

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET held at The Town Hall, Hendon, NW4, on Tuesday, 29 January 2008.

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 McQuirk	*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

118. PRAYER (Agenda Item 1):

The Deputy Mayor offered prayer.

119. TIME EXTENSION

The Worshipful the Mayor proposed that the time for Part 1 be extended to enable all votes on the business remaining from the 18 December 2007 meeting be taken. Upon being put to the vote this was declared carried.

RESOLVED – That the time for Part 1 business be extended to enable all the votes for the business remaining from the 18 December 2007 meeting to be taken.

120. APOLOGIES FOR ABSENCE (Agenda Item 2):

Apologies for absence were received from Councillors Susette Palmer, Chris Harris, because of business commitments and from Councillor Jeremy Davies for lateness.

121. MINUTES OF MEETING HELD ON 18 December 2007 and the Extraordinary meeting 7 January 2008 (Agenda Item 3):

Councillor Alison moved under Council Procedure Rule, Section 1, paragraph 11.3 that the minutes of the meeting held on the 18 December 2007 do not be agreed due to inaccuracy. This was seconded by Councillor Linda McFadyen.

Upon being put to the vote, the amendment proposed in the name of Councillor Alison Moore was declared lost. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Alison Moore. Upon being taken the results of the Division were declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Campbell	Braun	Davies
Casey	Bulmer	Greenspan
Chopra	Burton	Harris
Jack Cohen	Dean Cohen	Susette Palmer
Cooke	Melvin Cohen	
Farrier	Coleman	
Houston	Cornelius	
Hutton	Depala	
Johnson	Ellison	
Macdonald	Finn	
McFadyen	Freer	
McGuirk	Gordon	
McNeil	Harper	
Moore	Helena Hart	
O-Macauley	John Hart	
Monroe Palmer	Hillan	
Rawlings	Margo	
Rogers	Marshall	
Sargeant	Naghar	
Schneiderman	Offord	
Slocombe	Perry	
Sodha	Prentice	
Tierney	Rajput	

Zubairi	Rams	
	Rayner	
	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	
	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For	24
Against	35
Absent	4
TOTAL	63

The amendment in the name of Councillor Alison Moore was therefore declared lost.

RESOLVED – That the decision of the meetings held on the 18 December 2007 and the Extraordinary meeting on 7 January 2008 be approved.

122. OFFICIAL ANNOUNCEMENTS (Agenda Item 4):

The Worshipful the Mayor expressed her sorrow in formally announcing the death of former Councillor Patrick K Laurence. Patrick Laurence was first elected to the Council as Member for the Garden Suburb Ward in 1971 and served to 1979. He served on Committees for, Education, Social Services, Family Care and Health.

Mr Laurence had a distinguished carrier in the army. Fluent in Arabic, during World War Two he became an official translator of the legendary 8th Army based in North Africa. In 1974, with his wife Joan, the Family Housing Association (FHA) was founded. This is a charity which has brought respite to thousands of poor families over the last three decades by offering free holidays. Having lived in Barnet for more than 40 years the Laurences' were known in the community for their fund raising fetes, held every year, near their home in Childs Way, Temple Fortune.

A minute's silence was held in remembrance of a departed friend and colleague.

The Worshipful the Mayor, on a lighter note, announced that on Saturday 17 November the London Borough of Barnet swimming team were, once again, successful at the London Interboroughs Swimming Championships. Councillors Andreas and Joanna Tambourides were present at the Southbury Leisure Centre in Enfield on the day to lead the cheering for the team. The Worshipful the Mayor formally presented Team Captains, Alex Jessop and Lauren Chapple, with their trophy.

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

There were none.

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

Councillor Alison Moore under Council Procedure Rule, Section 1, paragraph 17.C.1 proposed a motion seeking the Council’s consent to withdraw motions 8.1, 8.2 and 8.4 from Part 1 of the agenda to enable them to be debated in Part 2. The motion was seconded by Councillor Linda McFadyen.

Upon being put to the vote, the amendment proposed in the name of Councillor Alison Moore was declared lost. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Alison Moore. Upon being taken the results of the Division under Council Procedure Rule, Section 1, paragraph 17.C.1 were declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Campbell	Braun	Greenspan
Casey	Bulmer	Harris
Chopra	Burton	Susette Palmer
Jack Cohen	Dean Cohen	
Cooke	Melvin Cohen	
Davies	Coleman	
Farrier	Cornelius	
Houston	Depala	
Hutton	Ellison	
Johnson	Finn	
Macdonald	Freer	
McFadyen	Gordon	
McGuirk	Harper	
McNeil	Helena Hart	
Moore	John Hart	
O-Macauley	Hillan	
Monroe Palmer	Margo	
Rawlings	Marshall	
Rogers	Naghar	
Sargeant	Offord	
Schneiderman	Perry	
Slocombe	Prentice	
Sodha	Rajput	
Tierney	Rams	
Zubairi	Rayner	
	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	

	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For 25
Against 35
Absent 3
TOTAL 63

The motion in the name of Councillor Alison Moore was therefore declared lost.

Under Council Procedure Rule, Section 1, paragraph 17.C.1 Councillors Julie Johnson, Charlie O-Macauley, Ansuya Sodha and Barry Rawlings sought the Councils consent to withdraw from item 6 in Part 1 of the agenda their respective motions 8.1, 8.2, 8.3 and 8.5 and Councillor Ansuya Sodha and Claire Farrier sought consent to the withdrawal of their respective amendments to motions 8.1 and 8.2

The Council consented to all these requests being dealt with on a single vote.

Upon being put to the vote, the requests to withdraw the above motions and amendments was declared lost. Ten Members demanded a Division on the voting on the requests to withdraw motions and amendments from Item 6 in Part 1 of the agenda. Upon being taken the results of the Division were declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Campbell	Braun	Greenspan
Casey	Bulmer	Harris
Chopra	Burton	Susette Palmer
Jack Cohen	Dean Cohen	
Cooke	Melvin Cohen	
Davies	Coleman	
Farrier	Cornelius	
Houston	Depala	
Hutton	Ellison	
Johnson	Finn	
Macdonald	Freer	
McFadyen	Gordon	
McGuirk	Harper	
McNeil	Helena Hart	
Moore	John Hart	
O-Macauley	Hillan	
Monroe Palmer	Margo	
Rawlings	Marshall	
Rogers	Naghar	
Sargeant	Offord	
Schneiderman	Perry	

Slocombe	Prentice	
Sodha	Rajput	
Tierney	Rams	
Zubairi	Rayner	
	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	
	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For	25
Against	35
Absent	3
TOTAL	63

The requests made by Councillors Julie Johnson, Charlie O-Macauley, Ansuya Sodha, Barry Rawlings and Claire Farrier were therefore declared lost.

Councillor Kath McGuirk under Council Procedure Rule, Section 1, paragraph 17.C.1 sought the Council's consent to withdraw the Opposition Policy Item from Item 6 in Part 1 of the agenda. The request was seconded by Councillor Linda McFadyen.

Upon being put to the vote, the request made by Councillor Kath McGuirk was declared lost. Ten Members demanded a Division on the voting on the request made by Councillor Kath McGuirk. Upon being taken the results of the Division were declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Campbell	Braun	Greenspan
Casey	Bulmer	Harris
Chopra	Burton	Susette Palmer
Jack Cohen	Dean Cohen	
Cooke	Melvin Cohen	
Davies	Coleman	
Farrier	Cornelius	
Houston	Depala	
Hutton	Ellison	
Johnson	Finn	
Macdonald	Freer	
McFadyen	Gordon	
McGuirk	Harper	
McNeil	Helena Hart	

Moore	John Hart	
O-Macauley	Hillan	
Monroe Palmer	Margo	
Rawlings	Marshall	
Rogers	Naghar	
Sargeant	Offord	
Schneiderman	Perry	
Slocombe	Prentice	
Sodha	Rajput	
Tierney	Rams	
Zubairi	Rayner	
	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	
	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For 25
Against 35
Absent 3
TOTAL 63

The request made by Councillor Kath McGuirk was therefore declared lost.

The remaining business was put to the vote.

A. MOTION IN THE NAME OF COUNCILLOR JULIE JOHNSON AS AMENDED BY COUNCILLOR ANTHONY FINN (Agenda Item 8.1)

Motion 8.1 in the name of Councillor Julie Johnson and amendments in the name of Councillor Ansuya Sodha and Councillor Anthony Finn were put to the vote without debate. The amendment in the name of Councillor Ansuya Sodha was declared lost. The amendment in the name of Councillor Anthony Finn was declared carried. The substantive motion was declared carried.

RESOLVED – Council is proud that the Conservative administration achieved an agreement for the rebuilding of the estate, following years of inaction by the previous Labour/Liberal administration.

Council notes that, as this regeneration schemes has received little support from Government, it has to be self-financing, with the money for rebuilds coming from the sale of private units.

Council therefore regrets that the economic downturn, which has been presided over by Chancellor, then Prime Minister, Gordon Brown, has caused a slump in

the credit markets and house prices, which has adversely affected the financial agreements for the regeneration of West Hendon.

However, Council is pleased that the administration and its partners remain committed to the realisation of a revitalised West Hendon, and in securing the best possible outcome for residents.

Accordingly, Council calls on Cabinet to work with all partners to ensure the improved housing and infrastructure can be delivered as soon as possible and with the minimum disruption.

B. MOTION IN THE NAME OF COUNCILLOR CHARLIE O-MACAULEY AS AMENDED BY COUNCILLOR ANDREW HARPER (Agenda Item 8.2)

Motion 8.2 in the name of Councillor Charlie O-Macauley and amendments in the name of Councillor Claire Farrier, Councillor Susette Palmer and Councillor Andrew Harper were put to the vote without debate. The amendments in the name of Councillors Claire Farrier and Susette Palmer were declared lost. The amendment in the name of Councillor Andrew Harper was declared carried. The substantive motion was declared carried.

RESOLVED – Council regrets that the council-owned Pavilion Way Football Fields in Burnt Oak ward have been closed to public use for several years, owing to the lack of use and viability of the facility.

Council further regrets that, attempts by both LBB and a private organisation to find a viable ways forward for Pavilion Way have proved unsuccessful.

Council notes that one reason people no longer use Pavilion Way stems from the establishment of the attractive Burnt Oak Sports Centre nearby.

Council is pleased that the new sports centre offers improved recreation opportunities to people in the area – and that it has proved so popular across all sections of the community. However, Council also believes that replacement (particularly outdoor and football) facilities for the dilapidated Pavilion Way are desperately required.

Accordingly, Council welcomes the decision of Cabinet Resources Committee to seek the provision of better sports provision, subject to negotiation and planning, at Woodcroft Park if Pavilion Way is developed.

Council believes this will provide much improved, and viable, sports facilities for the people of Burnt Oak, including the possibility of an all-weather pitch and pavilion.

Council requests that Cabinet continue these negotiations so that the people of Burnt Oak, Colindale and the surrounding area can benefit from enhanced recreation opportunities.

C. MOTION IN THE NAME OF COUNCILLOR FIONA BULMER (Agenda Item 8.4)

Motion 8.4 in the name of Councillor Fiona Bulmer and amendments in the name of Councillor Duncan Macdonald and Councillor Barry Rawlings were put to the vote without debate. The amendments in the name of Councillors Duncan Macdonald and Barry Rawlings were declared lost. The substantive motion was declared carried.

RESOLVED - Council is proud of its Children’s Service, which is delivering effective, and high quality education and care for children and young people across the London Borough of Barnet.

Council welcomes the recent Annual Performance Assessment (APA), which has given Barnet Council an overall good (Grade 3) rating and an outstanding (Grade 4) rating for the “Enjoying and Achieving” category.

Council is proud of the excellent test and exam results achieved by pupils in Barnet and welcomes OFSTED’s recognition that the improvement in performance 'reflects the success of the local authority in tackling underachievement'. Council is also very proud of the effective work that has been carried out to improve school attendance; the positive contribution made by young people to the community; and the reduction in the numbers of young people not in education, employment or training.

Council congratulates staff, schools and parents on their hard work and dedication which has played a vital role in helping the council to provide the highest quality children's services in Barnet.

Council welcomes the excellent progress made by the Conservative administration since 2002 in transforming a poor performing service into one that is receiving national recognition for excellence. A

Accordingly, Council requests that Cabinet continues to work with all those with an interest in children and young people in Barnet to improve and enhance provision even further.

D. MOTION IN THE NAME OF COUNCILLOR ANSUYA SODHA AS AMENDED BY COUNCILLOR LYNNE HILLAN (Agenda Item 8.3)

Motion 8.3 in the name of Councillor Ansuya Sodha and amendments in the name of Councillor Susette Palmer and Councillor Lynne Hillan s were put to the vote without debate. The amendment in the name of Councillor Susette Palmer declared lost. The amendment in the name of Councillor Lynne Hillan was declared carried. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Lynne Hillan. Upon being taken the results of the Division were declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Braun	Campbell	Greenspan
Bulmer	Casey	Harris

Burton	Chopra	Susette Palmer
Dean Cohen	Jack Cohen	
Melvin Cohen	Cooke	
Coleman	Davies	
Cornelius	Farrier	
Depala	Houston	
Ellison	Hutton	
Finn	Johnson	
Freer	Macdonald	
Gordon	McFadyen	
Harper	McGuirk	
Helena Hart	McNeil	
John Hart	Moore	
Hillan	O-Macauley	
Margo	Monroe Palmer	
Marshall	Rawlings	
Naghar	Rogers	
Offord	Sargeant	
Perry	Schneiderman	
Prentice	Slocombe	
Rajput	Sodha	
Rams	Tierney	
Rayner	Zubairi	
Rutter		
Brian Salinger		
Kate Salinger		
Scannell		
Andreas Tambourides		
Joanna Tambourides		
Thomas		
Webb		
Weider		
Yannakoudakis		

For	35
Against	25
Absent	3
TOTAL	63

The amendment in the name of Councillor Lynne Hillan was therefore declared carried. The substantive motion was put to the vote and declared carried.

RESOLVED – Council is proud of the fact that Barnet produced the first woman Prime Minister, the Rt Hon. The Baroness Thatcher, who led Britain for 11 years.

Council is also proud that Her Majesty, Queen Elizabeth II, has reigned as Queen over Britain and 15 other independent states and dependencies since 1952, and celebrated her Golden Jubilee in 2002.

Council notes that neither of these two eminently successful women owed their achievements to gimmicks such as International Women's Day, so Cabinet is advised to ignore such days, and instead note the contribution that women including Lady Thatcher, HM Queen Elizabeth II, Queen Elizabeth I and Dame Henrietta Barnett have made to life in our Borough.

E. MOTION IN THE NAME OF COUNCILLOR BARRY RAWLINGS AS AMENDED BY COUNCILLOR FIONA BULMER (Agenda Item 8.5)

Motion 8.5 in the name of Councillor Barry Rawlings and 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 that provides a diverse range of activities for young people, that performs highly in inspections, and gives value for money to Barnet residents.

Further, Council is pleased that our services has been successful in attracting external funding, with more than £1 million secured this year alone.

Council notes that the Mayor of London and the Government has promised to give Barnet more money for our youth facilities, through their "Youth Offer".

However, Council regrets that much of this cash is not "new", and the extra money amounts to roughly £400,000 over 2 years, not £1.8 million as Labour claims.

Council is also dismayed that the Government has given the Borough such poor support overall, particularly through the Formula Grant. Council believes this severe under-funding more than cancels out its short-term gestures such as its "Youth Offer".

Nonetheless, Council requests that Cabinet continues to invest money from external sources, including the "Youth Offer", in the Youth Service so that it continues to offer first-rate activities for the young people of Barnet.

F. MOTION IN THE NAME OF COUNCILLOR MARINA YANNAKOUDAKIS (Agenda Item 8.6)

Motion 8.6 in the name of Councillor Marina Yannakoudakis and amendment in the name of Councillor Alison Moore were put to the vote without debate. The amendment in the name of Councillor Alison Moore was declared lost. The substantive motion was declared carried.

RESOLVED - Council notes the EU Reform Treaty, which is due to be signed by all Heads of State on 13 December and then ratified by each member state thereafter.

Council further notes that the proposed European Constitution failed after ratifications in France and Denmark were lost in 2005.

The Reform Treaty is essentially the same as the ill-starred Constitution, Council believes, with similar proposals including a Permanent EU President, a common Foreign Minister and a full legal personality, allowing the EU to sign international agreements.

Council is therefore dismayed that the EU Reform Treaty contains very similar proposals to the constitution, including the removal of a National Veto in over 30 areas, gives new powers to Europe over justice and Home affairs, consolidates EU Powers in foreign affairs, and creating a long-term EU Presidency Post.

Council believes that, if the Treaty were successful, it would curtail the ability of national governments and local Councils to manage their own affairs, and impose more costs and bureaucracy over them.

Further, Council believes that such a fundamental change to the workings of the EU should only be ratified through a referendum of those eligible to vote in the UK.

Council notes that the Labour Government promised a referendum on the Constitution in the General Election 2005, but reneged on this commitment soon after.

Accordingly, Council calls of the Chief Executive to write to the Prime Minister, calling on him to arrange a referendum on this matter as soon as possible.

G. ADMINISTRATION POLICY ITEM: BUDGET HEADLINES 2008/09 (Agenda Item 9.1)

Item 9.1 The Administration Policy Item in the name of Councillor Mike Freer and the amendment in the name of Councillor Jeremy Davies were put to the vote without debate. The amendment in the name of Councillor Jeremy Davies was declared lost. The substantive motion was declared carried.

RESOLVED - Council notes the components of the budget 2008/09.

Council further notes the Budget will be set after careful consideration.

