped every year since 2002, including the £300,000 reduction of the youth service budget in 2004, the closure of youth centres and removal of youth worker posts.</p> <p>Council regrets that the OFSTED report states of the youth service:</p> <ul style="list-style-type: none"> <li>• "The service is poorly funded and funding levels have fallen over the previous three years. To accommodate budget cuts, managers have made efficiency savings."</li> <li>• "A commitment to increase funding has not been given".</li> <li>• "The number of young people benefiting from this work is low",</li> </ul>		

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	<ul style="list-style-type: none"> <li>• “Few young people gain formal accreditation for their work”,</li> <li>• “There are significant gaps and the low level of funding hinders the development of more work to meet the needs of all young people.”</li> </ul> <p>Council notes that OFSTED state the Council must do more work, in particular to reach young women, Chinese young people, young people with learning difficulties and disabilities, and young gay men and lesbians.</p> <p>Council asks the Cabinet to bring forward an urgent plan of action, within the Key Priority Plan 2007/8 dealing with the Youth Service, to address the failings identified by OFSTED.</p> <p>Councillor Hutton has requested, in accordance with Council Procedure Rule, Part 4, Section 1, 31.5, that if the item is not dealt with by the end of the meeting it be voted upon at the council meeting.</p>		
8.4	<b>From Councillor Zakia Zubairi</b>		
	<p>Council believes that local community, voluntary and faith groups make a massive contribution to the life and well-being of the London Borough of Barnet. Council recognises that continuing to work in partnership with these organisations is important to build stronger communities, and in particular to work towards successful and sustainable outcomes for the Borough’s regeneration projects. The provision of, and access to, community facilities to support community, voluntary and faith groups is a priority for the Council.</p>		

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	<p>Council welcomes community use of Grahame Park Community Centre from Monday to Saturday. Council supports the request from faith groups for the community centre to be open on Sundays, and Council believes this would also benefit many local community and voluntary groups contributing towards the successful regeneration of the Grahame Park estate. Council asks the Cabinet to work in partnership with Barnet Homes to work towards Sunday opening of Grahame Park Community Centre.</p> <p>Councillor Zubairi has requested, in accordance with Council Procedure Rule, Part 4, Section 1, 31.5, that if the item is not dealt with by the end of the meeting it be voted upon at the council meeting.</p>		
8.5	<b>From Councillor Brian Gordon</b>		
	<p>Council notes the Government's proposal to introduce statutory quotas into state-aided faith schools imposing a fixed percentage of places to be made available to pupils outside the main faith of respective schools. Council considers this to be an unwarranted interference in educational freedom and parental choice, unlikely in practice to lead to more inter-religious tolerance and understanding.</p> <p>Council affirms its pride in Barnet's faith schools, noting their excellent achievements. It is equally proud of the very good standard of inter-community relations prevailing within the Borough. Council resolves that if a system of quotas is in due course introduced, to the extent that local education authorities have the freedom to</p>		

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	<p>regulate such matters independently, quotas will not be imposed on faith schools in Barnet.</p> <p>Council instructs the Chief Executive to write to the Secretary of State for Education and Skills informing him of the content of this motion and urging him to take it into account in future educational deliberations.</p> <p>Councillor Gordon has requested, in accordance with Council Procedure Rule, Part 4, Section 1, 31.5, that if the item is not dealt with by the end of the meeting it be voted upon at the council meeting.</p>		
	<b>Break</b>	8.45pm – 9.00pm	
	<b>Part 4 – Policy Development (60 minutes)</b>	9.00pm – 10.00pm	
9.1	<p><b>Administration Policy Item (30 minutes)</b></p> <p>21<sup>st</sup> Century Libraries</p>		51
9.2	<p><b>Opposition Policy Item (30 minutes)</b></p> <p>Greener Homes: improving environmental sustainability in local housing</p>		52-58
	<b>Part 5 – Statutory Council Business (40 minutes)</b>	10.00pm – 10:40pm	
10.	<p>Report from Cabinet, 16 October 2006</p> <p>(i) Youth Justice Plan</p> <p>(ii) Welsh Harp Local Nature Reserve Byelaws</p>		59
11.	Reports from Overview and Scrutiny committees		

12.	Reports from Other Committees		
12.1	Licensing Committee, 18 October 2006 Gambling Act 2005		60-86
13.	Reports of Officers		
13.1	Acting Democratic Services Manager 1. Leader's Scheme of Delegation 2. Changes in Committee Memberships 3. First Class Education and Children Overview and Scrutiny Committee – Appointment of Parent Governor Representatives 4. Representation of the Council on the London Councils – Culture, Tourism and the Olympics Forum		87-88
13.2	Head of Planning and Environmental Protection  The Joint Waste Development Plan for North London and the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005		89-93
13.3	Monitoring Officer		
	<b>Part 6 Accountability (20 minutes)</b>	10.40pm – 11.00pm	
14.	Comments on the work of the Cabinet (10 minutes) –		
14.1	<b>From Councillor Barry Rawlings</b> To comment on the work of the Cabinet with regard to the closure of South Friern Library.		

14.2	<p><b>From Councillor Alan Schneiderman</b></p> <p>To comment on the work of the Cabinet with regard to the Council working in partnership with the police on council-owned accommodation for the Woodhouse, West Finchley and Coppetts wards Safer Neighbourhood Police Teams, introduced by Mayor of London Ken Livingstone.</p>		
14.3	<p><b>From Councillor Wayne Casey</b></p> <p>Comment on the work of the Cabinet in relation to public health, specifically on the Council's representative role, such as it is, in disputes between Barnet residents and the NHS.</p>		
15.	<p>Questions to representatives on outside bodies (10 minutes)</p>		None

Janet Rawlings, Acting Democratic Services Manager  
Town Hall,  
The Burroughs,  
Hendon, NW4 4BG

## Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET  
held at The Town Hall, Hendon, NW4, on Tuesday, 12 September, 2006.

### PRESENT:

- \*The Worshipful the Mayor (Councillor Eva Greenspan BA LL.B (Hons))
- \*The Deputy Mayor (Councillor Terry Burton)

### Councillors:

*Maureen Braun	*Christopher Harris BA BSc	*Sachin Rajput BA (Hons)
*Fiona Bulmer	MPhil	PgD Law
Anita Campbell	*Helena Hart	*Robert Rams
*Wayne Casey BA (Hons)	*John Hart BA MA	*Barry Rawlings
MIIA	*Lynne Hillan	*Hugh Rayner
*Danish Chopra	Ross Houston	*Colin Rogers
*Dean Cohen BSc (Hons)	*Anne Hutton	*Lisa Rutter
*Jack Cohen	*Julie Johnson	*Brian Salinger
*Melvin Cohen LLB	*Duncan Macdonald	*Kate Salinger BEd (Hons)
*Brian Coleman, AM, FRSA	Caroline Margo	*Gill Sargeant
*Geof Cooke	*John Marshall	*Joan Scannell
*Richard Cornelius	*Linda McFadyen	*Alan Schneiderman
*Jeremy Davies BA (Hons),	*Kath McGuirk	Agnes Slocombe SRN RM
CPFA	*Andrew McNeil	*Ansuya Sodha MBA (Middx)
*Mukesh Depala	*Alison Moore	Cert Ed, DipM (CIM), AMBA
*Jane Ellison	*Jazmin Naghar	*Andreas Tambourides
*Olwen Evans ACIS	*Matthew Offord	*Daniel Thomas
*Claire Farrier	*Charlie O-Macauley	*Jim Tierney
*Anthony Finn BSc (Econ)	Monroe Palmer OBE, BA,	*Daniel Webb
FCA	FCA	*Richard Weider
*Mike Freer	Susette Palmer MA	*Marina Yannoudakis MA BSc
*Brian Gordon, LL.B	*Bridget Perry	*Zakia Zubairi
*Andrew Harper	*Wendy Prentice	

\*denotes Member present

#### 44. PRAYER (Agenda Item 1):

Lady Jacobovitz offered prayer.

#### 45. APOLOGIES FOR ABSENCE (Agenda Item 2):

Apologies were received from Councillors Agnes Slocombe, Ross Houston, Caroline Margo, Monroe Palmer, Susette Palmer and Anita Campbell, and for lateness from Councillors Christopher Harris and Brian Coleman.

**46. MINUTES OF THE ORDINARY AND EXTRAORDINARY MEETINGS HELD ON 27 JUNE 2006 (Agenda Item 3):**

**RESOLVED** – That the minutes of the Ordinary Meeting and Extraordinary Meeting of the Council held on 27 June 2006 be approved.

**47. OFFICIAL ANNOUNCEMENTS (Agenda Item 4):**

The Worshipful the Mayor referred to the achievements of Barnet's young athletes in coming 14<sup>th</sup> out of 33 London Boroughs at the London Youth Games, particularly commenting on medals won for boys' basketball and table tennis, girls' squash, backstroke swimming and volleyball and shot put by a person with a disability.

The Worshipful the Mayor went on to announce that Barnet had been given the Silver Gilt Award for its parks, greenspaces and environment at the London in Bloom awards, and that the judges who visited the borough had been very impressed with Barnet's presentations and with the cleanliness of the borough and the organisation of their tour.

The Worshipful the Mayor then announced Barnet's success in receiving Green Flag awards for Old Court House, Oakhill Park, Hendon Park and Mill Hill Park, acknowledging the work of officers from a number of different departments who contributed to this achievement.

Finally, the Worshipful the Mayor confirmed that three of Barnet's teachers, Chris Flathers of The Orion Primary School, Sejal Petal of Barnet Hill Primary School and Maggie Thomas of Northside Primary School, had all won awards at a regional level at last term's teaching awards, and would go forward to a national final later in the year.

The Worshipful the Mayor passed on her congratulations and thanks to everyone who had worked to bring about these achievements.

**48. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 5):**

The following Members declared personal and non – prejudicial interests in the items indicated, and remained in the room during the discussion and participated in the decision – making process:

- Councillor Helena Hart in Motion 8.3, as she worked at a dental practice which had a small contract with the Primary Care Trust.
- Councillor Linda McFadyen in Motion 8.3, as she worked for the National Health Service.
- Councillor Sachin Rajput in Motion 8.3, as his partner worked for the National Health Service.

The following Member declared a personal and prejudicial interest in the item indicated, left the Chamber during the discussion and did not participate in the decision – making process:

- Councillor Jeremy Davies in Motion 8.3 as he was employed by the Royal Free and Hampstead NHS Trust.

**49. BUSINESS REMAINING FROM LAST MEETING**

None.

**50. 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 an Appendix to these minutes.

**51. VARIATION OF ORDER OF BUSINESS**

Councillor Joan Scannell, duly seconded, moved that the order of business relating to Agenda Item 8 be varied so that Motions 8.2, 8.3 and 8.4 be heard first and in that order.

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

**RESOLVED – That the order of business be varied to allow Motions 8.2, 8.3 and 8.4 to be heard first and in that order.**

**52. MOTION IN THE NAME OF COUNCILLOR ANDREW MCNEIL (Agenda Items 8.2 and 13.1.8 (ii)):**

Motion 8.2 in the name of Councillor Andrew McNeil was moved. An amendment in the name of Councillor Matthew Offord was moved orally at the meeting. An amendment in the name of Councillor Geof Cooke was also moved.

Debate ensued. Upon being put to the vote the amendment in the name of Councillor Matthew Offord was declared carried and the amendment in the name of Councillor Geof Cooke was declared lost. The substantive motion was declared carried.

**RESOLVED – Council notes the presentation of a petition to the Finchley and Hendon Area Forums on 4 September urging the Council to recycle plastics and cardboard.**

**Council regrets that the previous Labour/Liberal administration locked Barnet Council into an agreement that does not currently allow the collection of either plastic or cardboard.**

**Council notes that the Environment Services Overview and Scrutiny Sub-Committee found in 2003 that to add plastic and cardboard collection to the scheme before the contract's renewal date would cost this Council and its taxpayers nearly £5 million.**

**Council regrets that the current contract with ECT runs until October 2008, not 2007, as Labour Councillors erroneously believe.**

**Council welcomes the Environment Cabinet Member's position, stated on 21 April 2006, that: "I want to see further improvements in recycling in regard to plastics and cardboard. When our contract comes up for renewal, I will ensure a new one is drafted that includes a provision to collect these materials."**

**Council further welcomes the fact that the Cleaner, Greener, Environment and Transport Overview and Scrutiny Committee will be reviewing waste management and believes this can ensure the full involvement of scrutiny members in the process to include plastics and cardboard within the kerbside service.**

**Council calls on Cabinet to ensure that, when the contract comes up for renewal, the new contract will include the collection of plastics and cardboard.**

**53. MOTION IN THE NAME OF COUNCILLOR MIKE FREER (Agenda Items 8.3 and 13.1.8 (iii)):**

Motion 8.3 in the name of Councillor Mike Freer was moved. An amendment in the name of Councillor Linda McFadyen was moved. Debate ensued.

Upon being put to the vote the amendment in the name of Councillor Linda McFadyen was declared lost. The substantive motion was declared carried.

**RESOLVED - Council notes with dismay the decision to cut Barnet PCT's Budget to the tune of £13 million, up from the £11.7 million threatened earlier this year.**

**Council further notes this comes on top of the threat to services at both the Royal Free and Barnet General, with both hospitals under "review", and the possible closure at Chase Farm.**

**Council believes these drastic cuts are part of ongoing moves to tackle a £70 million shortfall in the NHS.**

**Council is appalled that local health services in Barnet are continually being sacrificed to solve the crisis in the London NHS. Council believes this is the result of inaction by the Labour Government that promised no additional help for Hospitals in the Budget this year.**

**Council instructs the Chief Executive to write, as a matter of urgency, to both the Secretary of State for Health and the Chief Executive of the London NHS, calling for the cuts and threats to healthcare services for residents of the London Borough of Barnet to be halted with immediate effect.**

**54. MOTION IN THE NAME OF COUNCILLOR BRIAN GORDON (Agenda Item 8.4).**

Motion 8.4 in the name of Councillor Brian Gordon was moved. Debate ensued.

Upon being put to the vote the motion was declared carried.

**RESOLVED – Council welcomes the close co-ordination that has been taking place recently between Cabinet Members, local Ward Councillors, Neighbourhood organisations and the Police with a view to curbing anti-social behaviour around the Scratchwood and Moat Mount Open Spaces, alongside the A1 Barnet Way.**

**Council further welcomes the action taken by LBB to improve the environment here, including unannounced CCTV visits, and steps to prevent mass picnics with vehicles that damage the greenspace.**

**Council recognises both Scratchwood and Moat Mount to be one of many important leisure spots within the Borough and requests the relevant Cabinet Members and Officers to commit resources as far as possible into improving the facilities at those sites and promoting them as widely as possible among the public.**

**55. MOTION IN THE NAME OF COUNCILLOR KATH MCGUIRK (Agenda Items 8.1 and 13.1.8 (i)):**

Motion 8.1 in the name of Councillor Kath McGuirk and amendments in the names of Councillors Linda McFadyen, Matthew Offord and Duncan Macdonald were put to the vote without debate. The amendments in the names of Councillors Linda McFadyen and Duncan Macdonald were declared lost and the amendment in the name of Councillor Matthew Offord was declared carried.

Upon being to the vote, the substantive motion, was declared carried.

**RESOLVED – Council welcomes the new Customer Focused parking policy, one that has frozen CPZ charges, and that will review all Controlled Parking Zones across the Borough.**

**Council further welcomes the Cleaner, Greener, Transport and Development Overview and Scrutiny Committee’s establishment of a Working Group to review Controlled Parking Zone (CPZ) consultation processes, which is to report in February 2007.**

**Consultation of and engagement with residents, business and ward councillors on the introduction and review of CPZs are a priority for Barnet Council. Council asks the Working Group to consider how the introduction, monitoring and review of CPZs can continue to be transparent and accessible to residents.**

**56. ADJOURNMENT OF MEETING**

In accordance with the Agenda, the Mayor adjourned the meeting for 15 minutes.

The meeting reconvened at 9.02pm

**57. ADMINISTRATION POLICY ITEM: APPRENTICESHIPS FOR LOOKED AFTER CHILDREN (Agenda Items 9.1 and 13.1.8 (iv))**

Councillor Matthew Offord proposed the item and moved that it be adopted. An amendment in the name of Councillor Barry Rawlings was moved. Debate ensued. Upon being to the vote, the amendment in the name of Councillor Barry Rawlings was declared lost. Upon being put to the vote the substantive motion was declared carried.

**RESOLVED - Council notes that there are currently around 380 children in Barnet’s care.**

**Council regrets that, currently, the level of educational and skills attainment by these young people remains below average.**

**Council is determined to improve the life chances of Looked-After Children, and recognises that it is also a large employer, capable of developing and enhancing the skills of its employees and trainees.**

**Council accordingly asks Cabinet to develop a policy to give Apprenticeships at the Council to Looked-After Children aged 16, so that it may drastically improve their skills, experience, and ultimately, their chances in life.**

**58. OPPOSITION POLICY ITEM: A CLEANER, GREENER AND SAFER WELSH HARP (Agenda Items 9.2, and 13.1.8 (v)).**

Councillor Julie Johnson proposed the item and moved that it be adopted. Amendments in the names of Councillors Brian Coleman and Ansuya Sodha were moved. Debate ensued. Upon being put to the vote, the amendment in the name of Councillor Brian Coleman was declared carried and the amendment in the name of Councillor Ansuya Sodha was declared lost. The substantive motion was declared carried.

**RESOLVED - The Welsh Harp (Brent Reservoir) is a regional wetland open space designated as a Site of Special Scientific Interest (SSSI), a Site of Metropolitan Importance and a Local Nature Reserve because of its major conservation status as a wintering and nesting site for wildfowl.**

**The reservoir is owned by British Waterways. The land habitats around the reservoir, shared between Barnet and Brent Councils, support a wide variety of species and are enjoyed by many residents. The site is scientifically important because of the high numbers of birds - including one of the largest breeding colonies of Great Crested Grebes in the country – and the diversity of its wetland and marginal plants.**

**Council is extremely pleased at the work being done by LBB to tackle anti-social behaviour, and improve safety, at the Welsh Harp.**

**This includes:**

- **New Byelaws for the Welsh Harp (to be cleared by Hendon Area Environment Sub), which can be enforced by the Police.**
- **“No Swimming” signs to be supplemented with logos for those for whom English is not a first language.**
- **Constant Cleansing to remove litter and detritus from the site.**

**In addition, Council congratulates Barnet Officers for their prompt action in relation to the planned rave on 5 August 2006, and obtaining the injunction to stop it.**

**Council proudly notes that noise enforcement officers in both Boroughs enforced the injunction, and that parking enforcement officers were also briefed to control nuisance parking.**

**Council further welcomes a meeting, set to take place this month, between Barnet and Brent Council Departments, to deter raves from taking place in the area, and to investigate additional action that can be taken against them.**

**Council calls on Cabinet to ensure this excellent work that is driving the anti-social element out of the Welsh Harp, continues, and thereby ensures that the peace, tranquillity and attractiveness of the Welsh Harp is both preserved and enhanced for law-abiding residents.**

**Council further urges the Cabinet Member for Community Safety to continue to make strenuous efforts to persuade the Police to take action as much of the anti-social behaviour can only be dealt with by them.**

**59. AMENDMENT TO LEADER'S SCHEME OF DELEGATION : (i) CABINET ICT COMMITTEE – WITHDRAWAL OF DELEGATION. (ii) CABINET EQUALITIES AND SOCIAL INCLUSION COMMITTEE – WITHDRAWAL OF DELEGATION (Report of the Acting Democratic Services Manager - Agenda Items 13.1.1 and 13.1.8 (vi)):**

An amendment to the recommendation in item 1 of the Acting Democratic Services Manager's report was moved by Councillor Ansuya Sodha. Upon being put to the vote the amendment in the name of Councillor Ansuya Sodha was declared lost and the substantive motion was declared carried.

