

Full Council

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To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the Civic Centre, High Road, Wood Green, N22 8LE on MONDAY, 9TH JANUARY, 2006 at 19:30 HRS, to transact the following business:

AGENDA

- 1. TO RECEIVE APOLOGIES FOR ABSENCE.**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972. (PAGES 1 - 2)**
- 3. DECLARATIONS OF INTEREST:**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest

becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

4. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 14 NOVEMBER 2005 (PAGES 3 - 12)**
5. **TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL.**
6. **TO RECEIVE A STATEMENT BY THE LEADER OF THE COUNCIL.**
7. **TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (TO FOLLOW). (PAGES 13 - 14)**
8. **TO RECEIVE THE REPORTS OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES: (PAGES 15 - 72)**
 - (a) Report on new legislation affecting the Council.
 - (b) Report on the appointment of Independent Members of the Standards Committee.
9. **TO MAKE APPOINTMENTS TO OUTSIDE BODIES. (PAGES 73 - 78)**
10. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM.**
11. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10. (PAGES 79 - 96)**
12. **TO RECEIVE REPORTS FROM THE FOLLOWING BODIES: (PAGES 97 - 194)**
 - (a) The Executive – Reports 10, 11 & 12 – 2005/06.
 - (b) General Purposes Committee – Report 3 – 2005/06.

The report of the General Purposes Committee contains recommendations in respect of changes to the Constitution.

In accordance with Council Rules of Procedure No. 12(1), the Chief Executive will submit a report, if appropriate, listing any recommendations from the Overview and Scrutiny Committee requiring policy change or executive action.

13. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13:

MOTION I (2005/06):

Councillor Adje has given notice that he will move in the following terms:

“This Council welcomes the recent Comprehensive Performance Assessment Ratings which gives Haringey Council 3 stars out of a possible 4 stars. This Council notes that the new rating system provides a tougher assessment than previous years. This makes the Council’s three star success an even greater achievement.

This Council believes that this success has only been possible with the hard work, initiative and dedication of all Council staff. We thank them for their wonderful efforts in securing this achievement and congratulate them on helping to make a better Haringey.

Haringey received 3 stars in 4 out of 6 core service areas: Children and Young People, Social Care (adults), Benefits and Culture. In addition Haringey kept its 3 stars for Use of Resources which includes areas such as value for money and financial management.

This Council has been recognised as improving well with the CPA report noting “this year has seen positive outcomes in services for children and young people and for vulnerable adults”. Our borough contains large pockets of deprivation and the Council is particularly proud that the report acknowledges the targeting of resources to reflect local social, economic and demographic challenges. Haringey also performs well against equalities and diversity targets.

This Council believes that this achievement has been underpinned by a series of forward looking and prudent budgets since 2002. The Council has drawn up a successful strategy which is now getting the recognition it deserves. The Labour Manifesto in 2002 committed this Council to achieving “Good” status by 2006, and through careful planning, strategic budgets and hard work this pledge has been delivered.

A Labour Council working with a Labour Government has secured this improvement demonstrating the importance of a positive partnership between local and national government.

The CPA report notes that ‘the Council is improving well’, and this Council resolves to embrace the challenge for the next four years which is to move from Good to Excellent, because the people of Haringey deserve excellence”.

MOTION J (2005/06):

Councillor Adje has given notice that he will move in the following terms:

“This Council notes that Holocaust Memorial Day falls on 27 January.

Council believes that the Holocaust, an attempt at the industrialized slaughter of an entire people, was a uniquely evil event in world history.

Council believes that understanding and remembering the nature of the Holocaust is a powerful part of the effort to prevent its recurrence, and of the fight against racial and religious prejudice in all their forms.

Council notes the ceremonies being arranged by the Council for Holocaust Memorial Day, especially the commemorative ceremony at Bruce Castle on 24 January from 6.45–9.30pm, the special screening of *Hotel Rwanda* at Cineworld in Wood Green on 26 January at 7.00pm, and the exhibition of children’s art from the Czechoslovak concentration camp Theresienstadt, which will be displayed at Bruce Castle Museum, Hornsey Central Library and Wood Green Central Library in January, February, and March.

Council believes that elected representatives in a democracy have an ongoing and special responsibility to fight against fascism and racism wherever they occur, to ensure that the Holocaust is never repeated.

Council therefore affirms the collective and individual responsibility of councillors to combat Nazism and all other crimes of genocide, and thanks Council staff for organizing the events which will mark Holocaust Memorial Day this year in Haringey”.

MOTION K (2005/06):

Councillor Canver has given notice that she will move in the following terms:

“This Council welcomes the entry into force of further powers under the Cleaner Neighbourhoods Act 2005 on 18 October and looks forward to the final tranche of powers in April 2006.

This council believes the new powers given to courts to deal with fly-tipping are to be welcomed. This Council welcomes in particular the powers given to local authorities and the Environment Agency to recover their investigation costs from those convicted of offences, as well as the power for courts to award local authorities, the Environment Agency and landowners the costs of cleaning up fly-tipped waste, and believes this integrated approach will help to address the financial implications of tougher measures.

This Council believes that empowering local authorities to remove abandoned cars from the street immediately and to dispose of removed cars more quickly can only improve our neighbourhoods.

This council welcomes the new offences introduced by the Act to curb nuisance parking and fly-posting, the more stringent litter regulations and the amended provisions for dealing with fly-tipping which will go far to clean up our neighbourhoods, and therefore calls upon the Council to ensure that enforcement teams use these new powers to the full for a safer, cleaner, better Haringey”.

MOTION L (2005/06):

Councillor Hillman has given notice that he will move in the following terms:

“In September 2003, the Council passed a motion on genetically modified (GM) crops. The motion asked officers to investigate whether or not it would be possible for Haringey to declare itself a GM free zone, and they reported that it was not.

Across the European Union, thousands of similarly minded local and regional government authorities want to exclude the growing of genetically modified crops in their area. The reasons for taking such an initiative include:-

- Concerns about the many scientific uncertainties surrounding the long term safety of GM foods and the effect on the environment of growing GM crops;
- The clear difficulties of growing GM crops without contaminating traditional, conventional, and organic crops, and the economic effects this will have on the agri-food sector;
- The demands from their citizens for GM-free food and a GM-free local environment.

Current European law fails to protect these local and regional government authorities, and internationally, there is increasing pressure to force GM crops into the European Union, especially via the US-led trade dispute at the World Trade Organisation.

This Council believes that whilst genetic modification techniques may have significant advantages, for example in the production of human insulin for diabetics, but is concerned about the possible environmental consequences of GM crop cultivation.

This Council therefore believes that in order to protect our local economy, culture, environment and the health of our citizens, EU law must include the democratic right of local and regional government to decide whether GM crops can be cultivated in their given areas.

This Council also believes that there should be no EU wide approvals for the cultivation of genetically modified organisms (GMOs) until these matters are resolved and that there should be strict labelling regulations for any presence of GMOs in food products, conventional and organic seeds at the practical detection limit.

This Council therefore instructs the Executive Member for Environment and Conservation to write to the Secretary of State for the Environment Food, and Rural Affairs, and to the European Commission, to call for individual local authorities to be empowered to regulate the growing of GM crops in their areas”.

MAX CALLER
Interim Chief Executive
Civic Centre
High Road
Wood Green
London N22 8LE

23 December 2005

Item 2COUNCIL MEETING – 9 JANUARY 2006LATE ITEMS OF URGENT BUSINESS**The Chief Executive**

Mr Mayor, I am asking you to agree the admission of the following late items of business, which could not be available earlier, and which need to be dealt with at this meeting. The reasons for lateness and urgency are given.

Item 7 - Report of the Chief Executive

My report was not available at the time of despatch as it includes recent changes proposed following party group meetings. It is urgent in order to permit changes to be made to committee memberships.

Item 11 – Questions and Written Answers

Notice of questions is not requested until 5 clear days before the meeting, following which the matters raised have to be researched and replies prepared to be given at the meeting.

Item 12 – Report No. 12

The report is late because it was not considered by the Executive until 20 December 2005, following which decisions taken at that meeting were subject to a call in period.

The report is too urgent to await the next meeting because a decision of the full Council is required to approve the Housing Strategy so that a summary version can be produced for publication and dissemination.

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**MINUTES OF THE COUNCIL MEETING
14 NOVEMBER 2005**

Councillors: *The Mayor (Councillor Griffith), *The Deputy Mayor (Councillor Adamou);
Councillors *Adje, *Aitken, *Basu, *Bax, *Beacham, *Bevan, *Blanchard, Bloch, Herbie
Brown, *Jean Brown, *Bull, *Canver, *Davidson, *Davies, *Dawson, *Diakides, Dillon,
*Dobbie, Dodds, *Edge, *Engert, Featherstone, *Floyd, Gilbert, *Haley, *Hare, *Harris,
*Hillman, *Hoban, *GMMH Rahman Khan, *Knight, *Krokou, *Lister, Makanji, *Manheim,
*Meehan, *Millar, *Milner, *Newton, *Oatway, *Patel, *Peacock, *Erline Prescott, *Quincy
Prescott, *Reith, *Reynolds, *Rice, *Robertson, Santry, *Simpson, Stanton, Sulaiman,
*Williams, *Winskill and Wynne.

* Members present

56. APOLOGIES: Apologies for lateness and possible non attendance was received from Councillor Stanton due to a School Governor's meeting, for lateness from Councillors Lister and Q. Prescott, and for absence from Councillors Herbie Brown, Dillon, Santry, Sulaiman and Wynne.

57. LATE/URGENT ITEMS OF BUSINESS: See items 61, 65 & 67.

58. DECLARATIONS OF INTEREST:

Members were asked by the Mayor to declare any personal interest in respect of items on the agenda. In accordance with Part 2 of the Members Code of Conduct set out in the Council Constitution, any Member disclosing a personal interest which was also prejudicial would be asked to withdraw from the Chamber during consideration of the item and neither were they to seek to improperly influence a decision on the said item.

Councillor Dobbie sought clarification from the Monitoring Officer in respect of the appropriateness of Members declaring an interest in Item 14 – MOTION F given the high number of members who owned and used Mobile phones and subsequently were users of telephone masts. Councillor Bull also sought clarification from the Monitoring Officer in respect of the appropriateness of Councillors Basu, Hoban and himself also declaring an interest given that they were to embark on a review of this matter.

The Monitoring Officer responded to both that if a member felt their interest was such that a member of the public would consider it to influence their decision, then they should declare.

Councillor Hoban declared a personal interest in item 11 on petitions, as he was a resident of Bounds Green.

59. MINUTES:

Copies of the Minutes having been circulated, they were taken as read.

RESOLVED:

That the minutes of the meeting of the Council held on 3 October 2005 be signed as a true record.

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60. MAYOR'S COMMUNICATIONS:

1. The Mayor advised that former Mayor and Councillor Daisy Cunningham died at home on 18th October. Daisy Cunningham was a Councillor for over 10 years serving in Seven Sisters and Coleraine Ward. She attended the 40th Anniversary celebration in April 2005, and was reunited with many of her former colleagues and friends, who remembered her with great affection.

The Council meeting observed one minute's silence in memory of the former Mayor and Councillor Daisy Cunningham.

2. The Mayor was delighted to inform Council that Councillor Brian Haley had been awarded the Honorary Fellowship of the Chartered Institute of Waste Management.

This was in recognition of Councillor Haley's interest and involvement in matters relating to the protection of the environment and in particular the waste management industry. The Mayor passed on the Council's congratulations to Councillor Haley on this unique honour.

3. The Mayor thanked all those who attended the Remembrance Sunday Services which took place on Sunday 13 November 2005 in Wood Green, Hornsey, Tottenham and Alexandra Park Road. The mayor commented that it had been particularly heartening to see so many young people joining in the act of Remembrance.
4. The Mayor reminded members that tickets were now on sale for the Fundraising Karaoke Evening on 2 December at New River Sports Centre. The Mayor advised that Councillor Gideon Bull would be hosting the event in aid of Prostate Cancer, and urged all members to support this event.
5. On behalf of the Council and the people of Haringey the Mayor proposed a vote of thanks to the out-going Borough Police Commander Steve Bloomfield for his dedication and services to this borough.

The Mayor wished Ch. Supt. Bloomfield all the best for the future and hope that he will remember us in his new posting at Scotland Yard.

The Leader also commented on the close working relationship that Ch. Supt. Bloomfield had had with the Borough and the work that he had been involved in to combat crime and promote safer neighbourhoods. The Leader commented that as a result of successful implementation of the safer neighbourhood work within Haringey the Commissioner had recalled Ch. Supt. Bloomfield to New Scotland Yard in order to promote this success across London and that Ch. Supt. Bloomfield should be applauded for his efforts in ensuring the successful outcome of the initiative.

61. REPORT OF THE SPECIAL COMMITTEE UNDER PART K2 OF CONSTITUTION ON THE APPOINTMENT OF DR. ITA O'DONOVAN AS CHIEF EXECUTIVE (Agenda item 6):

The Mayor agreed to admit the report as urgent business. The report dealt with matters considered by the Special Committee on 2 November 2005 and this

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decision required ratification of the Council in terms of its decision.

RESOLVED:

That Dr Ita O'Donovan be appointed as Chief Executive and Head of Paid Service and that confirmation be given of this appointment as a permanent employment contract for the post of Chief Executive.

62. STATEMENT BY THE LEADER OF THE COUNCIL (Agenda item 7):

RESOLVED:

That the statement by the Leader of the Council in respect of the appointment of the Chief Executive – Dr Ita O'Donovan, the splendid firework display Alexandra Palace on 5 November and use of legislation to promote firework safety be noted. The Leader of the Opposition spoke in response.

63. REPORT OF THE CHIEF EXECUTIVE (Agenda item 8): There were no matters to report.

64. REPORT OF THE MONITORING OFFICER (Agenda item 9): There were no matters to report.

65. APPOINTMENT TO OUTSIDE BODIES (Agenda item 10):

The Mayor agreed to admit the report as urgent business. The report dealt with matters considered at Party Group meetings within the last few days. These required approval to permit appointments to outside bodies to be made.

RESOLVED:

That the appointment of Councillor Peacock to the vacancy detailed below, be approved.

The Trust		Category: Trusts
Selby Trust	3	<u>Term of Office:</u> 4 year (s)
14/str	3 Lab.	
Granted Aid: Yes		
<u>Representative (s) / Expiry</u>	Cllr L Santry	31/05/2009
	Cllr Peacock	31/05/2009
	vacant	23/09/2005

66. DEPUTATION AND PETITIONS (Agenda item 11):

There were no deputations. A petition was submitted on behalf of the Passmore Edwards Neighbourhood Watch in support of a CPZ for the area. Members asked questions of the petitioners and the answers were duly noted.

67. QUESTIONS (Agenda item 10):

The Mayor agreed to the admission of this report as urgent business. Under Standing Orders, notice of questions was not requested until five clear days before the meeting, following which matters raised had to be researched and replies

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prepared, in order to be given at the meeting.

There were 10 oral questions and 16 for written answer. Oral Questions 7-10 were not reached in the allotted time and written answers were supplied to these questions.

68. COMMITTEE REPORTS:

Councillor Rice requested that the process for appointment of Independent Members of the Standards Committee be reported to Council.

RESOLVED:

1. That reports 7, 8 and 9 /2005-6 of the Executive be received and adopted;
2. That report 2 of the General Purposes Committee be received;
3. That the recommendation of the General Purposes Committee of 24 October 2005 in respect of amendments to Council Standing Orders on Deputations, petitions and other matters, and amendments to the Constitution on delegated powers and urgency be adopted as Part E8 and F7 of the Council's Constitution.
4. That a report be considered by Council on the proposed process for the appointment of Independent Members of the Standards Committee.

