

## Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET  
held at The Town Hall, Hendon, NW4, on Tuesday, 11 September 2007.

### PRESENT:

- \*The Worshipful the Mayor (Councillor Maureen Braun)
- \*The Deputy Mayor (Councillor Richard Cornelius)

### Councillors:

*Fiona Bulmer	*Christopher Harris BA BSc	*Sachin Rajput BA (Hons)
Terry Burton	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
*Jeremy Davies BA (Hons),	Linda McFadyen	*Alan Schneiderman
CPFA	*Kath McGuirk	*Agnes Slocombe SRN RM
*Mukesh Depala	*Andrew McNeil	*Ansuya Sodha MBA (Middx)
*Jane Ellison	*Alison Moore	Cert Ed, DipM (CIM), AMBA
*Claire Farrier	*Jazmin Naghar	*Andreas Tambourides
*Anthony Finn BSc (Econ)	*Matthew Offord	*Joanna Tambourides
FCA	*Charlie O-Macauley	*Daniel Thomas BA (Hons)
*Mike Freer	*Monroe Palmer OBE, BA,	*Jim Tierney
*Brian Gordon, LL.B	FCA	Daniel Webb
*Eva Greenspan BA LL.B	*Susette Palmer MA	*Richard Weider
(Hons)	*Bridget Perry	*Marina Yannoudakis BSc
*Andrew Harper	*Wendy Prentice	(Hons) MA
		*Zakia Zubairi

\*denotes Member present

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

The Mayor's Chaplain offered prayer.

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

Apologies for absence from Councillors Daniel Webb, Linda McFadyen and Dean Cohen who were on vacation. Apologies were received for lateness from Councillors Jack Cohen, Jeremy Davies and Barry Rawlings.

#### 47. MINUTES OF MEETING HELD ON 26 June 2007 (Agenda Item 3):

**RESOLVED – That the minutes of the meeting held on 26 June 2007 be approved.**

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

The Worshipful the Mayor expressed her sorrow in formally announcing the deaths of former Councillors, Malcolm Lester, Margaret Laskey and Betty Gibson

Malcolm Lester was first elected to the council as a member for Edgware ward in 1982, and served until last year when he retired. He was Mayor of Barnet from 1987 to the following year during which time he opened The Spires Shopping Centre, in Barnet.

The Worshipful the Mayor reminded the Council that Malcolm Lester had a long career, with particular interests including Housing and Planning matters.

Betty Gibson, married to the late former councillor and Freeman of the Borough, Frank Gibson OBE, had a distinguished career and was Mayoress of the former Finchley Council from 1961 to 1962 and Barnet Council from 1973 to 1974. She was also a councillor for the Finchley ward from 1968 to 1974, serving on committees for health, libraries, carnival and shows, and education.

Finally, former Councillor Mrs Margaret Laskey who served for the Totteridge Ward from 1974 to 1982 (Conservative) died at the age of 79. Mrs Laskey, remained active in Totteridge (especially the Woodside Park area) for many years after she retired from the Council; served on a number of School Governing Bodies and was involved in several of the twinning associations.

At the invitation of the Worshipful the Mayor, Councillors Mike Freer, Agnes Slocombe and Monroe Palmer, as representatives of the three political groups, spoke in tribute to Councillors, Lester, Gibson and Laskey.

A minute's silence was held in remembrance of all three departed friends.

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

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

- Councillor Geof Cooke in Item 64 as his daughter was, former employee of the Council and he was a Member of the Pension Fund.
- Councillors Clare Farrier and Joan Scannell as they were both ex-employees of Barnet Council.
- Councillor Brian Salinger as he was Member of the Pension Fund.

**50. BUSINESS REMAINING FROM LAST MEETING(Agenda Item 6):**

None.

**51. 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.

**52. VARIATION OF ORDER OF BUSINESS**

Councillor Joan Scannell, duly seconded, moved under Council Procedure Rule, Section 1, paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 8.1, 8.2 and 8.6 be heard first.

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

**RESOLVED – That the order of business be varied to allow Motions 8.1, 8.2 and 8.6 to be heard first.**

**53. MOTION IN THE NAME OF COUNCILLOR MIKE FREER (Agenda Items 8.1 and 13.1.6 (i) (a) and (b))**

Motion 8.1 in the name of Councillor Mike Freer was moved.

Amendments in the names of Councillors Andreas Tambourides and Monroe Palmer were moved. Debate ensued.

The amendment in the name of Councillor Andreas Tambourides was accepted by Councillor Freer. Upon being put to the vote the amendment in the name of Councillor Monroe Palmer were declared lost. The substantive motion was declared carried.

**RESOLVED - Council is dismayed that the island of Cyprus continues to be divided since the Turkish invasion and illegal occupation in 1974 and that Greek families remain unable to return to their homes in the north of the island.**

**Council further deplores the appalling desecration of Churches and Religious sites seen in the occupied areas since the Turkish invasion in 1974 as chronicled by Doros Partasides in his exhibition 'The Loss of Religious Heritage' and urges the British Government to apply pressure on Turkey for their restoration to their original condition.**

**Council believes an equitable solution must be found that would re-unify the island and allow Greek Cypriot refugees to move back into the property seized from them in 1974.**

**However, Council deplores the inaction by the Labour Government in securing such a settlement, and the increasingly apparent anti-Greek bias demonstrated for example by former PM Tony Blair's intervention in the Annan 5 referendum.**

**Council believes this bias has sadly been compounded by the appointment of a Special Envoy to the island. While the long-overdue establishment of such a post is to be commended, the choice of appointee is not.**

**Council notes that Joan Ryan MP has shown increasing partiality on Cypriot affairs, including calling for direct flights to occupied "northern" Cyprus.**

**Council understands that the wisdom of this appointment has already been questioned by a Senior Foreign & Commonwealth Official.**

**The holder of such a vital role must show impartiality and neutrality, Council believes, traits that Ms. Ryan has recently proved not to show.**

**Council accordingly requests the Chief Executive to write to the Prime Minister, asking him to urgently reconsider Ms Ryan's appointment to the post of Special Envoy to Cyprus in view of her recently publicised Turkish Cypriot connections.”**

**54. MOTION IN THE NAME OF COUNCILLOR HELENA HART (Agenda Items 8.2 and 13.1.6 (ii)):**

Motion 8.1 in the name of Councillor Helena Hart was moved.

Amendments in the names of Councillors Andrew McNeil and Wayne Casey were moved, in respect of the latter from the floor. Debate ensued.

Upon being put to the vote the amendments in the name of Councillors Andrew McNeil and Wayne Casey were declared lost.. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Andrew McNeil. Upon being taken the results of the Division were declared as follows.

<b>For</b>	<b>Not Voting</b>	<b>Absent</b>
<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>
Braun	Campbell	Burton
Bulmer	Chopra	Dean Cohen
	Cooke	Linda MacFadyen
Casey	Farrier	Dean Cohen
Jack Cohen	Houston	
Melvin Cohen	Hutton	
Coleman	Johnson	
Cornelius	McGuirk	
Davies	McNeil	
Depala	Moore	
Ellison	O-Macauley	
Finn	Rawlings	
Freer	Rogers	
Gordon	Sargeant	
Greenspan	Schneiderman	
Harper	Slocombe	
Harris	Sodha	
Helena Hart	Tierney	
John Hart	Zubari	
Lynne Hillan		
Macdonald		
Margo		
Marshall		
Naghar		
Offord		
Monroe Palmer		
Susette Palmer		
Perry		
Prentice		
Rajput		
Rams		
Rayner		

Rutter		
Brian Salinger		
Kate Salinger		
Scannell		
Andreas Tambourides		
Joanna Tambourides		
Thomas		
Weider		
Yannakoudakis		

For 40  
Not Voting 19  
Absent 4

The amendment in name of Councillor Richard McNeil was therefore, declared lost.

Upon being put the vote, the substantive motion was declared carried

**RESOLVED - Council is appalled that Barnet and Chase Farm Hospital Trust has been given the first ever Improvement Notice on Hygiene to be issued by the Healthcare Commission after serious breaches were found in its infection control procedures.**

**This is a shocking indictment of a Trust that has experienced notable problems with diseases such as Clostridium Difficile (C Difficile) and MRSA in the past.**

**Further, Council believes the Trust has had ample time to put effective hygiene policies in place, but has evidently failed to do so. This patent lack of supervision and control cannot be allowed to continue.**

**Council also re-iterates its grave concerns on the unacceptable conditions on Barnet Hospital's maternity wards found by the *Panorama* Report. These included, Council understands, pregnant women being left in corridors, inadequate staffing levels and unqualified volunteers forced into participating in procedures for which they had had no proper training.**

**Council believes it is imperative that drastic action is taken immediately to improve both the hygiene and general standards of care at Barnet and Chase Farm Hospitals and notes Cabinet's previous warnings on all of these and other local NHS failings.**

**Council further believes that compliance with the terms of the Improvement Notice is the very minimum that patients should be able to expect.**

**Council's continuing confidence in the Board of Management is dependant on the following areas of concern being properly addressed within the next 6 months:**

1. The lack of trained midwives - which resulted at one point in one midwife having to look after 23 mothers (There should be at least 1-1.4 midwife to each mother in labour)
2. The shortage of foetal monitors
3. The insufficient number of beds available to cope with the numbers of expectant mothers wishing to be admitted (There should be enough beds for every patient admitted – on average around 70 mothers are admitted each week)
4. Staff attitudes to expectant mothers - particularly when under pressure
5. The rate and actual numbers of patients contracting MRSA and C Difficile (The overall NHS policy is for a year on year reduction in MRSA infections. A National Public Service agreement calls for a 60% reduction in the MRSA numbers against the 2003/4 baseline by 2007/8. The local target for C Difficile reduction is 20% from the 2006/7 baseline).

Council therefore requests that LBB's Chief Executive writes to the Chairman of the Barnet and Chase Farm NHS Trust accordingly and requests that proper and adequate management controls are put into place immediately to rectify this most unacceptable state of affairs and further requests that the Council is informed of such remedial action and the effects of it.

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.

**55. MOTION IN THE NAME OF COUNCILLOR ANNE HUTTON (Agenda Items 8.6):**

Motion 8.6 in the name of Councillor Anne Hutton was moved. With the consent of the Mayor, Councillor Anne Hutton moved a further amendment in name of Councillor Jack Cohen. Debate ensued.