Council is proud that despite consistent under-funding from Government, the Administration has kept the Budget and the level of Council Tax under control in the last 5 years.

Council calls on Cabinet to work to produce the Budget for 2008/09 within the constraints imposed by Government.

H. OPPOSITION POLICY ITEM: THE STATE OF OUR STREET SCENE – AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Item 9.2)

Item 9.2 The Opposition Policy Item in the name of Councillor Kath McGuirk and the amendment in the name of Councillor Matthew Offord was 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 recognises that maintaining a clean environment is one of the most significant priorities identified by Barnet residents across the

borough, and it is therefore rightly one of the key priorities in the Corporate Plan.

Council also recognises that ensuring Barnet is a clean, green and safe borough is key to improving local residents' quality of life, with research showing that the quality of people's surroundings substantially impacts upon levels of crime and disorder, and how safe they feel.

Council is therefore pleased that street sweeping and block cleansing has been reconfigured to focus on individual streets, with the result that each residential road is swept 13 times a year (the equivalent of every 4 weeks) as opposed to 4 times a year (every 3 months) previously.

Further, Council is proud that the townkeeper service has been extended into a further seven locations this year: Brent Street, Hendon Central, New Barnet, Burnt Oak, Brent Cross, Temple Fortune and Childs Hill, in order to improve cleanliness in those areas.

Council is also proud of its Clean Borough Strategy that provides a blueprint for partnership working with local businesses and the community to raise standards of cleanliness.

Council notes that the latest Best Value Indicators show a high level of quality in the local streetscene, and an improvement over this time last year.

Accordingly, Council calls on Cabinet to continue its drive to improving the streetscene in residential streets in Barnet and the rollout of townkeepers to new locations across the Borough.

I. REPORT OF THE SPECIAL COMMITTEE (CONSTITUTION REVIEW) – 26 NOVEMBER 2007 (Agenda Item 12.1)

The following report of the Special Committee (Constitution Review) was put before Council.

**Report of the Special Committee
(Constitution Review)
26 November 2007**

Members:

* Councillor Melvin Cohen LL B (Chairman)
\$Councillor Mike Freer (Vice-Chairman)

Councillors:

* Jack Cohen	* Richard Cornelius	* Robert Rams (substituting for Mike Freer)
* Jim Tierney (substituting for Linda McFadyen)	* Alison Moore	

* Alan Schneiderman
* Daniel Webb

* Matthew Offord

* Joan Scannell

* denotes Member present
\$denotes Member absent on Council business

**TERM OF OFFICE FOR AND RECRUITMENT OF INDEPENDENT MEMBERS OF
THE STANDARDS COMMITTEE (Report of the Director of Corporate Governance
and Monitoring Officer - Agenda item 5A)**

The Committee, considered the attached report and noted the views of the Standards Committee.

The Committee were also advised of a proposal to increase the size of the Standards Committee in order to facilitate the ability to form Sub-Committees. This was as a consequence of local filtering of complaints to be introduced from April 2008 (projected). The Director of Corporate Governance reported that regulations and guidance would be issued but it was clear that there would be different stages of the process requiring determination by the Sub-Committees with different compositions of membership that could not be achieved with the current number.

The stages were likely to include:

1. Filtering the complaints and determining whether or not a complaint should be investigated.
2. A review, if requested by the complainant should there be a decision that the complaint should not be investigated.
3. The hearing of the complaint following investigation.

Each of the above stages would be likely to require a completely new Sub-Committee to ensure independence of proceedings and members.

The Director referred to this Council's practice of appointing more independent members than Councillors to the Standards Committee and reported that in order to maintain that balance and a similar ratio and to facilitate the stages outlined above, the Standards Committee membership would need to be increased either to 11, probably comprising 6 independent and 5 elected members or 13, comprising 7 independent and 6 elected members. The Director noted that a 13 member committee was in the main larger than other Council committees but would probably be required for the practice of maintaining parity of numbers between the groups in forming the composition of elected members.

RESOLVED TO RECOMMEND

- (1) That Article 9 of the Constitution be amended so that it provides for**
 - (a) a 4 year fixed term of office for Independent Members of the Standards Committee**

- (b) public advertisement seeking interest to be placed prior to the expiry of a fixed term of office or earlier if a vacancy should arise**
- (c) the Chief Executive and Director of Corporate Governance and Monitoring Officer to carry out a selection process from those responding to public advertisement and to make recommendations for appointment to the Council.**
- (d) re-appointment by Council on an annual basis during the 4 year term so that Council is able to take appropriate action in any circumstances where an Independent Member is not properly performing his or her duties.**
- (2) That a limit of two full terms be placed on the number of consecutive fixed terms of office an Independent Member of the Standards Committee may serve but membership of the committee prior to the introduction of these arrangements would not be included in any calculation for this purpose.**
- (3) That 4 year fixed term appointments should be organised on a staggered basis so that every two years the terms of office of 2 Independent Members of the Standards Committee would expire.**
- (4) That, if an Independent Member of the Standards Committee should resign or otherwise leave office before the end of their term, any replacement independent member should serve the remainder of the 4 year term of office to maintain the staggered pattern.**
- (5) That Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements seeking interest in the two Independent Members positions where the incumbents have been in post since the Standards Committee's inception, with the process being completed in time for the Council's Annual Meeting in May 2008.**
- (6) That should vacancies not arise earlier, that Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements at the appropriate time seeking interest in the other two Independent Member positions where the incumbents have been in post since 2005, with the process being completed in time for the Council's Annual Meeting in May 2010.**
- (7) That Council be asked to confirm that the incumbent Independent Members of the Standards Committee would be eligible to re-apply for appointment in response to public advertisement referred to in 1.5 and 1.6 above.**
- (8) That the Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to prepare a Barnet specific recruitment pack to be sent to prospective Independent Members of the Standards Committee with reference to the model pack issued by the Association of Council Secretaries and Solicitors (ACSeS) and other guidance.**
- (9) That, in order to facilitate the ability to form Sub-Committees as a consequence of local filtering of complaints to be introduced from April**

2008 (projected) the Standards Committee membership be increased to 11 members comprising 6 independent members and 5 elected members and that the political balance considerations should not apply.

Amendments in the name of Councillor Alison Moore and Councillor Jack Cohen were put to the vote without debate. The amendment in the name of Councillor Jack Cohen was declared lost. The amendment in the name of Councillor Alison Moore was declared carried.

RESOLVED – That the report of the Special Committee (Constitution Review) – 26 November 2007 be approved and adopted by the Council subject to the deletion of paragraph 9 and its replacement with “That in order to facilitate the ability to form sub- committees as a consequence of the local filtering of complaints to be introduced from April 2008 (projected) the Standards Committee membership be increased to 13 members, comprising 7 independent members and 6 elected members and the political balance considerations should not apply .

AGENDA ITEM: 5A

Page nos. 1 - 17

Meeting Special Committee (Constitution Review)
 Date 26 November 2007
Subject Term of Office for and Recruitment of Independent Members of the Standards Committee
 Report of Director of Corporate Governance & Monitoring Officer
 Summary This report refers to Item 23 on the matrix and sets out proposals for a fixed term of office for Independent Members of the Standards Committee and future recruitment arrangements for Independent Members.

Officer Contributors Jeff Lustig, Director of Corporate Governance
 Donna Knight-Olds – Governance Manager
 Status (public or exempt) Public
 Wards affected All
 Enclosures Appendix A – Report to Standards Committee – 17 September 2007
 For decision by Council (following recommendations of the Special Committee (Constitution Review)).
 Function of Council
 Reason for urgency / exemption from call-in (if appropriate) Not applicable

Contact for further information: Donna Knight-Olds, Governance Manager –Tel: 020 8359 7156

1. RECOMMENDATIONS

- 1.1 That Council be asked to agree to amend Article 9 of the Constitution so that it provides for**
 - (a) a 4 year fixed term of office for Independent Members of the Standards Committee**
 - (b) public advertisement seeking interest to be placed prior to the expiry of a fixed term of office or earlier if a vacancy should arise**
 - (c) the Chief Executive and Director of Corporate Governance and Monitoring Officer to carry out a selection process from those responding to public advertisement and to make recommendations for appointment to the Council**
 - (d) re-appointment by Council on an annual basis during the 4 year term so that Council is able to take appropriate action in any circumstances where an Independent Member is not properly performing his or her duties.**
- 1.2 That the Committee considers whether it wishes to recommend to Council that a limit be placed on the number of consecutive fixed terms of office an Independent Member of the Standards Committee may serve.**
- 1.3 That the Committee considers whether it wishes to recommend to Council that 4 year fixed term appointments should be organised on a staggered basis so that every two years the terms of office of 2 Independent Members of the Standards Committee would expire.**
- 1.4 If the principle of staggered terms of office is accepted, that the Committee considers whether, if an Independent Member of the Standards Committee should resign or otherwise leave office before the end of their term, any replacement Independent Member should serve the remainder of the 4 year term of office to maintain the staggered pattern, or, whether a new 4 year term for that Member should begin from appointment.**
- 1.5 That Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements seeking interest in the two Independent Members positions where the incumbents have been in post since the Standards Committee's inception, with the process being completed in time for the Council's Annual Meeting in May 2008.**
- 1.6 If the principle of staggered terms of office is accepted and should vacancies not arise earlier, that Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements at the appropriate time seeking interest in the other two Independent Member positions where the incumbents have been in post since 2005, with the process being completed in time for the Council's Annual Meeting in May 2010.**
- 1.7 That Council be asked to confirm that the incumbent Independent Members of the Standards Committee would be eligible to re-apply for appointment in response to public advertisement referred to in 1.5 and 1.6 above.**
- 1.8 That the Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to prepare a Barnet specific recruitment pack to be sent to prospective Independent Members of the Standards Committee with reference to**

the model pack issued by the Association of Council Secretaries and Solicitors (ACSeS) and other guidance.

1.9 That the views of the Standards Committee be noted.

2. RELEVANT PREVIOUS DECISIONS

2.1 2 May 2001 – Council approved the Constitution.

2.2 Various other decisions as referred to in the Standards Committee report which is appended to this report.

2.3 17 September 2007 – Standards Committee – Terms of Office for and Recruitment of Independent Members.

The Committee discussed the report and agreed with the general thrust of the proposals that the Director of Corporate Governance was proposing to present in his report to the Special Committee (Constitution Review). The Committee however suggested that there should be some clarification on the proposals being put forward as some of the recommendations could be clearer. As requested, the Committee also made its views known and requested the Director to convey those views to the Special Committee (Constitution Review).

RESOLVED –

(1) The Committee noted:-

(a) That it was the intention of the Director of Corporate Governance and Monitoring Officer to present a report to the Special Committee (Constitution Review) dealing with the terms of office of Independent Members of the Standards Committee; and

(b) That the purpose of this report was to give the Standards Committee an opportunity to make its views on terms of office of Independent Members known and these views would be passed on to the Special Committee (Constitution Review);

(c) That the Director of Corporate Governance and Monitoring Officer and the Governance Manager intend to prepare a Barnet specific recruitment pack with reference to the model pack, issued by the Association of Council Solicitors and Secretaries (ACSeS) and other guidance.

(2) The Committee agreed:-

(a) That the Director of Corporate Governance and Monitoring Officer convey to the Special Committee (Constitution Review) their view:

(i) that Council should fix a term of office of four years to apply to future appointments for Independent Members of the Standards Committee

(ii) that Council should limit the number of terms of office that an Independent Member serve to two full terms

(iii) that Council should continue to re-appoint Independent Members on an annual basis to allow for the provision of re-appointment within the 4 year term of office to be refused in certain circumstances

(iv) that Council should instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements seeking interest in the two Independent Member positions where the incumbents have been in post since the Standards Committee's inception in 2000, with the process being completed in time for the Council's Annual Meeting in May 2008

(v) That in respect of the two Independent Member positions where the incumbents have been in post since 2005, should the positions not otherwise become vacant earlier, Council should instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements at the appropriate time seeking interest in these two Independent Member positions, with the process being completed in time for the Council's Annual Meeting in May 2010

(b) That the Director of Corporate Governance and Monitoring Officer should ask the Special Committee (Constitution Review) to consider whether if an Independent Member should resign before the end of their term, any replacement Independent Member would serve the remainder of the four year term of office to maintain the staggered pattern, or, whether a new four year term for that Member should begin from appointment

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 As set out in the appended Standards Committee report.

4. RISK MANAGEMENT ISSUES

4.1 As set out in the appended Standards Committee report.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 As set out in the appended Standards Committee report.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

6.1 As set out in the appended Standards Committee report.

7. LEGAL ISSUES

7.1 As set out in the appended Standards Committee report.

8. CONSTITUTIONAL POWERS

8.1 Constitution Part 3 - 2 Responsibility for Council Functions. The Committee is empowered to consider and make recommendations to Council on proposed changes to the Constitution.

9. BACKGROUND INFORMATION

9.1 As referred to in the appended Standards Committee report and in the views of the Standards Committee as recorded in Paragraph 2.3 of this report.

10. LIST OF BACKGROUND PAPERS

10.1 None.

11. AUTHORS

11.1 Jeff Lustig, Director of Corporate Governance & Monitoring Officer – Telephone: 020 8359 2008

Donna Knight-Olds, Governance Manager – Telephone: 020 8359 7156

Legal: MM

CFO: CM

AGENDA ITEM: 8 Page nos. 32 - 43

Meeting	Standards Committee
Date	17 September 2007
Subject	Terms of Office for and Recruitment of Independent Members
Report of	Director of Corporate Governance
Summary	This report invites the Standards Committee to comment upon recommendations that the Director of Corporate Governance and Monitoring Officer will be making to the Special Committee (Constitution Review)in respect of Council setting a fixed term of office for Independent members of the Standards Committee and to note intentions for future recruitment arrangements for Independent Members.

Officer Contributors	Jeff Lustig - Director of Corporate Governance (Monitoring Officer), Donna Knight-Olds - Governance Manager
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A – Results of Survey of Practices at other London Boroughs
For decision by	Standards Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	N/A
Contact for further information:	Donna Knight-Olds, Governance Manager 020 8359 7156, donna.knight-olds@barnet.gov.uk

1. RECOMMENDATIONS

1.1 That the Standards Committee note:

- a) That it is the intention of the Director of Corporate Governance and Monitoring Officer to present a report to the Special Committee (Constitution Review) dealing with the terms of office of Independent Members of the Standards Committee; and**
- b) That the Director of Corporate Governance and Monitoring Officer intends to recommend to the Special Committee (Constitution Review) that:**
 - i) Council fix a term of office for Independent Members of the Standards Committee of 4 years to apply to future appointments;**
 - ii) Council instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements seeking interest in the two Independent Member positions where the incumbents have been in post since the Standards Committee's inception, with the process being completed in time for the Council's Annual Meeting in May 2008;**
 - iii) Should vacancies not arise earlier, the Council instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements at the appropriate time seeking interest in the other two Independent Member positions, where the incumbents have been in post since 2005, with the process being completed in time for the Council's Annual Meeting in May 2010;**
 - iv) Council continue to re-appoint Independent Members on an annual basis to allow for the provision of re-appointment within the 4 year term of office to be refused in certain circumstances**
- c) That the Director of Corporate Governance and Monitoring Officer intends to ask the Special Committee (Constitution Review) to consider whether it wishes to recommend a limit on the number of consecutive terms of office for Independent Members;**
- d) That the purpose of this report is to give the Standards Committee an opportunity to make its views on terms of office of Independent Members known and these views will be passed on to the Special Committee (Constitution Review);**
- e) That the Director of Corporate Governance and Monitoring Officer and the Governance Manager intend to prepare a Barnet specific recruitment pack with reference to the model pack, issued by the Association of Council Solicitors and Secretaries (ACSeS) and other guidance;**

1.2 That the Standards Committee comment upon the recommendations that the Director of Corporate Governance and Monitoring Officer will be making to the

Special Committee (Constitution Review) in respect of Council setting a fixed term of office for Independent Members of the Standards Committee.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 10 November 1999 - Policy and Implementation Committee recommended to Council the establishment of a Standards Committee and proposed its initial terms of reference.
- 2.2 17 November 1999 – Council approved the establishment of the Standards Committee, agreed its terms of reference and instructed the Chief Executive to seek expressions of interest from independent persons.
- 2.3 16 May 2000 - Council following public advertisement appointed three independent people to serve on the Standards Committee and instructed that the fourth position be re-advertised.
- 2.4 14 September 2000 – Council following public advertisement appointed a fourth Independent Member and appointed one of the Independent Members as Chair.
- 2.4 1 March 2005 - Council appointed two replacement Independent Members with immediate effect for one and with effect from the Annual Meeting in May 2005 for the other.
- 2.5 Annual Meetings 2001-2007 – Council re-appointed existing Independent Members to the Standards Committee

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Under the Council's Corporate Plan for 2007/08 to 2010/11, one of the corporate priorities is 'More Choice, Better Value' and a key objective within this priority is 'enhancing and further developing corporate governance'. The proposals in this report will enhance the corporate governance arrangements related to the Standards Committee in line with identified best practice.
- 3.2 A key objective under the 'Strong and Healthy' priority is 'providing opportunities for people to participate in civic affairs'. Becoming an Independent Member is an important way of participating in civic affairs and so the arrangements around this are highly pertinent to this objective.

4. RISK MANAGEMENT ISSUES

- 4.1 There is a risk that if an Independent Member becomes associated with the Council for an extended period they may lose their independence, or be perceived to have done so. However, there can be significant benefit to the Council from experienced Independent Members, particularly in the role of Chairman. Proposing too brief a term of office and/or too restrictive conditions for re-appointment brings a risk that consistency will be lost and the Standards Committee would suffer through having a less experienced membership. This report proposes a balance between retaining

experienced Members and facilitating opportunities for other residents to apply for a position.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council's standard equalities and diversity principles for recruitment will be applied to the recruitment of Independent Members.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 There are no direct financial (other than advertising and other incidental costs), staffing or property implications arising from this report.