**RESOLVED – That the Acting Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution.**

**60. JOINT OVERVIEW AND SCRUTINY COMMITTEES – HEALTHY START HEALTHY FUTURES AND HEALTHY HOSPITALS (Report of the Acting Democratic Services Manager - Agenda Item 13.1.2):**

**RESOLVED – That the Council note that the Joint Overview and Scrutiny Committee relating to Healthy Start Healthy Futures has been disbanded.**

**61. DECISIONS EXEMPTED FROM THE CALL – IN PROCESS (Report of the Acting Democratic Services Manager -Agenda Item 13.1.3):**

In accordance with Constitutional requirements the Acting Democratic Services Manager reported on the following decision. The Chairman of the of the Cabinet Overview and Scrutiny Committee agreed that the decision was reasonable in all the circumstances, that it should be treated as a matter of urgency and consequently exempted from the call – in process.

(i) Report of the Deputy Leader of the Council, exercising the executive powers of the Leader of the Council pursuant to his delegation, which, in order to avoid delay in the London Diocesan Board for Schools implementation of a contract to build a new nursery to open in April 2007 and any consequent additional costs or risk to grant aided funding which might arise from a delay, agreed

(a) to assist the governors of St Mary's and St John's Primary School in their statutory duty to implement the provision of a new nursery to open in April 2007, by transferring the freehold title of an area of local authority land to the trustees of the school for the provision of a new nursery; and

(b) to note that the Cabinet Resources Committee had considered a report on the matter on 27 July 2006, but was unable to reach a proper decision due to the omission of an exempt report.

**62. APPEALS COMMITTEE (Report of the Acting Democratic Services Manager - Agenda Item 13.1.4)**

**RESOLVED –**

**(i) That arrangements for Appeals Committees be amended to enable the Acting Democratic Services Manager to select only four Members for each hearing, and to ensure that the Committees are politically balanced where member availability allows this.**

**(ii) That the Acting Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution.**

**(iii) That it be noted that the outcome of the selection process for each appeal will be recorded in a delegated powers report.**

**63. EXECUTIVE DECISIONS AND THE OPERATION OF THE CALL-IN AND URGENCY PROCESS - REVIEW (Report of the Acting Democratic Services Manager - Agenda Item 13.1.5)**

**RESOLVED – That the report of the Acting Democratic Services Manager relating to Executive Decisions and the Operation of the Call-In and Urgency Process - Review be noted.**

**64. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2006/2007 (Supplemental Report of the Acting Democratic Services Manager - Agenda Item 13.1.6)**

**RESOLVED – That the proposed forward work programmes for 2006/07 identified by the Council's Overview & Scrutiny Committees, with the exception of the Cabinet Overview & Scrutiny Committee, be approved.**

**65. CHANGES TO COMMITTEE MEMBERSHIPS (Supplemental Report of the Acting Democratic Services Manager - Agenda Item 13.1.7)**

**RESOLVED – That Councillor Hugh Rayner replace Councillor Matthew Offord on the Welsh Harp Joint Negotiation Committee.**

**66. REPRESENTATION OF THE COUNCIL ON OUTSIDE BODIES (Supplemental Report of the Acting Democratic Services Manager - Agenda Item 13.1.9)**

The Acting Democratic Services Manager's report set out details of the appointments or nominations to be made.

A nomination in the name of Councillor Joan Scannell was moved.

**RESOLVED – That Councillor Kate Salinger be appointed to fill the vacancy 1062 on the Fostering Approvals Panel for the period indicated in the report of the Acting Democratic Services Manager.**

**67. FURTHER AMENDMENT TO THE LEADER'S SCHEME OF DELEGATION (Further Supplemental Report of the Acting Democratic Services Manager - Agenda Item 13.1.10)**

**RESOLVED – That the Acting Democratic Services Manager be instructed to make the appropriate changes to the Council’s Constitution.**

**68. CHANGES IN COMMITTEE MEMBERSHIPS (Further and Third Supplemental Reports of the Acting Democratic Services Manager - Agenda Item 13.1.11 and 13.1.13)**

The Acting Democratic Services Manager amended her report to withdraw proposed changes to the Finchley and Golders Green Area Environment Sub-Committee.

**RESOLVED – That the following changes in Committee Memberships be approved:**

- **Councillor Christopher Harris to replace Councillor Jazmin Naghar as Chairman of the Finchley Area Forum.**
- **Councillor Christopher Harris to replace Councillor Jazmin Naghar as Chairman of the Golders Green and Childs Hill Area Forum.**
- **Councillor Brian Salinger to replace Councillor Andrew Harper as Chairman of the Education and Children Overview and Scrutiny Committee.**
- **Councillor Marina Yannakoudakis to replace Councillor Andrew Harper as Vice-Chairman of the Cleaner, Greener, Transport and Development Overview and Scrutiny Committee.**
- **Councillor Christopher Harris to replace Councillor Andrew Harper as a Member of the Cleaner, Greener, Transport and Development Overview and Scrutiny Committee**
- **Councillor Dean Cohen to replace Councillor Andrew Harper on the Cabinet Overview and Scrutiny Committee**
- **Councillor Daniel Thomas to replace Councillor Dean Cohen as substitute on the Cabinet Overview and Scrutiny Committee.**
- **Councillor Andrew Harper to replace Councillor Christopher Harris on the Corporate Joint Negotiation and Consultation Committee.**
- **Councillor Fiona Bulmer to replace Councillor John Marshall as Chairman on the Teachers Joint Negotiation and Consultation Committee**
- **Councillor Fiona Bulmer to replace Councillor Christopher Harris as a Member on the Teachers Joint Negotiation and Consultation Committee**
- **Councillor Dean Cohen to replace Councillor Terry Burton on the Audit Committee**
- **Councillor Sachin Rajput to replace Councillor Andrew Harper as substitute on the Resources, Performance and Partnerships Overview and Scrutiny Committee**
- **Councillor Andrew Harper to be removed as substitute on the Joint Overview and Scrutiny Committee – Healthy Hospitals and a Conservative vacancy to remain.**

**69. CHANGES IN THE COUNCIL’S REPRESENTATION ON OUTSIDE BODIES (Further Supplemental Report of the Acting Democratic Services Manager - Agenda Item 13.1.12)**

The Acting Democratic Services Manager's report set out details of the changes to appointments or nominations to be made.

Alternative nominations in the name of Councillor Linda McFadyen were moved in respect of appointment 1155a at the Standing Advisory Council for Religious Education and appointment 1033 at the Barnet Community and Police Consultative Group.

**RESOLVED – That the following changes in the Council's representation on Outside Bodies be approved:**

- **Barnet Housing Associations Liaison Group – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Barnet Community Homes – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Association of London Government – London Housing Unit Committee – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Association of London Government - London Housing Unit Executive Sub-Committee – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **LHC – Building Components and Services – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Association of London Government – Housing Forum – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Association of London Government – Health and Social Care Forum – replace Councillor Fiona Bulmer with Councillor Lynne Hillan**
- **Association of London Government – Children, Young People and Families Forum – replace Councillor Christopher Harris with Councillor Fiona Bulmer**
- **Standing Advisory Council for Religious Education – replace Councillor Christopher Harris with Councillor Joan Scannell (Councillor Charlie O-Macauley was unsuccessful)**
- **Barnet Community and Police Consultative Group – replace Councillor Christopher Harris with Councillor Fiona Bulmer (Councillor Julie Johnson was unsuccessful)**
- **London Youth Games – replace Councillor Christopher Harris with Councillor Fiona Bulmer**

**70. REPORT OF THE CHIEF FINANCE OFFICER (Agenda Item 13.2)**

**RESOLVED – That the amendment of the prudential indicators, as set out in Appendix A to the report be approved.**

**71. REPORT OF THE BOROUGH SOLICITOR (Agenda Item 13.2A)**

**RESOLVED – That Janet Rawlings, Acting Democratic Services Manager be confirmed as statutory proper officer for:**

**All Democratic Services Manager functions in the Constitution**

- **Members' declarations of acceptance of office**
- **Members' notice of resignation**
- **Giving notice of casual vacancies**
- **Convening Council to fill Mayoral casual vacancy**
- **Signing summonses for council meetings and receiving notices as to Members' addresses for summonses**

- **Receiving notification of political groups for the calculation of political balance**
- **Returning Officer for election of parent governor representatives to Committee**
- **Deposit of documents**  
**Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.**

## **72. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Item 14)**

### **Councillor Claire Farrier commented**

Thank you very much. Goldbeaters School is in need of urgent refurbishment. The design and layout in two separate two-storey buildings diminishes learning opportunities for pupils. The toilet accommodation is, to say the least, unpleasant and possibly also a health hazard. The school is not accessible for people with disabilities and emergency escape routes are unsatisfactory, and it's a really scary scenario if any fire did happen in this school, that pupils and teachers would be trapped on the first floor.

Following consultation with Council officers, the head teacher and chair of governors asked Barkers & Associates to carry out a survey of the work required to bring the school to an acceptable standard, and their recommendations include creating a new entrance area, linking the two school buildings, creating an early years unit, new kitchen facilities, new toilet facilities, accessibility to most school areas and satisfactory emergency escape routes. The estimated cost of this essential work is £600,000.

The school has already identified £180,000 in its budget towards this, which is a third of the total needed. The primary school capital investment programme places Goldbeaters School in the second wave, Phase 4, which will not even be considered until 2010 to 2011. Many of the schools listed in the first wave do not have such an urgent need for refurbishment and we know that the parents of several of these schools have raised objections to the plans for their schools. At a meeting with Council officers in July, the head teacher and chair of governors were told that some funding from a Council bid may be available in September but so far there is no further news. Goldbeaters School is being proactive.

### **Councillor John Marshall responded**

Can I thank Councillor Farrier for raising this issue. As she well knows, the Authority is seeking to rebuild some schools and would love to have money to refurbish others. As she also knows, the Government has a pot for the refurbishment of primary schools. Councillor Freer and I did go and see Lord Adonis, the Minister for Education, in London and emphasised the fact that Barnet deserved some of that money. He said he would look at it. Whether he will look at it and give us some dosh, we don't know, but obviously if he does then we will look at the schools most in need of refurbishment.

I shall like, however, in the very short time available to me, to pay tribute to Chris Flather, who has been head teacher both of the Orion and Goldbeaters. When I went and had a healthy lunch at the Orion School, I said to one of the children, "what do you like best about the School?" And he said the teachers, and that I think says a great deal about the character of those who teach at both schools. Education provides those children with the opportunity to get out of the vicious cycle of deprivation and that's why I'm very grateful for everything the teachers at both of those schools do to help the children who go there. I should also like to pay tribute to the work of the staff of the education authority. This authority has been transformed in recent years. Earlier this year, Councillor Harris and I were interviewed as part of the JAR. Councillor Bulmer is going to have the pleasure of announcing the results at the JAR in a few weeks time and I'm willing to wager anyone that they will say that this education authority is good. They wouldn't have said that in 2001.

### **Councillor John Hart commented**

To comment on the work of Cabinet with regard to personal action(s) taken by the Cabinet Member for Environment and Transport to forestall the 'rave' expected at the Welsh Harp on Saturday 5th August.

### **Councillor Matthew Offord responded**

Late on the 2<sup>nd</sup> of August I received information that a rave was being planned at the Welsh Harp. Early on Thursday the 3<sup>rd</sup> of August, I met with senior officers from the Greenspaces Team. I wasn't content with some of the proposals they were offering me so I contacted a senior Director and I informed, or rather I directed, him to contact the Police Borough Commander to investigate what actions they were proposing to take.

Secondly, it was rumoured later in the day that Brent were looking at taking out an injunction against the rave. I informed the senior Director that I wished him to not only align ourselves with that but, if they weren't choosing to take that route, that we did so on our own. Fortunately, it was decided that we would go down the route of a joint injunction.

Thirdly, I spoke to the Cabinet Member for Community Safety, and he kindly agreed to speak to the Deputy in Brent to ensure coordination between our two authorities, and finally I informed local members of the actions I had taken.

On Saturday the 5<sup>th</sup> I visited the site, telephoned the SES at 8pm, and also the Safer Neighbourhood Teams at 11pm, and finally once again on Sunday the 6<sup>th</sup> of August. The Police presence and the injunction prevented the rave.

I suggest that the local members conduct themselves in the way that the local members have in Hale, to increase their intelligence and information of the site and play their part in stopping any future raves.

### **Councillor Ansuya Sodha commented**

Madam Mayor, since this Conservative Council took control in May 2006, the agenda for equality has been put on the backburner. The very first thing that Councillor Freer did was to abolish the Equality Committee that was doing some excellent work, then he formed his own Cabinet, and look at the women representation, look at the minority representation in his Cabinet, and you can see what sort of commitment he has got towards equality. He has not actually shown it in practice at all, and if he thinks that he's all for equality then he'd be standing up there and shouting and screaming and saying that 'look since May I worked towards a plan to increase disabled people in Barnet, working for the Borough of Barnet, I have drawn up plans to increase more women at senior level', and he's saying absolutely nothing, all he's saying is 'I'm going to abolish this, I'm going to do this'. He's an absolute dictator and I think that the Borough of Barnet has lost something really great and they've got someone terrible now to put up with for the next four years.

### **Councillor Mike Freer responded**

We'll have no tokenism in my Cabinet, and if Councillor Sodha actually wants to know what I've done rather than just having a rant about what she thinks I ought to have done, let me explain, that I've asked for BVPI's to be updated so that I have a firm grip on what progress we are making on the E and D agenda.

As I've already mentioned, the Chief Executive is exploring with Stonewall to achieve diversity champion status and I am reviewing exemplar status with the Commission for Racial Equality in terms of whether that's something that the Council can achieve. These are practical measures to pursue the agenda, rather than just having another committee meeting.

The meeting finished at 10. 36pm

**Council Questions to Cabinet Members  
12 September 2006  
Questions and Responses**

**Question No. 1****Councillor Brian Gordon**

During the course of the last Council meeting, certain Councillors openly defied the ruling of the Mayor, causing the Mayor to have to shout, gesticulate and bang her gavel just to be heard. Would the Leader join me in condemning such rebellious behaviour and stress that the Mayor's authority in this Chamber must be obeyed?

**Answer by Councillor Mike Freer, Leader of the Council**

This Administration has worked hard to restore the dignity of the Mayoralty. Failure to respect the Mayor, the first citizen of the Borough, shows a lack of respect for the Council, its Members and the people we serve. All Members must observe the Mayor's rulings.

**Supplementary Question No. 1****Councillor Brian Gordon**

Leader, would you join me in complimenting the Borough Solicitor on the very clear directive he emailed to Members this afternoon with regards to respecting the Mayor's authority and, while referring to the dignity of the Mayoralty, would you also not agree that that dignity was very much enhanced by the very moving civic service last Sunday at Finchley Synagogue and the sumptuous spread that followed.

**Answer by Councillor Mike Freer, Leader of the Council**

Thank you, yes. I do think that the guidance that has been circulated has been very helpful and I hope all Members will abide by it, and certainly I would share the congratulations on the service on Sunday and the very generous hospitality which members of the public enjoyed.

**Question No. 2****Councillor Monroe Palmer**

Would Councillor Coleman provide an update on the unsightly and frightening woodstack at Staples Corner? It rises high into the sky and towers over this busy junction. Are we just waiting for yet another major fire in the west of the Borough, right next door to a major regeneration project?

### **Answer by Councillor Brian Coleman**

Councillor Helena Hart (Cabinet Member with responsibility for Public Health) and I met with Council and Fire Brigade Officers to agree a plan for dealing with this potential threat to public health and safety. All the avenues opened to us were explored using Health and Safety Legislation and the GLC General Powers Act.

I have personally written to the Chairman of Network Rail, who are the freeholders of the site to remind them of the disruption to their core business of providing rail services caused when this site caught fire. I have received an acknowledgment but not yet a substantive reply. Councillor Hart and I are keeping a close personal eye on this matter and are happy to talk to Ward Members at any time.

### **Question No. 3**

**Councillor Ansuya Sodha**

Given the Leader's downgrading of the importance of promoting equalities by scrapping the all-party Cabinet Equalities and Social Inclusion Committee, (a) how will the Council ensure all-party Member oversight of equalities issues, (b) how will officers be held accountable on equalities – not only by Cabinet Members – but also by administration and opposition scrutiny Members, (c) how will council taxpayers be assured that there is equality for all in Barnet if there is a lack of monitoring, and (d) how will black and minority ethnic Members be involved in monitoring equalities issues?

### **Answer by Councillor Mike Freer, Leader of the Council**

Equalities has not been downgraded but has in fact been given greater prominence. As Leader I will champion equality and diversity issues. Equality and diversity is integral to everything we do and is not best served by abrogating responsibility to a sub-committee.

Each and every Council report will have to comment on equalities and diversity implications. This Council will deal with equality and diversity and not just talk about it.

The Cabinet Equalities and Social Inclusion Committee was neither a pro-active user forum and nor did it make executive decisions, and therefore its exact nature was unclear.

- (a) all-party oversight will be achieved through Scrutiny Committees as oversight is their core business;
- (b) equalities issues will be mainstreamed through the established channels for monitoring and reporting performance (including Cabinet OSC for executive decisions made by Cabinet). Incidentally the notion of 'officers being held accountable' seems at odds with the constitution in which accountability lies with members of the Council who are advised by officers;
- (c) equalities targets will be embedded in other documents such as Key Priority Plans which will continue to be monitored and scrutinised;
- (d) on the assumption this refers to Members of the Council: BME Members will be involved in monitoring equalities issues in exactly the same way as all Members.

To suggest equality and diversity is only a matter for BME Councillors is ridiculous as Cllr Sodha may be surprised that equality and diversity is not simply a matter of race.

**Supplementary Question No. 3**

**Councillor Ansuya Sodha**

The Leader has said he's now leading on equalities. So could he tell us what he's doing to improve the GSCE results of black boys. Since you are leading equalities, tell us what you're doing?

**Answer by Councillor Mike Freer, Leader of the Council**

As I said I'm leading on equality and diversity, and in terms of progressing education outcomes for all underachievers, rather than specifically picking on black boys, but all underachievers irrespective of their race, colour or religion, then the Cabinet Member for Children's Services will be dealing with that. What I will be doing is ensuring that the Children's Services Cabinet Member delivers on it.

**Question No. 4**

**Councillor Brian Gordon**

There are still quite a number of roads within this Borough which have speed humps. This is despite their widespread unpopularity and the lack of statistics to show that they have reduced road accidents. When is the Council going to move those that remain?

**Answer by Councillor Matthew Offord**

The Council's policy continues to be that when resurfacing or other works are carried out which require the removal of traffic calming measures, we take the opportunity to consider whether the same, or altered, measures need to be reinstated.

**Supplementary Question No. 4**

**Councillor Brian Gordon**

Councillor Offord, a two-pronged question here. First, would you please explain how the removal of road humps will assist in the improvement of efficiency of the bus service and, secondly, would you join with me in congratulating your predecessor Councillor Coleman on the recent, very personal contribution to road safety?

**Answer by Councillor Matthew Offord**

Madam Mayor, I choose to take the first part of the question. I'm sure the member will agree with me that some of the issues, particularly in regard to speed bumps and chicanes, often cause problems for buses. He'd be particularly pleased to hear that Transport for London do have a budget line that enables us to undertake work to improve the efficiency of such vehicles. We've recently done that, for example, in Brunswick Park Road where we removed several due to the impact upon buses and we're currently reviewing measures on Church Hill Road in consultation with TFL.

In regard to the road safety contribution by my former predecessor, I'm sure Councillor Coleman joins with this Council in the road measures that we are promoting, and one less car on the road, I'm sure, will contribute to those statistics.

**Question No. 5**

**Councillor Alison Moore**

The Association of London Government is proposing to cut its grants budget by one third and supposedly 'repatriate' a share of this grant budget to Barnet Council from April 2007. Can we have an assurance that the funds supposedly to be 'repatriated' to Barnet will actually be invested in Barnet's voluntary and community sector and not simply cut from this Council's budget; and what consideration will be given by Barnet Council to contributing to London-wide projects and projects with neighbouring boroughs where appropriate to the benefit of Barnet residents?

**Answer by Councillor Mike Freer, Leader of the Council**

In line with Council procedures any repatriated monies will be matched against Council priorities. Clearly the funds would be valuable to our vibrant voluntary sector.

With regard to pan-London organisations, each application would be evaluated on its own merits as to what the organisation could add to the well-being of Barnet residents.

**Supplementary Question No. 5**

**Councillor Alison Moore**

Last week the Association of London Government was forced into a u-turn on Conservative plans to cut £9million from its grants budget to the voluntary sector, and it isn't a laughing matter.