The motion was declared carried.

**RESOLVED - Council congratulates all A-level and GCSE students in Barnet for their outstanding exam results this year, which are continuing to improve every year.**

**Council acknowledges the hard work of all those involved in producing such excellent results, including pupils, teachers, governors, and parents, as well as council staff in Children's Service**

**Council asks Cabinet to instruct the Chief Executive to write to all schools in the Borough to convey Council's appreciation of their efforts.**

**56. MOTION IN THE NAME OF COUNCILLOR CHARLIE O-MACAULEY AS AMENDED BY COUNCILLOR FIONA BULMER D (Agenda Items 8.3 and 13.1.6 (iii)):**

Motion 8.3 in the name of Councillor Charlie O-Macauley and an amendment in the name of Councillor Fiona Bulmer were put to the vote without debate. The amendment in the name of Councillor Fiona Bulmer was declared carried. The substantive motion was declared carried.

**RESOLVED – Council is proud of its Youth Service, which has been achieving highly and has seen an increase in investment from a**

diverse range of sources, including an extra £983,000 in external funding secured so far this year.

Council recalls that in 2006 the range of enjoyable and challenging services on offer to young people, including sports, arts, health projects, residential and adventurous activities was widened.

Council notes that 5,000 local children benefited from the council's £200,000 investment in additional holiday activities this summer. Council also notes that the recently published directory, 'Things to do in Barnet' lists more than 500 activities for young people across the Borough.

Council believes the best activities for young people are those that have input from users of the service, therefore Council is pleased the service has developed a Barnet Youth Bank that allows young decision makers to allocate money and resources.

Council welcomes the results of Best Value Indicators that consistently show our Youth Service is providing value for money to our residents. Council notes that in 2005/6 it exceeded its target of young people gaining recorded outcomes.

Council believes that these broad, diverse range of activities are preferable to the often outdated and outmoded youth centres of the past.

Council is disappointed that it is still not clear where the Government's stated extra investment in youth facilities will go and if Barnet will receive any additional funding. However, Council will continue to build on its record of attracting external funding for the service.

Accordingly Council calls on Cabinet to continue the improvement in scope and range of activities for the young people of Barnet by continuing to harness extra investment from a range of sources.

**57. MOTION IN THE NAME OF COUNCILLOR ANNE HUTTON AS AMENDED BY COUNCILLOR FIONA BULMER (Agenda Items 8.4 and 13.1.6 (iv)):**

Motion 8.4 in the name of Councillor Anne Hutton and an amendment in the name of Councillor Fiona Bulmer were put to the vote without debate. The amendment in the name of Councillor Fiona Bulmer was declared carried. The substantive motion was declared carried.

**RESOLVED - Council believes that the early years are crucial to a child's development and their future prospects and welcomes the diverse range of childcare offered by voluntary and private sector in Barnet which proves popular with parents.**

Council however regrets that the Government's own scheme, the London Childcare Affordability Programme (CAP), has proved much less popular with local parents, with no take-ups of this scheme in the Borough despite the full co-operation of LBB and 30 day care places being offered.

Council notes there are 7 other local authorities in London with a nil take-up of full day care places and 8 others with a nil return for flexible places.

Council believes the Government must urgently re-assess this programme and offer a framework that meets local needs.

Accordingly, Council calls on Cabinet to press the Government to review and amend the scheme into a format likely to prove more popular with Barnet's parents.

**58. MOTION IN THE NAME OF COUNCILLOR COLIN ROGERS, AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Items 8.5 and 13.1.6 (v):**

Motion 8.5 in the name of Councillor Colin Rogers and an amendment in the name of Councillor Matthew Offord were put to the vote without debate. The amendment in the name of Councillor Matthew Offord was declared carried. The substantive motion was declared carried.

**RESOLVED - Council is proud of its record in encouraging the use of more sustainable modes of travel such as cycling, and believes that increasing cycling rates can help combat obesity and protect the environment by reducing congestion.**

Council welcomes LBB's work (with an investment of £48,000 this year) in promoting safer cycling in the Borough's schools, including one to one route training for secondary school children from home. Cycling is also, Council notes, an integral part of the Council's Sustainable School Travel and Transport Strategy.

Council further welcomes the investment being made by the Borough in improving the cycle network across the Borough, to a total of £555,000 by 2010.

Council also believes that the resurfacing and road repairs across the Borough make for improved cycling on our roads, as this decreases the number of potholes and obstructions that cyclists must circumnavigate.

Council accordingly calls on Cabinet to continue its work to improve cycling training, cycle routes, and the investment in road repairs across the Borough, all of which encourage and promote cycling as a sustainable, pleasurable and healthy form of transport.

**59. ADJOURNMENT OF MEETING**

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

The meeting reconvened at 9.05 pm

**60. ADMINISTRATION POLICY ITEM: BARNET'S CARBON FOOT PRINT (Agenda Items 9.1 and 13.1.5 (vi)**

Councillor Matthew Offord proposed the item and moved that it be adopted. Amendments in the name of Councillors Jim Tierney and Susette



Palmer were moved. Debate ensued. Upon being put to the vote the amendments in the name of Councillors Jim Tierney and Susette Palmer were lost. The substantive motion was declared carried.

**RESOLVED - Barnet's environmental achievements to date have been extensive and have included:**

- **Solar Panels and wind turbines on some schools**
- **A Carbon Trust Audit on Barnet's Energy usage**
- **Opting for green energy at Council sites where possible**
- **Energy efficiency measures at Council properties**
- **Solar powered parking machines**
- **A groundbreaking SPD designed to ensure sustainability in new developments**

However, in order to tackle Climate Change, we believe that further action is taken to identify the authority's Carbon Footprint, and that a specific environmental policy is worked up to tackle it.

Accordingly, Cabinet is requested to:

- 1) **Identify scope and analysis to determine the Council's carbon footprint, either through in-house work or by joining the Carbon Trust's Local Authority management programme.**
- 2) **Investigate whether potentially unavoidable carbon emissions can be effectively "offset" by investing in external projects to cut and control CO2.**
- 3) **Focus on new areas of the authority that could be supplied by "green" energy.**

**61. OPPOSITION POLICY ITEM: IMPLEMENTATION OF TRIAL CAR CLUB (Agenda Items 9.2 and 13.1.5 (viii))**

Councillor Duncan Macdonald proposed the item and moved that it be adopted. An amendment in the name of Councillor Matthew Offord was moved which Councillor Duncan Macdonald accepted.

**RESOLVED –**

**As up to 90% of pollution emissions in London come from motor vehicles, car clubs can play a valuable role in the reduction of pollution. Studies in Europe have shown that each Car Club vehicle typically replaces five to ten private vehicles, thereby reducing congestion and pollution.**

**A car club provides its members with quick and easy access to a car for short term hire. Members can make use of car club vehicles as and when they need them. We believe that the most successful car clubs are those that are operated on a strictly commercial basis, where their viability has been proven by the market. However, this Council also understands that such clubs may require non-financial help assistance to start and develop, which the London Borough of Barnet could be in a position to give.**

**Using Car Clubs**

**Book - for as little as half an hour at a time, using telephone or internet. The booking can be made well ahead of time or with a few minutes notice.**

**Unlock - cars are located at designated parking bays in the local area and accessed using the member's smart card**

Drive – Once inside the driver enters a pin and drives away, returning the car at the end of the journey. It is possible to extend the booking if necessary

Pay - Pay-as-you-go charges include fuel and maintenance costs. A subscription charge is paid monthly or annually.

The proposal

Council accordingly requests that the Cabinet:

1. Supports securing parking in off-street locations for commercial car clubs that are self-funding.
2. Supports schemes being developed in the Borough, such as the one being proposed by Fairview at the Colindale Hospital development.

**62. REPORT OF CABINET (Agenda Item 10)**

None

**63. REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE (Agenda Item 11)**

None

**64. REPORT OF THE SPECIAL COMMITTEE (CONSTITUTION REVIEW) 31 JULY 2007 (Agenda Item 12.1 and 13.1 (vii)):**

An amendment in the names of Councillors Jack Cohen was moved. Debate ensued. The Democratic Services Manager reported that the Independent Remuneration Panel had agreed with the recommendations relating to the scale of the Special Responsibility Allowance to be allocated to the Chairman of the Pension Fund Committee, but had not yet considered the allowances that might be allocated to the Committee Members.

Nominations to the Pension Fund Committee in the in the names of Councillors, Joan Scannell, Alison Moore and Wayne Casey were moved.

Upon being put to the vote the amendment in the name of Councillor Jack Cohen was declared lost.

**RESOLVED –**

(1) That an exception to the political balance requirements be agreed and responsibility for the management of the Pension Fund be delegated to a Pension Fund Committee comprising two members from each political party, and two substitutes from each political party, in accordance with Option 2 within Appendix 1 to the report, and the functions indicated be delegated to the Chief Finance Officer

(2) That a quorum of three Members, with the rules relating to committees and sub-committees set out in Part 4, Section 2 of the Constitution be applied with the exception of paragraph 15(4) of the explanatory note and paragraph 5.3 of the extract from Part 3 of the Constitution [exclusion of ability of minority of members to move recommendations to Council]

**ADDITIONALLY**

(1) With Bodies and Trade Unions having observer status only, in both public and exempt parts of the Committee, and the External Adviser also attending both parts of the Committee in an Advisory capacity only

(2) That the Members and Substitute Members and a Chairman and Vice-Chairman be appointed as follows:

Chairman: Councillor Mike Freer

Vice-Chairman: Councillor John Marshall

Councillors Danish Chopra, Geof Cooke, Wayne Casey and Monroe Palmer.

Substitutes: Councillors Anthony Finn, Andrew Harper, Alan Schneiderman, Ansuya Sodha, Jeremy Davies and Duncan Macdonald.

(3) That the Special Responsibility Allowance at scale 4 (currently £7,125 per annum) to the Chairman of the Pension Fund Committee, paid for by the Pensions Fund

(4) That the Pension Fund Governance Compliance Statement (GCS) (as presented in Appendix 1 to the report) in the Constitution, it being the basis for all decisions concerning the strategic management and governance of the Pension Fund, and in so doing revoke the current arrangements set out in the constitution.