69. MOTION F (2005/06):

It was moved by Councillor Hoban and seconded by Councillor Williams that:

“This Council notes:

- Haringey residents' public health concerns about mobile phone masts, with particular concern about the siting of masts near to schools, hospitals and residential properties.
- Legislation is weighted in favour of mobile phone companies and Haringey Council currently has little power to act on our residents' concerns
- Masts below 15m are exempt from planning permission

This Council believes:

- More national research is required into the potential health risks of mobile phone masts
- The 'precautionary principle' should apply and Councils like Haringey should be able to reject mast applications on health grounds
- Mobile phone companies should be required to make a full planning application for masts of any size and should always be required to provide a statement of the intensity and direction of the signal

This Council resolves:

- To write to Haringey's two Members of Parliament requesting they lobby Ministers for a moratorium on mast sites near to schools, hospitals and

**MINUTES OF THE COUNCIL MEETING
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residential properties

- To ask our Members of Parliament to support any Bills in Parliament which would mean safer siting of phone masts, including giving Councils clear authority to reject mast applications on local public health grounds
- To write to all other London Boroughs to ask for their support in using the 'precautionary principle'

An amendment to the motion was MOVED by Councillor Bull, and seconded by Councillor Lister proposing :

To delete all after the third bullet point "Masts below 15m are exempt from planning permission" and insert the following:

- "The Council has established a Scrutiny Review on Mobile Phone masts to identify residents' concerns and produce recommendations designed to address them at the earliest possible opportunity and looks forward to its full report.

This Council believes:

- More national research is required into the potential health risks of mobile phone masts.
- Councils like Haringey should be able to take health concerns into account when considering grounds for rejecting mobile phone mast applications.
- Mobile phone companies should be required to make a full planning application for masts of any size and should always be required to provide a statement of the intensity and direction of the signal.

This Council resolves:

- To write to Haringey's two Members of Parliament requesting they lobby Ministers for a moratorium on mast sites near to schools, hospitals and residential properties
- To ask our Members of Parliament to support any Bills in Parliament which would mean safer siting of phone masts, including giving Councils clear authority to reject mast applications on local public health grounds
- To write to all other London boroughs to ask for their support in pushing for health concerns to be relevant".

The Amendment was then put to the meeting and declared CARRIED.

The substantive Motion was then put to the meeting and unanimously declared CARRIED.

70. MOTION G (2005/06):

It was moved by Councillor Meehan and seconded by Councillor Jean Brown that:

"This Council welcomes the government's determination to further improve the quality of education for children in England, set out in the Government's recently-published Education White Paper.

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Like the Government, this Council believes in education as one of the most important means through which we lessen and eradicate the injustices which still disfigure our society, and with which we create a society where power, wealth and opportunity are in the hands of the many not the few.

This Council takes immense pride in the ever-improving educational attainment of the Borough's children, supported by their teachers, parents, headteachers, and governors.

This Council welcomes several aspects of the Education White Paper, in particular:

- the extension of school/parent contracts;
- tough new nutritional standards for school food ;
- the abolition of the Schools Organization Committee;
- the power to act as a champion for the interests of children and parents in schools across the borough;
- the introduction of new measures to assist in maintaining school discipline and to manage exclusions;
- more funding for bilingual learners and other minority groups subject to underachievement;
- better provision for Looked After Children.

However, this Council is also concerned about a number of the proposals in the White Paper.

In particular, this Council is concerned by:

- the market-based model of provision that runs through the White Paper, and the rigid split between purchaser and provider, which characterized so many of the last Tory government's unsuccessful reforms of public services, in particular the GP fundholder and railway privatization schemes;
- the difficulties of delivering a fair admissions policy across the Borough if schools need only consider, not abide by, local admissions' policy, and the difficulty of planning effectively, over any period of time, the provision of school places across the borough when "successful" schools are encouraged to expand and new providers are being encouraged to enter the market;
- the implications for our agenda of tackling, lessening, and eradicating inequality when inner city schools with little or no valuable disposable land, like most schools in Haringey, will suffer financially relative to suburban schools, which are more likely to have surplus land and thus the potential to make capital gains for themselves out of assets originally accrued by public funding;
- the implications for the pay and conditions for school staff and for their unions if individual schools have greater freedom to set pay terms and conditions;
- the particular difficulties likely to be encountered in ethnically diverse inner city areas, like Haringey, without a strong tradition of civic involvement in education, in finding sufficient and sufficiently experienced governors to make an effective reality of parent-led governance, particularly given the number of parents for whom English is not a first language;
- the fact that special schools are not yet included in these provisions.

This Council is aware that many of these concerns are shared by other local authorities across London and across England, aware also that a White Paper is

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an intention to legislate and not legislation itself, and further aware that there is accordingly an opportunity for us to work with others towards fruitful discussion and consultation with a government that shares our values and our commitments to educational excellence and to equality.

This Council therefore instructs the Executive Member for Children & Young People to prepare a full response to the White Paper, reflecting our concerns, to be agreed by the Executive”.

An amendment to the motion was MOVED by Councillor Engert, and seconded by Councillor Aitken proposing :

Delete all after "This Council" and replace with:

"recognises the disappointment of key stakeholders over the government's recent white paper on education.

This Council believes in education as one of the most important means through which we lessen and eradicate the injustices which still disfigure our society, and with which we create a society where power, wealth and opportunity are in the hands of the many not the few. This Council believes this White Paper would do little to contribute to these objectives.

The Council accepts the need for the government to address the failings within the education system. However the Council is concerned that this white paper shows little understanding of the issues that concern teachers, parents and local authorities and creates many more problems than it solves.

In particular, this Council is concerned by:

- the market-based model of provision that runs through the White Paper, and the rigid split between purchaser and provider, which characterized so many of the last Tory government's unsuccessful reforms of public services, in particular the GP fundholder and railway privatization schemes;
- the difficulties of delivering a fair admissions policy across the Borough if schools need only consider, not abide by, local admissions' policy, and the difficulty of planning effectively, over any period of time, the provision of school places across the borough when "successful" schools are encouraged to expand and new providers are being encouraged to enter the market;
- that giving autonomy to schools over their assets could lead to the disposal for commercial development of land originally accrued by public funding for use as playing fields, leading to the irrevocable loss of such important facilities. This would also have implications for our agenda in Haringey of tackling, lessening, and eradicating inequality as most of our inner city schools have little or no valuable disposable land, so are put at a funding disadvantage;
- the implications for the pay and conditions for school staff and for their unions if individual schools have greater freedom to set pay terms and conditions;

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- the particular difficulties likely to be encountered in ethnically diverse inner city areas, like Haringey, without a strong tradition of civic involvement in education, in finding sufficient and sufficiently experienced governors to make an effective reality of parent-led governance, particularly given the number of parents for whom English is not a first language;
- the fact that special schools are not yet included in these provisions.

Therefore the Council resolves:

To instruct the Executive Member for Children & Young People to prepare a full response to the white paper in full consultation with all key stakeholders including teachers, parent groups and young people to be approved by Full Council

To call on our local MPs to lobby the government to seriously reconsider the implementation of this unpopular white paper."

The Amendment was then put to the meeting and declared LOST.

The substantive Motion was then put to the meeting and declared CARRIED.

71. MOTION H (2005/06):

It was moved by Councillor Hillman and seconded by Councillor Haley that:

"This Council recognizes the importance of recycling as part of its commitment to green and sustainable future for the borough and its people.

This Council congratulates the officers responsible for the success of our recycling projects and emphasizes its achievement so far and its continuing vision, as a Labour council committed to improving and sustaining our environment, of increasing the scope, volume, availability, quality and level of participation in recycling schemes in the borough.

Not only are the volumes recycled increasing, but the number of households participating is rising month by month as availability of the schemes is increased. Over half of all households in Haringey are now participating regularly in the borough's recycling scheme, up sharply from figures of approximately 30% for the previous year.

The weekly frequency of recycling collections in Haringey is especially marked, by contrast with many other London Boroughs where recycling collections are often only fortnightly or alternate with refuse collections. The scope of our scheme is also impressive, with not just paper and metals but glass, plastics, cloth, green waste and now kitchen waste collected. Approximately one third of households have kerbside plastics recycling, and the current expansion of the recycling service to cover the composting of green waste and uncooked kitchen waste substantially increases the proportion of people's waste that the borough can recycle. The composting initiative now reaches some 50,000 households, more than half the households in the borough.

These figures are of course important and significant, but it is especially praiseworthy that they have been achieved alongside improving the quality of our

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service to residents, with the proportion of residents rating the recycling service as 'good' or 'excellent' soaring to 58% in the most recent survey".

A named vote was requested.

For: The Mayor (Councillor Griffith), the Deputy Mayor (Councillor Adamou), Councillors Adje, Basu, Bax, Bevan, J Brown, Bull, Canver, Davidson, Dawson, Diakides, Dobbie, Haley, Harris, Hillman, Khan, Krokou, Lister, Manheim, Meehan, Millar, Patel, Peacock, E. Prescott, Q. Prescott, Reith, Reynolds, Rice, Robertson,.

Against: Nil

Abstentions: Councillors Aitken, Beacham, Davies, Edge, Engert, Floyd, Hare, Hoban, Newton, Oatway, Simpson and Williams.

The Motion was declared CARRIED.

Councillor Griffith
Mayor

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COUNCIL**On 9 January 2006**Report Title: **MEMBERSHIP CHANGES**Report of: **CHIEF EXECUTIVE**Wards(s) affected: **All**Report for: **Non - key****1. Purpose**

1.1 To agree committee membership changes

2. Recommendations

2.1 That the membership changes as detailed in paragraph 6 of the report be agreed.

Report Authorised by: **Chief Executive**Contact Officer: **Ken Pryor, Democratic Services Manager (Council)**

Tel: 0208 489 2915

3. Executive Summary

3.1 Changes to appointments can be made at any stage during the municipal year with the changes being reported to the Council as appropriate

4. Reasons for any change in policy or for new policy development (if applicable)

N/A

5. Local Government (Access to Information) Act 1985

1. The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Ken Pryor on 020 8489 2915.

Information supplied by the Party Groups.

6. Background

The following changes have been notified to the Chief Executive since the last Council meeting.

Alexandra Palace and Park Board

Councillors Hare and Hoban have been nominated to the two Liberal Democrat vacancies on the Alexandra Palace and Park Board

Changes to appointments can be made at any stage during the municipal year with the changes being reported to the Council as appropriate.

Council on 9 January 2006

Report title: New Legislation
Report of: Monitoring Officer
1. Purpose: To provide an updated report on new legislation affecting the Council in accordance with Article 18.03(h) of the Constitution.
2. Recommendations: That Members: 1. Note the updated details of new and forthcoming legislation at Appendix A of the report.
Report authorised by: Davina Fiore, Monitoring Officer
Contact officer: John Suddaby Telephone: 020 8489 5937
3. Access to information: Local Government (Access to Information) Act 1985 Constitution of the London Borough of Haringey (May 2004)

4. Report

4.1. The Constitution of the Council requires the Monitoring Officer to report to Council on "new and amended legislation --- so that Members can consider the effects on services and the possible need to amend the scheme of delegations".

4.2 Attached at Appendix A is a table sub-divided by relevant legal area, showing separately new and proposed legislation together with a summary of its main provisions, the date it comes into force if this is known and the service(s) it affects.

4.3 The list of legislation in this report is not intended to be comprehensive but is intended to identify the most important legislative changes affecting the Council. Members may obtain more information about particular legislation by making use of the contact details provided under the relevant entry.

4.4 Further reports containing up-dated information will be made to Council at six monthly intervals.

Appendix A

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**SCHEDULE OF NEW/FORTHCOMING/PROPOSED LEGISLATION
SIGNIFICANTLY AFFECTING THE COUNCIL'S ACTIVITY**

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on GLA and London Mayoral Powers</p>	<p>On 30th November 2005, the government issued a consultation paper entitled <i>'The Government's proposals for additional powers and responsibilities for the Mayor and Assembly'</i>. Londoners are being asked to give their views by 22 February 2006 on a package of changes and options giving the Mayor greater freedom of choice and more influence over delivery of key services like housing, skills, planning and waste, while p[re]serving a balance of power between the Mayor, Assembly and the boroughs. The paper also offers the London Assembly the chance to play a bigger role in policy development and scrutiny – a move aimed at maintaining the balance of power between the two parts of the Greater London Authority.</p> <p>The consultation paper asks for views on options and proposals in four key areas:</p> <p>Housing Should the Mayor decide the allocation of the affordable housing portion of the Regional Housing Pot in London? This proposal is in addition to the transfer of responsibilities of the London Housing Board to the Mayor.</p> <p><i>For further information please contact John Suddaby, Deputy Head of Legal Services, Extn. 5937 or Davina Fiore, Head of Legal Services, Extn. 3974</i></p>	<p>30th November 2005 to 22nd February 2006</p>	<p>Environmental, Planning, Children's Service, Housing</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on GLA and London Mayoral Powers (Continued)</p>	<p>Learning and Skills Consultation on options for giving the Mayor a greater say over learning and skills in London.</p> <p>Planning Options for change range from significant additional powers allowing the Mayor to direct boroughs on local plans and become the development control authority for defined classes of strategic planning and defined strategic sites, through more limited new powers allowing the Mayor to direct strategic sites, through more limited new powers allowing the Mayor to direct boroughs' local plans in relation to defined strategic issues to minimal change.</p> <p>Waste Management/Planning Options include making establishment single waste authority for London, accountable to the Mayor as a functional body of the GLA and making the Mayor responsible for waste planning in London, there are also alternative options of central delegated bodies or extending the existing sub-regional arrangements that already operate.</p> <p><i>For further information please contact John Suddaby, Deputy Head of Legal Services, Extn. 5937 or Davina Fiore, Head of Legal Services, Extn. 3974</i></p>		

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on Three-Year Revenue and Capital Settlements</p>	<p>Government's proposals for consultation issued December 2004 aimed at giving greater certainty about future local government finance settlements, to significantly improve medium-term financial and service planning, and support the delivery of high quality local services. Included in proposals are consideration of a system involving a basic ("floor") increase for each type of authority and variable top up depending upon the characteristics of each authority.</p> <p>The ALG's response is to be found at: http://www.alg.gov.uk/upload/p[ublic/attachments/416/Three-year%20Settlements%20Response.pdf</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>Deadline for responses was 11th March 2005</p>	<p>All Services</p>
<p>Local Government Finance Settlement 2005/06</p>	<p>Following consultation, The Minister of State for Local Government on 2nd December announced the proposed local government finance settlement for 2005/06. The key features are:</p> <p>(a) A £3.5 billion increase (over 2004/05) in Councils' total of Government grants – a 6.2% increase in cash terms. The increase in Formula Grant is 5.4%.</p>		<p>All Services</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
	<p>(b) An extra £637m beyond the figures in the 2004 Comprehensive Spending Review. This includes an extra £358m in Revenue Support Grant. There is new money of £100m for safeguarding children and £100m for access and systems capacity (for 2005/06 only). There is £28m extra for Fire to enable authorities not to repay transitional funding.</p> <p>Ministers have made clear they expect to see a national average increase in council tax of less than 5%. They have said they are “prepared to take even tougher capping action next year” to ensure that tax increases are in line with their expectations.</p> <p>ALG response can be found on their website at www.alg.gov.uk</p> <p>Ministers have decided not to meet individual authorities this year. They will be meeting the major groups representing local authorities and be receiving written representations in the usual way.</p> <p>The Government expects all authorities to pass their schools’ FSS increase on to their schools budget, other than in wholly exceptional circumstances.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>		