Will the Council Leader give a commitment that Barnet will vote against any future proposals to cut the ALG or, as they are soon to be known, the "London Council's" grant budget?

**Answer by Councillor Mike Freer, Leader of the Council**

Thank you Madam Mayor. I'm afraid Councillor Moore is actually out of date because the ALG Leader's Committee decided that that proposal would not proceed, which I am very disappointed at. I have for many years regarded the ALG grants budget as nothing but a scandalous waste of money. It is a grossly inefficient organisation. It scatters money around so-called pan-London organisations, which deliver services of very little benefit to the Borough of Barnet.

We are a gross net contributor. That money can be better spent in Barnet and, I have to tell you, given the quality of the special pleadings that have come across my desk from a variety of groups, not one group has actually persuaded me that being funded through the ALG is a good use of Barnet's money. However, that is my view. The ALG's Leaders Committee as a whole have decided that the Grants Committee will continue to re-prioritise its work programme to ensure that it is relevant to London and that wherever possible the budget is contained, but there will not be, sadly, a third reduction in the budget.

**Question No. 6****Councillor Brian Gordon**

Please could you give a brief progress report on the most recent measures being taken to make traffic wardens more user friendly and reduce the number of inappropriate penalty charge notices being imposed?

**Answer by Councillor Matthew Offord**

By April 2006, the following measures had been introduced:

- charges for residents' parking permits frozen until April 2008;
- a review of all existing controlled parking zones will start during this financial year;
- pay and display users now get a five minute grace period after the expiry of a ticket;
- households buying a resident parking permit are given five free visitor vouchers;
- parking attendants wait and make observations for at least five minutes to check if vehicles likely to be making a delivery from yellow lines or parking places are loading or unloading;
- the council has signed up to the Moovit scheme, which allows delivery drivers to be paged if they are away from their vehicle.

**Supplementary Question No. 6****Councillor Brian Gordon**

Councillor Offord, I know that I've raised this subject and it's rather personal. It may not be Party policy, but is there any prospect, sometime in the future, of letting residents in CPZ's have free permits to park outside their own residences.

Many people do feel that with all the amounts that they pay in Council Taxes and, of course, all the different road charges that they have to bear, they should not have to pay for the privilege of parking outside their own homes.

**Answer by Councillor Matthew Offord**

Madam Mayor, I'm sure the member knows that what the CPZ permit actually does is to allow residents an opportunity to park in roads that isn't afforded to other people, who perhaps don't live in that area. He will also recall my recent Customer Focused Parking policy, which also introduced five free visitor permits. I do feel that goes some way towards the measures that he does propose but I think it would be, as he suggests, an impractical measure.

**Question No. 7****Councillor Geof Cooke**

An internal audit report has delivered a damning verdict of 'no assurance' on the Council's Controlled Parking system. In response the Head of Service reported to the Audit Committee on 20 June 2006 that: "4 PA's [parking attendants] have left the Council's service in the last three months and there is no current business case to replace". This appears to confirm that the Cabinet regards parking enforcement not as a means of ensuring the free flow of traffic nor

as a way of giving resident and business purchasers of parking permits value for their money by deterring unauthorised parking, but rather as a way of raising revenue from the long suffering public, to be assessed on a purely financial basis. Do you have an alternative explanation?

**Answer by Councillor Matthew Offord**

No it does not. This Administration does not needlessly employ people in any service area. As greater compliance occurs in parking then the numbers of PA's should reduce through natural wastage and other reasons.

The Audit Report you refer to was related to the position as it was in March 2005. Under my direction, the Parking Section was already committed to a programme of identifying need for change at that time and significant changes have taken place across the service. As part of a scheduled follow-up, officers are currently preparing feedback responses to the Audit Report that will demonstrate that necessary changes have been implemented.

**Supplementary Question No. 7**

**Councillor Geof Cooke**

Councillor Offord, I note that you draw a distinction between your regime and that of your predecessor, Councillor Coleman, and I think you're probably wise to do that. I just wonder whether you are claiming credit for the increase in the money extracted from residents of the Borough for parking with CPZ charges up 142% since 2002. Are you claiming credit for that or is that somebody else's responsibility?

**Answer by Councillor Matthew Offord**

Madam Mayor, I am always grateful to former Cabinet Members for giving me their advice and assistance and I'd like to thank the former Cabinet Member, Mr Cooke, for that response.

As he will know, the difference between now and when he was the Cabinet Member, and indeed when Councillor Coleman was the Cabinet Member, was that there has been an increase in the number of CPZ's across the Borough. I think the issue of measurement of how fair we seem to the motorist is to look at our Customer Focused Parking policy which we mentioned in the previous question, and particularly we see a reduction of 800 fewer PCN's being issued each week. I think that's a measure of success and something that I'm sure all members would agree with.

**Question No. 8**

**Councillor Jane Ellison**

Can the Cabinet Member for Environment and Transport please advise me about the arrangements for litter picking and cleansing on the stretches of the A1, A41 and A406 that run through various wards in this Borough including, in the case of the A1 and A41, Hale Ward.

**Answer by Councillor Matthew Offord**

We aim to sweep nearside channels, footpaths, verges & driveway crossovers 9 times per year. Central reservation and offside channels are normally swept 6 times per year (this operation is subject to TFL providing traffic management to enable safe working) this generally involves fast lane restrictions which TFL refer to as 'Block Closures'. All of the above works are carried out at night to minimise traffic disruption.

Litter removal on nearside verges, footpaths, subways and pedestrian bridges is carried out on a weekly cyclic basis at night. In addition to this, responsive works are carried out for EPA removal of litter and flytipped materials, these works are ongoing.

Litter clearance from central reservation prior to grass cutting is the responsibility of TFL.

**Supplementary Question No. 8**

**Councillor Jane Ellison**

I thank my colleague for the answer tabled. Now, my Hale Ward colleagues and I take great pleasure in the fact, pride in the fact, that many motorists actually enter our Borough in Hale Ward on the A1 and so we're especially keen that the first impression they get of our Borough is a good one.

Can I have Councillor Offord's assurance that the level of litter clearance from the reservations on the A1 and indeed other A-roads in the Borough can be increased?

**Answer by Councillor Matthew Offord**

Thank you, Madam Mayor. I will certainly look at the issue of litter removal in the Borough. As ever we are very keen to promote Barnet as one of the first class suburbs in London and we're particularly keen to promote that when people enter the Borough. Unfortunately, I will have to disappoint another member tonight by pointing out to Councillor Ellison that we were informed on the 3<sup>rd</sup> of July that TFL would be cutting its budget for the programme of block closures that we need to enforce or, in particular, we need to ensure the safety of our street sweepers. So I don't think I'm able to accommodate that question.

**Question No. 9**

**Councillor Kath McGuirk**

Please provide percentage and actual figures for all four quarters of the 2005/6 financial year for the levels of sickness absence for the Council's parking attendants.

**Answer by Councillor Matthew Offord**

Sickness in 2005/6 in the parking enforcement team has been recorded as follows:

1st quarter	424 person-days.	9.0%
2nd quarter	447 person-days.	9.2%
3rd quarter	610 person-days	12.3%
4th quarter	384 person days	8.2%

**Supplementary Question No. 9****Councillor Kath McGuirk**

Thank you. Is the fact that the sickness absence among parking attendants is far higher than the Council average sickness absence, one of the reasons why the Cabinet Member, in spite of the 142% increase, is actually failing to meet its own targets for revenue raising to the parking account? Or is it because the parking attendants are under a great deal of pressure to actually reach the parking ticket targets?

**Answer by Councillor Matthew Offord**

No, it is not.

**Question No. 10****Councillor Hugh Rayner**

Please could the Cabinet Member confirm what arrangements Barnet Council makes for its parking attendants to take short breaks, meal breaks and toilet breaks when they are on patrol away from Council facilities.

**Answer by Councillor Matthew Offord**

The management and supervisory officers in the parking enforcement team identify and review from time to time (taking into account feedback from officers) suitable locations for toilet breaks for each beat covered. These will, where possible, be public facilities, but it may also be the case that suitable private facilities will be agreed for use.

Meal breaks are programmed into an officer's day, and the parking attendant is required to notify their base when they start and finish their meal break.

It would not normally arise that officers take any other "short break" during their working day any more than any other council officer would expect to take breaks other than meal breaks and toilet breaks. However, being in an outdoor environment, severe weather conditions might result in the need for a break to be taken, and in such an event the parking attendant would request such a break and give the reasons for it to their supervisory team with whom they are in contact with by mobile phone.

**Supplementary Question No. 10****Councillor Hugh Rayner**

Thank you, Councillor Offord, for that very complete answer.

Now I am sure that Members from all sides of the Chamber will join me in applauding the work done by the parking attendant team in maintaining safe and legal parking throughout the Borough – they do a magnificent job often with little appreciation.

I would like to ask Councillor Offord for his assurance that he will continue to provide his traffic attendants with reliable recording equipment, with well designed clothing especially for cold weather and, finally, with first class management support so that they can continue to provide the excellent service we all deserve.

**Answer by Councillor Matthew Offord**

Madam Mayor, I will certainly give the member, and indeed any other member who wishes to ask me the same question, that assurance.

**Question No. 11**

**Councillor Gill Sargeant**

Following the fire at Beaufort Park and the decision of St Georges to rebuild the damaged block with concrete construction what is the Council doing to undertake a full inquiry into what has happened and to urgently review the densities and the standard of construction on the site?

**Answer by Councillor Melvin Cohen**

Timber framed buildings form the majority of residential homes worldwide. It is mainly in Britain that the traditional masonry construction is more popular. The use of timber frame is considered to be less ecologically damaging than masonry because timber is a quickly renewable resource.

Timber frame construction, when complete, has all the fire resistance required of it by our Building Regulations. The problem is that until a building is finished, with its combustible frame not provided with a fire resisting lining, it is vulnerable to accidental conflagration, or even arson.

The Building Regulations do not control the fire protection whilst the building is under construction. If no person is living in the building, then the Regulations consider that there is no risk. The matter of safety before the building is finished is under the control of the Health and Safety Executive who are, I believe, carrying out an investigation. The Fire Brigade is also preparing a report on the fire.

Building Control had checked the plans and had been carrying out regular inspections of the construction to ensure compliance with the Building Regulations. It is not considered that the fire and its spread would have been due to any Building Regulation infringement.

An internal review has disclosed no irregularity in the Building Control Department procedures.

The member can resubmit her question when the results of the Fire Brigade enquiry and the HSE enquiry, both of which are ongoing, are known. Any further action at this time is premature and wholly inappropriate.

As to a review of densities this is with respect a complete red herring there are thousands of higher density units built throughout the country with timber frame construction and I know of no reports that these are all burning to the ground.

**Supplementary Question No. 11****Councillor Gill Sargeant**

Thank you Madam Mayor. The fire at Beaufort Park was the largest fire in London this year, and it is an issue that has concerned all the three Parties here. I'm particularly concerned because the London Fire Brigade have not yet given their full report and yet St Georges have already started rebuilding.

Now I know we have all gained something in the fact that they're not going to rebuild with timber framed and it is going to be concrete framed. However, I am concerned that we are not re-looking at some of the basic issues that would happen if there had been anybody in those buildings as those densities would have been extremely large.

I would have thought that the biggest fire in London merited some action by this Council. I know St Georges have been extremely concerned about it.

I know they have looked very hard at this, however, the question I have is why the Council, and this is a very serious issue, this is something that could have affected many thousands of lives, why is the Council so reluctant to wait and to investigate what went wrong?

The Fire Brigade themselves have not yet undertaken their full investigation and yet rebuilding is happening.

**Answer by Councillor Melvin Cohen**

Why the developer changed its mind is a question you have to address to the developer. I am not going to start making policy on the hoof. I am waiting to get the report of the Fire Authority and I'm waiting to get the report of the Health and Safety Executive. When I get that, when I have all the facts, that is the appropriate time to consider this matter again and I have invited the Member to redraw that question as and when that situation arises. Until then she will have to wait like everybody else, until the proper facts are known by the professionals.

**Question No. 12****Councillor Brian Gordon**

It has been reported that more than half of motorists who appealed against penalty charge notices between April 2005 and March 2006 won their appeals. Have you got any comments to make on this?

**Answer by Councillor Matthew Offord**

The first point to bear in mind is that less than 2% of the penalties issued by Barnet's Parking Attendants are the subject of an appeal. With regard to the 'success' of the motorist in having their appeal upheld, it is the case that in 2005/6 51% of appeals considered for penalties issued by Barnet's Parking Attendants were found in the appellant's favour. This is – one would concede – "more than half" but only by a small margin. By comparison, London-wide the equivalent figure was 56% in favour of the motorist.

**Supplementary Question No. 12****Councillor Brian Gordon**

If the general statistic of successful parking appeals in London is as high as you indicate, even though I live in Barnet, 56%, then it does seem to me that something is going wrong somewhere. Do we have an aim to try and bring the number of successful appeals down or wouldn't the best policy be to try and ensure that there are not so many mistakes made in the issue of penalty notices in the first place?

**Answer by Councillor Matthew Offord**

Madam Mayor, of course we aim to get everything right to the extent of our ability. I think training of the parking attendants is the key to what Councillor Gordon is referring to.

We undertake a regular training programme with our parking attendants and, once again, that's something that we can seek to improve.

**Question No. 13****Councillor Agnes Slocombe**

When will 'home loss money' be available to West Hendon estate residents who wish to move because of the regeneration?

**Answer by Councillor Anthony Finn**

The purpose of the home loss payment scheme is to compensate certain categories of occupier who are required to leave their homes permanently because of redevelopment.

The legal framework is set out in the Land Compensation Act 1973.

In order to be eligible for home loss a person must be displaced from their home in consequence of one of several specified events. These include the compulsory acquisition of the premises, the redevelopment of the land or the making of an order for possession under Ground 10 or 10A of the Housing Act 1985.

The person displaced must have occupied the premises for at least one year as his or her only or main residence and must be a secure tenant, secure licensee, leaseholder or freeholder.

The council has discretion to make a home loss payment where a person has been displaced but only met the occupation criteria at the time of the displacement rather than for a full year prior to the displacement.

Where the council obtains possession of a property by agreement, where a ground 10 or 10a possession could have been obtained, the council is able to make a home loss payment.

Home loss payment will only be paid if there is an established link between the displacement and the grounds for displacement. In limited circumstances where a resident makes their own arrangements to move as a result of the regeneration they will be entitled to home loss payment. They will however have to establish that there is a link between them moving and the regeneration scheme.

The regeneration schemes in Barnet are phased over a number of years. Tenants including those living on West Hendon will become eligible for home loss payments at the point when their homes are scheduled for decanting. This is likely to be up to a year before their home is due for demolition.

Leaseholders and freeholders will be eligible for home loss once a Compulsory Purchase Order is in place and they have vacated their homes. However, there is a discretionary power to make a payment to the owner who sells voluntarily (so long as compulsory powers were available).

**Question No. 14**

**Councillor Daniel Webb**

Please could the Cabinet Member outline what progress is being made in improving street lighting in the Borough, and in particular, within Underhill Ward?

**Answer by Councillor Matthew Offord**

The Street Lighting PFI Core Investment Programme (CIP) is due to commence during September 2006. In the first year an average of 20 roads will have the lighting improved on a monthly basis. The programme increases during the 5 year CIP period with up to 40 roads being relit per month at its peak.

Over the lifetime of the CIP programme, street lighting in the Underhill ward will be replaced as part of a smaller annual programme which will include around 450 columns being replaced each year. These will be prioritised on age, condition and quality of lighting.

**Supplementary Question No. 14**

**Councillor Daniel Webb**

I would like to thank the Member for his lengthy response and also for shedding light on this scheme.

The supplementary is, what would this scheme achieve for the safety of residents of the Borough?

**Answer by Councillor Matthew Offord**

Madam Mayor, a particular element of the Street Lighting PFI is to decrease the fear of crime within the Borough. I would expect in the years of the contract that the fear of crime, particularly as measured through the residents' satisfaction survey, actually decreases. So we will have a performance indicator of how we are improving on that.

**Question No. 15****Councillor Barry Rawlings**

In the Cabinet Member for Education's response to question 10 at the June council meeting he welcomed the steady improvement in attendance at primary schools. In the Best Value Performance Plan presented at the same meeting it clearly shows that attendance at primary schools got worse [indicator 46]. Which is the truth?

**Answer by Councillor John Marshall**

There is no contradiction between my answer and the figures in the Best Value Performance Plan. The figures in the Plan related to the academic year 2004-05. My comments referred to a briefing I had been supplied with in respect of the school year 2005-06. Although that briefing obviously referred to all the information currently available Council will welcome the fact that the Education department still believes that there was an improvement in 2005-06 as I indicated at the last Council meeting. I should like to thank the Councillor for letting me reiterate this.

**Supplementary Question No. 15****Councillor Barry Rawlings**

Thank you. Councillor Marshall, nice to know you rely so heavily on briefings but we have to wait for those results to be published, to be a public matter, but the target to reduce primary school absences is to 5.23% this year.

Could the Cabinet Member explain what he's doing to achieve this figure?

**Answer by Councillor John Marshall**

I've passed this over to Councillor Bulmer.

**Question No. 16****Councillor Brian Gordon**

Would you please express the solidarity of this Council with the residents of Ramat Gan – and indeed other towns of Israel and Lebanon – who have been so severely troubled by the unprovoked Hezbollah terrorist attacks from South Lebanon and the resultant war, together with our fervent hope that a lasting peace will be achieved in the region?

**Answer by Councillor Mike Freer, Leader of the Council**

The terrorist attacks on Israel are to be condemned and we remain steadfast in our support of our friends in Ramat Gan and those towns of Israel and Lebanon troubled by Hezbollah attacks.

**Supplementary Question No. 16**

**Councillor Brian Gordon**

Leader, would you join me, in expressing support for those in the free world who recognise that fanatical terrorism is the world's greatest scourge at the present time and if the multi-cultural co-existence and understanding that exists in Barnet were reflected in the wider world in general, and perhaps the United Nations in particular, then the world might be a considerably safer place.

**Answer by Councillor Mike Freer, Leader of the Council**

Thank you Madam Mayor. Yes I do share that. I think that the current situation is obviously troubled and very dangerous. I think we all have to support any moves towards peace, democracy and freedom, particularly the Middle East, and if that means rooting out terrorist organisations then this Council should support any moves.

**Question No. 17**

**Councillor Ansuya Sodha**

Which Director / Head of Service is responsible for briefing administration and opposition scrutiny members on equalities issues?

**Answer by Councillor Mike Freer, Leader of the Council**

On a corporate level, Jill Stansfield, Director for Children's Services, but service-related equalities issues are led by the relevant Head of Service.

**Supplementary Question No. 17**

**Councillor Ansuya Sodha**

What discussions has the Leader had with Heads of Service about equalities issues since May?

**Answer by Councillor Mike Freer, Leader of the Council**

I've had several discussions with the Chief Executive about this Council becoming a diversity champion with Stonewall. I've met with the Director of Resources on a regular basis to discuss the equalities agenda and the performance of the HR department in monitoring that. I've had frequent discussions with Ms Stansfield about setting up a new Equalities and Diversity Forum. With regard to the other Heads of Service, I've left that to individual Cabinet Members.

**Question No. 18**

**Councillor Kate Salinger**

Please could the Cabinet Member for Housing provide an update on work being done to tackle homelessness in Barnet?

**Answer by Councillor Fiona Bulmer**

Over the past three years, the housing service has succeeded in reducing the numbers of people accepted as homeless by 40% and has reduced the number of people in temporary accommodation by 34%. This has been achieved through our pioneering housing options service that helps people to access a range of options to meet their housing need. The reduction in the use of temporary accommodation has also saved council taxpayers more than £2 million a year.

**Supplementary Question No. 18**

**Councillor Kate Salinger**

May I congratulate Councillor Bulmer and her predecessor on their success in reducing the amount of homelessness in our Borough.

Councillor Bulmer, can you confirm or assure me, please, that we continue to have no children in bed and breakfast accommodation?

**Answer by Councillor Fiona Bulmer**

Thank you. Yes, I can confirm that and that is clearly a very important achievement. Indeed we've gone further than that and I understand that in the last figures there were only 3 single people in bed and breakfast accommodation, which is a real credit to the efforts we have put in. I think this is one of the reasons why Barnet has been designated, by this Government, as a regional champion for tackling homelessness. We will be going out amongst councils in London to show them how it's done.