(5) That the amendments to Part 3 of the Constitution (Responsibility for Functions) as outlined in change 2 within Appendix 1 to the report be authorised

(6) That the amendments to the Financial Regulations as outlined in Change 3 within Appendix 1 to the report be approved.

(7) That the Democratic Services Manager be instructed to:-

(i) make the appropriate changes to the Council's Constitution

(ii) determine the dates for the meetings of the Committee in consultation with the Chairman

(8) That the wider implications set out in paragraph 6.3 of the report on decisions taken by General Functions Committee relating to staffing and pension conditions of service matters be noted.

**65. AMENDMENT TO THE LEADER'S SCHEME OF DELEGATION (Report of the Democratic Services Manager – Agenda Item 13.1.1)**

**RESOLVED - That the Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution as shown in Appendix A attached to the minutes..**

**67. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT (Report of the Democratic Services Manager – Agenda Item 13.1.2):**

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

68. **EXECUTIVE DECISIONS AND THE OPERATION OF THE CALL-IN AND URGENCY PROCESS – REVIEW (Report of the Democratic Services Manager – Agenda Item 13.1.3)**  
**RESOLVED - That the report of the Democratic Services Manager relating to Executive Decisions and the Operation of the Call-In and Urgency Process - Review be noted.**
69. **AMENDMENTS TO THE CONSTITUTION (Report of the Democratic Services Manager – Agenda Item 13.1.4):**  
**RESOLVED - That the amendments to the Constitution shown in Appendix B attached to the minutes be approved, subject in the case of items (iii) and (iv) to Council having approved the recommendations of the Special Committee (Constitution Review) at Item 12.1 of the agenda, and that the Democratic Services Manager be instructed to make the necessary amendments.**
70. **ALTERATION TO THE MEMBERS’ LICENSING CODE OF GOOD PRACTICE (Report of the Democratic Services Manager – Agenda Item 13.1.10)**  
**RESOLVED - That the revised Members’ Licensing Code of Good Practice attached at Appendix C to this report be approved and the Democratic Services Manager be instructed to make the appropriate changes to the Constitution.**
71. **CHIEF OFFICER APPOINTMENTS PANEL – CHIEF EXECUTIVE’S ANNUAL APPRAISAL (Report of the Democratic Services Manager – Agenda Item 13.1.5):**  
Nominations in the names of Councillors, Joan Scannell, Alison Moore and Wayne Casey were moved  
**RESOLVED – That the Council appoint the following Chief Officer Appointment Panel to carry out the annual appraisal of Chief Executive;**  
**Chairman: Councillor Mike Freer**  
**Vice-Chairman: Councillor Matthew Offord**  
**Councillors Lynne Hillan, Joan Scannell, Linda McFadyen, Alison Moore and Monroe Palmer**  
**Substitutes: Councillors Melvin Cohen, Wendy Prentice, Alan Schneiderman, Jim Tierney, Wayne Casey and Jack Cohen**
72. **CHANGES IN COMMITTEE MEMBERSHIPS (Supplemental Report of the Democratic Services Manager – Agenda Item 13.1.7)**  
Councillor Joan Scannell moved that Councillor Eva Greenspan replace Councillor Andreas Tambourides as a as Chairman of the Planning and Environment Committee. Councillor Andreas Tambourides to replace Eva Greenspan as a Member of the Licensing Committee. Councillor Andreas Tambourides to replace Councillor Eva Greenspan as Chairman of the Licensing Committee.  
**RESOLVED - that the following change in Committee Memberships be approved:**

- Councillor Eva Greenspan to replace Councillor Andreas Tambourides as Chairman of the Planning and Environment Committee.
- Councillor Andreas Tambourides to replace Eva Greenspan as a Member of the Licensing Committee.
- Councillor Andreas Tambourides to replace Councillor Eva Greenspan as Chairman of the Licensing Committee.

**73. MEMBERS CODE OF CONDUCT (CL. DEC 26/6/07 – 39) – (Report of the Monitoring Officer - Agenda item 13.2)**

**RESOLVED:**

1. That Ms Cathy Goldin be re-appointed as a co-opted member on the First Class Education and Children Overview and Scrutiny Committee, representing the Jewish Voluntary Aided Schools, for the period ending May 2008, ie the date of the Annual Meeting of the Council
2. That the position relating to Mrs Pauline King be noted.

**74. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Items 14 and 13.1.9)**

**Please Note:**

**Due to technical problems experienced at the Council meeting it has not been possible to record all the comments made and responses given at the meeting. Therefore the following has been compiled using members recollections where possible.**

**Comment: Councillor Monroe Palmer**

To comment on the practice of handing out parking penalty notices on what a local Church Minister described as 'the rather deserted Finchley Road early on Bank Holiday Monday'. Do we really need to treat bank holidays as a further example of Barnet's money grabbing culture? We should not be charging for parking on Bank Holidays

**Response: Councillor Matthew Offord**

Barnet Council puts road safety as its priority – whatever the day of the week.

**Comment: Councillor Susette Palmer**

Policy document summaries would increase interest from the public who didn't have time to wade through the entire paper.

**Response: Councillor Mike Freer, Leader of the Council**

Our reports and strategies already provide a summary.

**Comment: Councillor Joan Scannell**

We all know what a fabulous job you're doing Councillor Coleman! So, can we have your assurance that you will continue the fight against anti-social behaviour, by rolling out the programme to install more CCTV cameras across the Borough?

**Response: Councillor Brian Coleman**  
(inaudible)

**Comment: Councillor Jeremy Davies**  
(inaudible)

**Response: Councillor Brian Coleman**  
(inaudible)

**Comment: Councillor Julie Johnson**

Madam Mayor, I'd like to thank Graham Smith for his efforts and energy in engaging Members during the scrutiny improvement programme. Scrutiny's an integral part of the democratic process that aids transparency and accountability, it can also provide constructive solutions to local issues and policies. To do this requires commitment from all Members serving on its committees. Participation in some of Graham's sessions was patchy but those of us on both sides who did regularly attend have developed a good rapport and it was pleasing to see how many Members expressed similar views and opinions on the role and importance of scrutiny. Commitment to support the scrutiny process is required from the whole council.

**Response: Councillor Andrew Harper**

Thank you Madam Mayor, I too have received feedback from those Members who have participated in the scrutiny improvement programme. I believe their participation has been very positive indeed and I am happy to say that this Council's thanks will certainly be passed on to Mr Graham Smith.

**Comment: Councillor Andrew McNeil**

Since the loss of the dedicated park-keeper Cherry Tree Wood is falling into disrepair. When I went last week I found overflowing litter bins, with rubbish being blown about, and bulky items dumped there because the gates are still not being locked when they should be. Park signs are defaced with graffiti and the glass of the main notice board was smashed. Flower beds and park furniture are damaged, and dog mess was visible on the grass near children playing.

Officers may reply that the Wood is "in receipt of one of the highest rates of care of any site" – a comment that was greeted with derision at a meeting of concerned users on Sunday – but Cherry Tree Wood is supposed to be a Premier Park, and yet it is being left to rot by this uncaring and arrogant administration. I am again bringing this issue to the attention of the Cabinet Member so that he can decide whether to get down from on-high and come and talk to local residents about the ward's only park.

**Response: Councillor Matthew Offord**

Madam Mayor, I have seen the photographs submitted by the councillor in respect of his comments and I have to say they are unconvincing for his case. The decision to remove the Park Keeper was made on an operational basis and one which I support. Cherry Tree Wood is one of our 16 Premier Parks and as such we will work at the site in order that we can make an application

for Green Flag status in the next few years. I am pleased to see that the councillor now supports our Green Flag policy. It's a pity that the rest of his group does not.

**Comment: Councillor Barry Rawlings**

Right, November 2006, Education & Children Scrutiny, report on domestic violence and the effects on children went up to Cabinet asking for comments. The constitution says "The Executive Member will respond within not less than 4 weeks". This is November 06, we're still waiting Councillor Coleman, but then it also says "He (or she) will" not may, not could, not should "will attend a future meeting to respond", will the Cabinet Member intend to continue to defy the constitution and therefore explain his behaviour to the Standards Committee or will he do as he's told and respond in writing and appear before the Scrutiny Committee.

**Response: Councillor Brian Coleman**  
(inaudible)

The meeting finished at 10.29pm

**Please Note:**

**Due to technical problems experienced at the Council meeting it has not been possible to record all the supplementary questions asked and responses given at the meeting. Therefore the following document has been compiled using Members recollections where possible.**

**Council Questions to Cabinet Members  
11 September 2007  
Supplementary Questions and Responses**

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

Could you please tell the Council what positive developments emerged from the June meeting organised by Hale Councillors, at which you spoke, regarding the problems of excessive traffic around Worcester Crescent and Mill Hill County High School?

**Answer by Councillor Matthew Offord**

The meeting enabled all those who attended to share their views on issues that affected them and also enabled everyone to suggest ways in which they felt improvements could be made with traffic flow and parking.

It was clear from the meeting that the two main issues of congestion and obstructive parking affected everyone to some degree, but in particular in Ramilies Road and Worcester Crescent. It was agreed that a further meeting would take place in September when more concrete proposals to remedy the situation would be presented for discussion and also an update on possible measures within the grounds of Mill Hill School itself which could also lead to improvements in the area. Of particular encouragement was the efforts being made by Mill Hill School in introducing measures aimed at minimising the impact of their motoring pupils in the area.

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

... traffic problems around Mill Hill County School and will he join me in thanking the school for introducing, at long last, quite stringent rules to regulate those older students who drive to school.

**Answer by Councillor Matthew Offord**

Madam Mayor, I certainly will do so, only recently I have met with officers to discuss proposals at that particular location and I hope to update residents in conjunction with the local members as soon as possible.

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

Can the Cabinet Member justify why Barnet offers a 330ltr Blackwell composting bin for £20 whereas Camden residents get them at £10 including delivery? This has resulted in an additional £110,490 to date raised from Barnet residents rather than if they had been Camden residents.

**Answer by Councillor Matthew Offord**

Each individual local authority makes its own arrangements regarding home composting bins. The price that the units are sold for will be determined by the price per unit from the distributor and the financial contribution that the individual local authority makes, to offer the unit at a reduced rate.