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Review of the Members Code of Conduct</p>	<p>The Standards Board for England has completed its review of the Code of Conduct and has presented the Local Government Minister with its proposals. The proposals for change can be accessed at www.standardsboard.co.uk. They include:</p> <ul style="list-style-type: none"> • Giving greater support for the councillor's role as an advocate for their community • Reducing the number of personal interests • Having a specific provision on bullying • Allowing members to disclose information in the public interest • Proposing that the regulation of behaviour outside official duties should be limited to unlawful activities • Abolition of the duty to report breaches <p>The Government's response to the Standards Board's proposals is expected imminently.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>		<p>All Elected Members and voting co-opted members</p>
<p>Violent Crime Reduction Bill 2005</p>	<p>The Bill includes provisions for reducing and dealing with the abuse of alcohol and alcohol disorder and also addressing real and imitation firearms, ammunition, knives, and other weapons.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>At Committee stage</p>	<p>Environmental Services, Children's Service</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>The Civil Contingencies Act (2004)</p>	<p>The Civil Contingencies Act (2004) comes into force on 15 November 2005, and places a number of statutory responsibilities on Local Authorities (and other key agencies) in relation to Emergency Planning. There are six key statutory duties applying to Local Authorities:</p> <ul style="list-style-type: none"> • To co-operate and share information with other agencies. • To assess the risk of an emergency occurring. • To maintain plans to ensure that essential services can continue to be provided in the event of an emergency, as far as is reasonably practicable. • To communicate with the public to (a) advise of risks before an emergency: and (b) warning and keeping the public informed in the event of an emergency. • To provide advice and assistance to businesses and voluntary organisations. <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>15th November 2005</p>	

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
Compulsory Purchase Act 2004	<p>The development control provisions of the Planning and Compulsory Purchase Act 2004 came into effect from 24 August 2005 - see the Planning and Compulsory Purchase Act 2004 (Commencement No.5 and Savings) Order 2005.</p> <ul style="list-style-type: none"> • Major Infrastructure Projects - this new measure will seek to speed up the inquiry process by enabling concurrent inquiry sessions to be held. In addition, the measure provides that an economic impact report should accompany an application for a major development of national or regional importance. This is intended to provide better and earlier information - with the expected benefit of a reduction in inquiry time on such schemes. • Duration of Permission and Consent - amends the default period for the life of a planning permission and consent from five to three years and removes the current ability to extend that time limit. Extensions on existing planning permissions will be permitted for a further 12 months after commencement. • Power to Decline to Determine Applications - extends the existing power for local planning authorities to decline to determine repeat applications where they are submitted with the intention of wearing down opposition to undesirable developments. 	24 th August 2005	<p>Planning & Housing</p> <p>Planning</p> <p>Planning</p> <p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
	<p>See also:</p> <ul style="list-style-type: none"> • The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2005 which amends the Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order") in consequence of provisions in the Planning and Compulsory Purchase Act 2004 and also makes certain other minor amendments, and • The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005 which prescribe the procedure to be followed in connection with local inquiries relating to applications for planning permission or for the approval of a local planning authority required under a development order held by the Secretary of State in England, where he thinks that the development to which the application relates is of national or regional importance. <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town & Country Planning (Use Classes) (Amendment) (England) Order 2005</p>	<p>The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 makes a number of significant changes to the subdivision of uses currently falling within Use Class A3 (food and drink) with the creation of two additional Use Classes, A4 (drinking establishments) and A5 (hot food takeaways). In addition the amended Order confirms that nightclubs do not fall specifically into any use class and are, as a result <i>sui generis</i> (i.e. a development which requires specific permission and is not covered by any Use Class). The ODPM expects this move will provide an element of certainty over use as a nightclub. Up to now such establishments were not referred to within the UCO. Nightclubs can have significant environmental impacts and are now subject to the full range of planning considerations before development can take place.</p> <p>In another move reflecting the realities of current town centre "life", internet cafes, where the primary purpose of the premises is to "provide facilities for enabling, members of the public to access the internet" are now to be included within Class A1 (Shops).</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>21st April 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town and Country Planning (Blight Provisions) (England) Order 2005</p>	<p>The blight notice provisions in sections 149 to 171 of the Town and Country Planning Act 1990 enable persons holding certain interests in categories of land, specified in Schedule 13 to that Act (including land affected by certain planning and highway proposals), to require the appropriate authority to acquire their interest in the land.</p> <p>This Order increases the annual value limit from £24,600 to £29,200 to take account of the rating revaluation in the year 2005. The Town and Country Planning (Blight Provisions) (England) Order 2000 (S.I. 2000/539) is revoked.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st April 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005</p>	<p>Part I of the Local Government Act 1999 (Best Value) places requirements on local authorities and other authorities ("best value authorities") relating to economy, efficiency and effectiveness in the exercise of their functions. Section 4(1) of that Act provides the Secretary of State with a power to specify by Order best value performance indicators and standards.</p> <p>This Order specifies performance indicators by reference to which a best value authority's performance in exercising functions can be measured. The Order also specifies standards in respect of particular functions and particular best value authorities. The Order applies to best value authorities in England except police authorities. The Order revokes and replaces The Local Government (Best Value) Performance Indicators and Performance Standards Order 2003. It also makes consequential revocations of orders amending that Order.</p> <p>The Order specifies indicators and standards in relation to the best value authorities waste, cleanliness, transport, environment, environmental health and planning functions.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st April 2005</p>	<p>Waste management, Transportation, Environment, Environmental Health, Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The High Hedges (Appeals) (England) Regulations 2005</p>	<p>Part 8 of the Anti-social Behaviour Act 2003 ("the Act") gives local authorities power to deal with complaints about high hedges which are having an adverse effect on a neighbour's enjoyment of his or her domestic property.</p> <p>Section 71 of the Act sets out the rights of appeal against a local authority's decisions under section 68 (procedure for dealing with complaints) and section 70 (withdrawal, waiver or relaxation of remedial notices issued by the local authority under section 69. Any appeals in relation to hedges in England must be made to the Secretary of State. The Secretary of State may appoint under section 72 a person to hear and determine the appeal on his behalf. This appointment may also be revoked under regulation 6.</p> <p>These regulations deal with the procedure for appeals under section 71 of the Act.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st June 2005</p>	<p>Housing, Legal, Recreation</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations</p>	<p>These Regulations amend the 2000 Regulations so as to specify as functions that are not to be the sole responsibility of the authority's executive including certain functions conferred on authorities under Part 2 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and under section 171E ("the Town and Country Planning Act 1990 ("the 1990 Act"), which was inserted by the 2004 Act.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>22nd April 2005</p>	<p>Planning</p>
<p>The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2005</p>	<p>These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990, (as amended). Regulation 3 amends Schedule 4 to the 1990 Regulations to reflect the fact that the Secretary of State for Culture, Media and Sport is responsible for the compilation of list of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It also amends the note of the prescribed form notifying the inclusion of a building in one of the lists and inserts a note to the prescribed form notifying the exclusion of a building.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st May 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Re-use of Public Sector Information Regulations 2005</p>	<p>These Regulations implement Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information.</p> <p>The regulations provide among other things that a public sector body has a discretion as to whether to permit re-use of a document in response to a request. Where a public sector body permits re-use it must act in accordance with the regulations. The regulations set out how a public sector body should respond, and the timescales for responding, to a request for re-use. Where a public sector body refuses a request for re-use it must notify the applicant, give reasons for the refusal and inform the applicant of its internal complaints process and other means of redress. Where possible and appropriate, a public sector body must ensure that the processing of requests for re-use can be carried out by electronic means.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st July 2005</p>	<p>All Services</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No.3) Regulations 2005</p>	<p>These Regulations revoke (before coming into force) and remake with minor amendments the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) Regulations 2005 and also amend the Waste Management Licensing Regulations 1994 ("the 1994 Regulations"). These Regulations extend to England and Wales, but regulation 6 applies only to England.</p> <p>Regulation 6 amends regulations 10 and 12 of the 1994 Regulations. Regulation 10 is amended so that each waste regulation authority must enter details of any risk appraisal undertaken for a site to which a waste management licence relates in the public register which the authority maintains under section 64(1) of the Environmental Protection Act 1990.</p> <p>The amendment to regulation 12 varies the descriptions of plant that are to be treated as being mobile plant for the purposes of Part 2 of the 1990 Act. The remainder of the Regulations concern activities, which are exempt from the requirement for a waste management licence under the 1990 Act.</p> <p>Registration authorities charge for administering these notifications. Penalties for failure to register are increased.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>30th June 2005 and 1st July 2005</p>	<p>Waste management</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Home Loss Payments (Prescribed Amounts) (England) Regulations 2005</p>	<p>These Regulations increase the amount of home loss payments payable under section 30 of the Land Compensation Act 1973 and formerly prescribed in the Home Loss Payments (Prescribed Amounts)(England) Regulations 2004. A person is entitled to a home loss payment when he is displaced from a dwelling by compulsory purchase or in the other circumstances specified in the Act as last amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of the interest, subject to a maximum and minimum amount. The amount of the home loss payment in any other case is also specified.</p> <p>The amount payable under section 30(1) is increased from £34,000 to £38,000 and regulation 2(2)(b) increases the minimum amount from £3,400 to £3,800. Regulation 2(3) increases the home loss payment under section 30(2) in any other case from £3,400 to £3,800. These increases have been calculated by reference to the ODPM's house price index and reflect an increase in line with house price inflation. The revised amounts apply where the displacement occurs on or after 1st September 2005.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st September 2005</p>	<p>Housing, Property Services and Planning</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods - DEFRA</p>	<p>Local authorities have gained greater powers to tackle fly-tipping and litter, as the first raft of measures in the Clean Neighbourhoods and Environment Act comes into force from the 7th June. The full provisions will be implemented in stages in 2006.</p> <p>Fly-tipping will become an arrestable offence, with the most serious cases resulting in a maximum £50,000 fine or five years imprisonment. Those caught illegally dumping waste will also no longer be able to use the defence of 'acting under employer's instructions'. The Act also reminds people that chewing gum and cigarette butts are litter, with penalties accordingly. Littering offences have also been extended to include all open spaces – rivers, lakes, ponds and private property – in the past it was not an offence to drop litter on other people's property. Local Authorities have extra powers to deal with the sale or repair of vehicles on the road as part of a business and fly-posting.</p>	<p>VARIOUS STAGES</p>	<p>Neighbourhoods, Waste Management, Enforcement, Environmental Health, Parking</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<p>The various measures in the 2005 Act in force and commencing on 7th June 2005 are as follows:</p> <ul style="list-style-type: none"> • Nuisance parking – creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle on the road as part of a business; • Litter – makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes; confirms that cigarette butts and discarded chewing gum are litter; • Advertisements – strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution; • Waste – amends provisions for dealing with fly-tipping by: - removing the defence of acting under employer's instructions and increasing the penalties; introduces an enabling power to develop new regulations to require site waste management plans for construction and demolition projects; increasing the maximum penalty for fly-tipping to £50,000 or 5 years imprisonment on indictment; Noise – gives local authorities greater flexibility in dealing with noise nuisance; <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<ul style="list-style-type: none"> • Miscellaneous – increases the penalty for various offences relating to pollution. <p>Measures not yet in force are as follows:</p> <ul style="list-style-type: none"> • Crime and Disorder - requires local Crime and Disorder Reduction Partnerships to take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies; gives local authorities new powers to deal with alleyways affected by anti-social behaviour. • Fixed Penalty Notices (Fines) - makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates; gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences; • Nuisance and Abandoned Vehicles - gives local authorities the power to remove abandoned cars from the streets immediately; • Litter - gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land; strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices); enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter; <p>Graffiti and fly-posting - extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting; improves local authorities powers to tackle the sale of spray paints to children; enables local authorities to recover the costs of removing illegal posters.</p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<ul style="list-style-type: none"> • Waste - amends provisions for dealing with fly-tipping by: <ul style="list-style-type: none"> - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs; extending provisions on clear up to the landowner in the absence of the occupier; • Dogs - replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person; gives local authorities sole responsibility for stray dogs. • Noise - gives local authorities new powers to: deal with burglar alarms and impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels; • Architecture and the Built Environment - puts the Commission for Architecture and the Built Environment (CABE) on a statutory basis: <p>Miscellaneous - enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners; extends the list of statutory nuisances to include light pollution and nuisance from insects; amends the contaminated land appeals process.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
The Commons Bill	<p>Common land in England and Wales would be better protected from development and the ancient rights of commoners safeguarded and enhanced under legislation introduced in the House of Lords in June.</p> <p>Commons are land usually owned by a person (or a number of persons) over which others have certain rights: typically rights to graze sheep and cattle, but other rights exist, like rights to cut bracken for livestock bedding (estover), rights to graze pigs on beech mast or acorns (pannage), or rights to fish (piscary). The landowner is usually a private individual and the people who use the land are common right-holders or "commoners".</p> <p>The Commons Bill would protect commons from development, allow them to be managed more sustainably, improve protection from neglect and abuse, and modernise the registration of commons to ensure all commons enjoy the same protection. The Bill would also enable commoners to voluntarily form statutory Commons Associations, allowing them to manage their commons locally with the power to make decisions by majority.</p> <p>The Bill would ban the "severance" of common rights, preventing commoners from selling, leasing or letting their rights away from the property to which rights are attached. Subject to Royal Assent, the ban on severance will come into force retrospectively from the date of the Bill's publication (28 June 2005).</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Before House of Lords 12 th October 2005	Environmental Services

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Licensing Act 2003 (Various Procedure Regulations)</p>	<p>Regulations have been made providing detailed procedures for handling applications for premises licences, club premises certificates and personal licences. Regulations also prescribe fees for applications and many of the requirements for hearing cases subject to objection. The 6 months transitional period for “converting” and varying existing licences ended on 6 August 2005. A Commencement Order has fixed 24 November 2005 as the “second appointed day” when the new licences under the Act will come into effect and Councils fully take over licensing functions from the Magistrates. Recent Regulations also make detailed provision for the variation and transfer of licences and for changing the designated premises supervisor.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>VARIOUS STAGES</p>	<p>Enforcement</p>
Forthcoming Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006</p>	<p>This ensures the effective application of the planning acts to the Crown including development control and enforcement.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion in progress</p>	<p>Planning and Enforcement</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006</p>	<p>This sets out the publicity arrangements for applications made under the new urgency provisions of the Listed Buildings Act as amended.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion in progress</p>	<p>Planning</p>
<p>The Draft Town and Country Planning (Environmental Impact Assessment) (England) (Amendment) Regulations 2005</p>	<p>This consultation paper sets out proposals for small changes in the UK planning regulations in order to implement article three of the European directive 2003/35/EC on environmental impact assessment.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion ended 6th June 2005</p>	<p>Planning</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - DH</p>	<p>Detailed proposals have been announced on how legislation on smoke-free enclosed public places and workplaces will work in practice. The consultation document is designed to allow key stakeholders the opportunity to put forward their views on the detail of a smoking ban, which will lead to a Bill being introduced in the autumn.</p> <p>This consultation paper puts forward proposed detail on the policy outlined in the Choosing Health: Making Healthy Choices Easier White Paper. This document has great significance for Local Authority services. The timetable of implementation of the new legislation will be one of the details that will be open to discussion during the course of the consultation. Other areas covered in the document include:</p> <ul style="list-style-type: none"> • the definition of "enclosed" public place/workplace; • the definition of "prepare and serve food"; • exemptions in general (this would include the matter of "wet led" pubs); • the offences, penalties and defences • enforcement; and • timetable. <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
Use Classes Order: Casinos – Consultation Paper - ODPM	<p>The Town and Country (Use Classes) Order 1987 sets out classes of uses, changes that do not require planning permission due to the similarity in their impact on local amenity, for example: traffic generation, noise, and visual appearance. This consultation seeks views on the classification of casinos within the Use Classes Order.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Government gives no timetable in the consultation paper	Planning
The Gambling Act 2005	<p>The Gambling Act 2005 is the most important shake-up of gambling law for half a century. The responsibility for the administration of gambling passes to local authorities. This will be overseen by the Gambling Commission.</p> <p>The Act is intended to bring about a major deregulation of the industry, including betting offices, casinos and amusement arcades. It abolishes many restrictions on operations, including permitted hours, subject to the safeguards of the licensing objectives to protect children and the vulnerable, prevent crime and disorder, and keep gambling fair.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Target for full implementation of the Act is 1 September 2007	Enforcement