7. LEGAL ISSUES

- 7.1 The Standards Committee is a statutory body required under the Local Government Act 2000 to fulfil the constitutional powers set out in paragraph 8 of this report. The Council is required by the Local Government Act 2000 to appoint Independent Members (at least 25% of the total number if the Committee has more than 3 Members) to the Standards Committee through a process of advertising vacancies. Legislation does not specify a term of office for Independent Members, this being left to local discretion.

8. CONSTITUTIONAL POWERS

- 8.1 This Committee is empowered with promoting and maintaining the high standards of conduct by members and co-opted members, assisting members to observe the code of conduct, advising the Council on the code and monitoring its operation.

9. BACKGROUND INFORMATION

- 9.1 Barnet Council established its Standards Committee in November 1999 prior to the coming into force of the Local Government Act 2000. The Committee first met in March 2001 composed, as now, of 3 elected Members, 4 Independent Members and an Independent Chairman. As will be noted, Barnet had a majority of Independent Members on its Standards Committee, and an Independent Chairman, from the outset; the latter of these characteristics will soon become a statutory requirement.
- 9.2 The position thus far has been that Independent Members have been appointed when a vacancy has arisen. Recruitment has been by way of public advertisement and interviews conducted by Senior Officers. Council has made the appointments on the recommendation of the Officers. The term of office of those appointed has not previously been defined by a fixed tenure but appointments have been subject to confirmation every year at the Council's Annual Meeting. Thus, each May, Independent Members have been appointed for the Council year following. Councillor Members of the Standards Committee are also appointed annually at the same meeting and this will continue.
- 9.3 The Standards Board for England recommends a term of office for Independent Members similar to that of elected members. Accordingly, as reflected in the findings

in Appendix A, most London authorities appoint Independent Members for a period of between 2 and 4 years. The intention is to recommend the same length of term as the election period for London Boroughs; that is 4 years. Adoption of the longer period from the recommended range places an emphasis on the benefits of experience and consistency.

- 9.4 Two of the four current Independent Members of the Standards Committee have served on the committee since its inception. The other two Independent Members were appointed in March 2005, with immediate effect for one, and with effect from the Annual Meeting in May 2005 for the other. It must be emphasised that the proposed changes are being brought forward for consideration at this time solely to accord with principles of good governance and transparency. The service of Barnet Standards Committee's Independent Members has been exemplary and this report is not intended to reflect in any sense upon their performance or calibre. The recommendations in respect of fixed terms of office should facilitate regular opportunities for interested members of the community to apply to become Independent Members without precluding experienced and engaged individuals from applying for re-appointment
- 9.5 The recommendation is that Council be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements seeking interest in the two Independent Member positions where the incumbents have been in post since the Standards Committee's inception, with the process being completed in time for the Council's Annual Meeting in May 2008. This would mean that one of the Independent Members concerned would have served for 8 years and the other for 7 years and 8 months. The positions would be advertised and both the Independent Members concerned would be advised that they would be eligible to re-apply [subject to any decision of Council in relation to paragraph 1.1 (c)].
- 9.6 Should vacancies not arise earlier, the Council will also be asked to instruct the Director of Corporate Governance and Monitoring Officer to place public advertisements at the appropriate time seeking interest in the other two Independent Member positions where the incumbents have been in since 2005, with the process being completed in time for the Council's Annual Meeting in May 2010. This would mean that one of the Independent Members would have served for five years and the other for five years and two months. These positions would also be advertised and both the Independent Members concerned would be advised that they would be eligible to re-apply [subject to any decision of Council in relation to paragraph 1.1 (c)].
- 9.7 It is considered inadvisable for many memberships to be subject to renewal at the same time. If the proposals in paragraph 9.5 and 9.6 are pursued this means that there should usually be Independent Members with at least 2 years experience on the Committee, which is particularly beneficial for the position of Chairman. It will also ensure that the Council is not seeking a significant number of Independent Members at the same time.
- 9.8 It must be noted, however, that Independent Members can resign from the Committee at any time and the replacement Member's term of office would commence from their appointment so patterns are likely to change over the years.

- 9.9 The Director of Corporate Governance and Monitoring Officer will propose retaining the current practice of re-appointing the Independent Members each year when the Standards Committee is appointed at the Annual Meeting. This brings benefits both of consistency with other committees and of the Council retaining the ability to refuse to re-appoint an Independent Member if there were issues related to, say, poor levels of attendance at Standards Committee meetings or other matters persuading the Council that the Independent Member had not been properly carrying out his or her responsibilities. It will further be proposed that such powers should only be used exceptionally and in circumstances where the continued appointment of the Independent Member would be likely to be detrimental to the work and/or reputation of the Standards Committee.
- 9.10 ACSeS issued a best practice model recruitment pack for the appointment of independent members of standards committees in October 2006. The content of the pack is the result of experience gained by Monitoring Officers in local authorities across England. General guidance is also available from the Standards Board and other sources. It is intended to develop a Barnet pack with reference to the model pack and other best practice guidance. It is particularly important that the calibre of membership is seen as robust and fully independent given the greater responsibilities being devolved to local Standards Committees by the Standards Board for England in respect of local determination of allegations in respect of breach of the Code of Conduct.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

J. CHANGES IN COMMITTEE MEMBERSHIPS (Report of the Democratic Services Manager – Agenda Item 13.1.1)

RESOLVED - that the following change in Committee Membership be approved:

- **Councillor Sachin Rajput to replace Councillor Andrea Tambourides as Chairman of the Chipping Barnet Residents Forum.**

K. LEADERS SCHEME OF DELEGATION (Report of the Democratic Services Manager - Agenda Item 13.1.2)

RESOLVED - That the Democratic Services Manager be instructed to arrange for that part of the Council's Constitution setting out Cabinet Member responsibilities (Part 3- Responsibility for Functions) to be amended by the addition, made by the Leader of the Council, of the Education and Inspections Act 2007, to the portfolio of the Cabinet Member for Children's Services, Councillor Fiona Bulmer, as set out in the Appendix attached.

L. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Items 14 and 13.1.6)

As time did not permit otherwise the Worshipful the Mayor announced that written responses would be provided by the relevant Cabinet Member to the Members concerned in accordance with Council Procedure Rules, Section 1, paragraph 43.5

Comment: Councillor Duncan Macdonald

Comment on the Leader Listens Initiative.

Comment: Councillor Richard Cornelius

Comment on the Work of the Cabinet Member for Public Health, specifically on the reconfiguration of the local NHS under the Barnet, Enfield and Haringey Clinical Strategy.

Comment: Councillor Jeremy Davies

Would like to ask the Leader of the Council to comment on the accident, on the 8th December in Partingdale Lane.

Comment: Councillor Linda McFadyen

To Comment on billing in Home Care Services and Meals on Wheels

This concluded the Business remaining from the meeting on 18 December 2007

Business on the Agenda - Tuesday, 29 January 2008

125. 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.

126. VARIATION OF ORDER OF BUSINESS

Councillor Alison Moore moved under Council Procedure Rules, Section 1, paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 8.6, 8.8 and 8.9 be heard first. The motion was seconded by Councillor Linda McFadyen.

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

Councillor Joan Scannell moved under Council Procedure Rules, Section 1 paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 8.6, 8.7 and 8.8 be heard first. The motion was seconded by Councillor Andreas Tambourides.

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

RESOLVED – That the order of business be varied to allow Motions 8.6, 8.7 and 8.8 to be heard first.

127. MOTION IN THE NAME OF COUNCILLOR BRIAN COLEMAN (Agenda Item 8.6)

Motion 8.6 in the name of Councillor Brian Coleman was moved. Amendments in the name Councillor Wayne Casey and Councillor Kath McGuirk were moved. Debate ensued

Upon being put the vote the amendments in name of Councillor Wayne Casey and Councillor Kath McGuirk name were declared lost.

The substantive motion was declared carried.

RESOLVED - Council notes articulated (“bendy”) buses, introduced by the Labour Mayor of London Ken Livingstone, from 2004.

Council further notes these largely replaced the much-loved and missed Routemaster vehicles, which served London well for decades.

In contrast, Council believes the bendy buses are both inappropriate for London streets and dangerous.

Council recalls there were several fires on the initial fleet in 2004, and notes TfL figures, exposed by the *Evening Standard*, showing that bendy buses cause more than twice as many injuries compared to other buses.

Council understands that in 2006 more than 90 pedestrians and cyclists were injured by these vehicles, and two people killed, including a 12-year old girl. Last year, Council notes, a man was dragged to his death for a mile under a bendy bus, after falling under its wheels in Ilford High Road.

The poor manoeuvrability of these buses makes them incompatible with many streets, Council believes, with bus stops needing to be moved and turning and traffic restrictions being introduced to accommodate these buses, which cause much attendant congestion.

Further, Council notes that figures released by TfL show bendy buses are more than three times as likely to suffer from fare evasion as their counterparts.

Therefore, Council is appalled that the Liberal Democrat candidate for London Mayor, Brian Paddick, has threatened to introduce bendy buses on suburban streets.

Council believes Barnet roads are no more suitable for bendy buses than their equivalents in Central London, and notes that many of this Borough's streets already struggle to accommodate existing bus stock.

Council believes that bendy buses should be removed from service, and could be replaced with a new model based on the Routemaster, designed to facilitate disabled and pushchair access.

Accordingly, Council calls on the Chief Executive to write to the Commissioner of Transport for London (TfL) and the Mayor of London, calling for the removal and replacement of bendy buses, and a commitment that none will be introduced on routes that serve any part of the London Borough of Barnet.

128. MOTION IN THE NAME OF COUNCILLOR JOHN HART AS AMENDED BY COUNCILLOR MIKE FREER (Agenda Item 8.7)

Motion 8.7 in the name of Councillor John Hart was moved. An amendment in the name Councillor Mike Freer was moved. Debate ensued.

Upon being put to the vote the amendment in name of Councillor Mike Freer and the substantive motion were declared carried.

RESOLVED -

Council notes the lack of available space in the Borough's Cemeteries, which, coupled with the sharp rise in the Borough's population in coming decades, will cause severe problems for burials.

Council believes that deeper burials and disinterring remains offer no solution, as they would be extremely insensitive and distressing for relatives and loved ones.

Therefore, Council believes a fresh, but sensitive approach is required to this problem.

The first Green, or Woodland Burial site opened in 1994, Council notes, and such sites have become increasingly popular, with more than 180 now in England, with additional grounds planned.

Council further notes that not only are Woodland Burial sites attractive and environmentally friendly, they also are cost-effective, requiring little maintenance.

Council believes that the large tracts of woodland and grassland could be utilised to offer Green or Woodland Burials to Barnet residents who wish to avail themselves of these.

Accordingly, the Cleaner, Greener, Transport and Development Overview and Scrutiny Committee is asked to investigate the provision of Woodland Burials in Barnet.

129. ADJOURNMENT OF MEETING

In accordance with the Agenda the Mayor adjourned the meeting for 15 minutes. The meeting reconvened at 9.16pm

130. MOTION IN THE NAME OF COUNCILLOR ZAKIA ZUBAIRI AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Item 8.8)

Motion 8.8 in the name of Councillor Zakia Zubairi was moved. Amendments in the name Councillor Anita Campbell and Councillor Matthew Offord were moved. Debate ensued

Upon being put the vote the amendment in the name of Councillor Anita Campbell was declared lost. The amendment in the name of Councillor Matthew Offord and the substantive motion were declared carried.

RESOLVED - Council believes that pensioners and the disabled deserve to be able to use their Freedom Pass before 9am so as to enjoy full access to London's public transport system, with all the mobility, flexibility and advantages that brings.

However, Council believes London Councils must be able to examine the details of such an extension to Freedom Pass benefits, as the Boroughs are responsible for funding the Freedom Pass.

Council also notes that the Mayor of London has taken 8 years to propose this change, and is suspicious of his motives given that this is an election year.

Council is disappointed the Mayor has not even consulted with London Councils and the Boroughs, who are responsible for funding the Freedom Pass. Council asks the Chief Executive to write to the current Mayor of London, expressing Council's displeasure at the belated introduction of such a proposal, and calling on him to urgently discuss his plans with London Councils and the Borough Leaders, who are responsible for financing the Freedom Pass.

131. REQUEST FOR PERSONAL EXPLANATION –

Councillor Monroe Palmer under Section 1, Council Procedure Rules, Rule 27.2 sought The Worshipful the Mayor's consent to give a personal explanation on comments made during the debate on the previous item. The Worshipful the Mayor, refused the request.

132. MOTION IN THE NAME OF COUNCILLOR BRIAN COLEMAN (Agenda Item 8.1)

Motion 8.1 in the name of Councillor Brian Coleman was put to the vote without debate. The substantive motion was declared carried.

RESOLVED - This Council congratulates the Territorial Army on its Centenary and sends particular congratulations to the TA Centre in Barnet which is 70 years old this year.

Furthermore, Council recognises the contribution that the TA makes in Barnet and expresses its support for the Borough's Territorial and Reserve Forces.

Accordingly, Council requests the Cabinet Member to organise an appropriate celebration to mark the occasion.

Council additionally requests that the Chief Executive sign up to the SaBRE Charter, pledging our support to LBB staff in the TA/ Reserve Forces, and in giving them appropriate Leave in order to undertake their military duties.

133. MOTION IN THE NAME OF COUNCILLOR ANNE HUTTON AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Item 8.9)

Motion 8.9 in the name of Councillor Anne Hutton and amendments in the name of Councillor Ross Houston and Councillor Matthew Offord were put to the vote without debate. The amendment in the name of Councillor Ross Houston was declared lost. The amendment in the name of Councillor Matthew Offord was declared carried. The Substantive motion was declared carried.

RESOLVED - Council is dismayed that the Mayor of London has failed to adequately curtail levels of anti-social behaviour on London's Buses.

Although Council welcomes the recent launch of the "Zip" oyster card for under-18s, Council believes this is insufficient to stop the abuse of free travel facilities, as bus drivers do not have adequate powers to remove miscreants from their vehicles.

Accordingly, while Council asks Cabinet to do whatever it can to support the principle of free travel for young people, the Chief Executive is also requested to write to the Mayor of London, requesting that bus drivers be given greater powers to remove perpetrators of anti-social behaviour, and those who refuse to swipe their new "Zip" cards, and to involve the Police where necessary.

134. ADMINISTRATION POLICY ITEM – HOUSING CUTS (Agenda Item 9.1)

Councillor Lynne Hillan proposed the item and moved that it be adopted. Debate ensued. Upon being put to the vote the substantive motion was declared carried.

RESOLVED - Housing benefit subsidies are given by the Government each year to assist authorities in providing Housing Benefit to those in private sector accommodation. The subsidies and caps (the maximum amount payable), are calculated according to perceived housing costs and pressures in the area.

Council understands that the Department of Work and Pensions (DWP) is set to make an additional 10% cut in the level of housing benefit caps and subsidies in London, according to information obtained by London Councils, while freezing them elsewhere.

Council estimates this will mean that Barnet will face an additional £800,000 to continue to house those in need, with taxpayers footing most of this bill.

This is in addition to Barnet's suffering from a "negative" housing Subsidy, where the Borough receives less money back from the Housing Revenue Account (HRA) than it receives in rent.

This means that surplus from our tenants' rent payments goes towards maintaining stock elsewhere in London, rather than on their own homes.

Since this matter was debated at Full Council in June, Barnet, and a number of Boroughs have agreed to seek Counsels Opinion on a Judicial Review of the system.

If such a legal challenge is successful, then the HRA system could be changed to stop the penalisation of Boroughs such as Barnet.

Council believes that similar pan-London action, in coordination with London Councils, should be harnessed to fight the cuts in the Housing Benefit caps.

Accordingly, Cabinet is requested to support London Councils' campaign against the reductions in the Housing Benefit subsidies, and to ensure that LBB continues to play a full part in seeking a change to the Housing Revenue Account (HRA) system

135. REPORTS FROM CABINET (Agenda Item 10)

There were none

136. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (Agenda Item 11)

There were none

137. REPORTS FROM OTHER COMMITTEES (Agenda Item 12)

There were none

138. FUTURE OF SCRUTINY IN BARNET – PROPOSED WORKING GROUP OF MEMBERS (Report of the Democratic Services Manager – Agenda Item 13.1.1)

Councillor Andrew Harper moved under Council Procedure Rules, Section 1, paragraph 41.1.2 that this item be deferred to the next Council meeting in March to enable Members to consider the issues in more depth.

Upon being put to the vote, the motion was: -

RESOLVED – (1) That this item in the report of the Democratic Services Manager be deferred and reported to the next meeting of the council on 4 March 2008.

(2) That the Democratic Services Manager be instructed to resubmit this item to the next meeting of Council on 4 March 2007

141. PROPOSED CALENDAR OF MEETING 2008/09 (Report of the Democratic Services Manager – Agenda Item 13.1.1)

Councillor Alison Moore and proposed an amendment to the Calendar of Meetings. Upon being put to the vote, this was carried.

RESOLVED –

1) That the subject to the deletion of the Resident's Forums in August, the Calendar 2008/09 be approved and the Democratic Services Manager

be authorised to agree variations in consultation with the Chairman of the body concerned.

2) That the Council, at their Annual Meeting, be recommended to agree the dates of the ordinary Council meetings proposed in the attached Calendar, in order to meet Constitutional requirements and that the Democratic Services Manager be instructed to take the appropriate action.