**Question No. 19**

**Councillor Alison Moore**

On all planning applications for new domestic properties there is a Section 106 levied to cover the impact on education; what was the total sum of money for each year and how has this money been used in 2002/3, 2003/4, 2004/5 and 2005/6?

**Answer by Councillor Melvin Cohen**

The question is predicated on an incorrect understanding of the true position. The Member should know that not all "residential developments" require contributions for education purposes. The criteria regarding the requirements for education contribution are set out in the Council's Supplementary Planning Guidance, "Education Contribution from Residential Developments 2000". This is currently being revised and updated.

Essentially schemes involving the provision of small dwelling units such as studios and one bed dwellings are not regarded as family accommodation and therefore do not attract a contribution. Affordable housing and purpose built accommodation such as sheltered housing is also exempt.

The figures below indicate the sums which have been received in total:

2002/03	2003/04	2004/05	2005/06	Total
£238,426	£355,301	£193,554	£1,578,676	£2,365,957

The figures below represent the application of S106 funding on Education projects:

### **S106 funding applied to Education projects financial years 2002 to 2005**

#### **Financial year/Application Amount applied Comment**

##### **2002-03**

Burnt Oak Youth Centre	£	561,000	Upgrade of accommodation
Northway Special School	£	49,650	Transfer of demountable to provide additional accommodation
Mill Hill School	£	403,315	Contribution to expansion works
Year total	£	1,013,965*	

##### **2003-04**

Burnt Oak Youth Centre	£	9,707	Upgrade of accommodation
Hendon Library	£	291,940	Upgrade/refurbishment
Year total	£	301,647	

##### **2004-05**

Frith Manor	£	325,454	Contribution to school rebuild project
Mill Hill County	£	102,907	Contribution to expansion works
Ashmole	£	310,196	Contribution to expansion works
Year total	£	738,558	

##### **2005-06**

Available for PSCIP and other Education schemes	£	311,786	
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**Grand total** £ 2,365,957

\* This figure will include S106 monies received in prior years.

#### **Supplementary Question No. 19**

**Councillor Alison Moore**

Councillor Cohen, the monies shown as applied don't add up to the 2.3million total claimed in the written reply, because that's not the way Section 106 works but it was a nice try.

Could the Cabinet Member expand on whether the £311,000 shown for the year 2005-6 was actually used in that financial year and, if so, what for, or whether that money has indeed been carried forward to the current financial year? If that is the case, not a single penny of Section 106 monies were used to improve education in the year 2005-6.

**Answer by Councillor Melvin Cohen**

So far as I'm concerned the figures do add up. I don't know where the mathematics is wrong. But having said that, maybe rather than criticising the Education Department or the Planning Department, the Member might like to criticise her own Government who are proposing from 2008 to remove the benefit of Section 106 monies for education and transport purposes and in its place would be the Planning Gain Supplement. That's where the danger lies, and not in the criticism of what are, as far as I can see, entirely accurate figures.

**Question No. 20**

**Councillor Richard Weider**

Has the responsible Cabinet Member received any correspondence from the approximately 2000 teenagers from this Borough, who have recently been on their holidays in Israel about how their tour was severely disrupted, as they had to avoid being attacked by the missiles from Lebanon, which is putting northern Israel under constant attack?

**Answer by Councillor Mike Freer, Leader of the Council**

To date I have not received any correspondence but I suspect the teenagers affected by the terrorist attacks would be preoccupied with their safety. We stand firm in support of Barnet residents affected by the terrorist attacks in Israel and Lebanon.

**Supplementary Question No. 20**

**Councillor Richard Weider**

Does the Leader agree with me that both national and local leaders should show support for all nation states when attacked by terrorists, including Israel, when its citizens are attacked by Hezbollah, with support from Iran? Does the Leader therefore agree that Israel was right to defend its citizens against these attacks, including our Borough's own residents when they were on holiday this summer and our former residents now living in Israel?

**Answer by Councillor Mike Freer, Leader of the Council**

Yes I do.

**Question No. 21**

**Councillor Geof Cooke**

Please tell me: (a) Which community, foundation and voluntary aided schools in the borough have water sprinklers to tackle fire, and (b) which schools is the Council planning to equip with sprinkler systems?

**Answer by Councillor John Marshall**

All the schools which have been rebuilt in the past 4 years have been fitted with sprinkler systems. As the Councillor knows the Council is about to enter a massive school building programme. Clearly I would expect that these new schools will have sprinkler systems.

**Supplementary Question No. 21****Councillor Geof Cooke**

Councillor Marshall, you've not answered the first part of my question to name the schools, but from the answer it looks as though there's approximately one school in our Borough which has sprinklers now. And further you expect that the new schools which are going to be built in the current programme will be fitted with sprinklers. Will you as the Lead Member take control of the programme and specify that sprinklers should be included in the rebuilding schemes?

**Answer by Councillor John Marshall**

I can assure you that if they weren't included our good friend Councillor Coleman would take physical action to ensure that they were.

**Question No. 22****Councillor Lisa Rutter**

Please could the Cabinet Member for Education tell Council how many children took part in the Libraries Service's Reading Mission this summer?

**Answer by Councillor John Marshall**

I am glad to be able to report that this has been a great success due to the dedication of the Head of Libraries, Tricia Little, and Hannah Richens, Principal Librarian for Children. Last year 3150 children participated. This year we set a target of 3500. In the event 4629 children participated. THIS IS A 50% INCREASE.

**Supplementary Question No. 22****Councillor Lisa Rutter**

Could the Cabinet Member for Education tell Council how many children took part in the Library Services reading mission this summer?

**Answer by Councillor John Marshall**

Madam Mayor, I think that this was a very successful service this summer. There was a 50% increase in the number of children who took part compared with last year, and I hope that the Members opposite will congratulate the staff of the Library Services in this magnificent achievement, which underlines the commitment of this side of the House to the future of our libraries.

**Question No. 23****Councillor Kath McGuirk**

What was the cost of hiring the QC to prepare for and represent the Council at the Hendon FC lands tribunal hearings, and what has been the total legal cost to the Council of dealing with the Lands Tribunal matter?

**Answer by Councillor Mike Freer, Leader of the Council**

The cost of Leading Counsel in dealing with this matter amounts to £42, 825 to date. The time spent on this matter by the Council's legal officers amounts to 800 hours to date, covering a period of 3 years. Naturally the Council is correct to defend its position. I am sure Councillor McGuirk would agree this expense would have been necessary to handle the Lands Tribunal issues to resolve matters relating to the social housing scheme proposed by the last Labour administration or our private housing and care home scheme.

Such costs will be netted of against any capital receipts from the land sale proceeds

**Supplementary Question No. 23**

**Councillor Kath McGuirk**

The total cost of the Lands Tribunal case is around £80,000 in total. In the process the Council has also alienated the local community, spent millions in compensation to a care home provider, left Hendon Football Club homeless, another football club homeless! And failed to secure the extra investment promised to Copthall. Which of these achievements is the Leader most proud of?

**Answer by Councillor Mike Freer, Leader of the Council**

Well I wish I had Councillor McGuirk's ability to re-write history. It must be a great comfort to her.

First of all, we did not make Hendon Football Club homeless. Hendon Football Club was a private organisation owned by the Arbiter Group and only kept afloat by the generosity of Ivor Arbiter personally. Following his sad death, the Arbiter family and the Arbiter Group felt they could no longer pump in the financial support required to keep the Club afloat. That is why Hendon Football Club ceased to be financially viable.

In terms of alienating the local population, I'm not sure that the Councillors for Golders Green would share that analysis, considering that their personal majorities were significantly improved in May and had a ringing endorsement from their Ward.

In terms of the care home, the delay clearly is causing us some concern but we believe it is the right thing to do, and in terms of progressing this with the Lands Tribunal, that's the cost of pursuing the right course of action.

**Question No. 24**

**Councillor Andrew Harper**

Would the Cabinet member for Environment and Transport please give LBB's perspective on the recent National Audit Office report which suggested that at the end of the decade, local authorities across the country would find themselves having to raise taxes in order to pay fines levied by Government as a result of the UK failing to meet EU targets for the amount of waste sent to landfill?

### Answer by Councillor Matthew Offord

The report highlighted the significant risk that the UK will not meet the target for reduced quantities of biodegradable waste to be landfilled in 2010 and 2013, set out in the Landfill Directive.

The UK has passed these targets to waste disposal authorities by giving them an allowance of biodegradable waste that can be landfilled by year until 2020. For Barnet these targets have been given to the North London Waste Authority, as the joint waste disposal authority for seven London boroughs (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest).

If the UK fails to meet the EU targets on waste disposal then it is very likely that it will be fined by the EU. The Government has indicated that the fine would be passed back to those waste disposal authorities that failed to meet their individual targets. The Government has also said that it would fine those authorities that failed to meet their individual targets £150 per tonne for each tonne that they exceed their target. If the North London Waste Authority was to exceed the targets and be fined, then these costs would be passed back to the seven boroughs – including Barnet.

However it is anticipated that the North London Waste Authority will meet the target for 2010 and that will be in no small part because of the role played by this Council in achieving our statutory 27% recycling target last year and having already made a good start on future levels.

### Question No. 25

**Councillor Gill Sargeant**

Could the borough give a breakdown on the expenditure of the Living Spaces award for Rushgrove Park?

### Answer by Councillor Matthew Offord

#### Rushgrove Park Living Spaces Scheme

	Living Spaces funded items	actual spend
Pond area	Refurbish pond and stream	5,164.00
	New pump/waterworks	1,214.00
	Bow-top fencing	7,263.25
	Shrub/tree pruning/re-seeding grass area	2,690.00
	technical problems with pump	350.00
	New trees for the park	838.85
	planting of trees	487.63
	Total	£18,007.73
	LB Barnet funded items	
Play Area	Benches and play equipment	3,640.00
Pond area	Additional works	
	extra works to pond	368.00
	New water supply pipe	900.00

	repair further leaks – due to start Sept 2006	£1,876.00
	Total	£6,784.00
Grand Total		£24,791.73

**Supplementary Question No. 25**

**Councillor Gill Sargeant**

First of all, can I say that the new water pipe and repair to the leaks is very welcome?

However, the Cabinet Member should be aware of the concerns of the residents living around Rushgrove about the state of the park.

My colleague, Councillor Zubairi, raised a number of these issues at the last Hendon Environment Sub-Committee. Will the Cabinet Member ensure that officers look into these problems to see what the Council can do for our second division parks?

We're very pleased that we've won the green flag award but, as colleagues are no doubt aware, there are no parks in Colindale which are able to be a premier park.

**Answer by Councillor Matthew Offord**

Madam Mayor, I'm sure that you know, even if the members in Colindale don't, that the Premier Parks are not based on ward boundaries, they're actually based on a geographical distance of approximately one mile to any person's house. That means that residents of Colindale are fortunate enough to be able to visit both Montrose Park in Burnt Oak and also Sunny Hill Park, which is in my own ward.

**Question No. 26**

**Councillor Brian Salinger**

Will the cabinet member please provide a list of all the sites in the Borough, visible from the road, where the Council is aware of, or has treated within the last 12 months, Japanese Knot Weed?

**Answer by Councillor Matthew Offord**

The Council does not maintain a register of known locations, visible from the road or otherwise located.

**Supplementary Question No. 26**

**Councillor Brian Salinger**

Thank you, Madam Mayor. I assume that the Lead Member is aware of the enormous damage that is done by Japanese Knot Weed. Is he satisfied that all members of staff who are out and about in the Borough are able to recognise Japanese Knot Weed and that they are instructed to ensure that action is taken to eradicate it when they do see it?

**Answer by Councillor Matthew Offord**

Madam Mayor, I am aware of the damage caused by Japanese Knot Weed because recently while I was on holiday I noticed another local authority and the way they tackle the problem. I will bring up the issue with the lead officers and look into the problem, and if there are any issues that we need to bring back to the member, and also to the Council, we shall do so.

**Question No. 27**

**Councillor Barry Rawlings**

Looked after children who are the subject of a care order receive priority treatment in the community schools admissions policy, but how does the policy deal with children who have been adopted and are therefore the subject of an adoption order?

**Answer by Councillor John Marshall**

It is widely recognised that Barnet is at the forefront of good practice in respect of looked after children. That is why their results are better than the national average and better than those enjoyed by our London neighbours.

Looked after children are given priority as they may have to leave their family home to go into a foster home. By giving them priority they are assured of stability in their education. Children who are adopted do by definition have that stability. Children who are in the process of being adopted are treated as looked after children until they are adopted and receive that priority.

**Supplementary Question No. 27**

**Councillor Barry Rawlings**

Thank you. It's a bit of weak answer compared with Councillor Harris'. Could I refer Councillor Marshall to the question which asks about children who have been adopted and so, therefore, has nothing to do with looked after children, who have been looked after.

And would he recommend to whoever his successor is, that they look at how the Council can give priority to those handful of children that have been adopted as part of the ongoing support system?

**Answer by Councillor John Marshall**

Madam Mayor, I think that the answer made it quite clear why there was a differentiation between looked after children and adopted children. I'm sure that my successor will look at the problem but I think that what Councillor Rawlings ought to do is take pride in the fact that the achievement of looked after children in this Borough is much greater than the achievement of looked after children in London as a whole, or even greater than that of the country as a whole. This shows our commitment as an authority to looked after children, after all they've been failed by their natural parents. We who have become their parents should not fail them.

**Question No. 28****Councillor Brian Salinger**

The Housing Corporation claim that 41% of new homes funded by them are constructed using 'modern methods'. In the light of the fire at Beaufort Park, can the Cabinet Member confirm that such building methods are considered to be safe for their occupants when the buildings are completed?

**Answer by Councillor Melvin Cohen**

Modern methods of construction in this Country, including timber frame, are being promoted by the Government. They are not unique to affordable housing funded by the Housing Corporation and are methods of construction used by many house builders building for private sale and for other uses. Modern methods have been used to build many new developments in other countries, for example European Countries and USA, but in Britain we have been slower to move away from our traditional house build construction of bricks and mortar and low rise, low density, houses.

Any new development has to be built in accordance with the Building Regulations, and these Regulations ensure that the completed building will be fit for purpose and meet safety standards which include fire protection and containment. Given that homes built using modern methods of construction have to meet the Building Regulations, there is nothing to suggest that when completed such buildings are less safe than homes built using traditional methods.

With regards to Beaufort Park, we are still awaiting the results of the investigations by the Fire Authority and the Health and Safety Executive.

Building Control carries out regular inspections to ensure compliance with the safety standards contained in the Building Regulations.

**Supplementary Question No. 28****Councillor Brian Salinger**

Thank you Madam Mayor. I listened carefully to the discussion earlier with Councillor Sargeant and Councillor Cohen on the same question of the fire at Beaufort Park, but the point of my question was about the fire safety of timber framed buildings once they are completed.

Would the Lead Member agree with me that there is a danger whilst they are in the course of construction and is it not a fact that the reason that St Georges have started again so quickly using concrete rather than timber for the structure is that they have the facilities on site to start straight away with concrete and it would have taken several months to get the timber in to restart with the timber frame construction?

**Answer by Councillor Melvin Cohen**

I have not the slightest idea why St Georges changed their mind. It's a matter for them and, I repeat, if you have that question then you should address it to them and not to me. Having said that, I'm quite satisfied that timber frame construction which is used up and down the country, and I don't have reports of houses, flats or whatever, burning down to the ground every day. So I don't accept that timber frame construction is a form of construction which we shouldn't use. The fire was in respect of a half-finished building before the opportunity arose for it to be properly fire-proofed. Once it had been properly fire-proofed I'm sure that it would have sustained not as great a damage as, well, if it's fire-proofed the fire would not have got hold, so if the Member is asking me, am I happy with timber frame construction, generally, the answer is yes.

**Question No. 29**

**Councillor Ansuya Sodha**

Many residents say that the Area Forums are an important point of contact with council officers and Members. Could we please have confirmation on the continuation of the six Area Forums during the lifetime of the present administration (and that they will not be cut to three forums) and an assurance that the six Area Forums will continue to meet on a regular basis every two months?

**Answer by Councillor Mike Freer, Leader of the Council**

The Council will continue to provide area forums across the various wards and communities that make up the Borough and its parliamentary constituencies. It is not currently envisaged that the frequency of the Forums would decrease.

**Supplementary Question No. 29**

**Councillor Ansuya Sodha**

How many times does a Forum Chair have to turn up late before they are replaced?

**Answer by Councillor Mike Freer, Leader of the Council**

I think you'll find that the Forum Chair you're referring to has been replaced this evening.

**Question No. 30**

**Councillor Brian Salinger**

In the interests of upholding the law, does the member agree that licensees who breach the terms of their licence, face the real prospect of having the licence revoked if not renewed?

**Answer by Councillor Melvin Cohen**

The Councillor has not stated which of the multitude of licenses he is referring to. However, there are clear provisions in law to allow for the revocation or non-renewal of licences for licensees who breach the terms of their licence. If there is sufficient evidence, breaches will be addressed appropriately.

**Supplementary Question No. 30****Councillor Brian Salinger**

Thank you Madam Mayor. The licences I had in my mind were ones that refer to annual events that take place. Will the Lead Member ensure for those such licences that are issued for annual events, that the people who organise and use those licences are well aware that if they breach that licence they are risking not having it renewed if they want to have a similar licence a year later?

**Answer by Councillor Melvin Cohen**

Yes.

**Question No. 31****Councillor Alison Moore**

If the Cabinet Member could set out the specific details of how the housing commuted payments for new affordable homes have been used that were levied from the former Friern Barnet Town Hall and the Professional Development Centre planning applications?

**Answer by Councillor Melvin Cohen**

PDC – £1,108,000 received

Professional and Development Centre – £1.108 million was received in November 2004. This commuted sum was used to support the Housing Association Capital Programme 2005/6 to fund new affordable homes. £361,000 contributed to the costs of a scheme with Ealing Family Housing Association at Tarling Road, N2 and the remaining £747,000 towards the costs of new affordable homes at New Fieldways, Barnet with Notting Hill Housing Trust.

Friern Barnet Town Hall – £692,000 received

Friern Barnet Town Hall – £692,000 was received in March 2005. £13,000 of this contributed to the costs of the New Fieldways development which was included in the Housing Association Capital Programme 2005/6. The remaining £679,000 will support the Housing Association Capital Programme 2006/7 which contributes towards the costs of new affordable homes.

**Supplementary Question No. 31****Councillor Alison Moore**

Very simple question. What is being done to reduce the period of time between the commuted payments being received and them actually being used to build much needed affordable housing?

**Answer by Councillor Melvin Cohen**

There has indeed been a slight drag in affordable housing in that the schemes, the major regeneration schemes, have yet to come fully on board but, once they are, there's no doubt that every effort will be used to utilise the monies in the best possible way for the benefit of the residents of Barnet.

**Question No. 32****Councillor Andrew Harper**

Would the Cabinet Member for Education and Lifelong Learning join with me in congratulating Barnet schools and pupils on their achievements in this summer's public examinations – not least, for example, QE Boys, Henrietta Barnett, St Michael's RC Finchley, all of which featured in the top tier of the league tables, but also the other schools where many children did extremely well at GCSE, AS and A level?

**Answer by Councillor John Marshall**

I should like to welcome the great successes of these three schools. I should also like to congratulate ALL Barnet schools, their head teachers and staff upon the excellent results that we achieved this year. I don't want to signal out individual schools. To do so is invidious when the overall results were so good.

**Supplementary Question No. 32****Councillor Andrew Harper**

Thank you Madam Mayor. I agree with Councillor Marshall, perhaps it is invidious to single out individual schools. I fear my enthusiasm for Henrietta Barnett School got the better of me, but of course I have the privilege of being one of the LEA Governors there, as indeed does Madam Mayor. But Councillor Marshall, would you agree with me that there is something to be said for the very effective leadership that we now have in many of our schools in Barnet, ably supported by the governing bodies, and indeed very much supported by the excellent staff we have nowadays in the Local Authority's team?

**Answer by Councillor John Marshall**

Madam Mayor, can I congratulate the two LEA Governors for Henrietta Barnett School, who are here, I'm sure you'll allow me to do that even if it does lengthen my answer.