The financial contribution made by each local authority will be dependent on the money available, the quantity of units that the local authority expects to sell in one year and which type of home composting units it wishes to promote.

We do not 'make' any revenue from selling home composting bins to residents.

In 2007/08 the 330 litre Blackwell composting bin is available to Barnet Council for £23.95. Barnet Council then subsidises each sale of this home composting bin by £3.95. Barnet offers the greatest range of home composting bins of any authority in London. In total each year Barnet Council spends approximately £10,000 on subsidising home composting bins.

**Supplementary Question No. 2**

**Councillor Monroe Palmer**

Thank you Councillor Matthew Offord for your answer. Councillor Offord we are talking of exactly the same compost bins. Up to 3 July you could buy a bin for £15 from the council and now it's £23.95 less the £3.95 subsidy. The local Lidl store is selling exactly the same bin for £15, Camden Council is selling them cheaper. Water butts, our council sells them for £35 roughly, and Thames Water sells them for £20. I accept Councillor Offord's assurances that unlike Barnet's usurious car parking charges Barnet is not making any revenue but does not Councillor Offord feel that he urgently needs a review of Barnet's procurement ability if they are undercut not only by neighbouring Camden Council but also by the local supermarkets.

**Answer by Councillor Matthew Offord**

Madam Mayor the Member seems to be advocating that the free market takes over the sale of water butts and composting bins on behalf of the Council. Being a free marketer myself I'd be very happy for Lidl's or Aldi or any other supermarket chain to take over the selling of these items. One additional point I would make is that the difference between this Council and Camden is the amount of revenue we receive from the Government. Camden, as I'm sure he knows, is an inner city London borough and receives a greater proportion of their budget from the Government than we do here in Barnet.

**Question No. 3**

**Councillor Alison Moore**

Will the Leader welcome the new 50p bus fare that will benefit people on income support in Barnet including lone parents, carers, and the long-term sick?

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

A special concession for some of those residents on benefits is welcome but I have doubts as to the morality of depriving a developing country of much needed income that could benefit a population arguably in greater need than our own.

**Supplementary Question No. 3**

**Councillor Alison Moore**

Clearly the government of Venezuela does not share Councillor Freer's concerns about the pros and cons of the arrangement, given that this is part of an agreement that they clearly believe also benefits them, it's not a one way deal. But putting that one on one side will he make sure that where it has the means to do so the Council ensures that local residents who stand to benefit from this scheme are informed of its availability so that our constituents on low incomes are able to take it up and will he agree with me that this travel benefit should be retained after May next year?

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

Madam Mayor, I wouldn't hope to bind Boris Johnson in any decisions he takes as the Mayor of London however where I depart from Councillor Moore is I am happy for the GLA and the Mayor to waste money advertising this scheme if that's what they wish to do with their money because whilst the scheme itself may have some merit what I do have problems with is that the poorest residents in the world, compared to our own country, the residents of Caracas who suffer the lowest level of income, the lowest level of GDP, the lowest level of health care, the lowest level of housing investment and the worst slums, have money appropriated for them in return for one transport commissioner. That's not what I would call fair trade.

### **Question No. 4**

### **Councillor Brian Gordon**

Would you please inform the Council about the tougher stance being adopted by our Administration against fly-tipping around the borough?

### **Answer by Councillor Matthew Offord**

For the last four years, Barnet has employed an increasingly tougher stance on dealing with people engaging in illegal fly tipping.

The decision to take decisive action was prompted by in excess of 10,000 tonnes of construction and demolition waste being dumped in Barnet in 2003, mostly by 32-tonne tippers.

A full-time post was created to deal with fly tipping and, within two years, the amount of large-scale industrial fly tipping had reduced to zero. The number of small scale incidents of fly tipping also dropped by 1,400 between 2004/5 and 2005/6.

To achieve this, Barnet introduced a range of initiatives:

1. Undertaking multi-agency operations with the police, Environment Agency, the Vehicle and Operator Services Agency (VOSA), the Driver and Vehicle Licensing Agency (DVLA), HM Revenue and Customs and the Met Police Specialist Operations unit
2. Using overt and covert CCTV
3. Restricting access to land
4. Strategically and effectively using the media – including the seizure and crushing of a 32-tonne tipper lorry in February 2004, covered by London Today
5. Prosecuting 33 fly tippers over the last two years

In 2006, Barnet was one of a handful of authorities highlighted in a good practice guide for tackling fly tipping for local councils, produced by the Jill Dando Institute of Crime Science.

Fly tipping is still reducing in Barnet year by year, and looking to the future, the newly set-up Community Protection Group has made tackling fly tipping one of its top priorities, particularly targeting the 'white van man'-type tippers using an intelligence-led approach.

### **Supplementary Question No. 4**

### **Councillor Brian Gordon**

Councillor Offord, would you agree, I'm sure you do, that fly tipping is an exceptionally anti-social activity, it's an absolute plague on our environment and that we should continue to pursue the excellent initiatives that you've set out in your answer in order to combat it?

### **Answer by Councillor Matthew Offord**

Of course I do. When I see things littered around the borough it does annoy me a great deal and as councillors and members I'm sure we all take our part in having those kinds of items cleared up.

Most recently the Leader and I thought we spotted someone fly tipping outside the Town Hall and we challenged a person in a white van as we are prepared to take a personal lead against fly tippers. It is anti-social, it costs us money and it is blight upon the people and landscape of Barnet.

**Question No. 5**

**Councillor Monroe Palmer**

Can the Cabinet Member explain how the GMB union using Audit Commission statistics ranked Barnet as a clean Borough, whereas I have received many complaints such as from Elmcroft Avenue which says "I am ashamed when I have visitors. Golders Green and Finchley Road, especially around the bus stops are absolutely filthy and never seem to be swept adequately. Elmcroft Avenue is not too clean either. Dirt has accumulated again and weeds are growing along the edges of the pavement – they have never been removed." She adds "A lot of my time is in Camden or Westminster and they are spotless compared to Barnet". Does this support Twain's comment that there are "lies, damned lies and statistics."

**Answer by Councillor Matthew Offord**

The figures referred to by the GMB were the outcomes of the Councils BV199 (a) survey for litter and detritus which is carried out 3 times per year across 300 randomly selected/but statistically valid transects across the borough. The survey is carried out using the ENCAMS methodology which is nationally accepted practice. This BV199 is a statutory measure used by all councils across the country and has to be reported to DEFRA annually.

I am also pleased to advise that the first survey carried out in the 2007/8 reporting year by external consultants across the first 300 transects has reported a score of 9% for BV199 (a) against the corporate target of 12%. This is clear externally validated evidence of the high standards of cleaning being achieved by the council as a result of the changes made to the street cleaning service.

**Supplementary Question No. 5**

**Councillor Monroe Palmer**

I'm sure that you are also in a state of permanent annoyance, as you put it, about the state of some of the streets. My question Councillor Offord, quoted Mark Twain's comment which was attributed to Disraeli, about lies, damn lies and statistics, what did I get back as an answer but more statistics, and indeed a further disappointing statistics which was highlighted by Councillor Kathy McGuirk in a letter to the newspaper showed yet a different set of statistics.

So you can make these statistics stand on the head, do what you like, but you mention in your answer about 300 transects, I don't know what animal this is but I'm in no doubt you'll explain it when you get up, but are any of these 300 transects, are there any of these in Childs Hill Ward because we're getting continual complaints about the street cleaning, the litter and the weeds, and with the weeds in the words of Oklahoma, grow as high as an elephant's eye, and really it is somewhat embarrassing. I think they're treated but they still don't die, they're very strong the weeds in our part of the world. So Councillor Offord I don't think the streets are clean, I don't doubt your words that the streets are cleaned on all the times that you've said, I agree entirely with you and the officers have explained to me about the four weekly cleaning and the other extra cleaning, but clearly near the shopping centres and the roads that lead off from the shopping centres, this is not enough. Do you think we ought to increase the amount of litter clearance and weed cutting in roads on and neighbouring to shopping centres, even above the massive amount that we're now required to do?

**Answer by Councillor Matthew Offord**

I am surprised there are problems in the councillor's ward. Having represented the area for so long I thought he would have jumped upon these problems many years ago and continued to maintain action in these proposed hotspots. The councillor can also advise his constituent that in the budget proposed by the Conservative administration this year, we proposed the new cleansing strategy which has improved the streets in Barnet significantly. He can also tell his residents that he opposed that budget and as such opposed the cleansing strategy and without which the borough would be in a far worse state.

But in regard to the statistics, they were not produced by the London Borough of Barnet. These are independently assessed and audited and provide our score in relation to the BVPI 199. But as we are talking about statistics there is one issue I will mention and that is in relation to his constituent's visit to both Camden and Westminster - and in particular their performance. I understand that Camden spends about £9m on its street cleansing and Westminster about £25m. Here in Barnet we spend significantly less than that, being an outer London Borough. In regard to the Best Value Performance Indicator 199 our magnificent score of 9% against our target of 12% is not matched by Camden, who only achieved 17% and at Westminster 14%. So in terms of pound for pound we certainly punch above our weight here in Barnet.

**Question No. 6**

**Councillor Julie Johnson**

Will the Environment Lead Member join me and local residents on a walk-about on the Welsh Harp to talk about the issue of security and the protection of this SSSI site?

**Answer by Councillor Matthew Offord**

Yes.

**Supplementary Question No. 6**

**Councillor Julie Johnson**

Thank you, I will liaise with you to agree details.

**Answer by Councillor Matthew Offord**

I look forward to it.

**Question No. 7**

**Councillor Brian Gordon**

Earlier this year, it was announced that the London Borough of Barnet is accepting funding from an external government source to educate young people against fundamentalist extremism and hatred. Has this money been received and how is it being used or proposed for use?

**Answer by Councillor Brian Coleman**

Barnet was awarded £96,000 to work with young Muslims. This money is from the preventing violent extremism pathfinder delivery fund and has been paid over as part of our Local Area agreement.

The Council is using the money in partnership with a number of organisations including the Metropolitan Police, Middlesex University and Barnet College to support six projects including Community research, training for Imams and Youth Workers, working with Muslim young people, Madrassa Citizen programmes, public lectures and supporting women's groups.