142. LONDON LOCAL AUTHORITIES BILL (Report of the Democratic Services Manager – Agenda Item 13.1.3)

RESOLVED - 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;

143. LEADER'S SCHEME OF DELEGATION (Report of the Democratic Services Manager – Agenda Item 13.1.4)

RESOLVED - That the Democratic Services Manager be instructed to arrange for that part of the Council's Constitution setting out the Cabinet Members responsibilities (Part 3 – Responsibility for Functions) to be amended by the addition made by the Leader of the Council, to the portfolio of the Cabinet Member for Community Engagement and Community Safety, Councillor Brian Coleman, as set out in the attached Appendix B.

144. REVIEW OF BYELAWS – REPORT OF THE DIRECTOR OF CORPORATE GOVERNANCE (Report of the Democratic Services Manager – Agenda Item 13.1.5)

RESOLVED –

(1) The Council resolves to retain, revoke and remove from publication the Byelaws as respectively proposed in Section 10 of the report and adopt the model Byelaws as attached to the appendix to this report in accordance with the proposals set out in Section 10 of the report.

(2) The Head of Legal be instructed to take all necessary action including to seek the approval of the Secretary of State and Communities and Local Government/ Culture Media and Sport (as appropriate) to the Council's adoption of the model Byelaws.

145. REPORT FROM THE MONITORING OFFICER (Agenda Item 13.2)

There were none

146. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Items 14 and 13.1.6)

Comment: Councillor Monroe Palmer

The comment is tinged with acceptance that things have changed. I was very disappointed to see that in the proposed budget cuts, which we weren't able to discuss because of the last Council meeting which ended in disarray, that we weren't able to bring forward at that time or before that time the effects on certain things, such as Church Farmhouse Museum. My comment is that I'm pleased, if I understand the position correctly, that the proposed cuts have been reversed, I would be grateful if that would be confirmed and if there would be, perhaps prior to the full budget in March, perhaps a description of any other such cuts of a like nature which we might need to know about in advance.

Response: Councillor John Marshall

As you know this Museum is in Hendon Ward, which is one of the most important wards in the Borough. It's been a museum since 1955, and it's a Grade II listed building. Councillor Palmer will no doubt want to know that it receives 7,800 visitors a year and does outreach work to schools and local societies covering 1,800 people. That is a cost per visit of £13.33, it is open for 34 hours a week and that means it receives 5 visitors an hour. I think what one has to look for the future, that this is a Grade II listed building, that it will require a lot of work on maintenance, and I think we have to ask ourselves whether in future this museum might not be better served as a trust when it will be better able to secure funding from heritage organisations than it can with its present role within the Council, and so that is something that should be examined. It's not going to be examined in this budget round, but I do think that as we look forward to the future of the museum which is a very important building in the history of our borough we ought to consider that possibility.

Comment: Councillor Wendy Prentice

I am pleased that the refurbishment of Chipping Barnet Library will bring facilities my residents can be proud of. Please could the Cabinet Member outline the starting and likely completion dates for this work.

Response: Councillor John Marshall

The starting date is in February and the library will re-open on 7 April, and on 7 April those who go to the library will benefit from RFID and wi-fi, which means the students will be able to take their laptops in there and work from their laptops and I think that will be welcome, particularly by all of those who are studying for GCSE and A level examinations and I am sure that Councillor Prentice, who I know holds her surgeries there, will find it very convenient as well and perhaps she might want to take a laptop so that she can go and, well she tells me she won't want to take a laptop, but Councillor Bulmer, who also holds surgeries there, may well want to take a laptop as a means of making notes on surgery cases whilst she's sitting there. And of course, it is also the case that the improvements to The Hyde Room will be very useful during the

time when the Town Hall is being refurbished so that meetings such as the Chipping Barnet Area Planning Committee and the Chipping Barnet Area Environment Committee can take place there, and it may well be that having enjoyed the delights of The Hyde Room they decide that will become the permanent resident place.

**147. QUESTIONS TO REPRESENTATIVES ON OUTSIDE BODIES
(Agenda Item 15)**

There were none.

The meeting finished at 10.17pm

Council Questions to Cabinet Members
29 January 2008
Questions and Responses

Question 1

Councillor Daniel Thomas

Does the Cabinet Member agree that there is no need for the 102 bus to be 24 hour and that a better use of resources would be to ensure a more regular and reliable service during rush hours?

Answer by Councillor Matthew Offord

Yes, I agree it does not need to run 24 hours a day.

Question 2

Councillor Jack Cohen

In relation to the section 106 monies (totalling £792,000.00) being earmarked towards the rebuilding of East Barnet School, will the Cabinet Member identify the source of the section 106 monies by providing a schedule of the relevant planning consents?

Answer by Councillor John Marshall

The S106 monies come from the Russell Lane development. There was an 'Education and Community Contribution' of £2.8 million from that development for the provision of education and community facilities within the London Borough of Barnet in order to meet the increased demand for such facilities as a result of the occupation of the development to be allocated in such proportions as the Council in its absolute discretion considers appropriate.

This seems to me to be an appropriate decision leaving the residue for other developments.

Supplementary Question 2

Councillor Jack Cohen

Thank you Councillor Marshall, and the answer is fair enough. I wonder whether you would agree with me that for transparency perhaps when Section 106 monies are spent that the report and all subsequent reports will actually identify the planning scheme from which those monies derived, because Councillor Marshall you will see a number of questions this evening about Section 106 monies and indeed I asked a question at the last Council meeting, and it is of concern to many of us on this side of the Chamber that S106 money is appropriately spent.

Answer by Councillor John Marshall

I am glad that Councillor Cohen agrees that this money is being well spent. I think that what we have to remember is that frequently with planning applications there is a relatively small amount of Section 106 money that is part of the condition of the planning consent and if we were to spend £100,000 and if it's to be the subject of from say 20 different planning consents I think most people would think that it would be better to preserve the trees rather than make a note of each of the planning consents from which the money had arisen.

Question 3

Councillor Alison Moore

How much money has been spent to-date on the Leader Listens sessions throughout the Borough and how much is projected to be spent on them over one entire cycle of meetings in the Borough i.e. all polling districts in all 21 wards? (Please provide a breakdown per ward of money spent so far and the projected budget for the remainder of the meetings to include printing costs, postage costs, venue hire costs, and follow-up direct mail costs, and attendance at those events already held).

Answer by Councillor Mike Freer, Leader of the Council

The event costs are:

Invites to residents £700

Room Hire £80

Circulation of action points £2000

I can not comment on future municipal years but in this year I expect that the successful Leader Listens event will be held 15 times across the Borough.

Supplementary Question 3

Councillor Alison Moore

Councillor Freer, I'd just like to ask why the circulation of the action points costs nearly 3 times as much as mailing out the invitations? You didn't in fact tell me how many people attended as I asked. It does prompt the question – are you ashamed of how few turn up? And I ask you, will you now admit that this is nothing more than a blatant personal PR exercise?

Answer by Councillor Mike Freer, Leader of the Council

I'll answer it in backwards order, no, and in terms of the cost of the circulation of minutes that is because it takes additional officer time which has to be calculated into the costings, in terms of answering all the issues raised which are then circulated to the residents. In terms of the low numbers I would point out to Councillor Moore that the most recent one in East Finchley had an attendance of over 60 and when asked how many of those 60 had attended an area forum some 6 had. So I am very satisfied that this actually is reaching out to members of the public who do not engage with the Council in other ways and in fact the number of e-mails and letters I receive complimenting me on the initiative and raising other issues is highly satisfactory and also leads into budget development and the policy priorities for this administration.

Question 4

Councillor Bridget Perry

Please could the Cabinet Member for Public Health outline the infection control situation at Barnet and Chase Farm in light of recent reports.

Answer by Councillor Helena Hart

In addition to their previous Press Statements welcoming the lifting of the Healthcare Commission's Improvement Notice on Hygiene, Barnet & Chase Farm NHS Hospital Trust has released a statement assuring me that it takes Infection Control and the cleanliness of its hospitals very seriously and that the reduction of healthcare associated infections is one of their top priorities. The Trust further sought to assure me that it had invested significant resources in cleaning and infection control and that new cases of C. diff had been reduced from 74 in April to 5 in December 2007.

The Trust further detailed several measures such as a new tough uniform policy, frequent inspections and a hand hygiene campaign (HAPIE) aimed at driving down contamination. It states it has also increased the number of microbiologists.

I have to ask, however, if any of these improvements would have been made had the Healthcare Commission not issued its first ever Improvement Notice on Hygiene and without the longstanding and constant pressure from both the Executive and the Supporting the Vulnerable Overview & Scrutiny Committee of this Council.

Supplementary Question 4

Councillor Bridget Perry

I thank the Cabinet Member for her answer. The Evening Standard investigation into infection control had especially damning findings. Does she believe standards at the hospital have recovered sufficiently since then.

Answer by Councillor Helena Hart

I'd like to thank Councillor Perry for that supplementary and yes, at first sight the article as published in the Evening Standard does seem at variance with the very detailed and stringent procedures that the Trust has assured me – in a three page letter – that it is now implementing. Some of those measures are referred to in my written answer.

But what this does go to show is that it is not simply sufficient just to put new measures in place. What the Trust has to do is to ensure that everyone, and I mean every single member of staff, agency and otherwise, consultants and the most junior nurse, adheres to those new procedure. And for that you need a complete change in culture throughout the Trust and I can only hope that the new Director of Nursing will be able to ensure that change in culture – because I do hope they effect that change, not just in hygiene but also in in-patient maternity services, as highlighted by the latest Healthcare Commission report. I shall certainly be keeping both these areas under review and so too will the Supporting the Vulnerable Committee under the excellent leadership of Councillor Cornelius, and on which I believe you also sit Councillor Perry.

Question 5

Councillor Jack Cohen

Please provide a break down of the number of staff dismissed, on disciplinary, capability or health grounds for the years 2002/03, 2003/04, 2004/05, 2006/07, and 2007 to date.

Answer by Councillor Mike Freer, Leader of the Council

Ill health (noting that all historical information may not be fully accurate pre 2005 due to the inadequacies of pre-introduction SAP data)

2002/2003	67*
2003/2004	75*
2004/2005	39*
2005/2006	16*
2006/2007	12
2007/2008	9 (YTD)

* Information comes from Pension records only so will not include individuals that may have been ill health retired but didn't have a local government or teachers pension.

Barnet was in the London Borough top quartile for the ill health retirement BVPI for last year. This was achieved through better application of the attendance management policy and co-ordinated working with occupational health contractors. Also the work of the Attendance Management Officer resulted in other options being employed to resolve long term sickness.

Dismissal

All dismissal information prior to the introduction SAP was held on personal files. All leaver files are archived for 6 years. It would take considerable effort to open up every box read through every file to manually calculate the totals. This expending of resource is not warranted. For more recent years the figures are:

Aug 2005/2006	38
2006/2007	22
2007/2008	32 (YTD)

We do not hold on an electronic breakdown of the dismissal figures by disciplinary and capability. This we would require a trawl through archived files and I do not believe it is worth the resource.

Supplementary Question 5

Councillor Jack Cohen

Thank you Councillor Freer, and I do understand sometimes the difficulty in getting information, but I am surprised that the Council does not have a breakdown between dismissals for disciplinary and dismissals for capability and perhaps you will ensure that in future that split has been made. But I'm not sure whether you actually understand my substantive question, I asked how many members of staff had been dismissed through ill health and I'm not sure whether you've given me the figures about ill health retirement because you make a boast about being in the top quartile for ill health retirement. I would be surprised because ill health retirement actually means you are paying an enhanced retirement, an enhanced pension, whereas dismissal, it doesn't mean that. So I'm not quite sure whether you're talking about ill health retirement or dismissal, perhaps you could clarify that.

Answer by Councillor Mike Freer, Leader of the Council

I think the difficulty, Madam Mayor, is that the IT systems prior to 2002 were not sufficient to calculate the data that Councillor Cohen is looking for. I understand the difference between dismissal on ill health grounds and retirement on ill health grounds. I think what the answer points out is that the system only records ill health retirement. It only would require a manual trawl through manual files to identify dismissals due to ill health. I'm not aware that we would dismiss due to ill health, although there may be a question of capability and that we have to be careful in terms of actually asking the right question. Going forward I suspect that SAP will of course allow us to record in much greater detail the reasons why employees leave the council's employment.

Question 6

Councillor Julie Johnson

The bird hide on the Welsh Harp has been seriously vandalised yet again. I have previously asked for the outer wall of the hide to have proper metal cladding to help prevent vandalism, but this was not agreed on cost grounds. Will the Cabinet Member now consider metal cladding on the basis that it would be cheaper than having to constantly repair the bird hide?

Answer by Councillor Matthew Offord

I am not convinced that metal cladding will prevent further acts of vandalism but I will seek tenders for both repair of the current breeze block structure and a suitable steel container with a viewing area. But you should be aware that I am seriously considering removing the structure in its entirety and turning the area into a viewing platform only. We cannot continue to spend scarce resources as a result of mindless vandalism.

Question 7

Councillor Brian Gordon

Could the Council please have a brief up-date on the progress being made in the street lighting improvements around the Borough?

Answer by Councillor Matthew Offord

By the middle of January of this year nearly 5,000 new columns have been installed on the streets of Barnet.

Supplementary Question 7

Councillor Brian Gordon

Councillor Offord, you and I were both present last week at the Mill Hill Preservation Society and we could both see how much interest there was shown in our new street lighting scheme. What I would like to ask you is, could you indicate what benefits are going to accrue to the residents of Barnet from a new scheme in terms of brighter streets and safer environment and less public expenditure, maintenance expenditure in the long term?

Answer by Councillor Matthew Offord

I think the Member has answered his own question.

Question 8

Councillor Jack Cohen

When did you last walk along Cricklewood Lane, in particular the western approaches to Cricklewood Broadway?

Answer by Councillor Matthew Offord

Not as recently as the Leader of the Council, who is paying special attention to the area.

Supplementary Question 8

Councillor Jack Cohen

Once again, I've asked Councillor Offord a straight question, and once again he's unable to give a straight answer. You tell me, Councillor Offord, that your colleague, Councillor Freer, actually walks along Cricklewood more often than you do and he's paying the area special attention. Well, all I can say is that you ought to speak to your Leader and tell him that his special attention doesn't seem to be producing very much because the number of complaints we are receiving from residents living in the Cricklewood area about noise, nuisance, traffic and generally dirt in the area, is increasing day by day and yet this Council doesn't seem to be doing anything about it. When will you, Councillor Offord, take your responsibility as Cabinet Member seriously and do something about it?

Answer by Councillor Matthew Offord

I think the question from that supplementary is when will the Ward Member take his responsibilities seriously and visit himself? Then he could see the problems he claims residents are contacting him about. Perhaps he should undertake that work.

Question 9

Councillor Colin Rogers

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in East Finchley ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Supplementary Question 9

Councillor Colin Rogers

If Councillor Melvin Cohen is ill prepared to provide ward based Section 106 information how will we able to fund specific developments such as the route 102 service on a 24 hour basis?

Answer by Councillor Melvin Cohen

I refer the Member to my previous answer.

Question 10

Councillor Richard Weider

Please can the Cabinet Member report what positive comments the Council has received about the Rolling Base?

Answer by Councillor Fiona Bulmer

Rolling Base has received many compliments since its launch. More than 2000 young people have used its facilities and the feedback from users has been overwhelmingly positive. It has also received national recognition including being a runner-up in the government's 'actions speak louder...' a national competition for all Youth Opportunity Funded projects.

Supplementary Question 10**Councillor Richard Weider**

I'd like to thank the Cabinet Member for her answer. Does this show, contrary to what the opposition parties claims, youth services in Barnet are improving and from the amount of comments I've received from residents in Broadfields and Stonegrove estate the rolling base is very popular and when the Stonegrove estate is regenerated. Can the Cabinet Member give an assurance that these youth services and other youth services on the estate will be maintained and continued?

Answer by Councillor Fiona Bulmer

Yes, I entirely agree with Councillor Weider. Our excellent Youth Service is providing a wonderful range of provision and indeed only last week secured an additional £30,000 from the DCSF for the rolling base, and that's just one example of the excellent work the Youth Service does to secure external funding and I am sure they will continue to support youth activities on the Stonegrove Estate.

Question 11**Councillor Gill Sargeant**

What additional money will be forthcoming should the consultation on Colindale show that there is an increased need for community facilities?

Answer by Councillor Melvin Cohen

The purpose of the AAP is to guide change and development in a manner which ensures the needs of existing and future residents are met. The AAP must be supported by a comprehensive evidence base outlining the current social, economic and environmental issues in Colindale and importantly including the views of the existing community and key stakeholders.

Should the AAP identify deficiencies in the current provision of facilities it will as part of an overall strategy ensure future provision is secured through development opportunities. This may come via funding such as S106 monies or on site provision. Examples that are emerging as part of the present Issues and Options stage include the need for additional education and health facilities. It is too early at this stage in the preparation of the plan to quantify the level of funding that may be necessary to make adequate provision for the community.

The Council and its partners are, however, determined to deliver improvements in a wide range of areas that will reflect the needs of the people in the area.

Supplementary Question 11**Councillor Gill Sargeant**

As the Councillor is aware, the Colindale Area Action Plan is going to envisage major development, there's going to be large track (no microphone)

Answer by Councillor Melvin Cohen

Unfortunately I am not blessed with the gift of prophesy and I cannot give a realistic and informed answer to the Member without consultation responses and a sound evidence base to support community infrastructure.

Question 12**Councillor Brian Gordon**

In what ways might the citizens of Barnet benefit from a new Mayor of London being elected in May 2008?