Councillor Harper is of course right that the head teachers do provide the leadership that is so important in all our schools, primary and secondary, and if you look at the schools which have done very much better in recent years, in nearly every case you can put it down to a change of head teacher. I think that that is very important and I was delighted that you, Madam Mayor, were able to praise the work of Chris Flather, who is Head Teacher of the Orion, and also looks after Goldbeaters School as well, so can I thank you for that?

**Question No. 33****Councillor Kath McGuirk**

If the Cabinet Member could make a statement on the re-introduction of the council's pest control service and how many call-outs have been made and treatments applied since the service resumed in May 2006?

**Answer by Councillor Melvin Cohen**

The new fee paying pest treatment service has conducted 778 visits to 506 properties since coming into operation in early May 2006. There are currently two pest control officers employed in the service. This information is accurate to 29 August 2006. We have introduced Saturday appointments starting 2 September. The service is on target to be self-financing.

**Supplementary Question No. 33**

**Councillor Kath McGuirk**

Thank you Madam Mayor. The written answer states that in the four months, the new Hire Charges Pest Control Team has made 778, which would mean around 2,400 visits per year. In 2003, the old Pest Control Team made 28,500 visits. Could the Cabinet Member tell us what difference 26,000 fewer visits will have on the vermin population in Barnet?

**Answer by Councillor Melvin Cohen**

Quite simply that there are no more rats!

**Question No. 34**

**Councillor Olwen Evans**

Please could the Leader of the Council outline the attendance record of the MPA Link Member for Barnet, Mr. Peter Herbert on the various bodies responsible for community safety in the Borough?

**Answer by Councillor Mike Freer, Leader of the Council**

The Community and Police Consultative Group (CPCG) meets quarterly: this is not a council-led forum and is serviced by Barnet Voluntary Service Council, but it does have Member representation.

BVSC advise that Mr Herbert attended once in 2001, twice in 2002 and twice in 2003. He last attended 15 July 2003.

Barnet Safer Communities Partnership is the statutory Crime and Disorder Partnership for Barnet (currently chaired by Cllr Coleman). The MPA has observer status at the Partnership Board. The last record of Mr Herbert attending is 10 November 2004. The Board has met either two monthly or quarterly and therefore has met at least eight times since then.

**Supplementary Question No. 34**

**Councillor Olwen Evans**

I have been a Member of Barnet Police Consultative Committee for at least two years and I have to say, to the best of my knowledge, I have never ever met Mr Herbert or seen him at one of our meetings. What does the Leader think of that?

**Answer by Councillor Mike Freer, Leader of the Council**

Who is Mr Herbert?

If the Cabinet Member could make a statement on the kinds of issues and challenges (such as emotional and behavioural difficulties) facing Barnet children who have been adopted and their parents, and how the Council assists parents and children in dealing with these issues both during the adoption placement and after the adoption order has been issued?

**Answer by Councillor Chris Harris**

**Context**

By far the majority of children placed for adoption nationally (and in Barnet) have come through the care system – very few are relinquished babies.

Significant proportion of Barnet adopted children are from multiracial backgrounds and thus require sensitive matching.

Many Barnet adoptive families adopt children from other authorities throughout the country. Some Barnet children are placed outside the authority, either for safety reasons, or in order to find an appropriate match.

There is also a significant flow of adoption from overseas into Barnet.

Recent Adoption Legislation recognises that rather than being a one-off event, adoption is a life-long process for all parties involved – i.e. birth family, adoptive family and the adoptee, and places new duties on local authorities to assess all parties and provide appropriate support at any stage if requested. Adoption remains a lifelong, irreversible measure which transfers full parental rights and responsibilities from the birth parents and local authority to the adoptive parents.

Barnet is a member of the North London Adoption Consortium – with Haringey, Enfield, Camden and Islington and also two voluntary Adoption Agencies, Norwood and Parents for Children.

Where it is not possible to place a Barnet child with our own approved adopters, we seek to find a family within the Consortium if possible. The Consortium works together to:

- share information about waiting children and families,
- provide training and development opportunities for staff and adopters,
- commission services to meet the needs of all those affected by adoption,
- take a joint approach to preparation for adoption.

Common Issues for children being adopted

**Identity and contact with birth family**

It is now recognised that being adopted is an important part of a person's identity which is lifelong, although it may be more of an issue at certain stages. Some children adopted from the Care System remember their birth families clearly and may even continue to have direct contact with them. Others may not think much about having being adopted until adolescence, or even adulthood, when they have their own children or at other significant life events – at any stage they may approach our adoption team for support and advice.

## **Role of Children and Families Service**

During the adoption process, adoptive families are given as much information as is available about the child's background. The child is given a Life Story book, which will have photographs and other information about their birth family – this is usually compiled by the foster carer or social worker. At the time of the adoption, the social worker will write a "Later Life" letter for the child, explaining the council's role in their adoption.

Before the adoption order is made, a contact plan is drawn up – this can be either for letterbox contact between the birth family and the adoptive family, or in some cases it may involve direct contact, either supervised or unsupervised.

The Adoption Team acts as a mediator in these arrangements, if required, and will offer help in writing letters or arranging and supervising meetings.

Specialised counselling can be accessed through the Post Adoption Centre, to which Barnet subscribes. Barnet residents are entitled to four free sessions and may apply for further help if necessary.

## **Specific Health, Education or Behaviour Issues**

Even children placed for adoption as babies may have been subjected to the effects of drug or alcohol abuse during pregnancy, and may have been born addicted themselves. Research indicates that this may be related to disturbances in behaviour or personality which may not become apparent until the child is much older. Often this will become an issue once the child is at school. Adoptive families often find that schools are unaware of specific issues which may affect adopted children. The adoption team supports families in their communication with schools. This is an area which will benefit from increased multi agency working as our children's services become more integrated.

Mental health problems are another very common issue for adoptive families. Older children will often have experienced abusive or distorted relationships and may have had several changes of carers prior to their adoption. They may never have been in a sufficiently safe and consistent family setting to form a healthy relationship with any trusted adult figure, and this often leads to "attachment problems" for children placed for adoption. During our adoption preparation groups and throughout the assessment process these issues are discussed and addressed, but the reality can be very challenging for adoptive parents. The Adoption team supports families experiencing these difficulties by:

- Offering support programs for adoptive parents – such as a 7 module course held one Saturday a month commissioned from Adoption UK. ("A Piece of Cake")
- Offering places on a parenting skills course at Coram Family.
- Referral to our specialist adoption CAMHS workers at Edgware Hospital
- Referral to specialist support agencies such as Post Adoption Centre.

In some circumstances, the adoption team will arrange respite care for a family experiencing extremely distressing and exhausting behaviour.

We recognise that very often adoptive parents and children can offer each other mutual support and understanding of the very special challenges they face. We have set up a programme of social events to enable adults and children to meet each other. We also plan to

set up a series of workshops on issues which are of particular interest – e.g. contact, telling children about adoption.

Finally the following information leaflets are currently being printed:

General information leaflet about adoption  
Preparation Training for Adopters  
Letterbox contact for Adoptive Families  
Adoption Support Services for Adoptive Families  
Letterbox for Birth Families/relatives  
Adoption Support for Birth Families  
Adoption Information for Birth Families  
Adoption Records

**Supplementary Question No. 35**

**Councillor Barry Rawlings**

I need a bit of help here because the actual councillor isn't present. Can I ask for the question to be devolved whether it's for the Leader...

**Answer by Councillor Mike Freer, Leader of the Council**

Madam Mayor, if Councillor Rawlings would like to write to me, I'll ensure that he gets a detailed answer.

**Question No. 36**

**Councillor Ansuya Sodha**

Would the lead cabinet member for equality confirm they have an officer team that is actively working on a disability equality scheme and action plan, and could the member please outline what progress has been made?

**Answer by Councillor Mike Freer, Leader of the Council**

Yes, there is a team led by the Director of Children's Services and including representatives from the Resources Directorate and Corporate Performance Office.

The Scheme has been out to public consultation between 11 July and 31 August, and will be reported for decision to 16 October Cabinet. The Scheme will be accompanied by a 12 month Action Plan pending the development of a single Equality Scheme in April 2007

**Supplementary Question No. 36**

**Councillor Ansuya Sodha**

I'm grateful for the answer. Could the Leader give his flavour of the feedback through the public consultation which will presumably be reported in full in October?

**Answer by Councillor Mike Freer, Leader of the Council**

I'll give a fuller answer when I've evaluated the full feedback.

**Question No. 37****Councillor Alison Moore**

If the Cabinet Member could present the details of any car leasing scheme and schemes for car pooling and for taxi use by council officers on council business?

**Answer by Councillor Mike Freer, Leader of the Council****Car Leasing Scheme**

The Council has not operated a car leasing scheme since 1994 for new staff as it was not felt to be a cost effective way to recruit and retain staff due to increasing operational costs. Staff who had leased cars were able to retain them and a decision was made in 1999 that existing holders of leased car would lose this entitlement on receiving a new contract with the Council. Currently there is only one member of staff who has a leased car, however this arrangement will cease later this year. When their current agreement lapses.

**Car pooling**

There is one existing scheme which operates within our Planning Service. This has operated for 5 years and involves the use of one car by members of staff from our Planning and Property service in undertaking their daily duties.

**Taxi use**

We do not use taxis for staff, other than the option for Democratic Service Officers to be able to use taxis if their Committee meetings continue beyond 9pm of an evening.

Officers from the Resources Directorate are currently formulating a staff questionnaire on the travel plans. This will help formulate an approach to reduce the number of car journeys of staff travelling to and from work and also during the working day.

**Question No. 38****Councillor Kath McGuirk**

When is the Council going to introduce a hot line for residents to report broken pavements and potholes?

**Answer by Councillor Matthew Offord**

We are concerned to improve our response to the public on a whole range of environmental issues and to make it easier for the public to do this. This will be about publicising and improving the services offered through our recently modernised customer services call centre as well as via email and other more modern ways such as mobile phone. The forthcoming Customer Services Action Plan will set out how we intend to improve our responsiveness still further.

**Question No. 39****Councillor Ansuya Sodha**

How many officers are allocated to monitor the CPZ in West Hendon?

**Answer by Councillor Matthew Offord**

The Parking Team provides cover for the Hendon CPZ on a "whole area" basis so the figures available are for all of the Hendon Zones taken together rather than West Hendon in isolation:

Monday to Friday, 3 parking attendants a day  
Saturdays, 2  
Sundays, 1

This may be supplemented at any time by mobile officers on motor-scooters if a local need is identified.

**Question No. 40**

**Councillor Alison Moore**

How many planning applications have included a Section 106 agreement in 2004/5 and so far in 2005/6, and what percentage are these of the total planning applications made?

**Answer by Councillor Melvin Cohen**

year	Number of applications approved following S106 agreement	Number of all planning applications determined	percentage
2004/5	50	4394	1.14%
2005/6	37	3889	0.95%
2006/7 to date	12	1724	0.70%

However it should be noted that S.106 are only appropriate to a small percentage of applications: for information 3088 (79%) of planning applications in 2005/6 were others (i.e. householder and other small scale development).

**Question No. 41**

**Councillor Ansuya Sodha**

What support is being offered to those people organising Black History Month events this year, and what is the Council doing itself to organise events?

**Answer by Councillor Mike Freer, Leader of the Council**

Black History Month in Barnet is co-ordinated by a steering group which is supported by the Council and we have funded a brochure with details of events. These include performances, children's activities, exhibitions, workshops, celebrations and a schools' programme. This is about acknowledging the positive contributions that people of Asian, African and Caribbean descent have made to British society.

Details of events include:

- In all the libraries there will be a pack of quizzes on Black and Asian authors for children and displays of children's books and there will be a workshop on African dance at Burnt Oak Library.
- At Chipping Barnet Library the charity Adepta will be putting up an exhibition on Mary Seacole.
- In celebration of Diwali, henna painting will be demonstrated at East Barnet Library.
- Surestart families will be involved in activities at Chipping Barnet and Hendon Libraries.
- School classes will be invited to an event in each area by the author Jill Harvey.
- Church Farmhouse Museum will present an exhibition on the presence of Black and Asian people in the Barnet area from the 1760s to the 1960s. This also includes resources for teachers.
- The Minorities Achievement project will be holding a one day event where community groups and specialist book publishers will be available for members of the public to purchase resources and access advice and information.

**Question No. 42**

**Councillor Alison Moore**

How many times has the Council used the CCTV van since 1st April 2006?

**Answer by Councillor Brian Coleman**

29.

**Question No. 43**

**Councillor Ansuya Sodha**

Can I congratulate the Cabinet Member for Education on his recent appearance in the *Asian Voice* newspaper praising the Labour Government for awarding the investment that has built the brand new Children's Centre in West Hendon, and would he now care to sign a joint letter with me to the Secretary of State for Education to formally thank the Labour Government for this investment in Barnet's children?

**Answer by Councillor John Marshall**

I should like to thank the Councillor for acting as an unofficial press cuttings agency. Yes we have received some capital from the government but certainly not enough. The Leader, the CEO and I recently met with Lord Adonis and emphasised the need for capital funding. We also invited him to open the Parkfield Children's Centre – an invitation which he accepted in principle. I hope that the Councillor will also attend the official opening.

**Question No. 44**

**Councillor Ansuya Sodha**

If the Cabinet Member could please outline which organisations have been refused grants they applied for during 2005/6 and the current financial year 2006/7 so far, and give the reasons for each refusal?

**Answer by Councillor Lynne Hillan**

Only two grant applications were unsuccessful in 2005/06. To date, no organisations have been refused grants in 2006/07.

The two requests that were rejected last year were as follows:

(i) Barnet Mencap

An application (in Nov 2005) for a one-off grant of £1,500 towards the development of a website.

(ii) Greek Parents Association

The application was for a grant of £3,000 towards the cost of running classes in Greek language and dancing, which was not supported on the basis that cultural activities have, for many years, fallen outside the criteria for assistance from the grants programme. Although other work undertaken by the organisation has been grant funded in the past.

**Question No. 45**

**Councillor Ansuya Sodha**

What equalities training has the Council offered to, or is planning to offer to, Cabinet Members and scrutiny chairs, and which members have taken up this opportunity?

**Answer by Councillor Mike Freer, Leader of the Council**

The last formal equalities item in the member development programme was the conference on raising awareness about Disability in December 2004.

However, Officers are currently developing Phase II of the current programme which will have the theme:

"To optimize your abilities, uncover and enhance your under-used skills, to enable you even more effectively to undertake your diverse roles as a community leader and promote better understanding of democratic processes and the role of the council in the borough and beyond."

As part of this, it is proposed to enhance Members' knowledge of the diversity agenda by including work on the Equalities and Disabilities Standard, updates on the new Disability Discrimination Act and Age discrimination legislation as well as workshops on raising awareness around diversity and disability.

**Question No. 46**

**Councillor Ansuya Sodha**

Which Director / Head of Service and Cabinet Member is responsible for driving forward work on a disability equality scheme and action plan?

**Answer by Councillor Mike Freer, Leader of the Council**

Director of Children's Services with assistance from Director of Resources (on issues relating to equality as an employer).

**Question No. 47**

**Councillor Ansuya Sodha**

The Local Government Race Equality Standard is a very effective barometer for measuring councils' progress in equality. What progress has Barnet made with this?

**Answer by Councillor Mike Freer, Leader of the Council**

The question identifies that the Member is out of touch.

This standard was superseded some while back by the Equality Standard for Local Government. Barnet has recently progressed from level 2 to level 3 and has a target of meeting Level 4 by 2007/2008.

**Question No. 48**

**Councillor Ansuya Sodha**

Will there be festive lights for all the communities in West Hendon this year?

**Answer by Councillor Matthew Offord**

Subject to a request for a token contribution from the traders, etc, as has been the case in previous years, yes.

**Question No. 49**

**Councillor Ansuya Sodha**

If the Cabinet Member could set out the recent changes with regard to pay of teaching assistants in special schools and those in mainstream schools?

### **Answer by Councillor John Marshall**

There was disquiet for many years that the very real contribution made by teaching assistants was not fully recognised. That is why new job descriptions and new pay scales for teaching assistants were implemented in September 2005. There are now 4 levels of teaching assistant job descriptions which provide the opportunity for promotion from one level to another. Teaching assistants in mainstream schools have enjoyed an increase in their pay of some £600 on average. I hope that the Councillor will welcome this as they did and I do.

So far as teaching assistants in special schools are concerned, there was an independent review which resulted in proposals being put forward on 26 June. Although UNISON rejected these proposals at the end of July, negotiations are continuing between the trade unions, the head teachers and council officers. We are confident that we will be able to report progress to the CJNCC. Members of that Committee such as the Councillor might prefer to comment at that meeting rather than now so that they are not held to have prejudged the issue.

### **Question No. 50**

**Councillor Barry Rawlings**

How would the Cabinet Member explain Barnet, against the national trend, having an increasing teenage pregnancy rate and how is she going to reverse this failure?

### **Answer by Councillor Helena Hart**

Whilst unfortunately there has been a significant increase of some 10.3 per 1,000 of 15-17 year olds falling pregnant, the numbers themselves are still low compared to the rest of London.

Having said that, action has already been taken to try and redress the upward trend and is included in the Children & Young Peoples' Plan with Barnet PCT as the lead agency. There is also a local strategy group which involves all partner agencies, including Health, Education, Youth & Connexions, Housing and the Voluntary Sector.

The local strategy and action plan in Barnet has been signed off by the DfES teenage pregnancy unit and includes the following measures:

- Sex and relationship education provided during PHSE in schools. Teachers and community nurses participate in PHSE certificate programmes.
- General advice and information to all young people, including where to access services that provide all advice information, support and contraception. This work is integrated into other relevant work plans. Young people "test" the service for user friendliness and accessibility.
- Improving access to services – there are 4 dedicated young people's clinics in the borough. Two are in designated priority areas.
- Free emergency contraception is available from Boots chemists and selected chemists across the borough, which is advertised.

- Advertising to the young population is updated and distributed regularly.
- Targeted work: In identified priority areas and for high-risk groups. The high-risk groups are:
- Looked after young people, young offenders, those with poor education attainment, absenteeism and dislike of school.
- Work through Youth and Connexions focuses on young people out of school providing a range of support.

As children's centres develop and the local sure start programme is rolled out across the borough, a wider range of services will be provided for teenage parents providing health, education and work support. There will be 3 children's centres by the autumn.

Data is being improved in Barnet as well as nationally to assist analysis of why young people become pregnant and what actions have maximum impact to avoid this.

Support for teenage parents is provided in terms of Housing, Education and Health.

**Council: 7 November 2006**

**Administration Policy Item: Cllr. John Marshall**

**21<sup>st</sup> Century Libraries**

Council believes that Libraries contribute to the education and well being of Barnet's population, but need to be modernised to continue to serve our residents effectively.

Council notes that, increasingly, Libraries are not only seen as a place to borrow books, but also a centre for the local community, an access point to the internet and local information, and a facility of the "ipod" generation.

Council believes that Barnet Libraries must:

- Be close to retail centres
- Be close to transport nodes
- Make comprehensive use of modern technology
- Free up staff time from admin so they can concentrate on advising customers
- Offer comprehensive advice on a range of Barnet Council Services

Council accordingly instructs Cabinet to develop a library service for Barnet that will make our libraries fit for the 21<sup>st</sup> century.

Council, Tuesday 7 November 2006

Opposition Policy Item

## Greener Homes: improving environmental sustainability in local housing

This Policy Item sets out a brief overview of climate change and emissions, how housing contributes to emissions, the policy framework, and some principles and methods for reducing the impact of housing on climate change. The item raises some suggestions for the way forward and sets out initial recommendations.

### Climate change and emissions

Many scientists are concerned that the global average temperature's natural fluctuation has been overtaken by a rapid human-induced warming that has serious implications for the stability of the climate on which much life on the planet depends. The greenhouse effect refers to the role played by gases that effectively trap energy from the Sun in the Earth's atmosphere. Greenhouse gases include carbon dioxide, methane and nitrous oxide, which are released by modern industry, agriculture and the burning of fossil fuels. Their concentration in the atmosphere is increasing, for example the concentration of carbon dioxide has risen by more than 30% since 1800.