**Supplementary Question No. 7**

**Councillor Brian Gordon**

Councillor Coleman, would you tell us a little bit more about the way in which (inaudible) £96,000 is being spent, but more importantly perhaps than that is, is this usage of this money something which is part and parcel of the Council's commitment to good inter race relations, inter religious relations, in the borough.

**Answer by Councillor Brian Coleman**

As you know Councillor Gordon we have very close (inaudible) relations, harmonious relations with communities in this (inaudible) this particular fund available to boroughs, (inaudible) particular communities and we are keen to work closely with the Muslim community on these (inaudible) work with out partner organisations. We have a (inaudible) plan ahead, we have a (inaudible) we always welcome the money to allow us work closely with (inaudible) Muslim community is not as developed, for example, in it's community (inaudible) Jewish community, and part of this money will be used to ensure that community (inaudible) so that Muslim residents can play an important part in the life of our borough.

**Question No. 8**

**Councillor Monroe Palmer**

Could the Cabinet Member explain why cars can park in the middle of the grass area within a premier park where no attempt has been made to lock half of the double entry gates or to raise the rhino post. Is this a new policy decision?

**Answer by Councillor Matthew Offord**

There is no reason why cars should park on grass areas in the park unless, for example, it is as a result of site inspections by service officers. Officers will however always park on the highway unless parking restrictions or available space make this impractical.

No, this is not a new policy decision.

**Supplementary Question No. 8**

**Councillor Monroe Palmer**

Thank you for your answer, I am delighted to hear that this is not a new policy decision. I wasn't talking about officers parking but members of the public going into the park with their vehicles and parking on the grass. Democratic Championship should mean that a Ward member can actually do things, but very little can be done if you don't have those executive powers because we have to follow policy. But as you reassured us it is policy therefore I do have the necessary executive powers to ask if that policy be enforced, namely to pull up the rhino posts in between the gates or to shut one gate, one gate of a double gate, which is what the policy is meant to be so that cars and vans do not go inside and park in the park. I went up to someone the other day in the park, they were eating their sandwiches in the car in the middle of the park. Why won't you enforce your policy?

**Answer by Councillor Matthew Offord**

Of course we will ensure that gates are locked in our parks. We've had a new contractor, we may have had a few teething problems in the beginning, but I can now report that they have achieved much higher standards than in the beginning.

**Question No. 9**

**Councillor Zakia Zubairi**

How many Fixed Penalty Notices have been issued in the last year in Barnet for:

- a) dog fouling
- b) litter
- c) fly-tipping
- d) graffiti?

**Answer by Councillor Matthew Offord**

- a) 1 Fixed Penalty Notice has been issued for dog fouling.
- b) 20 fixed penalty notices for litter offences.
- c) There is no specific Fixed Penalty Notice for fly tipping.
- d) 4 Fixed Penalty Notices for graffiti.

**Supplementary Question No. 9****Councillor Zakia Zubairi**

It is incredible that I have had to ask for the information on dog fouling four times before getting a straight answer. Obviously, because the answer is that there is no enforcement taking place. Will the Cabinet Member tell me why in the place of his much publicised clean borough strategy we have such an appalling service failure?

**Answer by Councillor Matthew Offord**

Based on the amount of complaints that we receive about dog fouling, we do not have an appalling service and I would ask the Councillor where is her evidence that she bases her assertion on?

**Question No. 10****Councillor John Hart**

Please could the Leader of the Council confirm whether or not the Council has ever bought products from Remploy?

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

Yes we have purchased from Remploy over the past few years:

2006/07 £552.49  
2005/06 £722.63  
2004/05 £2194.01  
2003/04 £28309.66

**Supplementary Question No. 10****Councillor John Hart**

I find it incomprehensible that such a charity, set up to give employment to badly wounded servicemen after the Great War should be abolished. If I may, as a question to the Government, ask them why they wish to do away with one of the best voluntary bodies in the country. It employs 6,000 disabled people. My brother one of them, so I should know, spent 25 happy years packing cardboard boxes, and to wipe this out because of some misguided economy from a government which claims to look after the disabled, to encourage people to get to work, to help people with various, unmarried wife and mothers and so on, get back to work and to do away with a going concern seems to me to be ridiculous. Could I have an assurance that the Leader will write to the Government asking them to leave it alone and perhaps he could encourage the officers to buy the goods that Remploy provide?

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

I'm afraid Madam Mayor, the answer is no to both parts of the question.

**Question No. 11****Councillor Andrew McNeil**

How many written and verbal warnings have been issued in the last year in Barnet for:

- a) dog fouling
- b) litter
- c) fly-tipping
- d) graffiti?

**Answer by Councillor Matthew Offord**

- a) 1 warning was issued for dog fouling
- b&c) Warnings for litter and fly tipping are recorded as a combined figure and total 105 for the period
- d) 4 police cautions have been issued with regard to graffiti.

**Supplementary Question No. 11****Councillor Andrew McNeil**

When asked by the Hendon Times recently how many fixed penalty notices are being issued for dog fouling, Councillor Offord replied that they were focussing more on written and verbal warnings than issuing fines, as this was less bureaucratic and draconian. Given that we now know they've issued one warning and one fixed penalty notice each, for dog fouling in the last year, could he explain exactly what he means by focussing more on warnings?

**Answer by Councillor Matthew Offord**

The Labour Group tonight appear to be attempting to spin a theory that if we dispense more Fixed Penalty Notices or warnings it would seem that we're tackling the problem. However, the argument falls down because it's not a problem that exists in this borough, and we can accept that by looking at BVPI 199, the customer satisfaction survey and also the complaints that we receive in the borough. I thought about this issue earlier today and it reminded me of the comments of Sir Robert Peel when he spoke about policing. He said that the test of police efficiency is the absence of crime and disorder not the visible evidence of police action in dealing with it. Here in Barnet we don't have a problem and I'm not going to let you create the impression of one – even as some people try and stoke up the issue within the pages of the Hendon Times.

**Question No. 12****Councillor Hugh Rayner**

Is the Cabinet member aware of anti-social behaviour in the Glengall Road area and will he consider requests from the Hale and Edgware ward Councillors to consider the installation of CCTV?

**Answer by Councillor Brian Coleman**

Yes I am not least because the hard working Councillors for Hale and Edgware wards have brought the matter to my attention and that of Council officers on a number of occasions. I am pleased to tell Councillor Rayner that proposals for CCTV in the area have been added at my insistence in to the report on the CCTV programme to be brought to the October meeting of Cabinet.

**Supplementary Question No. 12****Councillor Hugh Rayner**

Councillor Coleman, thank you very much for your answer. The CCTV will indeed be welcomed by the shopkeepers of Glengall and residents alike. But now it's one thing to spot the crime but another thing to get the police on the spot. Could I please ask Councillor Coleman to use his influence when he is next speaking to the Borough Commander to get transport for the Safer Neighbourhood Teams to get around the huge wards of Barnet?

**Answer by Councillor Brian Coleman**

Madam Mayor, Councillor Rayner raises a very valid point. It's one thing to put Neighbourhood Police Teams on the street, it's another to give them the means to move around the wards which they have to patrol and it indeed will be an issue that I raise with the Borough Commander when I see him for lunch on Friday.

**Question No. 13****Councillor Ross Houston**

How many successful prosecutions have there been in the last year in Barnet for:

- a) dog fouling
- b) litter
- c) fly-tipping
- d) graffiti?

**Answer by Councillor Matthew Offord**

- a,b &c) The less bureaucratic approach of warnings and Fixed Penalty Notices have been used instead of prosecutions.
- d) With regard to graffiti, the Police take prosecutions for criminal damage forward. In the last year there have been 8 prosecutions. Additionally 4 cautions have been issued and 5 Anti-Social Behaviour Contracts have been signed.

**Supplementary Question No. 13****Councillor Ross Houston**

Councillor Offord, thank you for your response, next time I will bring my shoe to the Council meeting when I've got evidence of dog fouling. I certainly had that yesterday walking on the streets of this borough. Not very pleasant but I shall bring it, next time that happens I shall bring it along to the Council Chamber for the Cabinet Member to witness. In his written answer to me Councillor Offord says that they are taking a less bureaucratic approach to both warnings and fines, rather than prosecuting, could he explain why a Council spokesman told the Ham & High and the Hendon Times that they were not issuing fixed penalty notices for dog fouling but were using court orders for prosecutions.

**Answer by Councillor Matthew Offord**

Madam Mayor, I have to say I didn't hear much of that, something about Fixed Penalty Notices and less bureaucracy. Well as I'm sure he knows that to take someone to court does create more bureaucracy than it does to give a Fixed Penalty Notice. If an individual decides they want to challenge that FPN then they can go to court. But I have to say there is nothing more that people hate than council inspectors in peaked hats going round interfering in their lives. I thought we all wanted to create a positive society, particularly here in Barnet, where we trust people to do the right thing but this is not an impression Labour are portraying. Some members of the Labour Group seem to imply that everybody in the borough goes round allowing their dogs to foul the pavements. This attempt to penalise everyone reminds me of, I'll look at her name, Katherine Jennings, the girl who recently put her feet on a seat on a Merseyside train and was then summonsed and faced a criminal record that could have lost her the opportunity to be a teacher in later life. I don't want to criminalise the people of this borough, be it with skips, be it with dog fouling, be it for putting their feet on seats on trains. That is not what we're about, we are a less bureaucratic council than other councils and also some administrations in the past.

**Question No. 14****Councillor John Hart**

Please could the Cabinet Member for Transport and Environment give me an assurance that Uphill Road NW7 will be resurfaced?

**Answer by Councillor Matthew Offord**

Uphill Road is in the Council's 'Reserve List' for carriageway resurfacing this financial year, and will be undertaken subject to additional funding being identified, or as other approved schemes are delayed / postponed.

**Supplementary Question No. 14****Councillor John Hart**

Thank you for your answer Councillor Offord but it doesn't really offer very much hope for people in that awful street. It's been on the reserve list for as long as I can remember, and probably before I returned to the Council. Could you please put it slightly higher on your list of priorities, there's a good word.



**Answer by Councillor Matthew Offord**

Councillor Hart, I think you'll be pleased to know that under the leadership of Councillor Mike Freer, and the work he's done in regards to the finances of this Council, we have now identified monies that we'll be able to put both into the footway relaying schemes and also the resurfacing programmes across this borough.