New Legislation	Legal Services Team - Property Team	Date in force	Service affected
Housing Act 2004	<p>The Act received Royal Assent 19 November 2004 currently in print. Available 26 November 2004.</p> <p>Various amendments to include:</p> <ul style="list-style-type: none"> • Changes to Right to Buy qualifying period and statutory charge period to be extended to 5 years. • Abolition of Rent to Mortgage Scheme. • Council to have right of first refusal on onward sale by tenant/purchaser. • Powers to disapply right to buy where there is a clear intention that the Local Authority wish to demolish. • Enhances Authorities responsibility to advise tenants on implications of RTB and ownership. • Powers to refuse mutual exchange applications and preventing tenant completing a RTB purchase on anti-social behaviour grounds. • Empty homes – will enable Councils to bring back into use long-term private sector homes with the use of empty dwelling management orders. (For other provisions see Housing Litigation Team entry). <p><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	VARIOUS STAGES	<p>Housing Service</p> <p>Housing to decide whether there is funding to buy back properties and procedures put in place to deal with time limits to succeed with first refusal.</p> <p>Regeneration Housing</p>

New Legislation	Legal Services Team - Property Team	Date in force	Service Affected
	<ul style="list-style-type: none"> Sellers packs for disposals will be required early 2007. At present right to buys are not affected but this is under consultation <p><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>		<p>Property Services will need to put procedures in place to gather all the information for the sellers packs to be included with their instruction to sell</p>
<p>The Information and Consultation of Employees Regulations 2004</p>	<p>Establish a requirement to set up information and consultation regimes, which involve all employees in the workforce.</p> <p><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	<p>6th April 2005</p>	<p>All Council Directorates</p>
<p>Education (Review of Staffing Structure) (England) Regulations 2005</p>	<p>Requires the governing body of every maintained school to conduct a full scale staffing review by 31 December 2005.</p> <p><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	<p>6th May 2005</p>	<p>Children's Service</p>

New Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service Affected
School Governance (Contract) (England) Regulations 2005	<p>Obliges school governing bodies to have regard to the Code of Practice on Workforce Matters in Public Sector Service Contracts (published March 2005).</p> <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>	30 th June 2005	Children's Service
Education (Pupil Information) (England) Regulations 2005	Re-enacts and amends the statutory framework governing the keeping and disclosure of a pupil's educational record.	8 th July 2005	Children's Service
Education Act 2005	The Act provides amendments to the statutory regime regarding changes in school organisation. It reduces the number of categories of failing schools. It gives priority to looked after children in admissions arrangements. It removes the requirement for school governors to hold annual parents meetings and an annual report.	1 September 2005 (some aspects in Oct/Nov 2005)	Children's Service

New Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service affected
Amended Equal Treatment Directive	Updates certain aspects of the Sex Discrimination Act and Equal Pay Act. Includes a statutory definition of sexual harassment that incorporates both sexual harassment and sex-based harassment.	1 October 2005	All Council Directorates
The Employment Relations Act 2004	<p>Much of this Act has been in force since April 2005. However, new provisions concerning the information to be contained in industrial action notices take effect from this later date.</p> <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>	1 October 2005	All Council Directorates
Disability Discrimination Act 2005	The Act includes provisions for a duty on all public authorities to promote equality of opportunity between disabled persons and others by improving opportunities for disabled persons. The Act also extends the statutory definition of disability to include HIV, multiple sclerosis and cancer. New rules are also proposed to prevent local authorities discriminating against disabled councillors.	December 2005 (New public sector duty December 2006)	All Council Directorates

Forthcoming/ Proposed Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service Affected
TUPE Regulations	Substantially revised regulations regarding transfers of undertakings and staff. The new regulations are designed to provide more clarity concerning particular contracting out or analogous situations.	1 st April 2006	All Council Directorates
Consultation on maternity leave and flexible working	<p>Proposals to:-</p> <ul style="list-style-type: none"> • Extend SMP and adoption pay to 9 months in 2007. • Allow mothers to transfer leave and pay to fathers. • Extension of flexible working arrangements. <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>		
Age Discrimination	<p>New Regulations prohibiting discrimination by reason of age. Consultation currently on proposals that introduce a default retirement age and the right to request working beyond that age. The age 65-year cut off to be removed from unfair dismissal and redundancy pay rights.</p> <p><i>For further information please contact Dave Burn. Senior Lawyer, Extn. 3844</i></p>		

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
Children Act 2004	<p>This Act will require all local authorities who deliver or commission services for children and young people to take the lead on:</p> <ul style="list-style-type: none"> • reviewing with local agencies and communities the ways in which services are delivered in their area • planning with local agencies and communities how they can better respond to the government's continuing agenda to improve outcomes for children and young people. <p>It makes provision for:</p> <ul style="list-style-type: none"> • the establishment of a Children's Commissioner • services provided to and for children & young people • private fostering • childminding & day care • adoption review panels • defence of reasonable punishment • making of grants in respect of children & families • child safety orders • publication of material relating to children involved in certain legal proceedings 	<p>Royal Assent on 15th November 2004</p> <p>Some provisions have already been implemented. Other provisions are due to be implemented on 1st & 3rd Oct 2005, 1st March 2005</p>	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
	<ul style="list-style-type: none"> disclosure by Inland Revenue of Information relating to children <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>		
The Children Act 2004 (Designation of NHS Direct) Order 2005	This order designates NHS Direct as a Special Health Authority in England for the purposes of section 11 Children Act 2004 which imposes a duty to discharge functions having regard to the need to safeguard & promote the welfare of children.	1 st October 2005	Children's Services
The Child Minding and Day Care (Applications for Registration)(England)(Amendment) Regulations 2005	These regulations make amendments to the Child Minding and Day Care (Applications for Registration) (England) Regulations 2001 which are already in force	3 rd October 2005	Children's Services
The Day Care and Child Minding (Functions of Local Authorities: Information, Advice and Training) (England) (Amendment) Regulations 2005	<p>These regulations amend the Day Care and Child Minding (Functions of Local Authorities: Information, Advice and Training) (England) Regulations 2001 by substituting the existing schedule with a new schedule setting out the new National Standards documents.</p> <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>	3 rd October 2005	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Day Care and Child Minding (Inspection) (England) Regulations 2005	These Regulations revoke the Day Care and Childminding (Inspections) (Prescribed Matters) (England) Regulations 2001 and the Day Care and Childminding (Inspections) (Prescribed Matters) (England) (Amendment) Regulations 2005 and makes provision for the inspection of day care and child minding services.	3 rd October 2005	Children's Services
The Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005	These regulations make amendments to the Day Care and Child Minding (National Standards) (England) Regulations 2003 and in particular make provision in relation to complaints.	3 rd October 2005	Children's Services
The Day Care and Child Minding (Registration Fees) (England) Regulations 2005	These revoke the Child Minding and Day Care (Registration and Annual Fees) Regulations 2001 and make new provisions in relation to registration fees <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	3 rd October 2005	Children's Services
The Day Care and Child Minding (Suitability) (England) Regulations 2005	These regulations empower the Chief Inspector to find a person not suitable to look after children under the age of 8 or not suitable to be in regular contact with them. They also prescribe those types of information relevant for the purposes of s79B(5A) of the Children Act 1989. <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	3 rd October 2005	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Nursery Education (Inspection) (England) Regulations 2005	These regulations revoke the Nursery Education (England) Regulations 2000 and make provision for inspections.	3 rd October 2005	Children's Services
The Family Proceedings (Amendment No. 4) Rules 2005 The Family Proceedings (Miscellaneous Amendments) Rules 2005	Children's Services in particular the Adoption and Permanency Service <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	31 st October 2005	Children's Services
Adoption & Children Act 2002	The Act will make fundamental changes to adoption law and practice, for example sweeping away major areas such as freeing for adoption. It also makes changes to the Children Act 1989. The Act will deal with amongst others: <ul style="list-style-type: none"> • Placement for Adoption and Placement Orders • Adoption by Unmarried Couples • Adoption Support Services 	Royal Assent on 7th November 2002 Due to come into force Spring 2004	Children's Services in particular the Adoption and Permanency Service

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
	<ul style="list-style-type: none"> • The new Adoption Welfare Test • Special Guardianship Orders <p>Duty to appoint Independent Reviewing Officer (IRO) to review each case of every child looked after by local authority.</p> <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>	<p>Some sections already in force, IROs in force from 27/09/04.</p> <p>Act due to come fully into force on 30 December 2005.</p>	
The Adopted Children and Adoption Contact Registers Regulations 2005	These Regulations require the Office of Births, Deaths and Marriages to hold registers in relation to Adoptions and Adoption Contact.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service
The Adoption Agencies Regulations 2005	These Regulations set out duties and powers of the Adoption Agency, in particular the establishment of an Adoption Panel, duties in relation to the child, birth parent and prospective adopter where adoption is being considered, placement, reviews and case records.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005	These Regulations allow for the provision of “intermediary services” by adoption agencies – that is, services to help people who were adopted before 30 th December 2005 obtain information about their adoption and to facilitate contact between them and their relatives.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Adoption Support Services Regulations 2005	These Regulations prescribe Adoption Support Services and make provision for financial support, assessments, plans and reviews for adoption support.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Adoptions with a Foreign Element Regulations 2005	These Regulations make provision for both bringing children into the UK and taking them out of the UK for the purpose of adoption under the Convention.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Disclosure of Adoption Information (Pre-Commencement Adoptions) Regulations 2005	These Regulations make provision for keeping and disclosing information about adoptions and duties in relation to counselling.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Restriction on the Preparation of Adoption Reports Regulations 2005	These Regulations make provisions about the preparation of reports for adoptions.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Special Guardianship Regulations 2005	These Regulations set out the duties and powers to provide support services (including financial support) for special guardians including, assessment, plans and reviews.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service
The Suitability of Adopters Regulations 2005	These Regulations set out the matters to be taken into account when both preparing reports and making decisions about the suitability of a person to adopt a child.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service
Immigration, Nationality and Asylum Bill	Provisions about immigration, nationality and asylum including provisions for sharing information.	Commons 1 st reading 22/06/05 Commons 2 nd reading – 05/07/05 Committed to a Standing Committee	Children's Services & Social Services
Forthcoming/ Proposed Legislation	Legal Services Team - Housing Litigation Team		
Housing Act 2004	Part 1 Housing conditions Part 1 of the Act replaces the existing housing fitness standard contained in the Housing Act 1985 with the Housing Health and Safety Rating System. It also adapts and extends the powers of enforcement currently available to tackle poor housing conditions.	By commence- ment Order	Environmental Health

New Legislation	Legal Services Team - Housing Litigation Team	Date in force	Service Affected
	<p>Part 2 Licensing of HMOs</p> <p>Part 2 of the Act introduces a mandatory scheme to licence HMOs of a description contained in regulations. It is intended initially to apply to higher risk HMOs of 3 or more storeys occupied by 5 or more people. Powers are also given to extend licensing to other categories of HMO, subject to carrying out consultation and with the approval of the appropriate national authority.</p>	By commence -ment Order	Environmental Health
	<p>Part 3 Selective licensing of other residential accommodation.</p> <p>Part 3 of the Act introduces a power to introduce selective licensing to deal with particular problems in an area.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	By commence -ment Order	Environmental Health
Housing Act 2004 (continued)	The Act also provides a discretionary power, subject to consultation and authority, to licence all private landlords in a designated area with the intention of ensuring that a minimum standard of management is met.		

New Legislation	Legal Services Team - Housing Litigation Team	Date in force	Service Affected
	<p>Part 4 Management Orders and overcrowding</p> <p>Chapter 1 of Part 4 of the Act contains provisions for enforcement action in respect of properties licensable under Parts 2 and 3 of the Act and for individual properties where a residential property tribunal is satisfied that a property, which is not required to be licensed, requires the intervention.</p> <p>Chapter 2 of Part 4 enables Local Housing Authorities to take over the management of long term empty properties and to bring them back into occupation.</p> <p>Chapter 3 contains provisions on overcrowding in non-licensable HMOs.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	Not yet known	Environmental Health/Housing

New Legislation	Legal Services - Housing Litigation Team	Date in force	Service Affected
<p>Housing Act 2004 (continued)</p>	<p>Part 5 Home information packs</p> <p>Right to buy sales are not affected, but market sales of individual housing units will be caught.</p> <p>The provisions require sellers of individual residential property prepare, and to provide to prospective buyers, a “Home Information Pack”, the precise content of which is the subject of regulations to be made by the Secretary of State.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p>By commence -ment order</p>	<p>Housing – disposing of surplus units.</p> <p>Social Services – selling as Court of Protection appointed Receiver.</p> <p>Other directorates selling under powers of sale by way of enforcement of debt.</p>
<p>Housing Act 2004 (continued)</p>	<p>Part 6 Other provisions about housing</p> <p>(i) Tenancies – introductory</p> <p>Local authorities will be permitted to extend the “probationary period” of individual introductory tenancies by a period of six months by notice.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p>By commence -ment order</p>	<p>Housing</p>

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(ii) Tenancies – secure</p> <p>New anti-social behaviour ground for refusal of consent of mutual exchange.</p> <p>(iii) Other anti-social behaviour sanctions</p> <p>A Court can make a suspension order suspending an anti-social tenant’s rights to buy; and the authority is not obliged to complete a right to buy sale while an application for an ASBO or a suspension order is pending before a Court.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">By commence -ment order</p>	<p align="center">Housing</p>

	Legal Services Team – Housing Litigation and Anti Social Behaviour Teams	Date in force	Service Affected
Housing Act 2004 (continued)	<p>(iv) <i>Changes to the Right to Buy scheme and voluntary sales under General consent.</i></p> <p><i>(See Property team section)</i></p>	By commence -ment order	Housing
	<p>(v) Housing Needs and allocations</p> <p>The Act requires local authorities to include accommodation needs of “gypsies and travellers” in housing needs reviews; and have regard to strategies in exercising functions. It is anticipated that the Secretary of State will require local authorities to prepare strategies for gypsies and travellers.</p> <p>The categories of persons entitled to reasonable preference are clarified by providing that those who need to move on “medical and welfare grounds include those who need to move due to a disability”.</p>		
	<p>(vi) Abolition of rent to mortgage scheme</p> <p>The scheme is abolished 8 months after Royal Assent.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	18 July 2005	Housing