The majority of climate scientists accept the theory that an increase in these gases will cause a rise in the Earth's temperature. Sea levels have risen 10-20cm as a result of the expansion of warming oceans. Most glaciers in temperate regions of the world and along the Antarctic Peninsula are in retreat; and records show Arctic sea-ice has thinned by 40% in recent decades in summer and autumn. If nothing is done to reduce emissions, current climate models predict a global temperature increase of 1.4-5.8°C by 2100.

Globally, the result is that we could expect more extreme weather events, with heat waves becoming hotter and more frequent. Many scientists predict more rainfall overall, but say the risk of drought in inland areas during hot summers will increase. More flooding is expected from storms and rising sea levels. The potential impact is huge, with predicted freshwater shortages, sweeping changes in food production conditions, and increases in deaths from floods, storms, heat waves and droughts. Plant and animal extinctions are predicted as habitats change faster than species can adapt.

In London, the main risks are considered to be flooding from tidal, river and heavy rainfall, availability of water resources, higher temperatures, and subsidence.

How does housing contribute to emissions?

Domestic households are responsible for around 30% of UK energy use, some 27% of UK carbon dioxide emissions and around 24% of greenhouse gas emissions. So reducing emissions from existing homes and designing new homes to produce fewer emissions is key to tackling climate change.

## Policy framework

### National policy

The target for reducing greenhouse gas emissions is 12.5% below 1990 levels over the period 2008-2012. The 'Climate Change the UK programme' (2000) sets a higher target for reducing carbon dioxide emissions by 20% by 2010. The climate change programme sets out a broad range of policies and measures across all sectors of the economy.

The 5-year plan published in January 2005, *Sustainable Communities: Homes for All*, promotes more sustainable, high quality design and construction, to reduce waste and improve resource efficiency. The Plan commits the UK to more sustainable buildings, saving energy, water and materials and to help to meet the target to cut UK carbon emissions by 60% by 2050. Key targets include:

- Making existing homes more environmentally friendly, including energy efficiency improvements to over 1.3 million social homes between 2001 and 2010, and
- Improving minimum energy standards for all new homes – reducing carbon emissions by around a quarter, and promoting best practice by establishing a new Code for Sustainable Buildings.

Tackling energy use goes hand in hand with tackling fuel poverty. Around 480,000 council homes in the UK have already benefited from improvements to their heating and insulation since April 2001. An estimated 50,000 vulnerable households in the private sector are being made more energy efficient each year.

National policy guidance on renewable energy is set out in Planning Policy Statement 22 (PPS22) *Renewable Energy*, which was published in 2004. PPS22 encourages local planning authorities to use planning policies to promote and encourage the development of renewable energy resources, setting out the criteria that will be applied in assessing planning applications for renewable energy projects. Local planning authorities may adopt policies that require a percentage of the energy to be used in new developments to come from on-site renewable energy developments, provided that this is viable and does not place an undue burden on developers.

Currently, the Building Research Establishment (BRE) operates the Environmental Assessment Method (BREEAM) in the UK. The BREEAM for domestic homes is 'EcoHomes'. This is an assessment method that rates the environmental qualities of new and renovated dwellings. Buildings are verified by independent assessors and rated on a scale of Pass, Good, Very Good or Excellent.

An Ecohomes Excellent Standard includes: better wall construction; additional window insulation; additional floor/loft insulation; FSC timber etc; dual flush

toilets/spray taps; bicycle stowage; recycling facilities; 'A' rated appliances; home offices; drying space; an efficient heating system and; low energy lighting.

However, the national voluntary Code for Sustainable Homes, to be launched this year, will detail environmental standards that new homes will eventually need to meet. The Code will pave the way for future changes for tougher building regulations that will be more stringent regarding energy conservation. A new Planning Policy Statement on Climate Change is also expected to set out how the planning process is to work towards the reduction of carbon emissions in the location and design of new development.

### Regional policy

The London Plan policy 4B.6 'Sustainable design and construction' sets out the London policies for the sustainability of all buildings, and not just housing: "The Mayor will, and boroughs should, ensure future developments meet the highest standards of sustainable design and construction and reflect this principle in UDP policies. These will include measures to:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options.

Applications for strategic developments should include a statement showing how sustainability principles will be met in terms of demolition, construction and long-term management. Boroughs should ensure that, where appropriate, the same sustainability principles are used to address planning applications."

The Mayor of London's Sustainable Design and Construction Supplementary Planning Guidance (SPG), published in May 2006, sets out in more detail essential standards and the Mayor's preferred standards on environmental sustainability for buildings.

The more recent 'Draft Further Alterations to the London Plan' document sets out for consultation new policies to double the carbon emission reductions that developments must achieve through onsite renewable energy from 10% to 20% by 2015 as well as requiring new developments to connect to "decentralised" local energy supplies and achieve improved standards of sustainable building design.

### Local policy

Barnet Council's Unitary Development Plan (UDP) chapter on Environmental Resources sets out the authority's policies on sustainable housing focussing on energy efficiency and renewable energy:

"Policy Energy: In planning for development in the borough the council will seek to conserve resources and minimise pollution by:

- i. encouraging energy and water efficient developments;
- ii. promoting the use of renewable energy;
- iii. seeking to reduce traffic generation; and
- iv. improving air, water and land quality.

Policy Env 1: The council will support and encourage proposals for efficient and environmentally acceptable forms of energy production such as renewable energy sources and the use of combined heat and power schemes where appropriate and will favorably consider plans to install equipment to provide alternative vehicle fuels where it is safe to do so.

Policy Env 2: The council will encourage energy efficient development through:

- i. seeking forms of layout, design, landscaping and materials used in developments, refurbishments and conversions that conserve energy;
- ii. expecting new developments to meet high standards of energy efficiency and achieve an energy rating of national home energy rating (NHER) 8; and
- iii. encouraging the integration and mixture of land uses where appropriate."

The Council is to produce for consultation a 'Sustainable Development - Design, Construction and Mixed Communities' Supplementary Planning Document (SPD). This will give additional detail and guidance to developers and registered social landlords (RSLs) to supplement the Environmental Resources chapter in the UDP. Whilst the SPD will not constitute council planning policy, it is an opportunity to set out guidance in more detail. In future, the Local Development Framework (LDF) will set out new planning policies.

Aside from the SPD setting out expectations for new housing, the Council must also consider how existing homes can be made more environmentally sustainable.

Reducing the impact of housing on climate change and emissions

Reducing the impact of new housing focuses on energy, materials, water, the natural environment, waste and construction.

As a set of guiding principles, the 'energy hierarchy' is a useful framework for an energy saving strategy:

- Be Mean. Use less energy by avoiding waste.
- Be Lean. Use energy efficiently.
- Be Green. Use energy generated from renewable resources.
- Be Clean. Use any remaining energy required from the least polluting sources of fossil fuels in the most efficient manner.

Renewable energy technologies include:

- Solar panels systems absorb energy from the sun to heat water passing through the panels, and can generate around 50% of a home's hot water requirement.
- Photovoltaic panel systems convert energy from the sun into electricity through semi-conductor cells. They can be mounted on the roofs of buildings or integrated with external cladding or glazing.
- Wind energy. Small turbines can supply power direct to single users, such as homes, schools and businesses or a single larger turbine can supply a whole development.
- Gas can be derived from the anaerobic digestion of domestic green waste. Although these systems produce carbon emissions the total amount is no more than the carbon absorption of the fuel during growth. The processes would be 'carbon neutral' were it not for the emissions from transporting the biomass to the plant.
- Combined Heat and Power (CHP). Large development projects have both the critical mass and financial ability to procure all of their energy requirements from sustainable sources, on-site.
- Ground source heat pumps (GSHP). Ground warmth can be collected by circulating water through pipes laid horizontally in the ground or down deep bore holes.

Whilst renewable energy technologies are very popular, the passive design of new homes can reduce the need for energy in the first place. For example, the orientation of buildings and glazing towards a southern aspect helps maximise light and heat, and orientation towards wind currents helps maximise passive ventilation. Balconies and terraces can be designed so that glazing is in full sun when the sun is lower in winter, and in full shade when the sun is higher in summer. Rainwater harvesting, heat recovery ventilation, low water use gardens, and greywater use can all assist housing be more sustainable. Reducing the amount of ground that is paved also allows water to run into the ground, rather than overload drains and sewers.

There is also a need to conserve and enhance the natural environment and biodiversity. For example, retaining deciduous trees and bushes, and planting more, provides shade in summer, but lets the sun through in winter.

Construction waste contributes 33% of the total UK waste stream. Sustainable construction and reducing waste are not only about measures such as recycling facilities and cycle stowage being designed into new developments and landfill, but also about the materials used for buildings. Can these be recycled from other construction? Are the materials able to be recycled themselves when the building comes to the end of its use?

There are six recognised 'principles of sustainable construction'. These are:

- design for minimum waste,
- minimise energy in construction and use,
- do not pollute,
- preserve and enhance biodiversity,
- conserve water resources, and
- respect people and the local environment.

A more sustainable approach includes looking at the cost of building itself, including the use of local materials that are not transported over long distances, and multi-purpose design so that buildings can be converted for different uses in future, and can also adapt to the expected increases in hot dry summers and wet mild winters.

### Existing homes

The Sustainable Development Commission's (SDC) report 'Stock Take: Delivering improvements in Existing Housing' sets out that at least 75% of current housing will still be in use in 2050. The SDC puts the case for improving the resource efficiency of existing homes, rather than seeing widespread new build that is carbon intensive and carries many wider environmental impacts.

The SDC estimates that water savings of 30% may be achieved through reducing demand and retro-fitting efficient appliances and fittings. The SDC report sets out that more needs to be done to encourage take-up of existing widely available measures such as insulation, draught proofing, secondary and double glazing, improved heating systems, heating controls, and efficient lighting and appliances. The SDC is also encouraging micro-generation of energy for existing homes.

### Way forward

The Council should establish an overall strategy for environmentally sustainable housing. One way forward would be a strategy of 'Planning, Partnership, Persuasion' within the SPD, but the strategy needs to be broader (than just the SPD) to incorporate existing housing.

The Council should introduce a renewable energy requirement guidance/policy to encourage (and then require) a percentage of the energy to be used in all new developments to come from on-site renewable energy. The UDPs of other local authorities demand a 10% reduction in carbon emissions whilst, as set out above, the London Plan proposed amendments include a requirement of 20%.

The Council should engage and involve local people and developers more about environmentally sustainable housing. The Council could produce a free "Greening your home" guide for all households in the council magazine, use a regular column on energy in the local media or council magazine, support the Local Agenda 21 groups, or offer training to developers on sustainable housing.

The Council should encourage local people to access energy efficiency grants and discounts. There are a large number of schemes that offer grants/discounts mainly offered by energy companies as part of their Energy Efficiency Commitment. These can change fairly regularly and therefore keeping track of details is difficult. Other local authorities are working in partnership to establish dedicated advice lines that residents can contact to find out what energy efficiency grants or discounts they are eligible for. Other schemes offer advice and information on renewable energy technologies that can be applied directly to people's homes, primarily solar hot water heating.

The Council should continue to work with registered social landlords (RSLs/ housing associations) to improve the environmental sustainability of existing and new homes.

Training should be offered to council planning and housing staff, and Members, to ensure the Council gets the maximum possible use of environmentally sustainable technologies and design.

#### Recommendations

To ask the Executive to ensure the Head of Planning takes into consideration suggestions and comments from interested Members regarding the environmental sustainability of new homes ahead of the publication of the draft 'Sustainable Development - Design, Construction and Mixed Communities' SPD.

To ask the Executive to consult the Cleaner, Greener, Transport and Development Overview and Scrutiny Committee on how the Council can, in keeping with its lead role in the Borough, improve the environmental sustainability of existing homes.

# Report of Cabinet

16 October 2006

Cabinet Members:

\*Cllr Mike Freer (Chairman)

Councillors:

*Fiona Bulmer	Anthony Finn BSc	* Lynne Hillan
*Melvin Cohen, LL B	Econ FCA	* John Marshall
*Brian Coleman, AM FRSA	* Helena Hart	* Matthew Offord
	* Andrew Harper	

\* denotes Member present

\$ denotes Member absent on Council business

**1. YOUTH JUSTICE PLAN (Report of the Cabinet Member for Children's Services – Agenda Item 7)**

Cabinet considered the report of the Cabinet Member for Children's Services enclosing the draft Youth Justice Plan 2006 – 2007, as circulated separately to all Members of the Council.

As approval of the Plan was a function reserved to full Council, Cabinet, for the reasons set out in the Cabinet Member's report,

**RESOLVED TO RECOMMEND – That the Youth Justice Plan be approved for submission to the Youth Justice Board.**

**2. WELSH HARP LOCAL NATURE RESERVE BYELAWS (Report of the Hendon Area Environment Sub-Committee – Agenda Item 9)**

Cabinet considered the report of the Hendon Area Environment Sub-Committee dated 5 September 2006 together with the appended report of the Cabinet Member for Environment and Transport submitting proposed byelaws for the Welsh Harp Local Nature Reserve, as circulated separately to all Members of the Council.

As approval of byelaws was a function reserved to full Council, Cabinet, for the reasons set out in the Cabinet Member's report,

**RESOLVED TO RECOMMEND – That Council approve the Byelaws relating to the Welsh Harp Local Nature Reserve as shown in the appendix to the report of the Cabinet Member for Environment & Transport.**

*Note: Cabinet's decisions of this date include an instruction, subject to approval of the byelaws by Council and by the Department for Environment, Food and Rural Affairs, for a progress report to be submitted six months after the byelaws come into effect and a request for a review to be undertaken to ensure that all such byelaws relating to Community Safety are mutually consistent*

# REPORT OF THE LICENSING COMMITTEE

18 October 2006

Committee:

- \* Councillor Andreas Tambourides (Chairman)
- \* Councillor Kate Salinger BEd (Hons) (Vice-Chairman)

Councillors:

Maureen Braun	*Susette Palmer MA
*Terry Burton	*Wendy Prentice
Olwen Evans ACIS	*Hugh Rayner
*Claire Farrier	Joan Scannell
*John Hart BA MA	Ansuya Sodha MBA (Middx) Cert Ed,
*Julie Johnson	DipM (CIM), AMBA
*Kath McGuirk	*Jim Tierney

\* denotes Member present

## 1. **GAMBLING ACT 2005 (Report of the Head of Planning and Environmental Protection – Agenda item 5):**

The Committee considered the attached report of the Head of Planning and Environmental Protection, including the revised draft of the Gambling Licensing Policy following consultation. It was noted that the majority of respondents to the consultation were in favour of a resolution not to licence casinos in the borough.

The Committee

**RECOMMEND that Council**

- (i) adopt the Gambling Licensing Policy (also known in the Gambling Act as Statement of Principles), subject to the amendment of paragraph 10.5.1 of the Policy if the Council does not pass a resolution not to licence casinos.**
- (ii) instruct the Head of Planning and Environmental Protection to arrange for its publication before 3 January 2007.**
- (iii) make a resolution not to licence any casinos within the borough, in order to protect children and other vulnerable persons from being harmed or exploited by gambling.**



## **1. RECOMMENDATIONS**

### **1.1 That Council be recommended to**

- (i) adopt the Gambling Licensing Policy (also known in the Gambling Act as Statement of Principles), subject to the amendment of paragraph 10.5.1 of the Policy if the Council does not pass a resolution not to licence casinos.**
- (ii) instruct the Head of Planning and Environmental Protection to arrange for its publication before 3 January 2007.**

### **1.2 That the Committee's instructions be given on whether or not to make recommendations to Council relating to the licensing of casinos.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Decision of the Licensing Committee on 30 May 2006 to approve for consultation the draft Gambling Licensing Policy.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The new gambling licensing regime is the result of a Government policy decision that local authorities are obliged to implement. There are three statutory objectives to be met through licensing:

- Preventing gambling from being a source of crime, being associated with crime or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 3.2 The second objective is principally a matter for the Gambling Commission, which will issue operator and personal licences. The Council will be mainly concerned with gambling premises rather than gambling itself.

- 3.3 This Policy will assist the Council to achieve the licensing objectives through sound decisions and when necessary, the imposition of appropriate licence conditions.

- 3.4 It will directly support the 2006/7 – 2009/10 corporate plan priorities of 'Clean, Green and Safe' and 'Supporting the Vulnerable'.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 Failure to adopt a sound Gambling Licensing Policy that has regard to the Gambling Commission guidance and accurately reflects the views of the Council as licensing authority will hinder good decision-making with respect to licence applications and licence reviews. Judicial review of the policy by parties who believe it to be unsound would involve cost and possible adverse publicity.

## **5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**

5.1 None.

## **6. LEGAL ISSUES**

6.1 None.

## **7. CONSTITUTIONAL POWERS**

7.1 Constitution Part 3, Section 2, details the functions of the Licensing Committee including "all functions under the ...Gambling Act 2005, associated Regulations, not otherwise delegated to the Licensing Sub-Committee".

## **8 BACKGROUND INFORMATION**

8.1 At its meeting on 30 May 2006 the Licensing Committee approved a draft Statement of Gambling Licensing Principles. For 12 weeks ending on 22 September, the Statement was subject to consultation. It was placed on the Council's web site, discussed at a focus group of Citizens Panel members and business owners, and sent by post to statutory consultees, all Members and various other individuals and organisations. A questionnaire was included, and people were invited to comment on any aspect of the Statement. The full list of consultees is in the background papers. The comments received were broadly in support of the Statement. An analysis is included in the background papers.

8.2 After consideration of the comments, a number of changes were made to the Statement. These are indicated in the analysis of the consultation comments. They consist mainly of clarifications.

8.3 If the Statement is approved, the Committee will recommend it for adoption by full Council on 7 November before it is published on or before 3 January 2007 in accordance with the Gambling Act 2005.

8.4 The Statement may be changed at any time after adoption (after further consultation), and must be renewed at intervals of not less than three years.

8.5 One issue raised in the consultation is the question of whether the Council should make a 'no casinos' resolution. In making such a resolution, the Council may take into account any matters it thinks appropriate. There was a clear majority support for this in the consultation, and this may be a matter that the Council would consider relevant. Barnet currently has no casinos. As the number of new casinos will be strictly limited by statute, and other councils are competing for them, it is probably unlikely that applications for new ones will be received in Barnet. However, it is possible that the operator of an existing casino may wish to relocate in the Borough. If the Committee is minded to do so, it can recommend that the Council resolve not to permit any casinos in the Borough. The Council has power to revoke any 'no casinos'

resolution, should it wish to do so at a future date. The Policy contains a paragraph 10.5.1 which assumes that Council will pass a “no casinos” resolution. Should this not occur, the paragraph will be amended to state that the Council has not made a “no casinos” resolution.