**Question No. 15**

**Councillor Alan Schneiderman**

How many staff/posts in the Street Enforcement Service were cut in the 2006/7 budget?

**Answer by Councillor Brian Coleman**

Efficiencies meant the Council could reduce the number of posts by 18 of which 11 were vacant anyway.

**Supplementary Question No. 15**

**Councillor Alan Schneiderman**

Given the appalling state of the record of enforcement in this borough which we've heard, the £850,000 that he cut from the enforcement budget last year, and the re-prioritisation of the service, can he actually tell us what he's going to do to tackle street enviro crime.

**Answer by Councillor Brian Coleman**

Madam Mayor, I can't quite understand the Labour Group tonight, why do they hate the residents of this borough so much that they want to go around fining them all the time. Quite honestly Madam Mayor we will not be investing any resources in sending men and women out to penalise and fine the good decent residents of Barnet.

**Question No. 16**

**Councillor John Hart**

What measures has the Cabinet Member contemplated please to ensure that residents on the western side of Barnet have convenient access to such services as planning enquiries now that so much is concentrated at NLBP?

**Answer by Councillor Andrew Harper**

Following a constructive consultation meeting with some local members, detailed work is now underway with services to confirm options for design and arrangements for service delivery at the proposed new customer access facility. A full programme of consultation and communications with residents and stakeholders has been formulated and further member input will be sought on this.

In line with the Customer Access Strategy, the objective of the new facility is to address and alleviate any issues for residents trying to access key services in the west of the borough. Whilst some customer-facing activities may continue to be based at NLBP, the new facility at Burnt Oak is one of a number of initiatives to improve access to services for residents, businesses and others using council services. These initiatives include improvements to our telephone, email and web arrangements as well as working with Libraries and through the Modernising the Way We Work programme to make access to council services and information easier and more efficient.

The business case for the new west of borough customer access facility is based on providing the services that people need most in those wards; evidence so far suggests that these should centre around services such as housing, council tax and children's and adults services. Having said that we want to ensure (a) that the facility can be used to its full potential and (b) that there are some second line, more complementary services available to customers that will mean they can access other council services without necessarily having to come to NLBP.

Whatever we provide, the focus needs to be on ensuring that the new facility is not an extra step in the process eventually leading back to NLBP but that it can add value on its own.

Residents have access online to planning applications submitted after Jan 2006, which they can view at home, through libraries, NLBP, Hendon Town Hall, or the new West of Borough reception when it is built. File requests can be made in the usual way and the Planning Service can send the file through internal post to Hendon Town Hall or the West of Borough reception.

As well as providing an enquiry service in NLBP, Planning propose to provide a planning enquiries surgery two afternoons-a-week in the West of the Borough reception. Dependent on demand we may need to increase or decrease the service provided; this will be assessed on an ongoing basis to ensure that customer requirements are met. We also provide planning advice on the phone Monday to Friday 9am to 5pm on 8359 3000 and 24 hours-a-day access online to Frequently Asked Questions.

When planning officers are visiting sites, arrangements can be made with customers to meet on site at the same time.

**Supplementary Question No. 16**

**Councillor John Hart**

Councillor Harper's answer is I think a complete one, I did go to the meeting at Burnt Oak Library, for this matter of extending the services of the borough westwards, so I'm rather grateful, thank you very much. I think you ought to draft your answer yourself rather than let them be drafted in this sort of civil service prose. The question is how soon are we going to do it?

**Answer by Councillor Andrew Harper**

Thank you Madam Mayor, I note Councillor Hart's comment about the technical language used in the written reply. I'm grateful to him for his participation in the consultation meeting at Burnt Oak Library and indeed to those other Members who were present. Members will be hearing from us again in the very near future about the outcomes of that consultation and next steps.

**Question No. 17**

**Councillor Kath McGuirk**

Does the Environment Lead Member agree with the Council spokesman who was quoted in the Hendon Times on 2 August saying that dog fouling "is a problem that does not exist"?

**Answer by Councillor Matthew Offord**

The first of the triennial BV199 a litter surveys carried out by an external body reported a cleanliness standard of 9% which is an excellent indicator of the cleanliness of the borough. The survey looked at 300 transects across the borough and only two were reported with dog fouling.

**Supplementary Question No. 17**

**Councillor Kath McGuirk**

(inaudible)

**Answer by Councillor Matthew Offord**

Oh dear Madam Mayor, I wasn't aware that the Hampstead Garden Suburb streets where Cllr McGuirk lives were filthy until I was recently corrected that Councillor McGuirk has now moved – so I wonder where she has moved to? Perhaps she's moved out of the borough into somewhere like Brent – I don't know? But anyway, in regard to the issue that she's talking about, our so-called filthy streets. I think this is a tactic the Labour Group are quite happy to promote tonight for no other reason than if they keep talking about that it will take attention away from the real problems in our capital, such as crime, violent crime and gun crime.

These are the issues that are problematic for residents, particularly when they go further afield into places like Brent – where Councillor McGuirk might now live. But all the while you keep talking about these issues, while the government continues to fail, and you keep trying to blame the council for all of our problems.

**Question No. 18**

**Councillor John Hart**

Please could the Cabinet Member for Environment and Transport advise if there is any progress in discussions with TfL over the stupendous build-up of traffic when major events are held at Wembley Stadium?

**Answer by Councillor Matthew Offord**

Traffic count data for the A406 at Staples Corner, A41 at Elliott Road NW4 (just north of the A406) and the A5 at West Hendon has been examined and the traffic flow has not altered significantly when there are major events on at the new Wembley Stadium. Major congestion was however experienced in the Edgware / Stanmore area, believed to be due to the England versus Germany match on the evening of 22nd August, and officers are liaising with LB Harrow to see how on Wembley event day traffic in this area can be better managed.

**Supplementary Question No. 18**

**Councillor John Hart**

May I ask Councillor Offord when he is in a position to announce results to solve the traffic jams and alleviate the problems which, if you're sitting in them, do exist?

**Answer by Councillor Matthew Offord**

Madam Mayor, I don't have a date but I will work with officers to attempt to address the problem. However, I am sure he will recognise this is an issue that affects not only Barnet but also other London boroughs, so it's not something that we can take action on in isolation.

**Question No. 19**

**Councillor Kath McGuirk**

Does the Environment Lead Member agree that the council must develop a pro-active approach to the enforcement of enviro-crime through appropriate legislation?

**Answer by Councillor Matthew Offord**

The Council has a pro-active approach and is working with other public agencies, the community, voluntary sector and local businesses to address this issue.

**Supplementary Question No. 19**

**Councillor McGuirk**

(inaudible)

**Answer by Councillor Matthew Offord**

Madam Mayor, I'm not in the habit of standing outside pubs and I'm not going to base the cleansing strategy on standing outside a pub or Sainsbury's or somewhere else. We will continue to work as we have done, and the Encam survey has indicated that our BVPI199 is 9% against the target of 12%. This clearly demonstrates that our cleansing strategy is working. I thought that the Labour Party only proposed evidence-based policies. The questions tonight show that here tonight in Barnet it's just about assertion and not fact.

**Question No. 20**

**Councillor John Hart**

Please could the Cabinet Member for Planning explain the apparent reluctance of planning officers to use blanket TPOs to save important hedgerows and trees in them from attrition by homeowners and house developers?

**Answer by Councillor Melvin Cohen**

I refer the member to my answer to Q28 of the Council meeting of 26 June 2007

**Supplementary Question No. 20**

**Councillor John Hart**

I regret to say Councillor Cohen that I haven't the copy by my pillow.

**Answer by Councillor Melvin Cohen**

**Question No. 21**

**Councillor Ross Houston**

Does the Environment Lead Member agree that preventing enviro-crime in the first place is a more cost-effective measure than clearing-up the results of enviro-crime?

**Answer by Councillor Matthew Offord**

I refer you to my answer to Question 19.

**Supplementary Question No. 21**

**Councillor Ross Houston**

(inaudible)

**Answer by Councillor Matthew Offord**

Madam Mayor, it certainly is a cut and paste job tonight. Well as the member will know if he's actually read anything of recent legislation, the Clean Neighbourhoods and Environment Act places specific duties on businesses, for example, to play their part in keeping the borough clean. We will continue to work with businesses to ensure that our borough is not only clean and green, but also safe.

**Question No. 22**

**Councillor John Hart**

Please could the Cabinet Member for Housing assure me that all is being done to oblige/persuade owners of derelict and untenanted private house to release them for house-seekers in dire need?

**Answer by Councillor Lynne Hillan**

The Council does not seek to tell private home owners what to do with their properties. Where the property is unsafe or in breach of the housing acts or other legislation then enforcement action will be taken by Environmental Health Officers. In certain limited circumstances there may be grant aid available to owners to assist them in bringing their property back up to a proper standard. Otherwise, where we are aware of an empty home that could be brought back into use we will seek to work with the owner and our partners to see whether, for example, it could be used as part of our leasing programme to provide temporary accommodation for homeless people. There are currently more than 1200 properties in use in this way. We are satisfied that this, rather than heavy handedness, is the correct approach and that it has produced results.

**Supplementary Question No. 22**

**Councillor John Hart**

Could I ask Councillor Hillan how long a property has to remain derelict and a public nuisance before the Borough acts, using its powers of compulsory purchase?

**Answer by Councillor Lynne Hillan**

Thank you Councillor Hart, I'm delighted to answer the question. It's really nice that you're asking such a variety of questions otherwise we would all get thoroughly bored with the same question being asked by the Labour Group.

At the present time, as I say, our policy is a light touch. This administration is absolutely determined not to penalise our residents in their private business. However, I do appreciate it is a growing problem if a property has been empty for some time and we do try to encourage the local owners to bring them back into use as soon as possible.

**Question No. 23**

**Councillor Alison Moore**

Is there a formal agreement between the Police and the Council for the Safer Neighbourhood Team Police Community Support Officers, who are trained to issue Fixed Penalty Notices, to actually do so?

**Answer by Councillor Brian Coleman**

No.

**Supplementary Question No. 23**

**Councillor Alison Moore**

Thank you Madam Mayor, I have to say that Brian Coleman's last comments about *(tape stops recording)*

**Answer by Councillor Brian Coleman**

**Question No. 24**

**Councillor Brian Gordon**

What is your comment on the recent report that there has been a marked reduction in the last year in the number of complaints made by residents about Barnet Council, as reported to the local Government Ombudsman?