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(vii) Mobile Homes</p> <p>Changes have been made to bring the treatment of local authority traveller sites into line with that for privately owned caravan sites with regard to protection from unlawful eviction and harassment.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">18 January 2005</p>	<p align="center">Housing</p>
<p>Housing Act 2004 (continued)</p>	<p>(viii) Tenancy deposit schemes and shorthold tenancies</p> <p>Sets up tenancy deposit schemes to protect deposits paid in connection with the grant of a shorthold tenancy and makes it illegal to take a deposit consisting of anything other than money.</p> <p>Provides for the tenant to apply to Court to enforce the provisions.</p> <p>Prevents the landlord serving notice requiring possession while in breach of the provisions.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">By commence -ment order</p>	<p align="center">Housing, both Tenancy Relations Officers advising private sector tenants, and Homelessness Prevention dealing with the Landlord Accreditation Scheme.</p>

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(ix) Abolition of “annual report” duty</p> <p>The local housing authority’s duty to prepare annual reports for its tenants on its discharge of functions as a local housing authority is abolished.</p> <ul style="list-style-type: none"> • This will improve the effectiveness of the law by enabling a wider range of senior management conduct to be taken into account when prosecuting an organisation for manslaughter. • This would not introduce new standards: organisations taking their current health and safety obligations have nothing to fear. The Bill is intended to target corporate liability, as opposed to the responsibility of individual directors or others. But individual prosecutions will continue to be possible for existing offences. • The Bill would apply to Government Departments and other Crown bodies, as well as industry, where both are engaged in similar activities. But it would not apply to certain core public functions or decisions relating to matters of public policy, that are subject to existing lines of public accountability. 	<p align="center">By commence -ment order</p>	<p align="center">Housing</p>

	Legal Services Team – Housing Litigation and Anti Social Behaviour Teams	Date in force	Service Affected
Housing Benefit Bill	<ul style="list-style-type: none"> To provide powers for local authorities to investigate and prosecute fraud against DWP administered benefits alongside benefits they administer. To provide powers for local authorities to investigate and prosecute fraud against DWP administered benefits alongside benefits they administer. <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	Queen's speech stage	Finance
Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
Clean Neighbourhoods and Environment Act 2005	<p><u>Emphasis on Local Authorities to communicate the details of the offences within the areas before taking any enforcement action</u></p> <p>New offences of:</p> <ul style="list-style-type: none"> Exposing two or more vehicles for sale within 500m of each other at any time as part of a business. Carrying out restricted works on a motor vehicle as part of a business, with the exception of work carried out within 72 hours of an accident or breakdown. 	Partial measures in force 7 June 2005	Environment Services

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
	<ul style="list-style-type: none"> • Liability on directors, managers or similar officers of a body corporate for offences outline din points 1 & 2 above. • Dropping litter anywhere in the open air; <p>In addition:</p> <ul style="list-style-type: none"> • A loophole in the law against fly posting has been closed by changing the statutory defence that can be used by someone who is responsible for or benefits from fly posting. Instead of having to prove that the fly poster was displayed without his knowledge or consent, he will have to show that the advertisement was displayed without his knowledge or that he took all reasonable steps to prevent its display or to secure its removal; • removal of the defence of acting under an employer’s instructions when making an unauthorised or harmful deposit of waste; • an increase in the maximum fine on conviction by magistrates for the illegal disposal of waste from £20,000.00 to £50,000.00. 		

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> • Power for the Secretary of State or, in Wales, the National Assembly, to make regulations requiring developers and contractors or construction and demolition projects to prepare a site waste management plans. These plans must set out the arrangements for managing and disposing of waste created in the course of the project; • Local authorities can now use fixed penalty receipts from noise offences to fund their statutory nuisance work in respect of noise. 	Partial measures in force 7 June 2005	
London Local Authorities Bill	<p>New proposed provisions create offences for:</p> <ul style="list-style-type: none"> • Unlawful displays of adverts outside of designated areas within the Borough. • Placing adverts relating to prostitution on or in the immediate vicinity of public phone boxes/structures. Council will also have the power to require the communication service provider for the number advertised to prevent calls being able to be received by the person advertising the service. 	2005/06 session of Parliament	

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
	<p>In addition:</p> <ul style="list-style-type: none"> • Improved powers for a Council officer to seize/forfeit/dispose of items related to offences of unauthorised advertising and fly tipping. • Councils will have a new power to serve a penalty charge notice on the owner of a vehicle where an officer has reason to believe that a littering offence has been committed by a person inside the vehicle. • Improved powers to deal with abandoned vehicles, for example the ability to require the owner to prove payment of a fixed penalty notice issued for the offence of abandoning the vehicle; production of an insurance policy/MOT certificate, and in the absence of such documents, a power to require the owner to pay a sum of money pending their production. • The creation of enforcement action zones to allow Councils to designate areas of land which in their opinion requires enhanced environmental crime enforcement – i.e. noise nuisance, litter, graffiti, etc. Such action will require the approval of the Secretary of State. 		

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
<p>London Local Authorities Bill (Prohibition of Smoking in Places of Work) Bill</p>	<p>New proposed provisions to create the offence of smoking in a public area – to include a place of work – where smoking is prohibited. In a place of work environment, liability can also attach to a manager or other person in charge of the building. The penalty is a fine of up to £5,000.00 when convicted before magistrates. Alternatively, the offender could choose to pay a fixed penalty notice.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 3935</i></p>		

New Legislation	Legal Services Team – Births, Marriages and Deaths	Date in force	Service Affected
Civil Partnership Act 2004.	<p>The Register Office is preparing for the implementation of the Civil Partnership Act 2004, which comes into force from the 5th December 2005. From that date forward single sex couples will be able to give notice of their intention to register their partnerships.</p> <p>The process is as follows:</p> <ul style="list-style-type: none"> • They will each give notice of a partnership and this will be recorded in the electronic register. • After a 15 day waiting period, providing that no lawful impediment has been shown to exist, couples will be issued with the authority for the civil partnership to proceed. • Then the couples can sign the civil partnership schedule in the presence of two witnesses and the civil partnership registrar. <p><i>For further information please contact June Cummings, Superintendent Registrar, Extn. 2601</i></p>	5 th December 2005	Registrars

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COUNCIL**On 9 January 2006**

Report Title: Recruitment of Independent Members for Standards Committee

Forward Plan reference number (if applicable): N/A

Report of: Davina Fiore, Head of Legal Services and Monitoring Officer

Wards(s) affected: All

Report for: Information and Decision

1. Purpose

- 1.1 To update members on the selection process for independent members of the Standards Committee to serve from May 2006, in accordance with the requirements in the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 1.2 To seek Council approval for the Standards Committee recommendations.

2. Recommendations

- 2.1 To note this report and the recommendation from Standards Committee that one new independent member be recruited from the current recruitment exercise to serve for 4 years from May 2006.
- 2.2 To approve the recommendation of Standards Committee that Nicholas Weber, Irene Francis and Roger Lovegrove be appointed to serve as independent Members on the Standards Committee from May 2006 for two years.

Report Authorised by: Davina Fiore, Head of Legal Services and Monitoring Officer

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3. Executive Summary

- 3.1 The Standards Committee currently has four independent members who were appointed until May 2006. It was proposed to recruit two independent members each two years, to serve for four years. However, the limited response of high quality

candidates to the recruitment exercise has led to a recommendation that one candidate be appointed from the current recruitment exercise to serve for four years and the existing three independent members be appointed to serve for a further 2 years.

4. Local Government (Access to Information) Act 1985

4.1 Local Government Act 2000

4.2 Council's Constitution

4.3 Standards Board for England Guidance

4.4 Member Services and Legal Services files.

5. Background

5.1 The Standards Committee is required by national legislation to have at least one independent member and also independent members must form 25% of the committee. The rules in relation to political balance do not apply to Standards Committees. Legislation provides that independent members:

- must not have been a member or employee of Haringey Council within 5 years before the date of appointment.
- must not be a relative or close friend of a member or employee of Haringey Council
- must have filled in an application form
- must have been approved by the majority of the Council's members.

5.2 This Council's Constitution provides that the Standards Committee is composed of 8 councillors and 4 independent members and that the independent members must not be councillors or officers of the Council or any other body with a Standards Committee.

5.3 In September the Standards Committee considered a report on the recruitment of independent members to serve on the Standards Committee from May 2006. It agreed a revised job description, person specification, advertisement and application process to result in a recommendation to full Council to appoint independent members to serve from May 2006. It was agreed that 2 new independent members would be recruited and recommended to Council for appointment and that 2 of the existing 4 independent members would be recommended to full Council to be appointed for a further 2 years. This was to ensure:

- that there is some continuity on the Standards Committee and that there are always some independent members with some experience, rather than having four new independent members start at the same time and
- that the independent members appointed are of a sufficiently high calibre. It is more likely to be possible to recruit two high quality independent members at one time, than four.

- 5.4 The advert to recruit independent members was placed at the start of October in Local Haringey newspapers, (Camden Gazette, EC1 Gazette, Islington Gazette, Hornsey and Crouch End Journal, Muswell Hill Journal, Tottenham, Wood Green and Edmonton Journal), in Haringey People and on the Haringey Council website with a closing date of 14 November 2005. The Monitoring Officer received a number of telephone calls from people expressing an interest and 17 application packs were sent out. Three completed application forms were received. Cllrs Winskill and Robertson met and considered the applications, advised by the Monitoring Officer. Two of the applications met the shortlisting criteria.
- 5.5 As only two applicants are shortlisted to be interviewed, the Standards Committee considered the position again at its meeting on 5th December. As three of the existing independent members are eligible to serve again, it was decided to recommend to Council that they serve again for a period of two years.
- 5.6 The Committee was informed that some members have asked questions about this process and the number of independent members on the Standards Committee. Councillors were advised:
- i) that the appointment of independent members of the Standards Committee will be made by full Council after considering recommendations from Standards Committee.
 - ii) that the Council's Constitution currently requires there to be four independent members on Standards Committee. Any change would need to be agreed by full Council.
 - iii) all meetings of the Standards Committee or hearings held, have to have an independent member present in order for the meeting to be quorate. It is good practice to have more than one independent member on Standards Committee to ensure that any meetings and hearings can take place without unnecessary delays caused by the unavailability or conflict of interest of an independent member.
- 5.7 The Committee agreed that it did not wish to request full Council to alter the makeup of the Committee, and noted that a review was planned.

6. Recommendations

- 6.1 To note this report and the recommendations from Standards Committee that one new independent member be recruited from the current recruitment exercise to serve for 4 years from May 2006.
- 6.2 To approve the recommendation of Standards Committee that, Nicholas Weber, Irene Francis and Roger Lovegrove be appointed to serve as independent members on the Standards Committee from May 2006 for 2 years.

7. Comments of the Director of Finance

- 7.1 There are no financial implications.

8. Comments of the Head of Legal Services

8.1 The legal position is set out in the report.

9. Equalities Implications

9.1 Recruitment is taking place in accordance with the Council's policies.

COUNCIL**On 9 JANUARY 2006**Report Title: **APPOINTMENTS TO OUTSIDE BODIES**Report of: **CHIEF EXECUTIVE**Wards(s) affected: **All**Report for: **Non - key****1. Purpose**

1. To advise the Council of nominations of Council representatives to fill current vacancies on outside bodies and seek approval for appointments.

2. Recommendations

That the appointments detailed on the attached appendix be approved and that the membership of Schools Organisation Committee be increased by one.

Report Authorised by: **Chief Executive**

Contact Officer: **Ken Pryor, Democratic Services Manager (Council)**
Tel: 0208 489 2915

3. Executive Summary

- 3.1 Changes to appointments can be made at any stage during the municipal year with the changes being reported to the Council as appropriate

4. Reasons for any change in policy or for new policy development (if applicable)

- 4.1 N/A

5. Local Government (Access to Information) Act 1985

1. The following papers have been used in the preparation of this report and can be inspected at the Civic Centre, High Road Wood Green, London, N22 8LE by contacting Ken Pryor on 020 8489 2915.

Information supplied by the Party Groups.

6. Background

The changes attached have been notified to the Chief Executive by the Party Groups since the last Council meeting.

Appendix 1

Council Meeting - 09 January 2006

Proposed Appointments to Outside Bodies

Body Name	No of Reprs	Term of Office:	Category:
The Management Committee Community			
Wood Green Urban District Charity 14/wgu/a	5 5 Lab.	4 year (s)	
Granted Aid: No			
<u>Retiring Representative (s) / Expiry</u>			
	Ms J Acott	31/07/06	
	Ms M Dewar	31/05/07	
	Cllr A Dobbie	31/05/08	
	Ms C McAskill	31/12/05	Appointment Expired
	Neville Watson	09/01/10	To Fill Vacancy

Schools Organisation Committee Statutory			Category:
Haringey Council - Schools Organisation Committee 14/soc	5 Lab.	7 2 Lib.	<u>Term of Office:</u> 3 year (s)
Granted Aid: No			
<u>Retiring Representative (s) / Expiry</u>			
	Cllr J Bax	31/05/08	
	Cllr J C Brown	31/05/07	
	Cllr G Engert	31/05/08	
	Cllr B Harris	31/05/07	
	Cllr G F Meehan	31/05/07	
	Cllr L Santry	31/05/08	
	Cllr Newton	31/05/08	To Fill Vacancy

London Limited Partnership			Category:
Urban Futures payment for attending 14/uf	1 1 Lab.	4 year (s)	No
Granted Aid: No			
<u>Retiring Representative (s) / Expiry</u>			
	Cllr Reynolds	09/01/10	To Fill Vacancy

The Board			Category:
Trusts			
Haringey Buildings Preservation Trust	5	<u>Term of Office:</u> 1 year (s)	
14/HBP	5 Lab.		
Granted Aid: Yes, but retain voting rights.			
<u>Retiring Representative (s) / Expiry</u>	Cllr H A Brown	31/05/06	
	Cllr R Dodds	31/05/06	
	Cllr V Manheim	31/05/06	
	Cllr S Peacock	31/05/06	
	Cllr Bull	31/05/06	To Fill Vacancy

COUNCIL**On 9 JANUARY 2006**Report Title: **APPOINTMENTS TO OUTSIDE BODIES**Report of: **CHIEF EXECUTIVE**Wards(s) affected: **All**Report for: **Non - key****1. Purpose**

1. To advise the Council of nominations of Council representatives to fill current vacancies on outside bodies and seek approval for appointments.

2. Recommendations

That Councillor Beacham be appointed in place of Councillor Hoban on the Alexandra Park and Palace Statutory Advisory Committee.

Report Authorised by: **Chief Executive**

Contact Officer: **Ken Pryor, Democratic Services Manager (Council)**
Tel: 0208 489 2915

3. Executive Summary

- 3.1 Changes to appointments can be made at any stage during the municipal year with the changes being reported to the Council as appropriate

4. Reasons for any change in policy or for new policy development (if applicable)

- 4.1 N/A

5. Local Government (Access to Information) Act 1985

1. The following papers have been used in the preparation of this report and can be inspected at the Civic Centre, High Road Wood Green, London, N22 8LE by contacting Ken Pryor on 020 8489 2915.

Information supplied by the Party Groups.

6. Background

The changes below have been notified to the Chief Executive by the Party Groups since dispatch of the Council Summons and reports.

Councillor Hoban has resigned with immediate effect from the Alexandra Park and Palace Statutory Advisory Committee, as he is taking up a position on the Alexandra Palace Board.

Councillor Beacham is nominated in place of Councillor Hoban on the Alexandra Park and Palace Statutory Advisory Committee.

Changes to appointments can be made at any stage during the municipal year with the changes being reported to the Council as appropriate.

Item 11

COUNCIL QUESTIONS – 9 JANUARY 2006:**ORAL QUESTIONS****Oral Question 1 – To the Leader of the Council from Cllr Gmmh Rahman Khan**

To ask whether the Leader will comment on the outcome of the Comprehensive Performance Assessment?