Answer by Councillor Mike Freer, Leader of the Council

The main way Barnet will benefit from Boris Johnson as Mayor is that he has committed to himself to working with London Boroughs in partnership and to stop the unnecessary interfering, control freakery we see from the current incumbent.

Supplementary Question 12

Councillor Brian Gordon

Do you not feel that far too much power is vested in the Mayor of London per se, per se, regardless of who it is. Now of course we all know that the present incumbent has very much abused his position in terms of public expenditure, the iniquitous traffic congestion charge and such like but my question is, when Boris Johnson takes over as Mayor even then can I suggest that perhaps this Council could consider calling for a whole overhaul of the whole power structure of the Mayor to try and reduce the tremendous domination that that particular position has over the politics of London.

Answer by Councillor Mike Freer, Leader of the Council

When I look at Mayor Livingstone it reminds me that power corrupts and absolute power corrupts absolutely. But I would advise Councillor Gordon that changes to the structure of the GLA and the Mayoral powers requires primary legislation but of course I will look forward to introducing it as a private members bill in the House of Commons.

Question 13

Councillor Barry Rawlings

In answering my question at the last Council meeting on the re-building schedule for waves 2 and 3 of PSCIP the Cabinet Member said that the timing of the re-building depended on the availability of government support. In fact the original plans for waves 2 and 3 of PSCIP assumed no government support, and that the Council would borrow to finance both waves. Will the Cabinet Member explain the change in plan?

Answer by Councillor John Marshall

I am surprised that Councillor Rawlings continues to ask questions about PSCIP. He knows that we inherited a situation where his administration and his colleague Councillor Moore had accepted the need to improve our primary schools but had failed to produce a plan to do anything. We have always assumed- obviously unwisely- that the government would listen to our needs and try to meet them. I look forward to a change of government, the election of two new MP's for Hendon and Finchley & Golders Green. Then we will get the support we as a borough deserve.

Supplementary Question 13

Councillor Barry Rawlings

Councillor Marshall again avoids the question because we got from the last meeting that 11 major capital programmes for schools happened during the 8 years of the Labour/Lib-Dem administration compared with one of the almost six years of the Tories. Big plan, big headlines, I could say all mouth and no trousers but that image is far too much for me on an evening.

The whole thing with PSCIP was the presumption that there would just be the normal capital expenditure but there'd be no more government money. That was the basis of the borrowing, you now say that you need government money. So therefore you have changed PSCIP, you have, it's unravelled. Why has this PSCIP been so unravelled that you cannot keep to your original commitment that you would not need extra government support?

Answer by Councillor John Marshall

Well the way the economy has been mishandled by this government. But Councillor Rawlings should know full well that the failure to supervise banking properly led to the Northern Rock disaster and that has created problems for the house building industry and the value of land. He should educate himself instead of asking these silly questions.

Question 14

Councillor Brian Gordon

The Lyons Report, published last year, put forward proposals to allow London Councils to set a "local supplementary business rate" (SBR). How, if at all, might such an idea be viewed in Barnet?

Answer by Councillor Mike Freer, Leader of the Council

Firstly, Supplementary Business Rates powers have only been made available to the Mayor and he is using them to provide funding for Crossrail, despite the fact that London business are already net contributors of some £20billion to the exchequer. We considered SBR as part of the innovative Barnet Finance Initiative and I said that I would not support additional NNDR on our businesses; rather we suggested we should share in the growth in NNDR that we are expecting from Barnet's continued growth.

Supplementary Question 14

Councillor Brian Gordon

Councillor Freer, simply and plainly put, is the Supplementary Business Rate, which the Mayor of London is levying, just another, not just another example of how he is using his colossal taxing power to rip off the poor old London taxpayer?

Answer by Councillor Mike Freer, Leader of the Council

Yes it is.

Question 15

Councillor Andrew McNeil

Can the Cabinet Member offer an explanation for the large number of Penalty Charge Notices that were issued in Barnet on New Year's Day?

Answer by Councillor Matthew Offord

There was not a large number of PCNs issued on New Year's Day – in fact there was a 30% reduction on the usual daily number.

Supplementary Question 15

Councillor Andrew McNeil

I can't believe I'm the only person who regards a mere 30% reduction on the number of PCNs issued on one of the two quietest days of the year for traffic is barely a reduction at all. Eight tickets were issued in East Finchley, five of them in the same street, allegedly to facilitate two-way traffic, which was rather strange since the street concerned is one-way. Does the Cabinet Member agree with me that in view of the public's well founded perception that parking on public holiday is equated with that for a Sunday, the issue of PCNs on New Year's Day to motorists parking where it is permitted on a Sunday is either an error or grossly unfair?

Answer by Councillor Matthew Offord

Parking Wardens in the Borough are following the Highway Code. I suggest the Councillor gets a copy and reads it.

Question 16

Councillor Brian Gordon

The Chairman of London Councils recently wrote in the London Bulletin “Boroughs need to be confident that the Government’s funding formulae predict their local communities’ needs accurately. Unfortunately, these formulae are significantly flawed. Their widely recognised technical weaknesses under – or over-predict needs distorting funding decisions which result in unfair and badly targeted distributions of government funding”. Would you agree with this comment, from Barnet’s perspective, and if so, what can we do about it?

Answer by Councillor Mike Freer, Leader of the Council

Barnet has certainly suffered from unfair changes to the calculation of grant in recent years but before highlighting a few of the key areas it is important to point out that even if grants were allocated perfectly we would still be under funded because the total amount of grant provided nationally is just not sufficient to meet the ever increasing demands on local government. Indeed, in recent years the Government has taken over the funding of schools and in doing so withdrew local government Revenue Support Grant to the value of the school spend, despite the fact that part of that spend was being paid for by council tax – so one could argue that council taxpayers are still funding schools.

With regard to the technicalities, there are several areas where Barnet and many other boroughs lose out.

Population

The Government's statistics on population are clearly flawed and yet they underpin the allocation of grants. Every time the Statistics Office revise local authority populations, Barnet's falls. This is of course nonsense, Barnet is a growing and thriving area that is attractive to all. Nevertheless, every time population figures are revised, our grant allocation falls at a time of high inflation and more houses being built in Barnet, which lead to increased demand for services across the board. Even the Government knows there are problems, which is why they introduced grant protection (referred to as the floor) so that every authority receives at least a minimum increase in grant.

Unfortunately in recent years the minimum increase has been below inflation so even with this councils lose out – including Barnet, which has been on the floor for the last two years. Quite what will happen when the regeneration schemes deliver significant increases in population is therefore a concern. We are well aware of this situation and that is why we are in continual negotiations with Ministers and Government officials to thrash out innovative options to enable the council to meet all the extra cost of services that will inevitably result. It is hard work though, and requires us to fundamentally change Government’s approach to funding local services.

Adult Social Services

Demand and costs have been increasing above inflation but Adult Services grant allocations from the Government have been reducing to Barnet. Despite this, in 2008/9 the Government changed the formula again to redirect millions of pounds out of London to northern councils despite extensive evidence given to the Local Government Minister proving that this money is vital to keep London services functioning. The aforementioned floors will provide some short term protection but eventually Barnet and other London Boroughs will face painful decisions as to how to keep services running while northern authorities will doubtless send their thanks to the Minister for making life north of Watford nice and cosy.

Cost of living in London

We all know how expensive London is for everyone but every year we are fighting the rest of England to maintain an element of the grant allocation that is supposed to pay for the higher costs of London. We would dispute that the current add-ons are adequate but it is vital to maintain the current position as there are constant challenges to our position.

Capital financing

The Government continues to announce huge amounts of funding for capital, especially improvements to schools and new schools. This funding is sent to local government via the grant allocation system to meet the cost of borrowing that pays for all this capital spend. Unfortunately, authorities such as Barnet only get grant increases below inflation so there is clearly no money to meet borrowing costs – this so called supported borrowing is really just prudential borrowing. Again, the Government system fails to provide the money to where it is needed.

The list could go on regarding Government assumptions about the Barnet's wealth and lack of need, the cost of new Government initiatives (e.g. the national concessionary fares scheme), efficiency savings, NHS cost shunting and so on. We support London Councils in their work to protect London funding, we respond to Government consultation on changes but more importantly we are the promoters of the State of the Suburbs and of course the Barnet Bond. We propose the localisation of the additional tax generated by new domestic and business growth to support regeneration and local service costs and are in detailed negotiation with Government on this as previously stated. In the end, however, there is only so much that one council can do to affect national policies but everyone can be assured that Barnet is now one of the leading councils in the country in trying to influence national government.

Supplementary Question 16

Councillor Brian Gordon

Would you not agree with me that it does seem doesn't it that local authorities like Barnet, which are the most prudent and careful with their spending and provide the best services as we know, are the ones that are being penalised the most by this government in the allocation of grant money, isn't that a fair assessment?

Answer by Councillor Mike Freer, Leader of the Council

We've simply become a cash point council to fund the northern heartlands.

Question 17

Councillor Anne Hutton

A pledge was given that the Youth Sailing Base in West Hendon would be re-opened. Will the Cabinet Member tell me exactly when this will happen?

Answer by Councillor Anthony Finn

The terms for the regeneration of the West Hendon estate include the re-provision of the Youth Sailing Base. The timing of the re-provision will partly depend upon the timing of the regeneration programme, and will also depend upon satisfactory arrangements being found for the facility to be self financing on an on-going basis. When the necessary pre-conditions for the regeneration project to commence have been satisfied, proposals will be sought for such a facility to be operated on a self-financing basis.

Question 18

Councillor Brian Salinger

Barnet Council along with all London Councils supports the annual Andy Ludlow Awards for initiatives to combat homelessness organised by London Councils. Can the Cabinet Member tell all the other Members if the Council has any plans to enhance its own services by adopting or adapting either the winning entry or any of those that were short listed and commended?

Answer by Councillor Lynne Hillan

These awards mostly relate to areas which are either not significant areas of need for Barnet, or where we already have excellent services. The winner, St Giles Trust, runs a scheme for dealing with housing needs of ex-offenders with a view to reducing re-offending rates. We are part of the London Resettlement Project, a partnership with other boroughs, the probation and Prison services and the voluntary sector to provide housing solutions for people leaving prison. However the demand for its services has been low and there is no evidence that this is a major issue for Barnet. One runner up was a system of "mystery shopping" to test the quality of housing homelessness services from the customer point of view. We have been using Shelter to do precisely this for the last two years, and we also run bi-monthly focus groups for homeless service users. The other runner up is a homeless prevention service, with a particular focus on young people. The excellence of our homelessness prevention work was part of the reason why we became a Regional Champion for tackling homelessness and our particular work with young people has resulted in us being recognised as a Regional Centre of Excellence for tackling youth homelessness.

Supplementary Question 18

Councillor Brian Salinger

Can I thank the Cabinet Member for the reply. Can I ask her if Barnet have in fact submitted any applications and will she acknowledge that there are others that were on the shortlist which are still worthy of pursuing though not mentioned in the list here, and I am citing in particular one set up by the De Paul Trust which helps homeless people and people in temporary accommodation to find work by helping them to get a driving licence?

Answer by Councillor Lynne Hillan

Funnily enough, we are actually working with the De Paul Trust who we've just funded through London Councils, so there are an awful lot of things in the offing and we didn't submit anything for this particular award.

Question 19

Councillor Kath McGuirk

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in West Finchley ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Question 20

Councillor Brian Salinger

On 21st January 2008, the Council hosted a conference on Youth Homelessness. Can the Cabinet Member tell Members when the date of this conference was fixed and which Members of the Council were invited to attend?

Answer by Councillor Lynne Hillan

Barnet was 1 of 10 national boroughs awarded the Regional Centre of Excellence for Youth Homelessness in June 2007 by the NYHS (National Youth Homelessness Scheme) – as part of that remit we were asked to hold a national conference to promote tackling youth homelessness. The date for the conference was decided in October 2007. As is usually the case the choice of date was to a degree determined by the availability of the conference facilities.

Members invited were:

Cllr Mike Freer
Cllr Lynne Hillan
Cllr Richard Cornelius
Cllr Brian Gordon
Cllr Fiona Bulmer
Cllr Hugh Rayner
Cllr Brian Salinger
Cllr Kathy McGuirk
Cllr Barry Rawlings
Cllr Jim Tierney
Cllr Ross Houston
Cllr Monroe Palmer

The Conference was highly successful with over 125 delegates registered from all over the country.

Supplementary Question 20

Councillor Brian Salinger

Councillor Hillan is quite right, it was a highly successful conference. But can she tell us why it is that the first that any members knew of this was when it was circulated to some of us, and I have no idea why those particular Councillors were listed there, as late as 8 January?

Answer by Councillor Lynne Hillan

I do apologise to the Councillor for that. Unfortunately it was an oversight, it was agreed that the Councillors would be invited and it was really based on people who had shown an interest in housing in the past.

Question 21

Councillor Alan Schneiderman

How much money has been spent on consultants during 2006-07, broken down by service area and the projects for which they were engaged?

Answer by Councillor Mike Freer, Leader of the Council

I am happy to provide information to the Councillor if he is more specific. It is not clear from your question as there are a range of definitions. As a rule we will use external assistance as one of projects to provide skills the Council does not have in-house.

For instance we have spent £1.4m on specialist legal, architectural, engineering and planning advice on the major regeneration projects. We spent some £775,000 on specialist advice to deliver the schools major works programme.

The question suggests consultancy is necessarily bad, it is not. We do not have the need to recruit and place on the permanent payroll professional specialists we may not need beyond one project (e.g. our recent review of agricultural landholdings). We use external specialist when they are the most cost effective method of supporting the delivery of project.

Supplementary Question 21

Councillor Alan Schneiderman

I'm not sure why Councillor Freer thinks my questions suggesting consultancy is necessarily bad when it doesn't say that anywhere in the question, but at a time of budget cuts and redundancies we want to know that our money is being properly spent. Can SAP actually supply accurate information on consultancy spend and will he supply the information as agreed at the last Corporate JNCC? If he wants advice on how to define a consultant I'd be happy to write to him?

Answer by Councillor Mike Freer, Leader of the Council

If the Councillor wants to ask specific questions and define consultants then he'll get specific answers, but I can reassure him that the information he referred to at CJNCC was requested and supplied to the unions, because it was actually requested by the unions and not himself. I can reassure him that this council will only use consultants to supplement specific skills for specific projects that the council does not have in-house.

Question 22

Councillor Brian Salinger

On 22nd January, the Council hosted an exhibition at the RAF Museum to exhibit the plans for the future development of Colindale. Can the Cabinet Member tell Members when the booking of the RAF museum was confirmed for the exhibition?

Answer by Councillor Melvin Cohen

In accordance with OJEU process we appointed Urban Practitioners as the Consultants on Colindale and as such they are responsible for all consultations that take place on this project. It was their decision to hold the first public consultation at the RAF Museum and our role on the day will be to support them. This event is not being hosted by the Council, therefore we are unable to provide you with detailed information on the booking etc.

Supplementary Question 22

Councillor Brian Salinger

Rather like the last question can the Cabinet Member tell us why it is that Members were not told about this exhibition until 10 January.

Answer by Melvin Cohen

I apologise for the oversight and I will endeavour to make sure it doesn't happen again.

Question 23

Councillor Barry Rawlings

Following the slippage and financial miscalculations of both the PSCIP and Children's Centre projects, and the latest farce over East Barnet School – does the Cabinet Member think he will ever get anything right?

Answer by Councillor John Marshall

I will confidently predict that there will be a change of government after the next election and that there will be new MP's for Hendon and Finchley & Golders Green.

Supplementary Question 23

Councillor Barry Rawlings

I thank Councillor Marshall because with the list of the three things he'd completely mucked up and got wrong he's added a fourth, so I thank him for that.

Answer by Councillor John Marshall

I think I prefer to have questions from Councillor Gordon rather than the inane questions from Councillor Rawlings.

Question 24

Councillor Brian Salinger

What steps are the Council and the local police taking to tackle the growing problem of prostitution in our Borough?

Answer by Councillor Brian Coleman

Councillor Salinger will no doubt be delighted to learn that there is not a growing problem of prostitution in this Borough. The Police report that the number of arrests for prostitution related offences (4) was the same in 2006 as in 2007 and that the number of complaints and intelligence reports shows a steadily reducing number month by month during 2007.

Supplementary Question 24

Councillor Brian Salinger

Can I put to the Cabinet Member both the fact that the number of arrests for prostitution, given the number's so low, indicates that the police do not regard it as a priority? Would the Cabinet Member agree with me that prostitution is an unacceptable form of exploitation of women and the growth in prostitution is a fact and is evidenced by the widespread advertising on most shop window noticeboards and in each of our local newspapers? The growth in prostitution was even identified by the Chairman of the Whetstone Society at their recent AGM. Will the Lead Member agree to discuss the matter with the Borough Commander and to report back to Members on the outcome of those discussions?

Answer by Councillor Brian Coleman

I'm not an avid reader of the adverts as Councillor Salinger obviously is, no I don't agree. As Councillor Salinger will know policing priorities particularly on safer neighbourhoods is dictated by the CAT panels. Prostitution is not considered a problem by any of the 21 CAT panels across our borough. The Borough Commander is very much guided by what those panels say. I will discuss the matter, as I discuss all matters of crime and disorder with the Borough Commander but Councillor Salinger, rather than scaremongering, can be assured that the issue in this borough is well under control.

Question 25

Councillor Alison Moore

Will the Cabinet Member for Community Safety join me in welcoming the newly announced "Zip" Oyster card for under18's which will mean that young people are still able to benefit from free travel in the Capital, whilst ensuring that those few individuals who choose to abuse the privilege will have their card taken away?