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

The figures indicate an improving performance and the Ombudsman has observed that the Council's performance appears more encouraging than the position he reported upon last year.

The number of complaints received by the Ombudsman is down from 155 to 135 and very significant percentage reductions took place in both Education and Planning.

The Ombudsman's Office decided 156 complaints against the Council (because of "carry over" the number of decisions does not correlate with the number of complaints). Of those 156 complaints, the Ombudsman found:-

30 – Complaint Premature.

32 – Complaint Outside Ombudsman's jurisdiction.

20 – Ombudsman Exercised Discretion to Discontinue Complaint.

51 – No Maladministration.

22 – Local settlement.

1 – Formal finding of Maladministration Causing Injustice.

Excluding those complaints deemed out of jurisdiction and those referred back to the Council, the 24% figure for settlements and maladministration finding is below the national average of 28% and below the Council's figure of 35% in the previous year.

Premature complaints account for 19% of the total, compared to a national average of 28%. This is seen by the Ombudsman as an indicator that the public know how to access the Council's complaints procedure.

Average response time to enquiries received from the Ombudsman's office was just under 32 days. This compares to figures of 42 days and 41 days respectively in the previous two years.

Whilst there is obviously scope to do better, these figures do appear to confirm that there have been clear improvements over the past year.

**Supplementary Question No. 24**

**Councillor Brian Gordon**

It's good to note that there has been a marked reduction in the number of complaints made against the council. Would the Leader not agree that we should encourage people more to use their local council (inaudible) I often make at area forums when people complain and say to them have you actually spoken to the council (inaudible) and asked us to help you, and they say well no. We must encourage people to use the kind of council we have (inaudible) and then maybe there'll be no (inaudible) should the Conservative council not be showing an example to all Councillors here (inaudible)

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

I am delighted to see that Councillor Gordon has embraced the democratic champions agenda wholeheartedly, that is what Ward Councillors are there for. They are a conduit to the council and those of us who've spent many hours tramping the streets happily pick up complaints because that's how we find out what's going on.

**Question No. 25**

**Councillor Claire Farrier**

How many CCTV cameras does the Council now have across the Borough?

**Answer by Councillor Brian Coleman**

125.

**Question No. 26**

**Councillor Marina Yannakoudakis**

Please could the Cabinet Member give this Council an update on the condition of Barnet's Premier Parks?

**Answer by Councillor Matthew Offord**

The Council's Premier Parks Strategy and the parks themselves continue to go from strength to strength and the strategy is clearly working. The Council measures the quality and management of it's premier parks against the Civic Trust's Green Flag standard and this year we have achieved Green Flag status at 6 of our premier parks.

**Question No. 27**

**Councillor Linda McFadyen**

How many copies of the Clean Borough Strategy, agreed by Cabinet this year, have been printed, what was the cost, and how many have been distributed to members of the public (whether individuals or businesses / organisations)?

**Answer by Councillor Matthew Offord**

A one off print run of 500 was produced at a cost of £985. The document is intended to be used as a promotional tool and was first used at the launch of the new street cleaning service at Brent Cross and has subsequently been made available at Golders Hill Centenary Event, Friern Barnet Summer Show, East Barnet Fair and the rest will be available at Watling Festival and the Grahame Park Fair.

**Question No. 28**

**Councillor Kate Salinger**

Please could the Cabinet Member outline how well Barnet's students did in the A-Levels this year?

**Answer by Councillor Fiona Bulmer**

The provisional results show that yet again Barnet's students achieved excellent A level results which were well above the national average and amongst the best in the country. I warmly congratulate all the pupils and their teachers on these excellent achievements.

**Question No. 29**

**Councillor Ansuya Sodha**

What resources have been allocated in each Council department for the implementation of the Single Equality Scheme?

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

The Council has integrated our work on equality & diversity and so the whole of the Council's resources are committed.

**Question No. 30**

**Councillor Richard Weider**

Could the Cabinet Member please tell us how Barnet's children did in the Key Stage 2 tests this year?

**Answer by Councillor Fiona Bulmer**

Barnet's children achieved very good results again at Key Stage 2. In English 84% of children achieved level 4, in Maths 81% achieved level 4 and in Science 90%. These results are all above the national average and give Barnet pupils strong foundations on which to build as they enter secondary school.

**Question No. 31**

**Councillor Ansuya Sodha**

What targets and action plans have been set in each Council department to implement the Single Equality Scheme?

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

These are outlined in the Plan.

**Question No. 32**

**Councillor Lisa Rutter**

Please could the Cabinet member for Public Health outline what action the Council took to address the recent outbreak of Legionnaires' disease around Sutherland House in West Hendon?

**Answer by Councillor Helena Hart**

Following notification from the Health Protection Agency of 3 cases of Legionnaires Disease in unusually close proximity to each other in West Hendon, Barnet's Environmental Health Service immediately checked their register of cooling towers and identified one at Sutherland House within close proximity to the cluster of cases. It was considered this might be a potential source and an inspection of the cooling tower was immediately carried out.

Whilst there was no evidence that the cooling tower at Sutherland House had actually been responsible for these cases, the conditions found were such that it was considered appropriate to close it by service of a Prohibition Notice under the Health & Safety at Work etc Act 1974. This removed any potential risk that its condition may cause. Samples were taken and sent to the HPA laboratory at Colindale and these have subsequently proved negative for Legionella bacterium.

Whilst circumstantial evidence pointed to Sutherland House as a likely cause it was not assumed that the incident was now under control. Environmental Health staff continued urgent investigations into other potential sources.

Interviews conducted by the HPA indicated that all cases had either been to or near Brent Cross Shopping Centre. Cooling towers at the centre were inspected by Environmental Health staff and found to be clean and well maintained. The cooling towers were inspected immediately the concerns were raised 8 August.

Two premises were also identified across the border in Brent. Officers liaised with colleagues in Brent Environmental Health and the Health and Safety Executive to ensure these were inspected and sampled. The Health and Safety Executive subsequently closed a cooling tower at premises in Brent.

**Question No. 33**

**Councillor Agnes Slocombe**

The recently published Library Strategy does not make much reference to the Borough's mobile libraries. Will any further investment go towards increasing the hours of the mobile libraries?

**Answer by Councillor John Marshall**

The Mobile Library Service is obviously under constant review. Currently it visits 28 sites each week including a temporary site whilst South Friern Library is being rebuilt. When the new Library is ready the Council will of course have additional time to reallocate. Meanwhile I am sure that Councillors and their constituents will welcome the very substantial investment being made in the Library Service.

**Question No. 34**

**Councillor Geof Cooke**

How many complaints by department (excluding housing) were received by the Council in the following years: 2006/7; 2005/6; 2004/5?

**Answer by Councillor Andrew Harper**

1. Background

Complaints are currently received, logged and managed in service areas. This complies with complaints best practice and the Council's values of customer care. This method of managing complaints enables customers to contact directly those who are best placed to resolve the complaint. In some instances this is not appropriate, for example where a complaint has escalated or where the complaint is about the behaviour of a council officer from a particular department. In these scenarios alternative arrangements are in place. More information regarding the complaints process can be found at [www.barnet.gov.uk](http://www.barnet.gov.uk).

2. Recording of complaints

Due to the devolved nature of complaint management each service has developed their own method or system for recording complaints. These locally based systems are currently being replaced by a single corporate system to ensure more effective and proactive managing and logging of complaints.



### 3.Complaints data

<b>Department</b>	<b>2006/07</b>	<b>2005/06</b>	<b>2004/05</b>
Finance	12	41	57
Chief Executives Office	4	0	0
Children's Service	63	77	57
Community Care	28	199	229
Corporate Performance	1	0	0
Customer Service	37	17	35
Education	92	66	39
Highways and Transport	2192	2526	2230
HR	5	4	1
Corporate Governance	2	8	5
Planning	73	124	122
Regeneration	0	1	1
<b>Totals</b>	<b>2509</b>	<b>3063</b>	<b>2776</b>

### 4. Council Tax

The Council tax team began recording complaints in August 2006 and between August 2006 and March 2007, 106 complaints were received. The team is now recording complaints systematically and will be using the corporate system once it is rolled out later this year.

**Appendix A**

<b>Executive Member and Portfolio</b>	<b>Responsibilities</b>	<b>Delegation</b>
<p>Cllr Mike Freer 23 Claverley Grove Finchley London N3 2DG</p> <p>Finchley Church End Ward LEADER RESOURCES</p>	<p>The Leadership of the Council.</p> <p>Specific individual responsibilities:</p> <p>To lead on budget and policy formulation and implementation in relation to:</p> <ul style="list-style-type: none"> <li>• resources (including billing, collection and recovery of local taxation)</li> <li>• financial forward planning and budgeting</li> <li>• risk management</li> <li>• asset management</li> <li>• major corporate contracts</li> <li>• communications and marketing</li> <li>• HR, equalities and diversity</li> </ul> <p>The monitoring of the Council's budget and to instigate such interventions as necessary to ensure spending is kept within limits determined by council.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p> <p><u><a href="#">Responsibility for the oversight of the Council's duties as an employer under health and safety related legislation</a></u></p>	<p>The Leader may discharge any function of the Executive.</p>
<p>Cllr. Lynne Hillan 20 Ashurst Road North Finchley London, N12 9AX</p> <p>Brunswick Park Ward</p> <p>COMMUNITY SERVICES</p>	<p>To lead on budget and policy formulation and implementation in relation to social care and housing (including housing and council tax benefit).</p> <p>In particular, promoting the best possible adult social services and seamless care in the community by working with and optimising all opportunities offered by other providers to further these aims.</p> <p>In particular working with Barnet Homes, housing associations and other providers to secure the optimum provision and associated environmental, neighbourhood development and social facilities for all those members of the community not living</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>In addition this Cabinet Member may approve grants to voluntary organisations, up to £20,000 per annum.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member.</p>