Oral Question 2 – To the Executive Member for Environment and Conservation from Councillor Engert

Why did the Council not follow up Thames Waters original concerns made in February/ March 2005 regarding the proposed siting of a skate park in Priory Park until November?

Oral Question 3 – To the Executive Member for Health and Social Services from Councillor Dobbie

To outline recent achievements in Social Services.

Oral Question 4 – To the Leader of the Council from Councillor Hare

To ask if he will overrule ill advised plans to abandon street cleansing for a day.

Oral Question 5 – To the Executive Member for Environment and Conservation from Cllr Quincy Prescott

What consultations have been conducted and what progress is being made on the proposed installation of a skateboard park in Priory Park?

Oral Question 6 – To the Executive Member for Environment and Conservation from Cllr Newton

Please would he detail what measures are taken to ensure that recyclables put out for collection by conscientious residents are recycled as intended?

Oral Question 7 – To the Executive Member for Environment and Conservation from Cllr Bax

To describe how the council is encouraging local residents across the borough to increase recycling through the Area Assemblies incentives scheme.

Oral Question 8 – To the Executive Member for Housing from Cllr Hoban

Please confirm the current funding status of the agreed programme of works for both council tenants and freeholders within the government's 'Decent Home Standards' programme, with particular reference to the Suffolk Road Estate programme.

Oral Question 9 – To the Executive Member for Housing from Cllr Bevan

To ask how the transfer from rent books to swipe cards is proceeding, and what benefits it offers those who are using the new cards?

Oral Question 10 – To the Executive Member for Environment and Conservation from Cllr Williams

Would he make assurances that the chimney currently being repaired in Clyde Road, N15 will not be used to house mobile phone masts.

WRITTEN QUESTIONS

Written Question 1 - To the Executive Member for Crime and Community Safety from Cllr Aitken

With regard to the Neighbourhood Wardens what discussions have taken place with the Council's Head of Personnel to address the concerns about redundancy, temporary contracts and training? When will the Council be in a position to confirm future funding arrangements for the Warden Service?

ANSWER

There are no plans for any wardens to be made redundant. All warden posts are covered by permanent staff except three posts which are being covered by wardens on fixed term contracts that will end in March 2006. We will seek to recruit to these posts permanently.

2006/7 funding has been agreed.

Written Question 2 - To the Executive Member for Housing from Cllr Beacham

Does the Council:

a, attempt to prioritize emergency repairs of Council tenants' heating systems for those who are vulnerable - e.g. elderly residents, people with disabilities and expecting mothers?

ANSWER

The service standard required from our gas contractor partners is same working day attendance if reported by noon and next working day if reported after noon. If the tenant is vulnerable then the same level of service applies to weekends and bank holidays. If the contractor is unable to restore the heating system, temporary heaters are supplied.

b, have systems in place to identify vulnerable residents when they are reporting heating system breakdowns for instances where residents do not identify themselves as potentially vulnerable?

ANSWER

Tenants currently ring the gas partners direct and are asked if they are elderly/disabled if the response is likely to be delayed by more than 24 hours because of an intervening weekend/bank holiday. We have plans to redirect callers to the Councils call centre when IT links have been established. The necessary routines will be built into the call centre scripts to ensure that vulnerable tenants are identified.

c, Has the Council ever evaluated the effectiveness of temporary emergency replacement heating provided and is the Council satisfied that it adequately provides sufficient heating in all weather conditions?

ANSWER

The majority of heating systems to Council housing are gas fired and therefore the most appropriate alternative, if the gas system is temporarily unavailable, is portable electrical convector heaters which are safe and effective. The standard is for 2 heaters to be provided but additional ones can be supplied in exceptional cases. Calor gas heaters present a health & safety risk in terms of fire and potential for explosion.

Written Question 3 - To the Executive Member for Enterprise and Regeneration from Cllr Bloch

Given the conflict with the its policies for retaining and creating jobs, why has the Council decided to terminate its lease contract for Pembroke Works early?

ANSWER

The Council has not terminated its lease nor entered into any other contractual arrangement. The lease still has 40 years unexpired at a very modest rental income to the Council. Preliminary negotiations have been held to determine whether it would be appropriate, and financially more advantageous for the Council, to sell the freehold interest, so allowing the property to be redeveloped. This is wholly dependant on planning permission being obtained. Permission would only be granted in accordance with planning policies regarding employment and the integrity of the planning process will be maintained. A planning application has recently been withdrawn on the advice of the Planning Service. There are no other applications or negotiations in progress at present.

Written Question 4 - To the Executive Member for Enterprise and Regeneration from Cllr Davies

How many planning appeals have been won and lost against the Council in each of the last four years and what is the average cost to the Council of a planning appeal which is unsuccessfully fought?

ANSWER

The total number of appeals is as follows;

Year	Allowed (lost)	Dismissed (won)	Total
2002	21	36	57
2003	24	60	84
2004	52	80	132
2005 (up to Nov)	41	85	126
Totals	138	261	399

The appeals are handled in one of three ways, written representations, Informal hearings, and via Public Inquiry. The majority are dealt with by written representation. The average cost of defending appeals is broadly the same irrespective of the outcome. On average the routine work is done in house and costs around £150k per year i.e. two planning posts plus a further £50k in legal costs. In addition to this, defending Public Inquiries on average costs a further £20k in legal fees, and up to a further £20k for consultants, which may be required to provide specialist information. The total cost of an appeal dealt with at a Public Inquiry is therefore an average of £40k. Costs can be awarded against the Council if our decisions are considered unreasonable this would at least double the costs to around £80k, awards of costs against the local authorities however are rare.

Written Question 5 - To the Executive Member for Children and Young People from Cllr Engert

a, How many temporary buildings are currently in use at schools in the borough for teaching and where are they located ?

b, How many more have been applied for through planning and of these how many have been approved this year ?

c, With regard to each of the current and approved temporary buildings, how long have they been there and for how long it is anticipated to be in use ?

ANSWER

Special and Primaries

School	No. of Temps	Current use	No. Awaiting Planning Permission	How long on site	How long anticipated use
The Vale at Lancasterian	1	Teaching		3years	To be determined under AMP programme development during 2007/8
William C Harvey	1	Teaching		5years	To be determined under AMP programme development during 2007/8
Broadwater Farm	2xdouble	Teaching		5years	To be determined under AMP programme development during 2007/8
Mulberry		Teaching		10 years	To be determined under AMP programme development during 2007/8
Rokesly Infants	2	Teaching	(2 for next phase of building works for 1 year)		Until Nursery is replaced
St. Gilda's		Teaching		10years	Diocese to prioritise
Crowland	To be determined	Provide temporary			

		school whilst fire damaged building is repaired			
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This is from a total of 74 special and primary schools.

Secondaries

Between 2000 and 2004 some £40m of capital expenditure was invested across the secondary estate. Over the last 18 months we have been successful in submitting and achieving funding under the BSF programme. The actual investment figure is still to be finalised but is likely to amount to some £160m. Seven schools detailed below have some temporary teaching facilities between them. All the units will be replaced under the Building Schools for the Future programme due to start in financial year 2007/8.

John Loughborough, Pupil Support Centre, Highgate Wood, Hornsey School for Girls, Northumberland Park, Park View Academy and White Hart Lane
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Written Question 6 - To the Executive Member for Environment and Conservation from Cllr Edge

Please would he detail :

1. how much of the £400k allocated by the Council for the Better Haringey campaign will be spent on (a), poster campaigns (b), information leaflets (c), magazine (d) newspaper adverts (e) stationary and other merchandise (f) branding work clothes and vehicles
2. detail a timetable for the spending.

ANSWER

An additional £400k has not been allocated or approved by the Council for the Better Haringey campaign. It is therefore not appropriate or possible to provide details of what the money will be spent on or when.

Written Question 7 - To the Executive Member for Housing from Cllr Featherstone

How many scheduled repair jobs have been lost because of the upgrade of the VAX repair database? What efforts is the Council taking to ensure continuity and quality of service as a result of these loses?

ANSWER

To our knowledge, we have not lost any repairs jobs due to VAX.

The VAX repairs database is still in use; it is scheduled to be phased out in March 2006 after its replacement, Task, is implemented at the end of February 2006.

Were VAX to fail, repairs jobs details could be obtained from OHMS reports (all repairs jobs are initially logged in OHMS and passed to VAX), allowing operatives to respond to repairs jobs.

When VAX was then made available, the jobs would be resent from OHMS to ensure they existed in VAX.

Written Question 8 - To the Executive Member for Environment and Conservation from Floyd

How many fatal or serious accidents have taken place on Crouch End Hill in the last three years?

ANSWER

There have been 5 killed or seriously injured personal injury accidents on Crouch End Hill during the previous 3 years. This information is obtained from the London Accident Analysis Unit (LAAU), who are a part of Transport for London.

Written Question 9 - To the Executive Member for Finance from Cllr Gilbert

What is the total cost of staff overtime to cope with the licensing applications following the introduction of the new licensing laws. Does the government's funding to pay for additional staff overtime and other costs cover the Council's total costs.

ANSWER

From the date of the beginning of the transition phase for the new licensing regime (the first appointed day - 7/2/05) to now, the total expenditure on the licensing function by the Enforcement Service is £240k including legal and estimated committee costs. An additional £30K was spent on developing the Council's statement of Licensing Policy.

Of this the total amount spent by the Enforcement Service direct on overtime is £10,439 but a further £78,222 has been incurred on temporary staff.

The Licensing function budget was revised to reflect the Council's position of maintaining a licensing response that now reflects the fee structure introduced by Government.

The Government is not specifically providing any grant funding to cover the costs of the new regime, it is assuming that costs will be covered through fees and charges.

Written Question 10 - To the Executive Member for Environment and Conservation from Cllr Hare

Please would he give the Overall carbon dioxide balances of the mixed recyclable collection of glass and of the Council's green waste and food waste collections. Would he please give a full breakdown of his working.

ANSWER

It would be very difficult to undertake a full carbon dioxide life cycle analysis on the collection of mixed glass and green/organic waste. This type of analysis would require the Council to buy in technical expertise and the parameters of the study would have to be clearly defined.

However, on a more general level I can respond accordingly: -

Collection of Mixed Glass

Mixed glass is crushed for use as aggregate within the construction industry. This prevents the need to mine and transport virgin materials thereby, making the whole process more carbon efficient. The treatment of the Council's mixed glass is undertaken at a purpose built facility in London, satisfying both the proximity and self sufficiency principles as set out in the Mayor's and NLWA's municipal waste management strategies. .

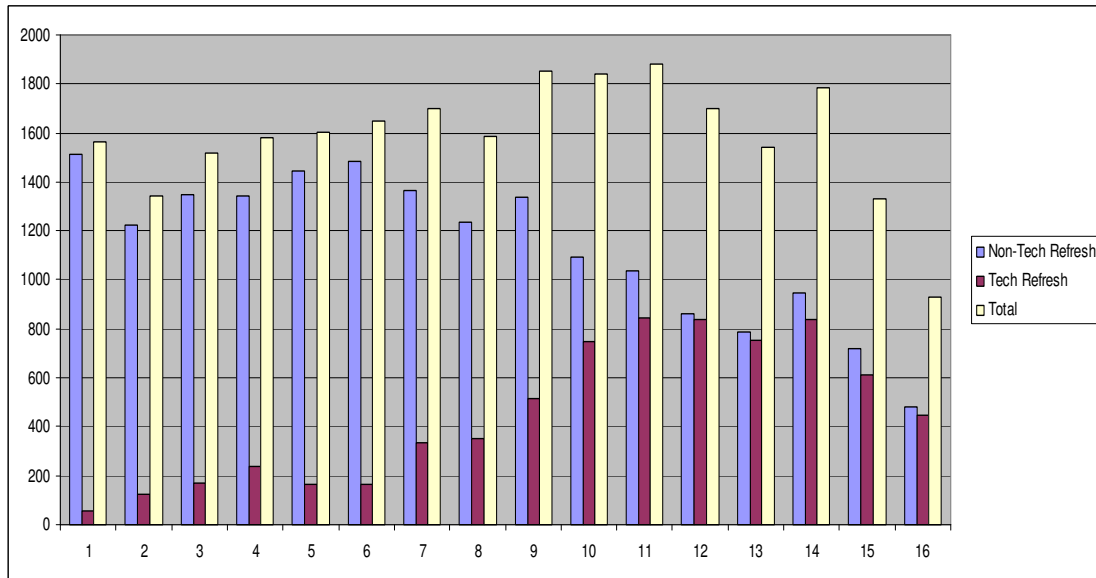
Green and Food Waste

The Council's green and food waste is composted locally (in Edmonton), within an in-vessel composter at Edmonton, once again, satisfying the proximity and self sustainability principles. The gaseous emissions from this compost plant will be almost entirely carbon dioxide and water (steam). However, if this waste was landfilled it would also generate carbon dioxide emissions, but more importantly, the organic fraction would break down to form methane and leachate. It is worth noting that in terms of greenhouse gasses and the effect on the environment, the US EPA states that methane is over 21 times more potent a greenhouse gas than carbon-dioxide.

Written Question 11 - To the Executive Member for Organisational Development and Performance from Cllr Hoban

a. How many faults were recorded (i) the month prior to and (ii) the month following Tech Refresh in each of the Council departments refreshed which were recorded by the IT help desk and/or the Tech Refresh help desk.

Please see table below which shows all calls for the 16 weeks from 5th September 2005 to 23rd December 2005.
 We are unable to split calls by Business Unit due to the limitations of the NIS Helpdesk application.



b. How many of the faults were resolved from the time they were recorded (i) within an hour (ii) within three hours (iii) seven hours or more.

These timeframes do not represent our SLA with NIS. The data recorded can not be interrogated to provide such an answer.
 Our contract with NIS covers resolution times based on Priority, for example Priority 1's should be resolved within 2 hours of being passed to NIS.

c. How many hours of work have been lost as a result of Tech Refresh and the down time of Council computer systems?

It takes between 10 to 15 minutes to swap old equipment for the new refreshed equipment. The Deployment Schedule selected between 25 to 80 staff on a daily basis for the 16 weeks between 5th September and 23rd December 2005.

There were some system problems in the first few weeks of Deployment which were restricted to refreshed Users only. The impact of these cannot be itemised but was limited by careful management of the deployment.

Written Question 12 - To the Executive Member for Organisational Development and Performance from Cllr Oatway

Since its recent introduction:

a. how many people have successfully logged on to watch a webcast of a Council meeting or part of a meeting.

Webcasting was launched in October 2005. Viewing figures are made available to us on a monthly basis and December figures are not available at the time of responding. Statistics are based on numbers of viewings, rather than the identification of individual people.

ANSWER

During October and November there were 591 viewings of webcasts. Of these, 124 were live viewings, whilst 467 were of archived meetings.

b. how many downloads of a planning applications PDF and associated files have been inaccessible online because of technical problems preventing their successful download?

ANSWER

The Council does not currently monitor this and is therefore unable to supply any statistics. However within 7 months a total of 5% of Building Control applications were received online, and 2% of Planning applications. We are also displaying all planning applications history back to 1947.

There are 25,000 related planning documents online - these are PDF letters, notices, maps and photo images. Since go live in March 2005 we have received approximately 400 complaints by the public regarding online services. Nevertheless this was drastically reduced following server changes in November this year.

c. Has the Council made any estimates of how many people having been prevented from viewing planning application documentation online because of these difficulties?