## **9 LIST OF BACKGROUND PAPERS**

9.1 List of consultees

9.2 Analysis of the replies to consultation.

9.3 Any person wishing to inspect these papers should telephone 020 8359 7469

Legal: SM

CFO: MG

# London Borough of Barnet

## Gambling Act 2005 - Draft Gambling Licensing Policy

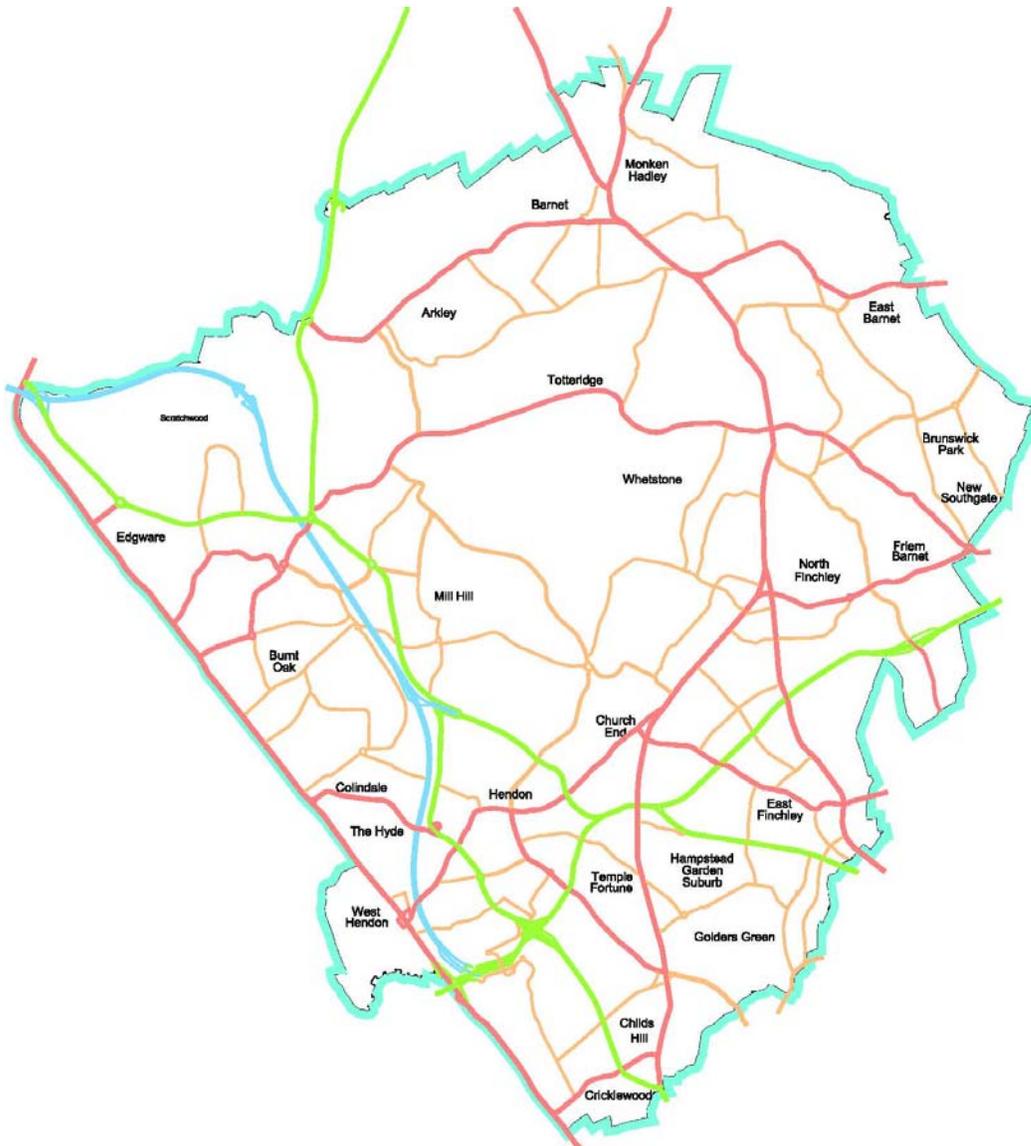
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### **1 Introduction**

- 1.1 The Barnet London Borough Council here sets out its Gambling Licensing Policy, stating the principles that it will apply in all parts of the Borough of

Barnet when carrying out its functions as a licensing authority in accordance with the Gambling Act 2005.

- 1.2 The Borough is shown in the map below, and in detail at [www.maps.barnet.gov.uk](http://www.maps.barnet.gov.uk)



- 1.3 This Policy directly supports the Council's 2006/7 – 2009/10 corporate plan priorities of 'Clean, Green and Safe' and 'Supporting the Vulnerable'
- 1.4 The Council understands that it must aim to permit the use of premises for gambling as long as it is satisfied that to do so would be in accordance with any relevant code of practice and guidance issued under sections 24

and 25 of the Act, and would be reasonably consistent with the licensing objectives and in accordance with this Policy.

- 1.5 The Council recognises that many people enjoy gambling, but is aware that gambling can sometimes lead to problems. It will therefore seek to balance competing interests, so that businesses that it thinks likely to cause problems are controlled, while those that will not cause significant risk to the licensing objectives are free of unnecessary restrictions.
- 1.6 The Council declares that, in producing this Policy, it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and all responses from those consulted on the draft.
- 1.7 The consultation took place over a period of 12 weeks ending on 22 September 2006 in accordance with the Revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.

The following were consulted:

- the responsible authorities
- residents associations
- Barnet councillors
- local members of parliament
- business organisations
- faith groups
- trade and other unions
- voluntary groups
- licence holders
- citizen's panel members

A total of 211 invitations to comment were sent out and in addition the documents were placed on the Council's web site. The full list of consultees, the comments received and the consideration of those comments is available on request from the Licensing Team and a summary of responses is available on the Council's web site: [www.barnet.gov.uk](http://www.barnet.gov.uk)

- 1.8 This Policy was approved at a meeting of the full Council on 7 November 2006 and published on xxxxxxxxxx.
- 1.9 The Council will keep in mind that this Policy was drafted at a time when a number of regulations, operating licence and personal licence conditions, codes of practice and guidance had not yet been published.

## **2 The licensing objectives**

2.1 The Gambling Act 2005 states three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.2 The Council accepts that:

- In the case of gambling premises licences, the term ‘disorder’ is considered by the Gambling Commission to mean activity that is more serious and disruptive than mere nuisance
- The Commission does not expect licensing authorities in most circumstances to become concerned with ensuring that gambling is conducted in a fair and open way. This will either relate to the management of the gambling business (and therefore be subject to the operating licence), or to the actions of an individual (and therefore be subject to the personal licence)
- The term “vulnerable persons” is not defined. It may for example include people who gamble more than they want to, or beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. The Council will consider this objective on a case by case basis and will not seek to interpret the term narrowly. The Council recognises that providers of gambling services will often have difficulty identifying individuals who are vulnerable and that in many cases it may not be possible to do so.

## **3 Licensing Authority functions**

3.1 The Council is responsible for:

- Licensing and monitoring premises where gambling activities are to take place
- Issuing Provisional Statements when premises are not yet ready for a premises licence to take effect, or when the operator does not yet have a right to occupy them
- Regulating members’ clubs and miners’ welfare institutes that wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres (premises used wholly or mainly for making gaming machines available for use)
- Receiving notifications from alcohol licensed premises of the use of

- up to two gaming machines
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission
- Maintaining registers of permits and licences
- Enforcing premises licence conditions

#### **4 Responsible Authorities**

4.1 The responsible authorities with respect to licensing premises in Barnet are:

- The Gambling Commission
- The Metropolitan Police Service
- The London Fire and Emergency Planning Authority
- The Council's Planning Service
- A group comprising the Council's Noise and Statutory Nuisance Manager, Scientific Services Group Manager and Street Enforcement Services Manager
- The Safeguarding Children Board
- HM Revenue and Customs
- The Council itself

Contact details for all the responsible authorities are available on the Council's web site, [www.barnet.gov.uk](http://www.barnet.gov.uk)

4.2 In selecting the Safeguarding Children Board as a body competent to advise about the protection of children from harm, the Council took into account the following points:

- The Safeguarding Children Board has a responsibility, under the Children Act 2004, to promote the welfare and safety of children and young people in Barnet
- The Board includes a variety of professionals with skills and experience directly relevant to the need to protect children from being harmed or exploited by gambling
- It is answerable to democratically elected persons and does not represent any particular interest group
- It is the responsible authority for the purposes of the Licensing Act 2003, and has experience of the licensing process

- The Board works in partnership with other local authority services and other organisations to make Barnet a safer place for children
  - The Board is able to provide advice about protecting children and guidance in accessing appropriate training
  - The Board works within the wider Pan London framework of child protection so as to promote a consistent approach across London
- 4.3 The responsible authorities have the right to make representations in connection with an application, or to ask for a review of an existing licence. Any such representations must be relevant to the application.
- 4.4 The Gambling Commission has a number of other important functions in the regulation of gambling. In particular, it issues operating and personal licences, is concerned with the second of the licensing objectives (as well as the others), and deals with internet gambling. These matters are not within the Council's remit. For information see [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **5 Interested parties**

- 5.1 These are people who, in the opinion of the Council:
- live sufficiently close to the premises to be likely to be affected by the authorised activities, or
  - have business interests that might be affected by the authorised activities, or
  - represent persons in either of these two groups.
- 5.2 An interested party can make representations to the Council on an application for the grant or variation of a premises licence, and can ask for a review of an existing premises licence.
- 5.3 The Council has not specified a distance from the premises within which a person must live or have a business interest in order to be considered an interested party, and will judge each case on its merits. The Council will interpret the term 'business interests' as widely as possible, and may recognise as interested parties local charities and other organisations.
- 5.4 To enable the Council to decide whether a person is an interested party, it will expect any person making a representation to give their name and address and explain how they or their business interests would be affected by the authorised activities. If this information is not provided, the Council will not accept the representation.

- 5.5 When assessing whether an individual lives or has business interests sufficiently close to the premises, the Council will take into account factors including:
- The size of the premises
  - The nature of the premises
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises, such as the number of customers and the routes likely to be taken by those visiting the premises
  - The interests of the person making the representation. For example, the distance that would be considered close enough to be affected may be different in the case of a private resident, a school and a hostel for vulnerable adults.
  - The likely catchment area of the premises (how far people may travel to visit them)
  - Whether the person has business interests within the catchment area that may be affected.
- 5.6 Sometimes people may be asked by a neighbour to sign a petition or a letter in connection with an application. This can make it harder for the Council to judge whether or not the individuals are interested parties. The Council normally prefers that people state their own views in their own representations rather than sign a petition or a letter written by someone else.
- 5.7 The Council will accept representations from local residents', tenants' or business associations, trade unions, and any other bodies or individuals, provided that they have at least one member who is an interested party. Unless the person making the representation is a locally elected councillor or MP, the Council may require written evidence that they represent identified interested parties. A letter from one of these persons requesting the representation is sufficient.
- 5.8 To be deemed relevant, a representation must relate to the licensing objectives or raise issues under this Policy or the Gambling Commission's guidance or codes of practice. If there are other concerns, they can be referred to the relevant authority.
- 5.9 In deciding whether to treat a representation as frivolous or vexatious, the Council will take into account issues including:
- Who is making the representation and whether that person has a history of making representations that are not relevant
  - Whether or not it raises a relevant issue

- Whether it raises issues specifically to do with the premises which are the subject of the application.
- 5.10 The Council recognises that neither the need (commercial demand) for the premises to be licensed, nor people's moral objections to gambling are matters to be taken into account by a licensing authority.

## **6 Exchange of information**

- 6.1 The Council will seek to establish protocols for the exchange of information with the responsible authorities, and will share any concerns about the effect on the licensing objectives of any application or the operation of any licensed premises with the relevant authority.
- 6.2 The Council may share risk-rating information with the responsible authorities, and will inform the Gambling Commission without delay if:
- It receives information that causes it to question the suitability of the applicant to hold an operating licence.
  - There are persistent or serious disorder problems that an operator could or should do more to prevent.
  - It comes to the Council's attention that alcohol-licensed premises or clubs or institutes are playing bingo which involves significant stakes and prizes making it possible that the statutory limit is being exceeded.
  - The Council has concerns about the manufacture, supply or repair of gaming machines
- 6.3 Any personal data the Council collects and uses will be treated in accordance with the Data Protection Act 1998. It will only be collected and used for appropriate purposes. The Council will endeavour to ensure that personal data will be processed in accordance with the principles of the Data Protection Act, and that any disclosures will be in accordance with our Notification registered with the Information Commissioner, which can be viewed at [www.ico.gov.uk](http://www.ico.gov.uk)
- 6.4 Details of all the information that is available under the Freedom of Information Act 2000 are given in the Council's Publication Scheme. For further information, contact the Freedom of Information officer at [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk)
- 6.5 Personal information is kept secure in paper files and password-protected software applications. The public do not have access to personal information.

All Council employees who have access to and are associated with the processing of personal data are obliged to respect the confidentiality of

personal data at all times. The Council ensures that personal data will not be disclosed to government institutions and authorities except as required by law.

- 6.6 Individuals may ask the Council for information held about them by writing to the Data Protection Officer or by email to [data.protection@barnet.gov.uk](mailto:data.protection@barnet.gov.uk)

## **7 Inspection and enforcement**

- 7.1 The main enforcement role for the Council is to ensure compliance with premises licences. All the powers of officers authorised by the Council under the Act will be exercised in accordance with the Enforcement Concordat/Regulators' Compliance Code. Enforcement action by Council officers will be:

- Proportionate – the Council will only intervene when necessary; remedies will be appropriate to the risks posed and costs will be identified and minimised
- Accountable – the Council will be able to justify decisions, and be subject to public scrutiny
- Consistent – rules and standards will be implemented fairly
- Transparent – the Council will be open and will do its best to keep things simple and user-friendly
- Targeted – the Council will always focus on the problem and do its best to minimise side effects. Priority will be given to higher-risk premises and activities.

- 7.2 Any enforcement action will be in accordance with the relevant enforcement policy.

- 7.3 The Council's licensing officers will monitor ongoing compliance with licence conditions. They may carry out inspections without prior notice to the occupier or licensee.

- 7.4 Planned enforcement activity will be prioritised according to assessed risk (the potential for harm to the licensing objectives). Subject to later guidance, when assessing risk, the Council may take into account the following matters:

- The type of gambling and its potential to result in harm
- The size of the premises and the number of patrons
- The standard of compliance with licence conditions
- Officers' confidence in the ability and intention of the management of the premises to maintain good standards of compliance with licence conditions.

- Relevant information from other agencies
- 7.5 The risk rating for each premises will be kept under review and may change.
- 7.6 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.
- 7.7 The Council will not tolerate non-compliance with licence conditions or licensable activity at unlicensed premises except in accordance with a Temporary Use Notice.
- 7.8 To improve liaison with chain operators in the event of compliance issues arising, they are invited to provide the Licensing Team with a single point of contact.

## **8 Applications**

### **8.1 General principles**

- 8.1.1 The Council has no rigid rules about the acceptability of applications and will consider each on its merits.
- 8.1.2 The matters that it will generally take into account when considering applications for permits and licences and when reviewing a licence are set out below. If, in a particular case, an applicant or licence holder can show how they might overcome concerns about a licensing objective that will be taken into account. The matters are:
- The type and nature of the gambling activity
  - The proximity of the gambling premises to sensitive premises such as schools or centres for vulnerable adults, or to residential areas where there may be a high concentration of families with children, and the likelihood that children or vulnerable adults will enter the premises
  - Where permits or licences are sought for use at premises that may attract children, or where children may be present, the Council will give particular weight to child protection issues. The Council is aware that children may be harmed not only by taking part in gambling, but also if they are able to watch it taking place. This concern may be particularly relevant at premises where there are multiple licences, where only part of a premises is licensed or where permits are to be used in part of a premises only.
  - The adequacy of any proposed measures to prevent crime connected with gambling

- The adequacy of any proposed steps to prevent access by children and vulnerable adults, or to prevent such people from seeing gambling taking place
- The public availability at the premises of information about organisations that can provide advice and support in relation to gambling and debt, for example GamCare, Gamblers Anonymous, the Gordon House Association, the National Debtline and local Citizens Advice Bureaux and other relevant advice agencies.
- The existence of crime and disorder (particularly if it has required police intervention) or actual harm to children or vulnerable adults, where these are connected to gambling at the premises.

8.1.3 It will assist the Sub-Committee in contested cases if applicants, responsible authorities and interested parties address these matters.

8.1.4 When considering applications, Sub-committees will decide matters of fact on the balance of probabilities.

8.1.5 The Council will place information about licence applications on its web site, and will notify ward councillors when applications are received.

## **9 Permits**

### **9.1 General principles**

9.1.1 The Council's resolution "That the Council will neither grant nor renew any permit under Section 34 of the Gaming Act, 1968 in respect of any premises other than those to which paragraph 4 of schedule 9 of the Act applies", passed under Paragraph 3 Schedule 9 of the Gaming Act 1968, no longer applies.

9.1.2 The Council believes that gambling, including the use of category D gaming machines, is harmful to children. The Council believes that the use of gaming machines by children is not consistent with the third licensing objective.

9.1.3 The Council will not grant permits for any category of gaming machines where it considers that they are likely to be used by or easily accessed by children. Permits may be granted if adequate precautions are offered by the applicant. These could include, for example, steps to prevent access to the machines by children, and training for staff with respect to suspected truants and unsupervised very young children on the premises. At premises licensed for gambling, conditions may be imposed where it is considered necessary to prevent children from using or having easy access to gaming machines.

9.1.4 A problem of particular concern in Barnet is the high level of burglary targeted at gaming machines. The Council considers that this is relevant to the first licensing objective.

9.1.5 Precautions to reduce the risk of burglary or theft from the machines may include:

- good security to deter break-ins
- machines monitored by overt CCTV systems of an adequate standard to meet police recommendations
- machines to be of substantial construction to resist damage
- emptying machines of cash nightly, and displaying a notice stating that this is done
- siting machines where they can be observed by staff or the licence holder to deter theft when the premises are open
- providing adequate secure cash storage facilities to police recommendations

9.1.6 Conditions such as these may be imposed on premises licences in contested cases, or permits may be refused, if there is concern about the risk of burglary targeted at gaming machines.

9.1.7 The Council recommends that applicants consult the police, including the local Safer Neighbourhood Team, at an early stage, to obtain advice about crime prevention measures.

9.1.8 When considering an application for a permit, the Council will take into account the applicant's suitability (including whether they have a conviction for any relevant offence).

## **9.2 Unlicensed Family Entertainment Centre gaming machine permits**

9.2.1 The Council has not determined specific principles in connection with these permits over and above the general principles in this Policy.

## **9.3 Alcohol Licensed premises gaming machine permits**

9.3.1 Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The operator merely needs to notify the Council. The Council may remove this right if there is evidence of harm to the licensing objectives, disorder (which in this context may be given a wider interpretation) or risk of harm to children.

9.3.2 If an applicant applies for additional machines, the Council will take into account the licensing objectives, any guidance issued by the Gambling

Commission under Section 25 of the Gambling Act 2005, the general principles in this Policy and other matters that it may think relevant. The Council expects that any such matters will be decided on a case by case basis, and has no specific policy on this point.

#### **9.4 Prize Gaming Permits**

9.4.1 The Council has not determined specific principles in connection with these permits over and above the general principles in this Policy.

#### **9.5 Club Gaming and Club Machines Permits**

9.5.1 The Council has not determined specific principles in connection with these permits over and above the general principles in this Policy.

### **10 Premises licences**

10.1 A premises licence may authorise:

- the operation of a casino
- the provision of facilities for playing bingo
- making category B and C gaming machines available for use
- the provision of facilities for betting

10.1.2 The Council recognises that every application and representation made in connection with premises licences, with the exception of applications for a casino licence, must be treated on its merits.

10.1.3 The Council will pay particular attention to applications where access to the licensed premises is through other premises. It will take into account before granting such applications whether children can gain access; the compatibility of the two establishments; and whether it is likely to be difficult to comply with the requirements of the Act.

10.1.4 In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

10.1.5 The Council will take into account the location of premises in the context of the crime prevention objective. For example, if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, the Council will consider what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors. The

Council has not identified any such areas, but will be receptive to advice from the police when considering applications.

10.1.6 The Council will take into account the proximity of premises to a school or to any centre for gambling addicts or other vulnerable people when considering applications for a licence. However, each case will be decided on its merits, and the outcome may depend to a large extent on the type of gambling that will be offered on the premises.

## **10.2 Adult Gaming Centres**

10.2.1 The Council will have particular regard to the location and management of entrances to adult gaming centres. It will wish to see that the opportunities for children to gain access are minimised. This will be of particular importance if young people are likely to be unsupervised and the gaming centre is in a complex, such as a shopping centre.

## **10.3 Licensed Family Entertainment Centres**

10.3.1 The Council has no special policies with respect to licensed family entertainment centres but will deal with applications taking into account all relevant general principles.

## **10.4 Tracks**

10.4.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Council has no special policy on these issues, but will take into account the size of the track and associated area and the ability of staff to monitor the use of the machines by children and vulnerable people when determining the number of machines permitted.

10.4.2 The Council will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

## **10.5 Casinos**

10.5.1 The Council has resolved not to licence casinos, with immediate effect.

## **10.6 Bingo**

10.6.1 The Council has no special policy with respect to bingo but will deal with applications taking into account all relevant general principles.

## **10.7 Betting premises**

10.7.1 The Council has no special policies with respect to betting premises but will deal with applications taking into account all relevant general principles.

10.7.2 The Council is aware that there is a trend to enlarge betting offices and that this can result in improved customer facilities. The Council will look favourably on applications to improve customer facilities by enlarging or relocating existing premises, provided this does not entail risk to the licensing objectives.