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	<p>in private accommodation, or for those who require public sector housing.</p> <p><u>Also to promote the better integration of privately rented properties into the borough's housing framework, including the distribution of grants, as necessary, for the adaptation of private properties, to further care in the community.</u></p> <p>All matters related to public sector housing including the administration of Housing Benefits.</p> <p>The distribution of all grants, except those relating to the adaptation of properties in the private sector, after consultation with appropriate portfolio holders.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr Melvin Cohen 146 Broadfields Avenue Edgware HA8 8SS Golders Green Ward PLANNING AND ENVIRONMENTAL PROTECTION</p>	<p>To lead on budget and policy formulation and implementation in relation to planning, development plans, building and property construction.</p> <p>To include all aspects of the development and development control service, environmental health, building control and the naming and numbering of streets and properties.</p> <p><u>Responsibility fro the Council's regulatory role of ensuring that other organisation and businesses in the Borough comply with their duties under health and safety related legislation.</u></p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with t Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

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Also to promote the better integration of privately rented properties into the borough's housing framework, including the distribution of grants, as necessary, for the adaptation of private properties, to further care in the community. ¶

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**Amendments to the Constitution**

(i) Part 3 – Responsibility for Functions , Section 1 Allocation of Local Choice Functions

**1. ALLOCATION OF LOCAL CHOICE FUNCTIONS**

**Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the local choice functions that can be allocated to the Executive or to the Council or to Council Committees. The following table shows which body is responsible for each of these. The bodies are described in the table in section 2.**

<b>Function</b>	<b>Decision making body</b>
1. Any function under a Local Act.	1. The Executive
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This excludes matters where statutory arrangements exist).	2. Appeals Committee
3. The appointment of housing benefit review boards.	This is no longer a function of the local authority
4-6. Making arrangements for appeals against exclusion of pupils, school admission and appeals by governing bodies.	4-6. The Council but delegated to the Democratic Services Manager.
7-8. Do not apply.	
9. Conducting best value reviews.	9. The Executive has the legal duty, which it will discharge through the approval of an action plan.  The <u>Resources, Performance and Partnerships</u> Overview and Scrutiny Committee will oversee a review and evaluate and analyse the findings.
10-15. Any function relating to contaminated land and statutory nuisances.	10-15 Planning and Environment Committee with delegation to Area Committees and Officers.

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Function	Decision making body
16. & Planning and other information 17. Notices.	16. & Planning and Environment 17. Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.
18. Highways agreements.	18. Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the agreement relates to an executive function.
19. Appointments.	19. The Council, with delegation to the General Functions Committee.

(ii) Part 4, Section 2 – Committees and Sub-Committees

**9. Councillors' rights to speak at committees or sub-committees when they are not a member**

9.1 Where a councillor has a right to attend a committee or sub-committee under standing order 8, with the exception of meetings of Licensing Sub-Committees, or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act 2003 or the Gambling Act 2005, he or she may speak at a meeting subject to:

9.1.1 giving notice to the Chairman of the meeting at least 15 minutes before the start of the meeting and

9.1.2 the Chairman giving his or her consent.

9.1.3 the following rules, which apply to a member speaking at a meeting of an area planning committee of which they are not a member:

- (a) the Member can only speak on applications within their ward;
- (b) the Member must follow any propriety rules adopted by the Council, which prevent Members speaking in support of initiatives, which they or a body of which they are a member are supporting.

(iii) Part 4, Section 3 – Panels and Consultative Bodies

**3. Other advisory or consultative bodies**

The Council and its committees and sub-committees can establish other informal advisory or consultative bodies, which are not Council committees or sub-committees.

<b>Panel</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
<del>Pension Fund Management Advisory Panel</del>	3	<del>3 (1 for each political group)</del>	<del>Not applicable</del>

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(iv) Part 4, Section 4 – Public Participation

1. **Excluded meetings**

These Rules do not apply to

- The Council meeting, The Council acting as Licensing Authority, the Licensing Committee ( except where the committee is dealing with policy items or other matters not involving the hearing or review of determinations under the Licensing Act 2003 or Gambling Act 2003) or the Licensing Sub-Committee
  - Appeals Committee
  - Chief Officers Appointments, Investigating and Disciplinary Panels
  - ~~Meetings of the Executive and its Committees or any other public meetings at which executive decisions are taken apart from Area Environment Sub-Committee meetings (but see Explanatory Note above).~~
  - Standards Committee when dealing with reports or hearings concerning complaints of a breach of the Members Local Code of Conduct

Deleted: <#>Pension Fund Management Advisory Panel¶

(v) Financial Regulations, Part 2 – Financial Administration

4 **CORPORATE ANTI-FRAUD TEAM**

- 4.1 Under Section 151 of the Local Government Act 1985 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Deputy Director of Corporate Governance has the delegated authority for providing and maintaining this service.

Deleted: Head of the Corporate Anti-Fraud Team (CAFT)

**Members Licensing Code of Practice**  
(September 2007)

1. This Code of Practice applies only to hearings of the Licensing Committee or Licensing Sub-Committee to consider licence applications under the Licensing Act 2003 or the Gambling Act 2005. All references to “Sub-Committee” within this Code will be construed also to refer to meetings of the Licensing Committee considering such applications.

This Code of Practice has been prepared for all Members who may attend licensing sub-committee meetings, whether as Members of a Licensing Sub-Committee, or in any other capacity, including to make representations to such a sub-committee as a Ward Member, or as an applicant, or an interested party.

This note has been drawn from good practice, the local code of conduct, Standards Board for England guidance and the LACORS (Local Authorities Co-ordinators of Regulatory Services) guidance: “The role of Elected Members in relation to Licensing Committee Hearings under the Licensing Act 2003” (February 2005).

The definitions of ‘personal’ and ‘prejudicial’ interests in the context of the Licensing Act are the same as for all other areas of the Council’s work, and are provided at paragraphs 8 and 10 of the Members’ Code of Conduct contained within the Constitution. The Standards Board has stated “Regulatory matters such as planning and licensing are particularly sensitive...you should adopt a particularly cautious approach” [Lobby groups, dual hatted members and the Code of Conduct, Standards Board for England September 2004].

2. The following general advice is provided specifically in the context of licensing hearings:-
  - a) where an application relates to a premises very close to where a Member, (or their close associate) lives so that s/he is affected more than the majority of inhabitants of the Ward the interest is likely to be personal and potentially prejudicial.
  - b) where the member is a frequent visitor to the premises in a personal capacity there is potentially a personal and a prejudicial interest.
  - c) where the member belongs to a lobby or campaign group which may be directly impacted by the outcome of the hearing, the interest is personal and potentially prejudicial.

**3. Members of the Licensing Committee:**

- a) who have a personal and prejudicial interest in an application should not sit on the sub-committee considering that application and cannot sit in the public gallery but must withdraw from the committee room

completely unless they are attending in a specific other capacity as in (4) below.

- b) who have a personal interest which is not prejudicial are advised that whilst the Standards Board has advised they could sit on the sub-committee that the LACORS guidance advises they should not sit. Whilst the decision is that for the individual Member, the advice given here is that it would reduce the risk of legal challenge to a decision if the Member were to decline to sit on the sub-committee at that hearing.
- c) are advised not to sit on a Licensing Sub-Committee when that sub-committee is considering an application in the Member's Ward, to avoid accusations of pre-determination, reduce the risk of legal challenge and to enable Ward Members to represent their constituents at committee hearings.

#### 4. Members wishing to make representations:

- a) who are personally affected by an application (and thus have a personal and prejudicial interest) may make written representation to the sub-committee and may attend the meeting to make representations, answer questions and give evidence, provided that the public are also allowed to attend the meeting for the same purpose, but must withdraw from the committee room immediately afterwards.
- b) who are personally affected by an application (and thus have a personal and prejudicial interest) may appoint a representative to represent them if they prefer.
- c) who have a personal and prejudicial interest may attend the meeting to make representations, answer questions and give evidence on any other party's behalf, including in their capacity as a Ward Councillor representing their constituents, provided that the public are also allowed to attend the meeting for the same purpose, but must withdraw from the committee room completely immediately afterwards.
- d) who have a personal interest that is NOT prejudicial, are advised that they can appear on behalf of another party, including in their capacity as a Ward Councillor representing their constituents. They may remain in the room for the entire hearing.
- e) Where Ward Members are representing a constituent it will be advisable, to reduce the risk of legal challenge, for the Member to:
  - be able to identify the person(s) whom they represent in the form of e.g. Mr X of Smith Street or Mrs Z of Jones Lane
  - have a written record of their constituent's concerns. This may be in the form of an email or letter from the constituent, or the Member's note of a telephone conversation or personal meeting. Should the sub-committee hearing result in an appeal it may be



necessary for the Member to substantiate the representations they have made, and documentary evidence will be of great assistance.

## 5. Lobbying

Members are frequently approached by applicants and objectors who wish either to 'lobby' Members or to ask advice. The LACORS guidance reaffirms the legitimacy of lobbying but gives certain guidelines:

- If a sub-committee member is approached by any means by persons writing to lobby them regarding a licence application to be heard by that sub-committee then the Member is strongly advised to explain they cannot discuss the matter, and to refer the person to their Ward Member and/or Licensing Officer. It is also recommended that Members make and keep notes of these instances in case the matter proceeds to an appeal.
- Members of the sub-committee cannot represent an applicant or other interested party. If they wish to do so they must excuse themselves from the sub-committee.

## 6. Guidance on Site Visits

The LACORS guidance is that 'site visits by Licensing Sub-Committee Members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias'.

Site visits are only likely to be appropriate:

- where the application to be considered by the sub-committee is factually complicated; or
- where a hearing is expected to last a full day or more; and
- where a site visit would materially reduce the time required by the sub-committee to clarify factual matters such as details of premises layout.

Thus assisting the sub-committee in making a more informed decision in a shorter time.

There are restrictions on the organisation and attendance at site visits, which would be organised by Licensing Officers. These include that:

- Licensing Officers would accompany the sub-committee members
- Legal Officers and Democratic Services Officers would not be present
- All Sub-Committee Members would visit at the same time
- All other parties (e.g. objectors) would be invited to attend at the same time
- The applicant would be requested to consent to allowing objectors to attend, if permission was not granted the visit could not proceed
- No refreshments or the like should be provided (although the use of lavatories by the visitors should be permitted)

- There should be no discussion as to the application, save as was strictly necessary to clarify factual queries eg re. layouts.

A report of the visit would be prepared by the Licensing Officer and would form part of the full report presented to the sub-committee.