

Council Meeting
6 November 2007

REPORT OF THE DEMOCRATIC SERVICES MANAGER
AGENDA ITEM 13.1

1. Changes to Committee Membership

The Conservative Group has indicated that they wish to make the following changes:

RECOMMENDED – That the following changes in the Committee Membership be approved:

- **Councillor Andreas Tambourides to replace Councillor Daniel Thomas as a member of the Planning and Environment Committee.**
- **Councillor Daniel Thomas to replace Councillor Christopher Harris as Substitute Member of the Planning and Environment Committee.**

2. Revised constitution for Corporate Joint Negotiation and Consultation Committee (Health, Safety and Welfare).

The General Functions Committee considered the attached report to the General Functions Committee. The Committee agreed the changes as set out in Appendix A and instructed the Democratic Services Manager to seek the approval of Council

RECOMMENDATION – That the revised Constitution for Corporate Joint Negotiation and Consultation Committee (Health, Safety and Welfare) be inserted into the Council's Constitution.

3. Reports exempted from the call-in process because they are urgent:

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decisions have been implemented.

In the cases listed below the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore has consented to the proposed decision being exempted from call-in:

- (i) The Cabinet Member for Transport and Environment Transport approved the Aerodrome Road Bridge Replacement – Highways works authorisation. Following grand authorisation from the London Devolvement Agency, authorisation was sought to extend the current works contract with Norwest Holst to deliver the associated Highways element.

The report was exempted from call-in as the process would have delayed the instruction to the contractor by a period of approximately five weeks and the next meeting of the Cabinet Overview and Scrutiny Committee is not until the 5 November. Therefore resulting in delays and additional costs to the project.

4. London Local Authorities Bill.

The ninth Local Authorities Bill received Royal Assent on the 19 July, 2007 and became the London Local Authorities Act 2007. The provisions came into force 19 September 2007 and contain a wide range of issues.

The London Council Leaders Committee on 19 September 2007, agreed to the promotion of a tenth London Local Authorities' Bill, by Westminster City Council (as with previous Bills), for submission to Parliament in November 2007

Amongst other proposals, the Bill includes provisions relating to the following:

- Control of 'A' shaped advertising boards and other items placed on the highway.
- Extending powers enjoyed by the City of London to remove street clutter
- Recovery of traffic management and street cleansing costs due to football matches and other large public events. Power to charge venues which attract large numbers of people and result in extra costs for street cleansing and traffic management. Could also cover the power to close/manage roads for 'special events'.
- Clarification of powers to provide charging points for electric vehicles in the street, and in particular in relation borough liabilities which are at present unlimited.
- Power to require an owner or developer to provide a deposit, prior to commencement of development, which could then be offset against any costs arising from making good damage caused by the owner or developer.
- Powers to fine those who open emergency gates without authorisation under the relevant traffic order.
- Powers to control Pedicabs.
- Allowing decriminalised enforcement of advanced stopping areas at traffic lights
- Allowing decriminalised enforcement of the use of mobile phones while driving
- Section 72 of the Highways Act 1835 makes it an offence to cycle on the footway. Section 51 and Schedule 3 of the Road Traffic Act 1988 provide that such an offence is punishable by a fixed penalty of £30.
- Regulations relating to skips are often not complied with, and it is difficult for the highway authority to enforce the legislation. A change in the enforcement procedure is proposed.
- Contraventions of the abnormal load regulations should be decriminalised and that enforcement of these contraventions could then be carried out by the London boroughs and TfL, possibly through a joint working arrangement.

RECOMMEND –

(1) That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of

development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

(b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

(2) That the Chief Executive be instructed to inform Westminster City Council and the London Council's Leader Committee of the foregoing, in the manner prescribed by the London Council's Leader Committee.

5. Designation of Chief Officer Post: Communication and Consultation Director

The General Functions Committee, on 1 November 2006, when approving the Chief Executive's report "Supporting a Successful Suburb: Proposal for Change" agreed the establishment of the post of Communication and Consultation Director, an outward focussing Suffix Director post.

Responsibilities of the post include:-

- Promoting the borough to the Community
- Promoting the borough nationally and internationally to attract investment in its widest sense to enable the borough to realise its potential as a successful suburb and provide the highest standard services, opportunities and choices to all of its communities.

Within the management structure set out in Part 7 of the Constitution, the holder of this post reports direct to the Chief Executive, is a member of his management team and is identified as one of the senior officers of the Council. However an anomaly is that the post is not listed under Article 12 of the Constitution as a Chief Officer post. Therefore, the Chief Executive, as Head of Paid Service, proposes that Council should rectify this anomaly by designating the post of Communication and Consultation Director as a Chief Officer Post, with immediate effect. There are no additional staffing implications arising out of this proposal and all financial implications can be borne within existing budgets.

Recommend-

(1) That the post of Communication and Consultation Director be designated a Chief Officer post with immediate effect.

(2) That the Democratic Services Manager be instructed to make the appropriate amendments to Article 12 of the Council's Constitution.

6. Amendments to items on the Agenda

(i) **Item 9.2: Opposition Policy Item**

(a) An Amendment in the of Councillor Jim Tierney

After "scrutiny process" add:

Council also asks Cabinet to:

- welcome the London Assembly's position that 50% of all new homes be affordable to ordinary Londoners,
- confirm their support for their own policy that 50% of all new homes in Barnet will be affordable, and
- ensure that planning officers strive to secure the full 50% affordable housing target on new developments.

Substantive Opposition Policy Item to read:

"Housing need in Barnet

Council is deeply concerned about the housing crisis caused by rising house prices and capacity issues restricting housing supply in Barnet, with a predicted shortage of about 5148 affordable homes each year for the next 5 years.

Council notes that there are around 15,000 people that are known to be in need of re-housing on the housing register - that many more Barnet residents have urgent housing needs, and that the local population is set to increase by 31,000 by 2016.

Council recognizes the need to create sustainable communities with balanced mixed use, mixed tenure developments, and appreciates the challenges that this presents in terms of meeting the needs of the whole community.

Council notes the administration's Housing Strategy update this year to help address housing need across Barnet – with a particular focus in those wards where the need is greatest.

Council believes that all members have a vital role in ensuring that the Borough is able to meet the needs of the whole community.

Council asks Cabinet to:

- actively engage councillors from all political groups in the implementation of the current Housing Strategy, and the further development of its Housing Strategy beyond 2010, including through the scrutiny process.

Council also asks Cabinet to:

- welcome the London Assembly's position that 50% of all new homes in London be affordable to ordinary Londoners,
- confirm their support for their own policy that 50% of all new homes in Barnet will be affordable, and
- ensure that planning officers strive to secure the full 50% affordable housing target on new developments."