ANSWER

The Council does not currently monitor this and therefore unable to supply and data. However, the number of visits to www.Haringey.gov.uk/planning-mainpage.htm are as follows: -

Period	Number of visits	Number of complaints
Estimate		
August 2005	2248	90
4%		
September 2005	2361	120
5%		
October 2005	2544	
150	6%	
November 2005	588	5
1%		

Written Question 13 - To the Executive Member for Children and Young People from Cllr Newton

To provide a breakdown by year, gender and ethnicity of students in a) The Tuition Centre b) The Pupil Support Centre.

ANSWER

These figures relate to the end of the autumn term 2005:

Additional data

(a) Tuition Service:

Year Group	Number of pupils
Reception	1
1	1
2	1
3	1
4	3
5	2
6	2
7	3
8	4
9	38
10	36
11	63

Ethnicity and gender information to be provided separately due to a computer difficulty.

Please note that these figures relate to December 2005. The numbers at the Tuition Service have been significantly reduced as a result of pupils being offered school places. The most up to date figures are not available due to the proximity to the beginning of term as a number of pupils are in the process of being placed.

(b) Pupil Support Centre:

The total number of pupils on roll was 69. The breakdown by year group and gender is shown in the following table:

Year group	Male	Female
7	2	0
8	5	0
9	19	3
10	21	6
11	17	5

Written Question 14 - To the Leader of the Council from Cllr Winskill

Of the 40 meetings held in the Council Leader's office per month, can he tell us for how many the new television is in use?

ANSWER

I am always grateful to Councillor Winskill for the interest and concern he shows in my heavy workload. However, unlike Councillor Winskill I do not actually count the number of meetings I am involved in nor the number of times the television set in my office is used. What I can confirm is that the television, or more accurately described as a plasma screen display, is used frequently. I will give some examples; for presentations; for the viewing of the information and promotional DVDs received from central and local government, and voluntary and other organisations; as well as for updating myself and colleagues on local and national news and events through television broadcasts. Councillor Winskill will be further interested to know that whilst watching an archive of a webcast of the Overview and Scrutiny Committee I had the added pleasure of seeing his performance. Should he wish I am more than happy to provide feedback.

Written Question 15 - To the Executive Member for Housing from Cllr Simpson

Can he please provide an overview of the Council's policy regarding temporary accommodation. How long on average must a family be resident in the borough in temporary accommodation before being provided with a permanent residence?

ANSWER

Households that approach as homeless may be offered emergency accommodation on prima facia if they satisfy the basic criteria i.e. eligibility, homelessness and a possible priority need. The offer of emergency accommodation would be pursuant to section 188 as an interim duty whilst an assessment of their application is being carried out. The government target time for assessing a homeless application is 33 working days.

If a household is given a positive decision with a duty to accept, then the household is offered second stage temporary accommodation, such as a Private Sector Leased (PSL) managed by the Council or a Registered Social Landlord (HALS). In some cases we also use Council managed hostels or Council owned permanent accommodation which has proved to be difficult to let.

Many of the PSL & HALS properties have leases which run for a duration of 3 years or more. In an attempt to sustain and stabilise communities households are not moved from their temporary accommodation until the lease expires. Information with regards to lease expiry dates are communicated to households in order for clients to have some idea of how long they can expect to remain in their temporary home.

We now have a number of temporary accommodation properties whose leases run for 10 years with possible renewal at expiry. In most cases the quality of leased properties is good and in many cases better than many of the properties that are becoming available for permanent accommodation. We are therefore developing a “temporary to permanent” scheme, hoping to capitalise on new government policies.

The waiting time for households moving into permanent accommodation varies depending on the length of the lease on the T/A property and the needs of the household. Families requiring larger properties will undoubtedly remain in T/A for far longer than those requiring one bedroom accommodation. This is mainly due to the lack of larger size permanent stock being available.

In addition households with specific requirements in relation to needs, area and type of property may remain in T/A for some considerable years whilst suitable permanent accommodation is sought.

The waiting time for all approved households, irrespective of bedsize will vary depending on how active a household is in terms of bidding. If households bid through ‘Fast-Lets’ and are realistic in terms of their points level and chances of success, re-housing times can be approximately:-

1 beds	6months – 1 year
2 beds	18 months – 3 years
3 beds	3 – 5years.

Written Question 16 - To the Leader of the Council from Cllr Williams

If he will list the awards of grants, covering the last five years, made to outside bodies on which members of the Council Executive were Council representatives, indicating what role, if any, such members of the Executive played in the award of such grants to those bodies on which they sat.

ANSWER

In the time available and because of the amount of research required I am unable to provide the information requested in time for tonight’s Council meeting. However, I consider that this is a piece of valuable research to undertake and I have already requested that officers provide a comprehensive response as soon as the data can be compiled. Because of the nature and volume of this data Councillor Williams will, I am sure, understand that the information may not be provided within the timescales laid down by the Council’s Constitution.

Written Question 17 - To the Executive Member for Children and Young People from Cllr Bax

Could he inform members what the Key Stage 2 results are for Haringey?

ANSWER

The new DfES figures provide confirmation of the official Key Stage 2 results for 11-year-olds, showing that many schools in the borough achieved excellent results in their summer examinations. The proportion of 11-year-old pupils gaining the required standard of Level 4 or above in English, maths and science has improved since 2004.

Results in English continue their upward trend, rising from 70% in 2004 to 73%; nationally scores rose by 1% to 79%. In maths results also continue to rise – up from 67% last year to 68% this year. Nationally results are up to 75%, an increase of 1%. In science results improved by 1% to 78%, nationally they remained at 86%.

In English tests this year many schools have seen big increases in the number of children reaching Level 4 or above. These include:

- Broadwater Farm up from 35% to 69%
- Alexandra up from 46% to 79%
- Stroud Green up from 71% to 89%
- Nightingale up from 59% to 72%
- Rokesly Junior up from 76% to 90%

Among the Haringey schools scoring well above national averages in English were Belmont Junior, Coldfall, Coleridge, Our Lady of Muswell, Muswell Hill, Welbourne, Rhodes Ave, St Ignatius, Tetherdown, and St Martin of Porres. All saw 80-90% or more of their pupils gain Level 4 or above.

There were big improvements for many schools in maths too, with several recording a higher proportion of pupils than ever before reaching Level 4 or above. Success stories include:

- Broadwater Farm up from 28% to 63%
- Alexandra up from 46% to 83%
- Muswell Hill up from 78% to 92%
- South Harringay Junior up from 52% to 71%
- St Gilda's RC Junior up from 67% to 84%
- Weston Park up from 78% to 93%

St James, Rhodes Avenue, St Michael's N6 and many other schools also scored well above the national average in maths with 80-90% or more of pupils achieving Level 4 or above in the tests.

The following schools have seen the proportion of children achieving Level 4 or above in science increase:

- Stroud Green up from 65% to 87%
- Nightingale up from 57% to 76%
- Bounds Green Junior up from 63% to 71%
- Mulberry up from 54% to 66%

In addition St Aidan's, West Green, St Paul's RC, Welbourne, Lea Valley and many other schools scored well above the national average in science with 80-90% or more of their pupils achieving Level 4 or above in science.

DfES 'value added' performance measures released this week highlight the excellent strides made by many pupils between Key Stages 1 and 2.

Haringey's value added score is 100.4 compared to national score of 100.2. Value added figures help to make a fairer comparison between schools because they measure the progress pupils make between Key Stage 1 (age 7) to Key Stage 2 (age 11). League tables published by the DfES show Haringey placed joint 42nd out of 150 Local Authorities in the value added league tables – this compares to a position of joint 72nd last year.

Written Question 18 - To the Executive Member for Children and Young People from Cllr J Brown

Could he give an update to members on attendance figures for Haringey's primary and secondary schools?

ANSWER

Haringey had seen marked improvement in both primary and secondary attendance. Primary attendance has improved from 93.37% in 2003/04 to 93.59% in 2004/05. This is equivalent to 30 more children attending school for a full year.

Secondary attendance has improved from 91.25% in 2003/04 to 91.37% in 2004/05. This is equivalent to 10 more children attending school for a full year. As a result Haringey's secondary schools have one of the highest attendance rates among London boroughs.

These figures reflect this Labour Council and the Government's determination to ensure no child is left behind and truancy is reduced still further.

Written Question 19 - To the Executive Member for Children and Young People from Cllr Rice

Could he inform members how much money Haringey's schools are going to receive following the announcement of the Dedicated Schools Grant?

ANSWER

The Government has announced figures for the Dedicated Schools Grant (DSG) – a ringfenced budget for schools – which has set out funding for each school for the next two years. Here in Haringey this will see a 6.8% per pupil increase in 2006/7 and 6.9% in 2007/8 on the year 2005/6 figures. This amounts to an additional £144,495k in 2006/7 and £156.327k in 2007/8.

To enable us to establish final individual schools' budgets, we will need pupil number data from schools which will be recorded on their PLASC return on 19/01/2006. Following receipt of this information, and consultation with the Haringey Schools Forum on the level of schools centrally held budgets, we will be in a position to provide an indication of each individual school's budget by mid February, with final 2006/07 school budgets being released in early March 2006.

These percentage increases demonstrate the commitment of the Labour Government and Labour Council determination to raise educational standards.

Written Question 20 - To the Executive Member for Children and Young People from Cllr Dodds

Could he update members on the recent APA inspection of The Children's Service?

ANSWER

Carried out jointly by education watchdog Ofsted and the Commission for Social Care Inspection, the 'Annual Performance Assessment' (APA) was the first to include combined ratings for education and children's social care services.

The final report found that the services that are delivered, consistently exceeded the baseline requirements of service users.

Services were judged on how they maintain and improve outcomes for young people. Based on these criteria Haringey's education services received a three star rating out of a possible four. Social care services for children received a two star rating, while Children's Services as a whole received a three star rating.

The outlook for the future of children's services in the borough is also bright, with the council's overall capacity to improve its services for children and young people given another three star rating.

Areas praised by inspectors included the work undertaken with other agencies to improve the health of children and families and the rate of improvement achieved by children attending Haringey's schools. Leadership from council members and management was also highlighted, emphasising the importance of this Labour Council's focus on educational standards as they key to social justice and keeping children safe.

Inspectors concluded that: "The council has a strong vision and high aspirations for children's services underpinned by clear strategic planning. There is a strong focus on outcomes, sustaining progress and improving performance in considerably challenging areas. Local priorities are clear, realistic and reflect national priorities. Resources are well targeted to priority areas."

This report puts us in a very good position for the future and is a reflection of the progress made over the last five years and the bright prospects for Haringey's children as this Labour Council's agenda of improving school standards works to diminish social inequality.

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**REPORT OF THE EXECUTIVE. No. 10/2005-06
COUNCIL 9 JANUARY 2006**

Chair:
Councillor Charles Adje

Deputy Chair:
Councillor Harry Lister

INTRODUCTION

- 1.1 This report covers matters considered by the Executive at our meeting on 1 November 2005. For ease of reference the Report is divided into the Executive portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Executive and all groups of Councillors. These reports are a welcome opportunity for the Executive on a regular basis to present the priorities and achievements of the Executive to Council colleagues for consideration and comment. The Executive values and encourages the input of fellow members.

ITEMS OF REPORT

Finance

2. FINANCE AND PERFORMANCE – AUGUST 2005

- 2.1 The Council was striving to improve its performance for the benefit of the people of the Borough and we noted the continuing good progress against many challenging targets set by ourselves and the Government. We also noted that there were areas where we must try harder and we considered a report which set out some of the measures being taken.
- 2.2 For the year to date position as at August 2005, 72% of indicators were on target or close to the end of year target. In addition 78% of indicators had maintained or improved performance since the end of last year. There had also been positive progress with regard to a number of key environment indicators including reduced missed collections and recycling.
- 2.3 Financial regulations required proposed budget changes be approved by us and those we approved were shown in the table below. These changes fell into one of two categories:
 - budget virements, where it was proposed that budget provision be transferred between one service budget and another. Explanations were provided where this is the case; or
 - Increases or decreases in budget, generally where notification had been received in-year of a change in the level of external funding such as grants or supplementary credit approval.
- 2.4 For the purposes of the Constitution, certain virements were key decisions. Key decisions were:
 - for revenue, any virement which resulted in change in a directorate cash limit of more than £250,000; and

- for capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions were highlighted by an asterisk in the table.

2.5 The following table sets out the proposed changes. There were two figures shown in each line of the table, the first amount column related to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occurred when, for example, the budget variation required relates to an immediate but not on-going need or where the variation took effect for a part of the current year but would be in effect for the whole of future years. Proposed virements were set out in the following table:

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
5	Social Services	Rev	171	158	Additional income for Substance Misuse from PCT's of £80k, £40k Pooled Treatment of Care Packages, Alcohol Misuse £27k, £11k estimation of the client contribution for the year. One off income from NE London NHS £13k.
5	Social Services	Rev	218		Development Fund income from Haringey PCT for Learning Difficulties.
5	Children's Services	Ca p*	1,799		NDC grant for Plevna Under 5's Centre and the Triangle Centre on St Ann's Road.
5	Children's Services	Ca p	102		Sure Start grants for the provision of Children's Centres at various sites within Haringey.
5	Environment	Ca p	179		Section 106 funds for Hornsey Regeneration £75k, former BT House £94k and Dagmar Arms Cornwall Road £10k.
5	Environment	Ca p	60		TFL funding for A406 survey works.
5	Children's Services	Ca p	230		LDA funding for Clyde Road Access.
5	Children's Services	Rev	25		LSC grant for transport support arrangements for students aged 16-19.
5	Finance	Rev	22		SRB JUNP Programme evaluation £10k, West Green Programme evaluation £12k.
5	Chief Executive	Rev *	409		DAAT funding £177k, GOL Building Safer Communities -£121k correction, LDA Sub-Regional Partnership £240k, OPDM Beacon, Getting closer to communities £67k. Various other £47k.
5	Chief Executive	Ca p*	389		SRB NP Improving the Public Realm £67k, NDC Manchester Gardens £50k, IEG Grants £150k, GOL Building Safer

					communities £122.
5	Chief Executive	Rev	148	148	Emergency Planning budget & Civil Contingencies Manager transferred from OD&L to Strategy.
5	Chief Executive	Rev *	415		Youth Offending adjustment £62k, Voluntary Sector adj £187k, DOH Learning Resource Centre £56k.
5	Children's Services	Rev	7		Youth Offending adjustments.
5	Children's Services	Rev *	4,490		General Sure Start Grant 2005/06 £2,560k, Children's Centres budget £922k, NNI Budget £1,008k.
5	Chief Executive, Social Services, NSR	Rev	380		Transfer of £380k investment monies agreed by Executive on 14 June 2005 from Strategy re City growth enterprise village to Social Services for adaptations (£320k) and £60k to contingency (NSR)
5	Finance	Cap	3,812		Accommodation strategy funded from sinking fund
5	Finance	Rev	307		Accommodation strategy funded from sinking fund

3. FINANCIAL PLANNING 2006/7 TO 2008/9

3.1 At our meeting on 5 July we considered a comprehensive report on financial strategy for the period 2006/7 to 2008/9 and we agreed a business and budget setting process. At that time the budget was substantially balanced for 2006/7 and 2007/8 with assumed Council Tax increases of 2.5%. For 2008/9 there was a notional budget gap of £3.8 million with an assumed Council Tax increase of 2.5%.

3.2 We considered a report which provided us with an update on financial planning issues and proposed the release of the pre-business plan reviews for consultation and the scrutiny process. We noted that the Government had made several announcements in respect of financial planning issues including deferred timetables for the spending review, Council Tax revaluation and the Lyons review of local government finance. We also noted that the Government was consulting on changes to the revenue grant system which might be damaging to the Council's financial position.