Answer by Councillor Matthew Offord

In light of the 27 deaths of young people in London last year, anything which promotes decent behaviour and cracks down on anti-social behaviour is welcomed.

Question 26

Councillor Kate Salinger

Where did Barnet schools come in the national rankings for GCSE results?

Answer by Councillor Fiona Bulmer

Barnet is the 7th best local authority for the percentage of pupils achieving 5 or more A*-C grades including English and mathematics and the 8th best local authority for 5+ A*-C grades.

Supplementary Question 26

Councillor Kate Salinger

I thank you the Cabinet Member for her answer. Will you please join me in congratulating Friern Barnet School in Coppetts Ward? It is where I'm a governor (and where I can see from the end of my garden), because they came in the top 100 schools in the country for improved GCSE results and I think that deserves hearty congratulations from everybody.

Answer by Councillor Fiona Bulmer

I congratulate them and I'm sure that the congratulations are shared by all Members and I particularly congratulate Councillor Salinger for her role as a governor. We can all be very proud of Barnet schools, those schools who consistently deliver excellent GCSE results every year, and those schools, such as Friern Barnet, which are showing dramatic improvements in their results every year and we can all congratulate them.

Question 27

Councillor Agnes Slocombe

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in West Hendon ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Question 28

Councillor Dean Cohen

What was the outcome of the Council's bid to the big lottery fund for its play strategy?

Answer by Councillor Fiona Bulmer

The Big Lottery Fund awarded Barnet the maximum grant of £695,234 to increase play provision in the borough over the next three years. The funding will pay for five play projects, working with children of all ages across Barnet. There will be a particular focus on disabled children and areas with fewer existing play opportunities. All the projects will be provided by our voluntary sector partners and will build on the excellent range of play facilities already available in Barnet.

Supplementary Question 28

Councillor Dean Cohen

Does the Cabinet Member agree that this successful bid is further evidence of how effective this administration has been in securing external funding for services for young people?

Answer by Councillor Fiona Bulmer

I can entirely agree with him as I mentioned in my answer to Councillor Weider. The Youth Service has an excellent record of securing external funding and continues to be successful in that range of bids and in extending the already extensive activities available to young people in Barnet.

Question 29

Councillor Ansuya Sodha

I would like to thank the Leader for his written response to me on the Taxicard. Will he tell me what the take-up of the Council's voucher scheme has been over the lifetime of the scheme broken down by year?

Answer by Councillor Mike Freer, Leader of the Council

Take up of the Council's taxi voucher scheme:

Date	Number of Active Members
01 April 1994	1,124
01 April 1995	1,608
01 April 1996	1,900
01 April 1997	2,369
01 April 1998	2,703
01 April 1999	2,383
01 April 2000	2,549
01 April 2001	2,182
01 April 2002	2,153
01 April 2003	1,912
01 April 2004	2,003
01 April 2005	2,032
01 April 2006	928
01 April 2007	561

The drop is attributed to more people finding the Taxicard scheme flexible and it is well subsidised.

Supplementary Question 29

Councillor Ansuya Sodha

If more and more Barnet residents prefer to use the Taxicard scheme why do Barnet still refuse to contribute to it. More and more residents, just to paraphrase, more and more residents are using it, or prefer to use it, why do you still refuse to contribute to it.

Answer by Councillor Mike Freer, Leader of the Council

I think because we rather like the cost effectiveness and the flexibility of our own scheme.

Question 30

Councillor Brian Gordon

Would the Cabinet Member please provide an update on preparations for the transformation of Burnt Oak Library into a Customer Service Centre and Leading Library for the West of the Borough? Would he also comment in particular on the outcomes of the recent consultation exercise?

Answer by Councillor Andrew Harper

Since the appointment of Knott Architects just over 6 weeks ago we have made incredible progress. Knott Architects are well qualified and innovative and were chosen for their experience and their understanding of the project and the requirements of the local community.

We have completed the initial plan and designs for the building – it should be noted that this mainly involves the external structure of the building, the entrance and bringing the building up to DDA compliance.

The planning application will be submitted very shortly and the internal design and development phase will continue as consultation continues.

We are also planning for the procurement and construction phase as well as the other strands of the plan – e.g. layout, IT, furniture etc. At the same time, we have made good progress in determining what services will need to be available.

Turning to consultation specifically, significant time and effort has been focussed on consultation with members, the public, community groups and Barnet Council staff. In particular, recently we have been analysing data from the public. Sixty-seven percent of respondents said that will use the new customer service area, whilst 72 percent said they will use the library after refurbishment. We've also collected valuable information about what services residents will want access to, additional facilities that they'd like to have at the customer access point – and the preferred opening hours.

I am pleased to report also that Member feedback has been very helpful and encouraging.

We are on course to close Burnt Oak Library from the beginning of April until mid-summer, to enable the transformation to take place.

Supplementary Question 30

Councillor Brian Gordon

Councillor Harper would you accept, and also all of those involved in this scheme, the congratulations of this Council and the wonderful work that has been done in the refurbishment of Burnt Oak Library and does this not destroy the myth that some people like to perpetrate that we favour certain sections of the borough over the other and can you please tell us whether there's going to be any further consultation in this process along the way?

Answer by Councillor Andrew Harper

I am very grateful to Councillor Gordon for the interest that he is showing in this project, the interest he is showing as a west of borough Member, and the clear recognition of the benefits that this project will bring to the residents in the west of the borough. I am happy to say that the consultation of residents, of Ward Members, and of other interested parties will continue. Indeed there will be an event at Burnt Oak Library on February 20 when there will be an opportunity for residents and others to drop in and investigate further the plans that are proposed and to make their comments. The consultation will continue as we begin the refurbishment.

Question 31

Councillor Zakia Zubairi

Does the Cabinet Member agree with me that restrictions on the use of the Freedom Pass before 9am disadvantage older and disabled people from fully participating in the success of London?

Answer by Councillor Lynne Hillan

Disabled pass holders travel free at all times.

Older people currently travel free between 9am and 4.30am the following morning Monday to Friday, plus all day at weekends and on public holidays. The morning time restriction is most probably related to fewer older people working.

To the best of my knowledge the extensions to allow 24 hour travel will cost London £20million which will be shared across London. In my opinion this is money that Barnet Council could be spending on our most vulnerable people, many of whom are not in a position to hop on and off buses before 9am in the morning. It is a case of priorities.

Supplementary Question 31**Councillor Zakia Zubairi**

Does Councillor Hillan believe that free travel all the time for older people is a priority?

Answer by Councillor Lynne Hillan

I think in an ideal world it would be lovely to have free travel for older people, young people and absolutely everybody going. But unfortunately there is a cost to this and it will cost £20m throughout London. However, if it's done on a fair basis, in other words if it's done by usage rather than just picking out that Barnet just happens to have a lot of elderly people, then I would be happy to support it.

Question 32**Councillor Barry Rawlings**

At the last Council meeting I asked what assets would be transferred to Barnet following the winding up of North London Connexions. The Cabinet Member responded by telling me how much government grant would be coming to Barnet. Can she now answer the question that I asked, and tell me what assets North London Connexions has, and, if there are any, what proportion will be transferred to Barnet?

Answer by Councillor Fiona Bulmer

The major asset of North London Connexions is the grant it receives and that is why that was outlined in answer to the previous question. The principal accommodation in Barnet from where some Connexions services were delivered belongs to Prospects Careers Company and will stay with them. Remaining assets are minimal (for example lap tops and mobile phones) and these will transfer with staff, where appropriate.

Question 33**Councillor Anita Campbell**

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in Underhill ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Question 34

Councillor Charlie O-Macauley

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in Burnt Oak ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Supplementary Question 34

Councillor Charlie O-Macauley

The answer I have from Councillor Melvin Cohen is vague because my question is what's a borough comprised of, what's the definition of a borough. If it's comprised of wards then he should give me a direct answer?

Answer by Melvin Cohen

I repeat my written reply.

Question 35

Councillor Barry Rawlings

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in Coppetts ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Question 36**Councillor Julie Johnson**

In a question to the last Council meeting I asked whether Barratts Metropolitan had applied for any Housing Corporation money for the regeneration of the West Hendon estate and, if so, what conditions were attached to that money. The Cabinet Members answered the second part of the question only. Can they let me have the answer to the first part now?

Answer by Councillor Anthony Finn

Metropolitan Housing Trust applied for and secured an allocation of grant of 15 million pounds from the Housing Corporation towards the West Hendon regeneration project. The funds will be subject to detailed applications being submitted in each of three successive years for grant to contribute towards the costs of the construction of new homes for social rent in each of those years. It is expected that the grant will be subject to the usual standard Housing Corporation conditions that include compliance with the Housing Corporation's Scheme Development Standards.

Supplementary Question 36**Councillor Julie Johnson**

Thank you for your answer, I have a supplementary. I understand that draw downs on the £15m from the Housing Corporation must commence this year and that the money must be used for social housing in the first instance. Will the Cabinet Member confirm that they will be drawing down on this money in time, and we are not going to risk losing millions of pounds of external money yet again?

Answer by Councillor Anthony Finn

I confirm as such.

Question 37**Councillor Geof Cooke**

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in Woodhouse ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Supplementary Question 37**Councillor Geof Cooke**

Would Councillor Melvin Cohen agree that elected Members are entitled to straight answers to straight questions?

Answer by Melvin Cohen

I absolutely agree that's why you should read the answer.

Question 38

Councillor Danish Chopra

Will the Cabinet Member let me have the latest information about Section 106 monies agreed on planning permissions in Colindale ward, including the date agreed, the date of completion for those developments that have been completed, the amount of S106 due, received and used in each case?

Answer by Councillor Melvin Cohen

It is my understanding that all Section 106 information is collected Borough-Wide and not on a ward by ward basis. All data collection on Section 106 income and expenditure was reported to Cabinet Resources as part of the regular half yearly annual monitor and budget information and this will continue to be so in the future. Members can access the CRC report where the information source can be found.

<http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=6188>

It is not normally expedient to collect Ward based Section 106 income and spend information when the legal obligations are primarily borough wide or development specific.

Calendar of Meetings – 2008/2009

APPENDIX A

		May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
1	Corporate JNCC			17/7			7/10			13/1		23/3			15/6	15/7
2	Health and Safety JNCC			9/7				13/11		29/1		25/3			16/6	16/7
3	General Functions Committee		16/6			11/9			8/12	14/1	24/2	26/3			2/6	
4	Standards Committee	20/5				15/9			4/12			9/3				3/7
5	Audit Committee		24/6			25/9			9/12			10/3			25/6	
6	Resources, Performance and Partnerships Overview & Scrutiny			30/7				19/11			12/2			21/5		15/7
7	First Class Education and Children Overview & Scrutiny			22/7				11/11			8/2			7/5		16/7
8	Cleaner, Greener, Transport and Development Overview & Scrutiny				7/8			25/11			16/2		28/4		11/6	
9	Supporting the Vulnerable in our Community Overview & Scrutiny			23/7				20/11			9/2			5/5		22/7
10	Tackling Crime and Housing Overview & Scrutiny			21/7		24/9		24/11		28/1			23/4			23/7
11	Cabinet Resources		17/6	28/7		2/9			1/12	19/1	25/2	30/3	27/4		8/6	
12	Cabinet Briefing Meeting.	29/5		7/7	14/8		6/10	17/11		6/1	2/2	31/3		18/5		
13	Shadow Cabinet		12/6	24/7	28/8		16/10	27/11		15/1	20/2		20/4		4/6	
14	Cabinet - Formal Meeting		18/6	31/7		1/9	23/10		3/12	20/1	23/2		22/4		10/6	
15	Cabinet Overview and Scrutiny Committee		25/6		4/8	8/9		3/11	10/12	26/1		2/3	29/4		17/6	
16	Party Group Meetings for Council			10/7		4/9	30/10		11/12	22/1	26/2		2/4	14/5		9/7
17	Council			15/7		9/9		4/11	16/12	27/1		3/3*	7/4			14/7
18	Council - Annual Meeting	13/5												19/5		
19	Finchley & Golders Green Residents Forum		30/6		5/8	17/9		12/11		5/1	19/2	24/3		11/5	22/6	
20	Hendon Residents Forum		4/6		18/8	18/9		5/11		7/1	5/2	28/3		13/5	24/6	

21	Chipping Barnet Residents Forum		23/6		13/8	16/9		6/11		8/1	17/2	17/3		12/5		6/7
22	Area Environment. Subs		19/6			23/9			2/12			11/3			29/6	
23	Finchley & Golders Grn. Area Planning Sub		2/6	1/7 29/7	26/8	22/9	27/10	18/11	15/12	12/1	3/2	4/3	1/4 30/4	26/5	23/6	
24	Chipping Barnet Area Planning Sub		2/6	1/7 29/7	26/8	22/9	27/10	18/11	15/12	12/1	3/2	4/3	1/4 30/4	26/5	23/6	
25	Hendon Area Planning Sub		2/6	1/7 29/7	26/8	22/9	27/10	18/11	15/12	12/1	3/2	4/3	1/4 30/4	26/5	23/6	
26	Planning and Environment Committee	14/5	11/6	8/7	6/8	3/9	2/10 29/10	26/11	22/12	21/1	11/2	18/3	6/4	6/5	3/6	1/7
27	Licensing	21/5						17/11						20/5		
28	Pensions		26/6			10/9					4/2				1/6	
29	Special Committee (Constitution Review)						7/10				10/2	19/3				
	Reserved for Barnet Civic Network							10/11					21/4			

*Budget Council meeting, election of Mayor designate

Please note these changes for the 2007/08 calendar:-

1. Shadow Cabinet from 5/6/08 to 12/6/08.
2. Formal Cabinet from 12/6/08 to 18/6/08.
3. Party Group Meetings for Council from 19/6/08 to 10/7/08.
4. Council from 24/6/08 (date only appears in the Calendar for information, this was not approved by the Council) to 15/7/08.
5. Finchley & Golders Green Residents Forum from 16/6 to 30/6/08.
6. Hendon Residents Forum moved from 17/6/08 to 30/6/08.
7. Area Environment Subs from 2/6 to 19/6/08.
8. Hendon Area Planning Sub from 3/6/08 to 2/6/08.
9. Finchely and Golders Green Planning Sub from 4/6/08 to 2/6/08
10. Chipping Barnet Planning Sub – Committee from 3/2/08 to 2/6/08
11. Pensions Committee inserted for 26/6/08.

I:\New Council Structure 2001\Council\Agenda\2008\2. 29 Jan\DSM Report\Calendar 2008-09.doc

APPENDIX B

<p>Cllr Brian Coleman 1 Essex Park Finchley London N3 1ND</p> <p>Totteridge Ward COMMUNITY ENGAGEMENT AND COMMUNITY SAFETY</p>	<p>To lead on budget and policy formulation and implementation in relation to community engagement and community safety.</p> <p>In particular, to build upon the Council's leadership role in improving community safety, embracing diversity and inclusiveness, removing inequality and ensuring that each person and group in the community has opportunities for involvement. To work with the many different ethnic and religious groups to maintain community cohesion.</p> <p>All matters relating to Community Safety, CCTV, liaison with Barnet Police and anti-social behaviour, including Domestic Violence and combating graffiti, fly-tipping and fighting crime including policy development on combating fly-tipping and graffiti.</p> <p>Additionally to deal with community safety in its widest sense by being responsible for Environmental Health and Trading Standards and licensing, as falls within the remit of the Executive.</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 the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
--	--	--

CI
11.9..07

APPENDIX C

AGENDA ITEM: 13.1.5 Page nos. 153 - 192

Meeting	Council
Date	29 January 2008
Subject	Review of Byelaws
Report of	Director of Corporate Governance
Summary	The report reviews the relevance and effectiveness of the Council's current byelaws and makes recommendations for revocation, retention and adoption

Officer Contributors	Jeff Lustig, Director of Corporate Governance
Status (public or exempt)	Public
Wards affected	All
Enclosures	Proposed Model Byelaws
For decision by	Full Council
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Debra Allday, Senior Solicitor, Advocacy Division, 020 8359 2514.

1. RECOMMENDATIONS

- 1.1 The Council resolves to retain, revoke and remove from publication the Byelaws as respectively proposed in Section 10 of the report and to adopt the model Byelaws as attached to the appendix to this report in accordance with the proposals set out in Section 10 of the report.**
- 1.2 The Head of Legal be instructed to take all necessary action including to seek the approval of the Secretary of State for Communities and Local Government/ Culture Media and Sport (as appropriate) to the Council's adoption of the model Byelaws.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The review of the Council's byelaws supports the corporate priorities, particularly Clean, Green and Safe and assists a Bright Future for Children and Young People, a Successful Suburb and Strong and Healthy by ensuring that the provisions set out in the Byelaws are up to date, properly regulated and enforceable. An implementation of the recommendations will support the prevention of crime and disorder and public nuisance and will promote public safety and the protecting of children from harm.
- 3.2 The implementation of the recommendations will support the objectives and targets contained within the Safer Community Strategy 2006-2016, Local Area Agreement 2007/2008 – 2009-2010, Corporate Plan 2007/2008-2010-2011 and the Crime and Disorder and Drugs Strategy for Barnet 2005-2008.

4. RISK MANAGEMENT ISSUES

- 4.1 A considerable number of Barnet's byelaws are out dated and unused having been superseded by more recent primary and secondary legislation. Inconsistencies with primary and secondary legislation could result in unlawful decision making and enforcement. This could leave the Council open to challenge by way of Judicial Review and/or appeal to the Magistrates' Court. This might adversely affect the Council's reputation.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a legal obligation to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons and different groups. Many of Barnet's Byelaws were made at a time when the composition of Barnet's communities was very different. The model Byelaws and recommendations will better reflect present day living and will have taken account of relevant equalities legislation. The implementation of the recommendations will ensure consistency in enforcement which will only be enforced when reasonable and proportionate. The proposals are consistent with the requirements of the Human Rights Act 1998.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

6.1 There are no new byelaws being proposed and hence no requirement to increase enforcement resources.

7. LEGAL ISSUES

7.1 Schedule 1 Paragraph 1F of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out that the power to make, amend, revoke, or re-enact byelaws is a function that is not to be the responsibility of a Local Authority Executive. It is therefore a Council function.