## **11 Premises Licence conditions**

11.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations. It is expected that in most cases the mandatory and default conditions will be appropriate and sufficient, but the Council is able to exclude default conditions and also attach others. The Council will be concerned to ensure that appropriate conditions are attached to licences, and if it believes that the mandatory and default conditions will not be appropriate or sufficient in a particular case, it will be minded to impose others. Similarly, it may be prepared to remove or amend default conditions if satisfied that to do so would not harm the licensing objectives.

11.2 The Council accepts that conditions, other than mandatory ones, must be tailored to the individual style and characteristics of the premises concerned. Apart from the mandatory conditions, the Council will not apply conditions from a standard list without regard to the particular circumstances of the application. It will only apply conditions if they are:

- Relevant to the need to make the proposed building suitable as a gambling facility, or
- Directly related to the type of licence applied for
- Relevant to one or more of the licensing objectives
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects

In this way, unnecessary or disproportionate conditions will be avoided.

11.3 The Council expects that any licence holder or applicant will comply with all relevant legal requirements. It is therefore unnecessary to impose any

licence condition that clearly duplicates the requirements of other regulatory regimes, and so far as possible, the Council will not do so.

- 11.4 If there is justified concern about serious, disruptive or threatening disorder, particularly if police intervention has been necessary, suitable licence conditions such as door supervision or the use of CCTV will normally be appropriate.
- 11.5 Licence conditions may be imposed if there is justified concern about burglary targeted at gaming machines or the use of gaming machines by children.
- 11.6 The Council believes that children should not normally be permitted access to premises, or parts of premises, where gambling takes place, and precautions to protect children may be needed. These may include:
- clear identification of entrances to gambling premises
  - display of notices indicating that access to the area by persons under 18 is prohibited
  - door supervision
  - checking ages of younger patrons
  - good configuration of mixed-use premises to prevent drift of patrons or sight of gambling by children
  - ensuring that all gaming machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which prevents access other than through a designated entrance
  - ensuring that only adults are admitted to the area where such machines are situated
  - supervision of gaming machines, for example by ensuring that they are sited where they can be observed by staff or the licence holder
- 11.7 When considering whether to impose a licence condition to restrict the number of betting machines in particular premises, the Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 11.8 Because door supervisors at bingo premises cannot be licensed by the Security Industry Authority (SIA), the Council has its own requirements for door supervisors working at such premises. They are the same as the requirements of the SIA for door supervisors working at other premises. A person licensed by the SIA to work at other types of premises will be considered suitable.

- 11.9 The Council accepts that door supervision is not automatically necessary at bingo or any other type of premises and will not impose this requirement unless there is clear evidence of need.
- 11.10 The fairness and openness of gambling are primarily matters for the Gambling Commission, which has the power to impose relevant conditions on operating and personal licences. The Council will not impose conditions on premises licences in connection with this objective except in the case of track licences, where the track operator may not have an operating licence.

## **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 both a premises licence or permit (other than in accordance with a Temporary or Occasional Use Notice) and any necessary planning permission and building regulation approval. A licence will not remove the need for planning permission or building regulation approval, should these be necessary. The onus is on the licence holder or applicant to ensure that these permissions exist.
- 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, the Council invites applicants to submit a planning application or building regulation approval application as early as possible in order to regularise the position.
- 12.4 When making decisions the Council will ensure separation of its licensing function from its planning and building control functions. The Licensing Committee will not take into account whether or not the premises have or comply with planning or building consents. If they do not exist, the Council expects that a planning application or building regulation approval application would be submitted and determined separately. The grant of a licence will not preclude enforcement action by the relevant authorities.
- 12.5 The Council will take into account any concerns about conditions that are not able to be met by licence holders due to planning restrictions.

## **13 Licence reviews**

13.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Council to decide whether the review is to be carried out. This decision will be made on the basis of whether the request for the review is relevant to the matters listed below, but the Council will not review a licence if it considers the request to be frivolous, vexatious or repetitious, or that a review will certainly not cause the Council to alter, revoke or suspend the licence, or the request is substantially the same as previous representations or requests for review. The holding of a review must be:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- consistent with the licensing objectives and
- in accordance with the Council's Gambling Licensing Policy

13.2 The Council can itself initiate a review of a licence, and may do so if it appears to its officers that the licensing objectives are being harmed. It is open to any officers of the Council authorised to do so to initiate a review in the Council's name, but it is expected that in most cases licensing officers will take the lead.

13.3 However, the Council does not wish its licensing officers to take on the initiation of a review that could otherwise be requested by another responsible authority or an interested party. Where evidence of harm to the licensing objectives is provided by a responsible authority or an interested party who wants a review to take place, the Council expects that they, not the licensing officers, will normally initiate the review.

#### **14 Temporary and Occasional Use Notices**

14.1 The Council has no specific policies with respect to temporary or occasional use of premises for gambling, but will take particular care to ensure that, where temporary arrangements are put in place to protect the licensing objectives, they are sufficiently robust.

#### **15 Travelling Fairs**

15.1 The Council has no special policies with respect to gambling at travelling fairs, but will be concerned to ensure that statutory requirements are met.

#### **16 Lotteries**

16.1 Registration of non-commercial society lotteries may be refused if it appears that the applicant is not a non-commercial society, and the

Council will therefore expect full details to be provided of the purpose for which the society is established. The Council may make enquiries to satisfy itself on this point.

- 16.2 If the Council is minded to refuse to register a lottery, or to revoke a registration, it will inform the applicant, stating the reasons, and the applicant will have the right to make representations. Any such representations will be heard by a sub-committee of the Licensing Committee.
- 16.3 The Council does not currently possess an operating licence in its own name for the purposes of promoting a lottery for the benefit of the community.

## **17 Integration of licensing with other strategies**

- 17.1 The Council will ensure, so far as is consistent with the Act and guidance, that action taken under this policy supports and does not conflict with strategies for local crime prevention and community safety, planning, equality, tourism and cultural issues, including in particular:
- The Cultural Strategy for London
  - The objectives of the Security Industry Authority
  - The Safer Communities Strategy <http://www.barnet.gov.uk/community-safety-strategy>
  - The Sustainable Communities Strategy. <http://www.barnet.gov.uk/sus-community-strategy-2006-2016.pdf>
  - Putting the community first: Barnet's Equalities policy <http://www.barnet.gov.uk>

## **18 Tourism and employment**

- 18.1 The Council recognises the relevance of licensed premises 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. These issues will be taken into account so far as the Gambling Act permits when making licensing decisions.

## 19 People with disabilities

- 19.1 The Council encourages the provision of proper facilities for disabled people at licensed premises, and will offer advice and information where necessary to assist applicants.

## 20 Promotion of equality

- 20.1 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. When considering applications and representations, the Council will treat all parties equally. However, it can take into account only the issues provided for in the Gambling Act.

## 21 Delegation of functions

Matter to be dealt with	Licensing sub-committee	Head of Planning and Environmental Protection
Application for premises licence	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application to vary premises licence	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for transfer of a licence	Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for provisional statement	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence	All cases	

Application for club gaming/club machine permits	Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	
Decision to reject a representation on the grounds that it is not from an interested party		All cases
Initiation of review of a premises licence by the Council in its capacity as licensing authority		All cases
Fee setting (when appropriate)		normal budget-setting arrangements
Consideration of representations when the Council is minded to refuse to register a lottery or to revoke a lottery registration	All cases	

## 22 Licensing Register

- 22.1 The Council will establish and maintain a Licensing Register containing the information required by statute, and keep it available for inspection. It can be seen on request to the Licensing Team, telephone 0208 359 7995.

## **23 Relevant documents**

- The licensing enforcement policy
- The Enforcement Concordat  
[www.cabinetoffice.gov.uk/regulation/pst/enforce/enforcecon.asp](http://www.cabinetoffice.gov.uk/regulation/pst/enforce/enforcecon.asp)
- The Regulators' Compliance Code
- The Human Rights Act 1998  
[www.hmso.gov.uk/acts/acts1998/19980042.htm](http://www.hmso.gov.uk/acts/acts1998/19980042.htm)
- Crime and Disorder Act 1998  
[www.hmso.gov.uk/acts/acts1998/19980037.htm](http://www.hmso.gov.uk/acts/acts1998/19980037.htm)
- Disability Discrimination Act 1995  
[http://www.hmso.gov.uk/acts/acts1995/Ukpga\\_19950050\\_en\\_1.htm](http://www.hmso.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm)
- Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005  
<http://www.gamblingcommission.gov.uk/UploadDocs/pressrelease/Documents/Guidance%20to%20Licensing%20Authorities.pdf>

## **24 Complaints about the licensing service**

- 24.1 The Council will investigate any complaint about the way it deals with a licensing issue, and will inform the complainant of the outcome. If the complaint is justified, it will put the problem right if possible. The Council has a formal complaints procedure. For information see <http://www.barnet.gov.uk/contact-us.htm>

## **25 Further information**

- 25.1 For information about applications, fees, how to make a representation, details of the responsible authorities and the licensing register, see [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or contact the Licensing Team on 020 8359 7995, [licensingadmin@barnet.gov.uk](mailto:licensingadmin@barnet.gov.uk) or see the Council's website, [www.barnet.gov.uk](http://www.barnet.gov.uk)

## **26 Commencement and review**

- 26.1 This Policy will come into effect on 3 January 2007. It will be kept under review and the Council may make changes after consultation. It will be renewed every three years. The Council will be pleased to receive the views of responsible authorities, individuals or organisations at any time.

**Council Meeting  
7 November 2006**

REPORT OF THE ACTING DEMOCRATIC SERVICES MANAGER  
AGENDA ITEM 13.1

**1. Leader's Scheme of Delegation**

The Leader of the Council has altered his Scheme of Delegation such that Councillor Andrew Harper is shown as a member of the Cabinet Resources Committee.

The Acting Democratic Services Manager will arrange for the amendments to be made to the Council's Constitution.

**2. Changes in Committee Memberships**

The Conservative Group has indicated that they wish to make the following change.

**RECOMMEND – That the following change in Committee Memberships be approved:**

- **Councillor Brian Salinger to replace Councillor Andrew Harper on the Teachers Joint Negotiation and Consultation Committee.**

**3. First Class Education and Children Overview and Scrutiny Committee:  
Appointment of Parent Governor Representatives**

The composition of the Committee includes two parent governor representatives, one for the primary/nursery schools and one for senior schools and, in accordance with statutory requirements, they must be elected from parent governors.

The election for the primary/nursery schools representative was held on 26 October 2006 and the results of the ballot are as follows:

<b>Name</b>	<b>Votes recorded</b>
Jennifer Susan Lass	14
Laura Casey	10
Adam Fineberg	35
Anna Maria Lapenna	17

**RECOMMEND- That Adam Fineberg be appointed as the parent/governor representative for primary/nursery schools on the First Class Education and Children Overview and Scrutiny Committee for the period ending 26 October 2008, unless he resigns before that date or becomes ineligible.**

#### 4. Representation of the Council on the London Councils – Culture, Tourism and the Olympics Forum

The London Councils (formerly the Association of London Government) have established the above new Forum, which will take over the functions of its Culture and Tourism Forum and its 2012 Forum, which will become defunct. Appointments to the new Forum are required as below. It is understood that the first meeting of the Forum will be taking place during November.

##### **Organisation: London Councils - Culture, Tourism and the Olympics Forum**

Special Conditions: None

No. of Representatives: 1 + deputy

Current Representatives

Vac Ref

1 - New vacancy

LCCTOF1  
Nominee

2 - New vacancy

LCCTOF2  
Deputy

Current representatives on the Culture and Tourism Forum are Councillor John Hart (nominee) and Councillor John Marshall (deputy) and on the 2012 Forum are Councillor Robert Rams (nominee) and Councillor Richard Weider (deputy).

The Group Secretaries have been advised of the vacancies. The appointments will run until the Council's Annual Meeting, and be renewable annually.

**RECOMMEND: That the Council make appointments to fill the vacancies reported.**

Janet Rawlings  
Acting Democratic Services Manager

**AGENDA ITEM 13.2**

**Meeting** Council

**Date** 7 November 2006

**Subject** **The Joint Waste Development Plan for North London and the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005**

**Report of:** Head of Planning and Environmental Protection

**Summary** Although initially Cabinet agreed to move forward with North London boroughs on the production of a Joint Waste Development Plan Document, it now transpires that Council agreement is required in order to comply with the new Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005.

**Officer Contributors** Head of Planning and Environmental Protection and Borough Solicitor

**Status (public or exempt)** Public

**Wards affected** All

**Enclosures** Appendix 1 – Acronym Guide

**For decision by** Council

**Function of** Council

**Reason for exemption from call-in (if appropriate)** Not appropriate

Contact for further information: Nick Lynch, Principal Policy Planner, 020 8359 4211

Serial No.

## **1. RECOMMENDATIONS**

- 1.1 That the Council agrees to work in partnership with other authorities in the North London Waste Authority to produce the North London Waste Development Plan.**
- 1.2 That the Council agrees to regularise the previous decision of the Cabinet Resources Committee on 5 January 2006 and the decision of the Cabinet Member for Planning and Environmental Protection on 28 June 2006 by approving the terms of the previous decisions set out in Paragraphs 2.3 and 2.5 accordingly.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 The Draft LDS was approved by Cabinet on 22 November 2004 (decision item 6). Cabinet agreed the content of the LDS including a Joint Waste Development Plan Document to be produced with the NLWA and sub-regional partners. This DPD will set out policies and proposals against which sites for waste development can be identified. GOL approved the LDS in April 2005.
- 2.2 Council approved on 28 June 2005 the schedule of post inquiry modifications to Barnet's UDP for consultation purposes. The modifications included a commitment to produce a Waste DPD as part of the emerging LDF. Council on 8 November 2005 agreed to adopt the UDP, pending any direction from the Secretary of State. The Council on 15 December 2005 was directed to change the affordable housing threshold and employment car parking standards.
- 2.3 Cabinet Resources Committee on 5 January 2006 approved Barnet's participation in commissioning the JWDPD subject to the allocation to services of additional Planning Delivery Grant and income as part of the 2006/07 budget process. The Cabinet Member for Planning and Licensing was given delegated authority to approve the Memorandum of Understanding.
- 2.4 Council on 31 January 2006, on the recommendation of Cabinet on 23 January 2006, agreed modifications to the UDP following the Secretary of State's direction. Council on 12 April 2006, on the recommendation of Cabinet on 3 April 2006 agreed to publish a notice of intention to adopt in accordance with the Regulations. The UDP was adopted on May 18 2006.
- 2.5 The Cabinet Member for Planning and Environmental Protection on 28 June 2006 approved the Memorandum of Understanding as the formal arrangement for the Council's involvement in the production of the North London Joint Waste Development Plan Document. He also approved the identification of a Cabinet Member to attend the JWDPD Planning Members Group.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The JWDPD is particularly relevant to the following key priority in the Corporate Plan:
  - Clean, Green and Safe - preventing waste and maximising recycling.
- 3.2 The Three Strands Approach adopted in November 2004 can be considered an embryonic version of the Core Strategy DPD (the centrepiece of Barnet's LDF) the purpose of which is to provide the long term spatial vision for the Borough. The JWDPD will be consistent with Three Strands and the emerging Core Strategy.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 Government guidance - PPS 12 encourages joint working on Waste DPDs. Failure to participate in the production of a JWDPD will require Barnet to prepare a Waste DPD on its own in order to comply with the London Plan. The NLWA joint working enables waste and recycling facilities to be shared across boroughs. Sharing facilities makes the best use of land resources. A joined up approach also allows the sharing of the limited expertise on waste planning in North London, without which Barnet would find it more difficult to acquire expert assistance to achieving a waste planning framework.
- 4.2 The LDF (including the Waste DPD) are key components to Barnet's development plan process which has agreed targets with the DCLG and GOL. Failure to provide such statutory planning documents would result in poor performance against BVPIs and potential loss of PDG.
- 4.3 Finance for the JWDPD will be paid to the lead authority, London Borough of Camden. It should be noted that costs will inevitably rise for Barnet if any member of the NLWA drops out.
- 4.4 The MoU does not legally bind all seven boroughs including Barnet to produce the JWDPD. It does establish protocols and commitments. Once the contract is signed by the seven boroughs there will be contractual obligations which would result in financial penalties on any borough defaulting.
- 4.5 Failure to regularise the previous decisions of the Cabinet Resources Committee on 5 January 2006 and the Cabinet Member for Planning and Environmental Protection on 28 June 2006 respectively might lead to delays arising from potential challenges to these decisions as not in accordance with the requirements of Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The specification for consultants includes preparation of the JWDPD, developing a monitoring framework for assessing progress, undertaking of Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) as the Plan is developed and carrying out all necessary consultation linked to each stage of the DPD preparation and SA/SEA requirements. The production of the JWDPD and Sustainability Appraisal will demonstrate how it supports Barnet and other members of the NLWA in meeting their equalities obligations.
- 5.2. In addition to the consultants' specification, the Council is working with other members of the NLWA to develop a consultation and community involvement strategy to enable effective outreach working with North London's diverse communities. This will be in addition to the requirements of Barnet's Statement of Community Involvement.

## **6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**

- 6.1 Finance from DEFRA's Waste Implementation Plan has enabled consultants to make progress on the JWDPD including the preparation of a draft Memorandum of Understanding. A Programme Manager serving the JWDPD is now in place to help let and manage the JWDPD contract. This has enabled progress to be made on the procurement process with letting of the contract anticipated by late 2006.
- 6.2 The cost of the JWDPD equates to £115,143 per borough. As part of the 2006/07 budget and Forward Plan process it has been agreed that £35,000 be funded each year from 2006/07 to 2008/09 as part of the allocation to services of additional Planning Delivery Grant and income. The balance of £10,143 will be contained within existing approved budgets.

## **7. LEGAL ISSUES**

- 7.1 As referred to in the body of the report.

## **8. CONSTITUTIONAL POWERS**

- 8.1 Constitution Part 3, Section 2, states that the Council can discharge all non-executive functions.

## **9. BACKGROUND INFORMATION**

- 9.1 The Planning Officers Group (a steering group of planners from each of the seven boroughs) expects to let the contract for the JWDPD by late 2006. Under the current timetable the contract can be awarded and signed on 15 December 2006 (following the assessment, scrutiny and cooling off periods) if no unforeseen difficulties occur.
- 9.2 Several authorities in Greater Manchester, Merseyside and East London are working together to produce JWDPDs. Through sharing examples of good practice the relevance of the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 and the requirement to seek full Council approval has been highlighted by the Government Office for the North West. To avoid further delay each borough in the NLWA now has to secure full Council approval for moving forward with the JWDPD.
- 9.3 According to the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 paragraph 4(c) the making of an agreement to prepare one or more joint development plan documents shall not be the responsibility of the executive of the authority.
- 9.4 On this basis, this function needs to be discharged by Full Council and not the Executive as previously approved.
- 9.5 A new timetable for JWDPD production will be drawn up by consultants and included in each borough's Local Development Scheme. The indicative timetable expects the first consultation stage (Issues & Options) to take place in September 2007, followed by second consultation stage (Preferred Options) in March 2008 and third consultation stage (Submission) in July 2008. Following the Examination in November 2008 the JWDPD is expected to be adopted by August 2009. Following adoption a revised written agreement between boroughs will cover JWDPD implementation and monitoring.

## **10. LIST OF BACKGROUND PAPERS**

- 10.1 None

Legal: CH

CFO: CM

## **Appendix 1 Acronym Guide for Local Development Framework Terminology**

<b>ALG</b>	<b>Association of London Government</b>
<b>BVPI</b>	<b>Best Value Performance Indicator</b>
<b>DCLG</b>	<b>Department for Communities and Local Government</b>
<b>DEFRA</b>	<b>Department for Environment, Food and Rural Affairs</b>
<b>DPD</b>	<b>Development Plan Document</b>
<b>GLA</b>	<b>Greater London Authority</b>
<b>GOL</b>	<b>Government Office for London</b>
<b>JWDPD</b>	<b>Joint Waste Development Plan Document</b>
<b>LDF</b>	<b>Local Development Framework</b>
<b>LDS</b>	<b>Local Development Scheme</b>
<b>MoU</b>	<b>Memorandum of Understanding</b>
<b>NLWA</b>	<b>North London Waste Authority</b>
<b>PDG</b>	<b>Planning Delivery Grant</b>
<b>PPS</b>	<b>Planning Policy Statement</b>
<b>UDP</b>	<b>Unitary Development Plan</b>