7.2 The Local Government and Public Involvement in Health Act 2007 which received Royal assent on 30 October 2007 empowers the Secretary of State to make regulations establishing a new procedure for local authorities to follow in making byelaws. The intention is that this power will be used so that once local authorities have consulted on, prepared and advertised draft byelaws locally, they can be enacted without confirmation by the Secretary of State. The Secretary of State will have the power to make regulations dealing in particular with consultation on, and the advertisement of, byelaws locally and the power to issue guidance in relation to the new procedures. At the time of writing this report, details of the proposed changes and when they will be introduced have not yet been published for consultation.

7.3 Other relevant matters are dealt with elsewhere in the report.

8. CONSTITUTIONAL POWERS

8.1 Article 4.02 (j) of the Constitution specifies that only the Council will exercise the function of making amending, revoking, re-enacting or adopting byelaws.

9 BACKGROUND INFORMATION

9.1 The Corporate Governance Directorate has undertaken a comprehensive review of all the Byelaws that remain in force and that have been published on the Barnet Online website.

9.2 The review has been undertaken to reflect Barnet's commitment to governance and enhancing the transparency, clarity and probity of its decision making and to ensure that local legislation meets the needs of a modern Borough.

9.3 Consultation has been undertaken with all relevant service areas involving Directors, Service Heads and officers with operational responsibility to carry out statutory functions and the service delivery of the Byelaws. Their input has helped to identify the overall use and necessity of the Byelaws. Informal discussion

has also taken place with officials from the Government.

Department of Communities and Local

9.4 The existing Byelaws may be placed in one of five categories:

- 9.4.1 Byelaws that should be revoked
- 9.4.2 Byelaws that are repealed or only repealed previous byelaws
- 9.4.3 Byelaws that should be retained
- 9.4.4 Byelaws that could be rationalised & up dated with model Byelaws
- 9.4.5 Byelaws that are no longer effective

9.4 **Byelaws that should be Revoked**

A number of Barnet's Byelaws have been in place for many years. Over the intervening period a great deal of new legislation has been passed which has addressed many of the problems that the Byelaws were intended to rectify. This plethora of primary legislation has meant that a number of Barnet's byelaws have been superseded and are no longer required. Effective regulatory controls and enforcement is undertaken under both primary and secondary legislation. A smaller number of byelaws were introduced to deal with specific problems that in today's society are no longer an issue. It is therefore recommended that the following byelaws are revoked for the reasons set out:

9.4.1 Massage or Special Treatment Byelaws 1942

The matters in these Byelaws are covered by the Health and Safety at Work etc. Act 1974 and associated Regulations.

9.4.2 Solid Fuel Byelaws 1967

Superseded by Trading Standards legislation.

9.4.3 Removal of House Refuse etc Byelaws 1968

These Byelaws have been superseded by provisions in the Environmental Protection Act 1990.

9.4.4 Nursing (Homes) Byelaws 1971

This has been superseded by Health Care legislation and the Nursing Homes are now regulated by the CSCI and Healthcare Commission.

9.4.4 Management of the Mortuary and Post Mortem Room 1972

The Byelaws in their current form relate to the handling of a corpse and containing infectious diseases. This is now the responsibility of the Healthcare Commission and is regulated by the NHS. The Byelaws have in any event been superseded by the Health and Safety at Work Act 1974 and associated Regulations.

9.4.5 Removal Through Streets of Offensive or Noxious Matter Byelaws 1969

These Byelaws have been superseded by provisions in the Environmental Protection Act 1990.

9.4.6 Hairdressing and Barbers Byelaws 1970

These Byelaws has been superseded by the Health and Safety at Work etc. Act 1974 and associated regulations.

9.4.7 Public Conveniences Byelaws 1968

Matters in these Byelaws are now covered by other legislation including the Criminal Damage Act 1971, Protection from Harassment Act 1997 and other crime and disorder legislation.

9.4.8 Baths etc Byelaws 1969

The provisions of these Byelaws are now covered by the Council's long term contract operator Greenwich Leisure's terms and conditions of entry.

9.4.9 Nuisance Byelaws 1970

The matters covered by these Byelaws have been superseded by Crime and Disorder legislation.

9.4.10 Good Rule and Government and Prevention of Nuisance Byelaws 1971

To be largely replaced with new model byelaws.

9.4.11 Fish Frying Byelaws 1979

The matters covered by these Byelaws have been superseded by provisions in the Food Safety Act 1982.

9.4.12 Fish Frying Byelaws 1984

The matters covered by these Byelaws have been superseded by later Regulations made under the Food Safety Act 1982.

9.4.13 Ear Piercing and Electrolysis Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.14 Acupuncture Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.15 Tattooing Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.16 Amusement Premises Byelaws 1992

Superseded by the Gambling Act 2005

9.4.17 Street Trading Byelaws

Trading in Streets by Licensed Street Traders Byelaws
and the Market at Watling Avenue Burnt Oak

1967

Byelaws 1960 are in force. However, it is apparent that the byelaws relating to Street Trading and the Market bring no additional value to the legislation relating to street trading under the London Local Authorities Acts 1991, 1994, 2004 and 2007 and the Highways Act 1980. The activities of street traders and market stall holders can be effectively regulated by attaching conditions to their licences. It is proposed that these byelaws are revoked as unnecessary and ineffective.

9.5 Repealed and Repealing Byelaws

For completeness these byelaws have been identified as “repealed or repealing byelaws” in that the Byelaws are repealed or revoke previously enforced Byelaws and have no relevance beyond that. These need only be removed from the Council website:

9.5.1 Tents Vans and Similar Structures used for human habitation Byelaws 1970

9.5.2 Off Street Parking Byelaws 1975

9.5.3 Handling etc. Delivery of Sale in Open Air Byelaws 1972

9.5.4 Management of the Cemetery Byelaws 1975

9.5.5 Fouling of Grass Verges by Dogs Byelaws 1981

9.6 Byelaws that Should Be Retained

The Byelaws that relate to Local Nature Reserves and are made under the National Parks and Access to the Countryside Act 1949 should be retained in their current form as they are specifically designed for the areas they cover and are still relevant. These Byelaws have been identified as:

9.6.1 Rowley Green Common Byelaws 1994

9.6.2 Arkley Local Nature Reserve Byelaws 1994

9.6.3 Welsh Harp Nature Reserve Byelaws 2006

In relation to the Welsh Harp Nature Reserve Byelaws, these have been submitted to the Department for Communities and Local Government and are currently awaiting approval. Due to the Barnet and Brent boundary, officers from both the London Borough of Barnet and the London Borough of Brent have had difficulty with intermittent disorder, in particular, the August 2006 and August 2007 illegal raves. The Byelaws, if confirmed, will allow Council Officers to exercise immediate enforcement powers.

The Byelaws relating to dogs. There are three dog related Byelaws:

- 9.6.4 Fouling Grass Verges by Dogs 1981 (Please also see paragraph 9.5)**
- 9.6.5 Regulation of Dogs Byelaws 1982**
- 9.6.6 Dogs on Leads, Exercise Areas, Parks, Open Spaces Byelaws 1983**

9.7 Byelaws that should be Revoked & DCLG/DCMS Model Byelaws Introduced

9.7.1 Consultation with service areas has identified some Byelaws which still fulfil a useful purpose in regulating areas of activity that can cause problems for local communities, but which are not fully covered by either primary or secondary legislation. The repeal of these Byelaws without adequate replacement would impede the protection of Barnet residents and the local environment. However, certain parts of these Byelaws have now been superseded by primary legislation and in other respects are not up to date.

9.7.2 The Department for Communities and Local Government (“DCLG”), recognising the value of Byelaws to assist in remedying these gaps, have a number of model Byelaws which represent best practice and which may be adopted by local authorities at their discretion.

9.7.3 If the Council wish to adopt the model Byelaws without amendment, central government streamlines the process of approval, which will be given as a matter of course.. The proposed model Byelaws have been examined and with the exception of the Library Byelaws (DCMS model), it is believed that Barnet’s interests would be best served by adopting them in their entirety. With regard to the proposed (amended) Model Library Byelaws (see paragraph 9.7.4.4 below), it is expected that the minimal amendments will still delay their final approval.

9.7.4 It is therefore proposed that the following byelaws are revoked and replaced with the model Byelaws

9.7.4.1 Good Rule and Government and Prevention of Nuisance Byelaws 1971

To be replaced with separate DCLG model Good Rule and Government Byelaws, without amendment.

9.7.4.2 Pleasure Grounds Byelaws 1978

To be replaced with the DCLG model Pleasure Grounds, Public Walks and Open Spaces Byelaws, without amendment.

9.7.4.3 Employment of Children Byelaws 1968 and 1971

To be replaced with the model Employment of Children Byelaws without amendment, subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.

9.7.4.4 Public Libraries and Museums Byelaws 1985

To be replaced with the DCMS model Public Library Byelaws, with some minor amendments. The Libraries Service have indicated the need to include additional child protection provisions into the model Byelaws to

the effect that no adult visitor of the Library be allowed to remain in the children's and teenagers' section in the library, having been requested to leave by a Library Officer. Due to the different media that is available at public libraries it is also proposed that users of the Library have restricted use when charges are outstanding. Members should note that if the Council resolves that amended model Byelaws be adopted, the process of final approval by DCMS is somewhat slower. However, the Library Service have indicated that the proposed amendments to the model Byelaws would address their specific concerns.

9.8 Ineffective Byelaws

9.8.1 Trading in Street by Licensed Street Traders 1966

Trading in Street by Licensed Street Traders Byelaws 1966 were required to be confirmed prior to 31 March 1969 in order for them to come into force. This did not happen and therefore the Byelaws are ineffective. Since they have no legal value they should be removed from the published Byelaws on the Council's website.

10. CONCLUSION

In summary the following is proposed:

BYELAWS TO BE RETAINED		
<u>Byelaw</u>	<u>Comments</u>	<u>Proposed Action</u>
Rowley Green Common 1994		Byelaws to remain in place
Arkley Local Nature Reserve 1994		Byelaws to remain in place
Welsh Harp Nature Reserve 2006	Awaiting approval from ODPM	Byelaws to remain in place
Regulation of Dogs 1982		Byelaws to remain in place
Dogs on Leads: Exercise Areas, Parks, Open Spaces 1983		Byelaws to remain in place
BYELAWS TO BE REVOKED & UP DATE WITH MODEL BYELAWS		
Good Rule and Government 1971	Partially superseded by legislation and the Model Good Rule and Government Byelaws	To be revoked. Model byelaws to be adopted

Public Libraries and Museums 1985	Superseded by the DCMS Model Public Library Byelaws	To be revoked. Model byelaws to be adopted as amended
Byelaws on Employment of Children 1968	Superseded by the Model Byelaws on Employment of Children 1998	To be revoked. Model byelaws to be adopted subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.
Byelaws on Employment of Children 1971	Superseded by the Model Byelaws on Employment of Children 1998	To be revoked. Model byelaws to be adopted subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.
Pleasure Grounds 1978	Partially superseded by legislation and the DCLG Model Byelaws for Pleasure Grounds, Public Walks and Open Spaces 2006	To be revoked. Model byelaws to be adopted
BYELAWS TO BE REVOKED		
Massage or Special Treatment 1942	Superseded by Legislation	To be revoked
Market at Watling Avenue 1960	i. No other market is covered ii Conditions can be attached to the street trading/ stall holder licence	To be revoked
Solid Fuel 1967	Superseded by Trading Standards legislation	To be revoked
Removal of House Refuse etc 1968	Superseded by Environmental Protection Act 1990	To be revoked
Nursing (Homes) 1971	Superseded by Health care legislation and regulation is in the hands of the CSCI and Healthcare Commission	To be revoked.
Management of the Mortuary and Post Mortem Room 1972	i. Healthcare Commission responsibility ii. Regulated by the NHS	To be revoked.
Removal Through Streets of Offensive or Noxious	Superseded by Environmental Protection	To be revoked.

Matter 1969	Act 1990	
Hairdressing and Barbers 1970	Superseded by legislation	To be revoked.
Trading in Streets by Licensed Street Traders 1967	Covered by legislation and matters could be covered by street trading licence conditions	To be revoked.
Public Conveniences 1968	Covered by legislation	To be revoked.
Baths etc 1969	Covered by Greenwich Leisure's terms and conditions of entry	To be revoked.
Nuisance 1970	Superseded by Crime and Disorder legislation	To be revoked.
Fish Frying 1979	Superseded by Food Safety legislation	To be revoked.
Fish Frying 1984	Superseded by Food Safety legislation	To be revoked.
Ear Piercing and Electrolysis 1984	Superseded by legislation	To be revoked.
Acupuncture 1984	Superseded by legislation	To be revoked.
Tattooing 1984	Superseded by legislation	To be revoked.
Amusement Premises 1992	Superseded by Gambling Act 2005	To be revoked.
INEFFECTIVE BYELAWS		
Trading in Street by Licensed Street Traders 1966	Byelaw was required to be confirmed prior to 31/3/1969 to come into in force.	Byelaws ineffective. Remove from Council website
REPEALED AND REPEALING BYELAWS		
Tents Vans and Similar Structures used for Human Habitation 1970	Revokes previous byelaws	To be removed from Council website
Off Street Parking	Revoked by LBB TPO 1990 No.6	To be removed from Council website
Handling etc. Delivery of Sale in Open Air 1972	Revokes previous Byelaws	To be removed from Council website
Management of the Cemetery 1975	Revokes previous Byelaws	To be removed from Council website
Fouling Grass Verges by Dogs 1981	Superseded by Dogs (Fouling of Land) Act 1996 and designation of	To be removed from Council website

	the London Borough of Barnet as a designated area by Full Council on 7 March 2000	

10. LIST OF BACKGROUND PAPERS

10.1 London Borough of Barnet's Byelaws

CFO: CM

****COUNCILS SHOULD DOWNLOAD THIS SET FROM THE DCLG WEBSITE AND ADAPT IT AS REQUIRED****

The guidance notes for Model Byelaws Set 2 should be consulted when using these Model Byelaws.

MODEL BYELAWS – SET 2

[Name of Council]

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART [1]

GENERAL

1. General interpretation
2. [Application]
3. [Application]
4. Opening times

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

5. Protection of structures and plants
6. Unauthorised erection of structures
7. Climbing
8. Grazing
9. Protection of wildlife
10. Gates
11. Camping
12. Fires
13. Missiles
14. Interference with life-saving equipment

PART [3]

HORSES, CYCLES AND VEHICLES

15. Interpretation of Part [3]
16. Horses [- Horse riding permitted but must not cause danger]
17. Horses [- Horse riding prohibited except in certain grounds (subject to bridleway, etc)]
18. Horses [- Horse riding prohibited (subject to any bridleway, etc)]
19. Horses [- Horse riding prohibited except on designated route (subject to bridleway, etc)]
20. Cycling
21. Motor vehicles
22. Overnight parking

PART [4]

PLAY AREAS, GAMES AND SPORTS

23. Interpretation of Part [4]
24. Children's play areas
25. Children's play apparatus
26. Skateboarding, etc [- Skateboarding, etc permitted but must not cause danger or annoyance]
27. Skateboarding, etc [- Skateboarding, etc permitted only in designated area]
28. Ball games [- Prohibition of ball games]
29. Ball games [- Ball games permitted only in designated area]
30. Ball games [- Ball games permitted throughout the ground but designated area for ball games also provided]
31. Ball games [- Rules]
32. Cricket
33. Archery
34. Field sports
35. Golf [- Prohibited [except on golf course]]
36. Golf [- Permitted where part of ground is set aside as a golf course]

PART [5]

WATERWAYS

37. Interpretation of Part [5]
38. Bathing
39. Ice skating

- 40. Model boats
- 41. Boats [- To prohibit use of boats [, etc] without permission [except in designated area]]
- 42. Boats [- In areas where use of boats is common]
- 43. Fishing
- 44. Pollution
- 45. Blocking of watercourses

PART [6]

MODEL AIRCRAFT

- 46. Interpretation of Part [6]
- 47. Model aircraft [- General prohibition]
- 48. Model aircraft [- Model aircraft permitted in certain grounds [on specified days and at specified times]]
- 49. Model aircraft [- Model aircraft permitted in designated areas]
- 50. Model aircraft [- Model aircraft permitted if subject to certain control]
- 51. Model aircraft [- Some quieter types of model aircraft permitted]

PART [7]

OTHER REGULATED ACTIVITIES

- 52. Provision of services
- 53. Excessive noise
- 54. Public shows and performances
- 55. Aircraft, hang-gliders and hot air balloons
- 56. Kites
- 57. Metal detectors

PART [8]

MISCELLANEOUS

- 58. Obstruction
- 59. Savings
- 60. Removal of offenders
- 61. Penalty
- 62. Revocation [- General]
- 63. Revocation [- Limited to preserve byelaws relating to dogs]

SCHEDULE [1] - Grounds to which byelaws apply generally

SCHEDULE [2] - Grounds referred to in certain byelaws

SCHEDULE [3] - Rules for playing ball games in designated areas

Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the *insert name of Council* with respect to *insert name of ground/description of its location/* [pleasure grounds, public walks and open spaces].

[PART 1]

GENERAL

General Interpretation

1. In these byelaws:

Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:

“the Council” means *insert name of Council*;

“the ground” means *insert name of ground or a description of its location/*[any of the grounds listed in [the Schedule /Schedule [1]]];

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

Councils should adopt EITHER model byelaw 2 or model byelaw 3

- 2. These byelaws apply to *insert name of ground or a description of its location/* [all of the grounds listed in [the Schedule/Schedule 1].
- 3. These byelaws apply to all of the grounds listed in [the Schedule/Schedule 1] unless otherwise stated.

Opening times

- 4. (1) No person shall enter or remain in the ground except during opening hours.

Where byelaw is to apply to more than one ground

- (2) “Opening hours” means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

Where byelaw is to apply to more than one ground

- (3) Byelaw [4(1)] applies only to the grounds listed in [Part 1 of] Schedule [2].]

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

5. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

6. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

7. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

8. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

9. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

10. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 10(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

11. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping [except in a designated area for camping].

Fires

12. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 12(1) shall not apply to:
- [(a)] [the lighting of a fire at any event for which the Council has given permission that fires may be lit;][or]
- [(b)] [the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues].

Missiles

13. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

14. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART [3]

HORSES, CYCLES AND VEHICLES

Interpretation of Part [3]

15. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

Horse riding permitted

16. No person shall ride a horse in the ground in such a manner as to cause danger to any other person.

Horse riding prohibited except in certain grounds (subject to bridleway, etc)

16. (1) No person shall ride a horse except:

- (a) in any of the grounds listed in Part [3] of Schedule [2]; or
- (b) in the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted in any ground by virtue of byelaw [17](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited (subject to bridleway, etc)

17. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited except on designated route (subject to bridleway, etc)

18. (1) No person shall ride a horse except:

- (a) on a designated route for riding; or
- (b) in the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of byelaw [19](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

19. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].

Motor vehicles

20. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way [or a designated route] for that class of vehicle.
- (2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].

Overnight parking

21. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART [4]

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part [4]

22. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

23. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

24. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

Skateboarding, etc permitted but must not cause danger or annoyance

25. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Skateboarding, etc permitted only in designated area

26. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

Prohibition of ball games

27. No person shall play ball games in the ground.

Ball games permitted only in designated areas

28. No person shall play ball games in the ground except in a designated area for playing ball games.

Ball games permitted throughout the ground but designated area for ball games also provided

29. No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.

Rules (to be used with model byelaw 29 or 30)

30. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule [3] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

31. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

32. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports

33. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council [or on land set aside by the Council for that purpose].

Golf

Golf prohibited [except where part of ground is set aside as golf course]

34. No person shall drive, chip or pitch a hard golf ball [except on the golf course].

Where part of ground is set aside as a golf course

35. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.

(2) No person shall enter on to or remain on the golf course unless:

- (a) taking part in the game of golf or accompanying a person so engaged; or
 - (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART [5]

WATERWAYS

Interpretation of Part [5]

36. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

37. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].

Ice skating

38. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

39. No person shall operate a power-driven model boat on any waterway [except in a designated area for model boats].

Boats

To prohibit use of boats [and if appropriate a wider category of vessels] without permission [except in designated areas]

40. No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council [except in a designated area for the sailing or operation of boats].

In areas where use of boats is common

41. (1) No person shall on any waterway sail or operate any boat which is not registered with the Council.

(2) A boat is registered for the purposes of byelaw 42(1) when the owner has made a written application to the Council and the Council has:

(a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Council; and

(b) issued to the owner a certificate of registration incorporating these particulars.

Fishing

42. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals [except in a designated area for fishing].

Pollution

43. No person shall foul or pollute any waterway.

Blocking of watercourses

44. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART [6]

MODEL AIRCRAFT

Interpretation of Part [6]

45. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

46. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

Model aircraft permitted in certain grounds [on specified days at specified times]

47. Byelaw 47 does not apply to the grounds listed in [Part [5] of Schedule 2] / [column 1 of the table in Part [6] of Schedule [2] on the days and times indicated for each ground in column 2 of that table].

Model aircraft permitted in designated areas

48. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
- (b) land in the ground without reasonable excuse; other than in a designated area for flying model aircraft.

Model aircraft subject to certain control

49. Byelaw [47]/[49] does not apply to any model aircraft which is [attached to a control line]/[kept under effective radio control].

Quieter types of model aircraft permitted

50. Byelaw [47]/[49] does not apply to any model aircraft which:
- (a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
 - (b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.

PART [7]

OTHER REGULATED ACTIVITIES

Provision of services

51. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

52. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

- (a) shouting or singing;
- (b) playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

- (2) Byelaw 53(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

53. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

54. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

55. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

56. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.
- (2) Byelaw 57(1) shall not apply to *[insert name or description of land]*.

PART [8]

MISCELLANEOUS

Obstruction

57. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

58. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

59. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

60. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

61. The byelaws made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.

Limited revocation to preserve byelaws relating to dogs

62. Byelaws *insert numbers of byelaws being revoked* made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked

SCHEDULES

SCHEDULE [1]

GROUNDS TO WHICH BYELAWS APPLY [GENERALLY]

The grounds referred to in byelaw [2]/[3] are:

SCHEDULE 2

GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART [1]

OPENING TIMES (BYELAW [4](1))

PART [2]

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) (BYELAW [17](1))

PART [3]

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW [48])

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Park E	
Park F	

SCHEDULE [3]

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW [31])

Any person using a designated area for playing ball games is required by byelaw [31] to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.

- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

****COUNCILS SHOULD DOWNLOAD THIS SET FROM THE DCLG WEBSITE AND ADAPT IT AS REQUIRED****

The guidance notes for Model Byelaws Set 8 should be consulted when using these Model Byelaws

MODEL BYELAWS – SET 8

[Name of Council]

BYELAWS FOR GOOD RULE AND GOVERNMENT

ARRANGEMENT OF BYELAWS

- 64. General interpretation
- 65. [Application]
- 66. [Application]
- 67. [Application]
- 68. Riding on road margins and verges
- 69. Vehicles on road margins and verges
- 70. Skateboarding etc [- to prohibit skateboarding in designated areas]
- 71. Skateboarding etc [- to prohibit dangerous or nuisance skateboarding on footpaths and roads]
- 72. Fairground attractions causing obstruction to traffic
- 73. Dangerous games near highways
- 74. Playing games on highways to the annoyance of local residents
- 75. Touting
- 76. Urinating, etc
- 77. Interference with road warning equipment
- 78. Interference with life saving equipment
- 79. Climbing upon and hanging from bridges
- 80. Penalty
- 81. Revocation

SCHEDULE [1]

SCHEDULE [2]

Byelaws made under section 235 of the Local Government Act 1972 by *insert name of Council* for the good rule and government of the [Borough/District] of *insert name* and for the prevention and suppression of nuisances.

General interpretation

63. In these byelaws:

Select from the following list only terms to be used in the model byelaws which the Council proposes to adopt:

“carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“the Council” means *insert name of Council*;

“designated areas” means those areas designated in [byelaw 3/byelaw 4(3)] to these byelaws;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“highway” means the whole or a part of a highway other than a ferry or waterway;

“road margin or verge” means land which is—

- (a) adjacent to the carriageway of a highway [or between two carriageways of a highway], other than the carriageway of a trunk road vested in the Secretary of State, and
- (b) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in an ornamental condition by the Council;

“self-propelled vehicle” means a vehicle other than a cycle, wheelchair or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more other persons pulling or pushing the vehicle;

“trunk road” means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 of the Highways Act 1980 or by virtue of an order or direction under section 10 of that Act.

Application

Councils should adopt ONE of model byelaws 2, 3 and 4

64. These byelaws apply throughout the [Borough/District] of *insert name*.

65. These byelaws apply to the areas of *insert name of local authority area* designated in [the Schedule] [Schedule 1] [and delineated by black hatching on the plan attached to these byelaws].

66. (1) These byelaws shall apply throughout the [Borough/District] of *insert name* except as set out in byelaws [4(2) to 4(4)].

(2) Byelaws 5 and 6 apply to any road margin or verge which is indicated to be a road margin or verge to which these byelaws apply by means of a notice conspicuously displayed on or near the said road margin or verge.

(3) Byelaw 7 applies to the areas of *insert name of local authority area* designated in [the Schedule] [Schedule 1] [and shown hatched in black on the plan attached to these byelaws].

(4) Byelaw 16 applies to the bridges listed in Schedule [2].

Riding on road margins and verges

67. No person shall without lawful authority ride or lead any horse, or cause any horse to be ridden or led upon any road margin or verge to which this byelaw applies.

Vehicles on road margins and verges

68. (1) No person shall without lawful authority drive, park or leave a vehicle or cause such a vehicle to be driven or placed upon any road margin or verge to which this byelaw applies.

(2) This byelaw does not apply to a heavy commercial vehicle as defined by section 20 of the Road Traffic Act 1988.

Skateboarding etc

To prohibit skateboarding in designated areas [with savings for rights of private landowners]

69. No person shall skate, slid or ride on rollers, skateboards or other self-propelled vehicles in the designated areas [except where authorised to do so by the owner of the land].

To prohibit dangerous or nuisance skateboarding on footways and carriageways [insert words in square brackets if also adopting model byelaw 7]

70. [Outside the designated areas,] no person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

Fairground attractions causing obstruction to traffic

71. (1) No person shall operate a fairground attraction—

(a) in any public place; or

(b) on any land adjoining a street or public place,

so as to cause obstruction or danger to the traffic in that street or public place.

(2) “Fairground attraction” means a shooting gallery, swing-board, roundabout, or other structure which is installed, erected or operated for the entertainment of the public.

Dangerous games near highways

72. No person shall play football or any other game on land adjacent to a highway in a manner likely:

(a) to cause obstruction to traffic; or

- (b) to cause danger or give reasonable grounds for annoyance to any person on the highway.

Playing games on highways to the annoyance of local residents

73. No person shall play football or any other game on a highway or on land adjacent to a highway in such a manner as to give reasonable grounds for annoyance to any person living nearby.

Touting

74. No person shall in any street or public place—

- (a) advertise or solicit custom for any service; or
- (b) seek to gather information for use in the supply of goods or services,

in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place.

Urinating etc

75. No person shall urinate or defecate in any street or public place.

Interference with road warning equipment

76. No person shall without lawful authority move or tamper with any lamp, reflector or other equipment used for giving warning of, or lighting, any obstruction, excavation or other danger in any road.

Interference with life saving equipment

77. Except in case of emergency, no person shall remove, displace or otherwise interfere with any life saving equipment placed by the Council or any other competent authority in any street or public place.

Climbing upon and hanging from bridges

78. (1) No person shall without reasonable excuse—

- (a) climb upon or hang from any bridge to which this byelaw applies; or
 - (b) aid, abet, counsel or procure such an act by another.
- (2) “Bridge” includes any abutment, embankment, retaining wall or other work supporting or protecting the bridge.

Penalty

79. Any person offending against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

80. The byelaws relating to *state subject matter* which were made by *insert name* on *insert date* and were confirmed by *insert name of confirming authority* on *insert date of confirmation* are revoked.

SCHEDULE [1]

The designated areas are:

SCHEDULE 2

The bridges referred to in byelaw 16 are as follows:

Department for Culture, Media and Sport – Model Public Library Byelaws

All communications regarding these model public library byelaws should be addressed to:

Mr Dempster Marples
Museums, Libraries and Cultural Property Division
2-4 Cockspur Street
London
SW1Y 5DH

[Name of Council or Joint Board making byelaws] Public Library Byelaws

Made under Section 19 of the Public Libraries and Museums Act 1964

1. In these byelaws, unless the context otherwise requires:
 - a. "the Act" means the *Public Libraries and Museums Act 1964*;
 - b. "charge" means any charge imposed in accordance with the Regulations;
 - c. "child" means a person under the age of [] years;
 - d. "emergency situation" includes situations where a library or part of a library is required to be evacuated for security reasons or because of threat from fire or other hazard and practices and false alarms in relation thereto;
 - e. "last known address" means the last address held on the library authority's records;
 - f. "the library authority" means the
 - g. "library" means:
 - i) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
 - ii) any vehicle which is used by the library authority for the purpose of providing a public library service to members of the public and is a vehicle in which facilities are made available; and includes any part of such premises or vehicle;
 - h. "the library officer" means any officer employed by the library authority in connection with its functions under the Act;
 - i. "library property" includes property owned by or provided for the use of the library authority whether or not it is made available by the library authority for use by the public and property obtained by the library authority for the loan to or use of the public;

- j. "the Regulations" means *The Library Charges (England and Wales) Regulations 1991 S.I.1991/2712*;
 - k. words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;
 - l. expressions used, unless the contrary intention appears, have the meaning which they bear in the Act and Regulations.
2. An act performed in connection with the proper execution of his duty by a library officer shall not be a contravention of these byelaws.
 3. No person shall give a false name or address for the purpose of entering the library or for the purpose of using any library facility.
 4. No person who in the reasonable opinion of a library officer is offensively unclean in person or clothing or both shall remain in the library after having been asked by a library officer to leave the library.
 5. Except with the consent of a library officer, no person shall:
 - a. cause or allow any dog (other than a working dog accompanying a disabled person or under training for the purpose of being able to accompany a disabled person) or other animal belonging to him or under his control to enter or remain in the library;
 - b. bring into any part of the library a wheeled vehicle or conveyance [other than a wheelchair, pram, pushchair or shopping trolley];
 - c. enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public; or
 - d. remain in the library after the time fixed for its closing.
 6. No person shall remain in the library after an emergency situation has been made known to him.
 7. No person shall, unless specifically permitted by a library officer, take or attempt to take any library property from the library or past a check out or security point.
 8. No person shall, without lawful excuse, destroy or damage any library property intending to destroy or damage such property or being reckless as to whether such property should be destroyed or damaged.
 9. No person shall behave in a disorderly manner in the library, use violent, abusive or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person or property.
 10. No person shall sleep in the library after having been requested not to do so by a library officer.

11. No person shall remain in a library without making proper use of the library's facilities after having been requested, by a library officer, to make such proper use of the facilities.
12. No person shall engage in persistent audible conversation in any part of the library [set apart as a reference department, study area, or for reading after having been requested not to do so by a library officer] or [where such conversation is prohibited by notice or after having been requested not to do so by a library officer].
13. No person shall intentionally or recklessly obstruct any library officer in the execution of his duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.
14. No person shall, without the consent of a library officer, intentionally display, distribute, or leave any bill, placard, notice or other document in the library.
15. No person shall, without the consent of a library officer, offer anything for sale in the library or canvass or seek signatures for petitions.
16. No person having charge of a child shall without the consent of a library officer leave him unsupervised in the library.
17. No person shall [smoke] [light a match or use a cigarette lighter] in the library other than in an area [if any] designated as an area where smoking is permitted.
18. No person in any part of the library shall inhale any toxic substance for the purpose of causing intoxication or take any controlled drug as defined by Schedule 2 of the *Misuse of Drugs Act 1971* other than drugs dispensed for and pursuant to prescription issued for him by a doctor under and in accordance with the aforesaid Act.
19. No person shall, except with the consent of a library officer, partake of refreshment in the library.
20. No person shall, except with the consent of a library officer, cause or allow any mobile telephone, portable computer, or other electrical equipment, or apparatus for the reception of sound broadcasting or for the reproduction of sound, to be operated in any part of the library to which the public has access.
21. No person who
 - a) borrows library property which is returned late or if returned would be returned late, or
 - b) fails to pay any chargeshall, unless with the specific consent of a library officer, borrow any other library property.
- 22.a. Any person who has borrowed library property which if returned would be returned late and who has been served with a notice by the library authority demanding return of the library property shall return the library property [to the library from which it was borrowed] within 14 days from the date the notice was served.

22. b. For the purposes of this byelaw, a notice may be served upon any person by delivering it to him, or by leaving it at his last known address, or by sending it by post addressed to him at that address.
23. Any person who contravenes any of these byelaws shall be liable to prosecution by the library authority for contravention of the byelaws, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence. In any case involving breach of byelaws 8 or 18, a prosecution may be brought under the *Criminal Damage Act 1971* or the *Misuse of Drugs Act 1971* respectively.
24. A library officer may exclude any person who contravenes any of the foregoing byelaws from any library maintained by the library authority under the Act.

If there are currently no Byelaws in place, the following Byelaw (25) should be omitted.

- 25. On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the [name of Council or Joint Board] on the [] day of [] and were confirmed by [the local Government Board] [the Minister of Health] [the Board of Education] [Secretary of State for Education and Science] [Secretary of State for National Heritage/Culture, Media and Sport] on the [] day of [] shall be revoked.**

[Official seal of local authority]

The Common Seal of [] was hereunto affixed in the presence of [].

The foregoing Byelaws are confirmed on behalf of the Secretary of State for Culture, Media and Sport by the Head of Museums, Libraries and Cultural Properties Division, Department for Culture, Media and Sport and shall come into force on [].

[Signature]

[Print Name]

[Date]

Head of Museums, Libraries and Cultural Properties Division
Department for Culture, Media and Sport

The date of coming into force is one month after date of signature.

The following is an optional note at the end of the Byelaws.

This note is not part of the byelaws.

Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular as regards the activities referred to in byelaws 8 and 18 the library authority draws attention to the existence of the *Criminal Damage Act 1971* and the *Misuse of Drugs Act 1971*.

Something to this effect should also be displayed on or in the vicinity of the photocopy machines.

People who intend to make copies of works are advised that they may only do so in accordance with the provisions of the *Copyright Designs and Patents Act 1988* and are liable to prosecution under that Act if they fail to observe its provisions.