3.3 We were advised that local financial issues were being managed as planned and the pre business plan reviews were scheduled for release to enable consultation and the budget scrutiny process. A number of amendments to the capital programme were also proposed in response to recent developments.

3.4 We report that we noted the updates on the national and local financial planning issues and agreed to the release of the pre-business plan reviews as recommended. We also approved the following adjustments to the capital programme –

- The sixth form land transaction which had been completed without the anticipated requirement to purchase land not immediately required for the development, with the sum allocated of £3.48 million no longer required for this purpose

- Our decision to market Cooperscroft as a going concern which would create a revenue shortfall of £1 million in 2006/7
- A primary school place programme we agreed which would give rise to a resource shortfall of £2.4 million which would be covered by a review of capital receipts projections including in respect of Children's Services assets or, failing this, from revenue budgets.

4. PROPOSALS FOR THE FUTURE OF THE HORNSEY TOWN HALL COMPLEX

- 4.1 At our meeting in December 2004 we agreed that an evolving partnership approach would be the most effective way to secure and improve Hornsey Town Hall for the benefit of future generations in Haringey. This partnership would bring together community, Council and commercial expertise. We subsequently agreed that a Community Partnership Board (CPB) be set up to work with the Council to review potential uses for the building and to finalise a development brief.
- 4.2 We considered a report which informed us that the CPB had met regularly over the past 6 months and was working with the Council's officers towards the production of a development briefing to set out a viable scheme. We were also informed that decisions needed to be taken in respect of the next stages of the process culminating in the issuing of a development brief to the market. We were advised that, in the meantime, the roof of the Town Hall was in urgent need of repair and the report made proposals about how this should be addressed.
- 4.3 We noted the progress made by the CPB to date and endorsed their key conclusion that an overall solution should be sought for the whole site and that sufficient value could only be generated from commercial development to enable any future community (non-commercial) use, rather than placing entire reliance on significant public sector fund raising. We also noted that there would nevertheless be a vigorous fund raising strategy developed to run in parallel, to access the maximum public sector funding available.
- 4.4 With regard to the question of essential roof repairs, we were also advised that a survey of the roof had been commissioned and the cost of replacement of the roof surfaces and roof windows including scaffolding had been estimated at £582,000. This would be dependent upon formal tender returns, an asbestos survey and an acoustic survey that was to be carried out on the Main Hall. We agreed that any approach to the replacement of the roof must be consistent with potential future uses and, based on our agreed principle of ring-fencing the value from the Hornsey Town Hall complex, we identified the capital receipt from the sale of 7-9 Hatherley Gardens (when vacated by the Citizens Advice Bureau) as a possible source of funding to meet the cost of roof repairs in advance of the main marketing process. In this respect, the Citizens Advice Bureau was being relocated and the site marketed.

Community Involvement

5. REVIEW OF CUSTOMER SERVICES IMPLEMENTATION STRATEGY

- 5.1 The Council will be aware that our Customer Services strategy is based on four premises, viz:

- Accessing services should be a good quality experience;
- Services should be accessible in one place, which suits the individual;
- The service should be consistent; and
- The service should deliver a result.

5.2 Further, that we had set as our clear aspiration that 80% of initial customer contacts would be through Customer Services and the website with 80% of these being dealt with fully at the first point of contact.

5.3 We considered a report which set out progress in delivering the strategy and presented a revised programme for the on-going delivery of the strategy. We report that in noting the substantial achievement in improving the customer experience in the Call Centre we agreed a revised programme for priorities which we had previously agreed for widening and deepening the Customer Services approach as well as, subject to further scoping, expansion of the Customer Services approach to the following service areas -

Directorate	Business Unit	Business Area
Finance	Audit & Risk Management	Insurance Claims- Leaseholders
Finance	BLT	NNDR
Finance	Corporate Procurement	Procurement
Finance	Property Services	Commercial
The Children's Service	Community & Resources	Adult Learning
The Children's Service	Community & Resources	Early Years & Play – Childcare Information Service
The Children's Service	Community & Resources	Music & Performing Art
The Children's Service	Community & Resources	Youth Services
The Children's Service	Standards & Inclusions	School Governance
Environment	Streetscene	Highways Schemes
Housing	HSN	Housing Registration, Income Recovery, Lettings Team, Temp Accommodation
Chief Executive	OD – Member Services	Training and Information Team
Chief Executive	Libraries	Member Services/ General Enquiries
Chief Executive	OD- Personnel	Personnel
Social Services	Services for Adults and Older People	Initial Contact Service/ Cumberland Road Reception enquiries
Social Services	Services for Older People	Safe & Sound Alarms
Social Services	Services for Older People	Home Care & Meals on Wheels
Social Services	Services for Older People	Elderly Abuse

Enterprise and Regeneration

6. SEVEN SISTERS STATION IMPROVEMENT AND WARDS CORNER REDEVELOPMENT

- 6.1 We considered a report which sought our approval to a Co-operation Agreement with Northumberland & Durham Property Trust Limited as the principal operating company within the Grainger Trust Plc group of companies for securing control of the land interests necessary for Seven Sisters station improvement and redevelopment of the Wards Corner site.
- 6.2 The report also advised us that the proposed redevelopment of Wards Corner and improvement of Seven Sisters Underground Station on behalf of a consortium of public bodies in partnership with a lead developer required steps to be taken to secure the necessary control over the site. We noted that the site was in a declared renewal area, and redevelopment as a landmark mixed use formed part of the Council's strategic planning policies AC3 and AC4. Our approval was also sought in respect of the land assembly arrangements negotiated with the lead partner and in this respect we were informed that a programme of consultation would be undertaken following our decision including by way of a dedicated web-site by the Grainger Trust.
- 6.3 We were also informed that written offers had been made for the acquisition of all the freehold interests in the land required by the Grainger Trust, and its operating subsidiary but the timetable for development was likely to depend on compulsory purchase. The report publicised the arrangements in advance of a report for the making of a compulsory purchase order so that there was transparency about the Council's intentions.
- 6.4 We report that we approved the appointment of the Grainger Trust as the Lead Partner for the proposed redevelopment being published with the support of key stakeholders and the completion of a Co-operation Agreement with Northumberland & Durham Property Trust Limited. We also delegated authority to dispose of the Council's assets by means of an option on terms to the Director of Finance in consultation with the Executive Member for Housing and the Executive Member for Enterprise and Regeneration.

7. THE BRIDGE NEW DEAL FOR COMMUNITIES (NDC) – NEW ORGANISATIONAL STRUCTURE

- 7.1 The Council will be aware that the Bridge NDC is governed by a Partnership Board and that the staff are, in formal terms, employees of the Council. We considered a report which advised us that the programme had been shifting its focus, in line with the agreed delivery plan and Partnership Board decisions, from revenue to capital interventions which necessitated a change in the organisational structure.
- 7.2 Earlier this year the Board appointed a new Director and they would shortly be agreeing a revised structure. In order to finalise the structure the Council's approval was required but as this was a technical decision we considered it appropriate to delegate authority to

approve the revised NDC structure to the Assistant Chief Executive (Access) on the advice of the Partnership Board.

Environment and Conservation

8. NORTH LONDON WASTE DEVELOPMENT PLAN DOCUMENT

- 8.1 We considered a report which advised us that unitary authorities were required under the Planning and Compulsory Purchase Act 2004 to produce a Waste Development Plan Document (WDPD) for their area. The document needed to be in conformity with the London Plan and with Government guidance in Planning for Sustainable Waste Management (PPS10). The WDPD had to consider commercial and industrial, construction and demolition as well as municipal waste. The WDPD would have to safeguard the sites chosen for new waste facilities.
- 8.2 The Waste Development Plan could be produced as a separate document, or as a joint document with neighbouring authorities and the report recommended a joint document for the seven boroughs within the North London Waste Authority (NLWA) (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) because this approach was in line with Government guidance, enabled waste and recycling facilities to be shared across boroughs and enabled boroughs to share limited expertise available on waste planning.
- 8.3 The report also set out the process, timescales and costs involved and made recommendations as to how the seven boroughs could work together to produce a joint document. The recommendations in the report were supported by the findings of a scoping study jointly commissioned by the seven boroughs and supported by DEFRA. Our approval was sought to enable preparatory work to be undertaken on a North London Joint Waste Development Plan Document prior to budgetary provision for costs in future years and formal approvals of the WDPD processes by the Planning Applications Sub-Committee.
- 8.4 We report that we approved preliminary work being undertaken in conjunction with the other Boroughs in the North London Waste Authority, with the costs to be contained within current approved budgets prior to budgetary provision being agreed for future years. We also delegated authority to approve a Memorandum of Understanding for the purposes of agreeing detailed arrangements for the production of the joint document to the Director of Environmental Services, in consultation with the Executive Member for Environment and Conservation.
- 8.5 We also noted that a bid would be made in the budget setting process for 2006/07 to 2008/09 to fund the costs of the JWDPD process over the three year period and that further reports would be made to the Planning Applications Sub-Committee to obtain formal approval at each stage in the JWDPD process once budgetary provision had been agreed.

9. HARINGEY OPEN SPACE STRATEGY

- 9.1 We considered a report which advised us that the Haringey Open Space Strategy had drawn upon a range of information, user and organisational input in order to establish a long term vision for open space management and future provision within the Borough. We noted that the document covered the legislative and policy context, an overview of open space in

Haringey, changing demands and best practice, key issues and strategic objectives, which interpreted the 10 year vision which was -

“To enrich the quality of life for everyone in Haringey by working in partnership to provide safe, attractively designed, well used and maintained open spaces for the benefit and enjoyment of the whole community.”

9.2 We had approved the draft strategy in June for consultation purposes and the report provided us with an overview of the consultation process as well as with the views obtained and the changes proposed to the Strategy and Action Plan. We were informed that the key issues and themes to emerge from the consultation process were:

- The need to preserve, protect, maintain and improve open space
- Mapping all open space in the Borough
- The production of standards for provision and supplementary planning guidance
- The importance of maximising the benefits of partnership working/involving all groups and individuals with an interest in open space
- A concern that too much emphasis was being placed on parks rather than other types of open space
- Safety and the need to address user concerns about not feeling safe
- A desire to see greater emphasis placed on sustainability and biodiversity
- Improving allotments
- Providing improved facilities for walking
- The extent of resources available to the Council to implement the Strategy
- The ability of the Council to work effectively across service boundaries to implement the Strategy
- The extent of political commitment to open space
- The potential employment and training benefits associated with open space
- Access for people with disabilities to open space
- Young people’s play and recreation and working with schools
- Valuing the heritage and history of open spaces
- Future demand for burial space

9.5 As identified in the consultation feedback, the level of re-sourcing available to enable implementation of the Strategy and Action Plan would be a key issue. However, a significant number of the recommended actions were already being delivered, or were planned for delivery in 2006/07 in the Environmental Service’s Pre Business Plan Review. In the event that assumed future re-sourcing levels changed, the Action Plan would be reviewed to take account of this. We were also informed that all respondees to the consultation process would be provided with feedback concerning the issues they had raised.

9.6 We report that we adopted the Open Space Strategy and Action Plan a copy of which has been placed in the Members Room.

CHILDREN AND YOUNG PEOPLE

10. BOUNDS GREEN SCHOOLS AMALGAMATION

- 10.1 Since last revised in July 2003, Council policy has been broadly in favour of all-through primary schools rather than separate Infant and Junior schools. We have now considered a report which proposed the amalgamation of Bounds Green Infant and Junior Schools into a single all-through primary school.
- 10.2 We noted that although none of the triggers which would normally have led to a review of whether to amalgamate Bounds Green Infant and Junior schools had occurred, a review had nevertheless taken place due to concerns about imminent budgetary difficulties. The review had looked at the potential impact of two changes in school organisation:
- amalgamation;
 - stabilising entry to the schools at 2 forms of entry (60 pupils per year group).
- 10.3 The conclusion of the review had been that both changes would significantly improve the stability of the school provision and the report we considered set out the case in more detail and recommended a timetable.
- 10.4 We noted that the Governing Bodies of the two schools had discussed these conclusions in detail and had agreed that amalgamation was the most likely way forward. We also noted that they had expressed some frustration that they found themselves in this situation and wished to continue exploring the financial situation in more detail. Officers would be working further with them through the consultation period in order to seek answers to their outstanding questions. The Governing Boards had also expressed the view that some premises works would be needed to unite the two existing buildings and discussions on this point would continue although at the time of our meeting no funding had been identified for such works.
- 10.5 We report that we approved the proposal to amalgamate Bounds Green Infant and Junior Schools into an all-through primary school, subject to statutory consultation in accordance with the requirements of the School Standards and Frameworks Act 1996.

11. CONTRACTS WITH PROSPECTS SERVICES LTD. AND CAREERS ENTERPRISE (FUTURES) LTD TO PROVIDE CONNEXIONS NORTH LONDON SERVICES

- 11.1 This matter was the subject of a report to the meeting of the Council held on 14 November 2005.

Health and Social Services

12. ADAPTATIONS SERVICE INVESTMENT PROPOSAL

- 12.1 At our meeting in June 2005 we agreed, in line with a recommendation of the Scrutiny Review of the Adaptations Service, that Social Services as the lead directorate should undertake a review of the Adaptations Service with the aim of achieving a single 'end to end' service involving occupational therapy, equipment and adaptations. At that time we also acknowledged the need for financial investment in this area of activity if performance was to be improved and we recognised that any investment needed to be across the

entire process from the assessment of need through the actual build programme in order to prevent a waiting list simply moving from one service to another.

- 12.2 We considered a report which advised us that a Project Board chaired by the Director of Social Services and with senior representatives from Environmental, Housing and Chief Executives services, had been meeting to consider how to ensure the delivery of the end to end service required. We noted that the Board had received a paper estimating the value of investment required to deliver a significantly improved adaptations service. This work had also identified a waiting list of 400 persons awaiting an assessment by the Occupational Therapy Service.
- 12.3 We also noted that a funding proposal was being submitted through the Council's Pre-business Plan Review (PBPR) process for the financial investment required to address the backlog of people waiting for an assessment as well as those people already assessed but awaiting the allocation of a Disabilities Facility Grant. We were informed of how an investment of £320,000 might be profiled to provide an additional 300 people with the service they required in 2005/06 and we agreed that this sum be made available as a 'one off' investment in the end to end delivery of an adaptation service.

Chair:
Councillor Charles Adje

Deputy Chair:
Councillor Harry Lister

INTRODUCTION

- 1.1 This report covers matters considered by the Executive at our meeting on 22 November 2005. For ease of reference the Report is divided into the Executive portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Executive and all groups of Councillors. These reports are a welcome opportunity for the Executive on a regular basis to present the priorities and achievements of the Executive to Council colleagues for consideration and comment. The Executive values and encourages the input of fellow members.

ITEMS OF REPORT

Finance

2. FINANCE AND PERFORMANCE – SEPTEMBER 2005

- 2.1 We considered the regular finance and performance monitoring report for September 2005 which showed the overall revenue position for each of the services and indicated the emerging pressures amounting to a variation of around £2.3m (around 0.7% of the total revenue budget). While this remained a manageable position within an appropriate tolerance zone, we would be looking to reduce any variation against plan.
- 2.2 In terms of performance, the year to date position as at September 2005 showed that for 76% of indicators performance was on target or close to the end of year target. In addition 81 % of indicators had maintained or improved performance since the end of last year.
- 2.3 Financial regulations required that proposed budget changes be approved by us and those agreed were shown in the table below. These changes fell into one of two categories:
 - budget virements, where it was proposed that budget provision be transferred between one service budget and another. Explanations were provided where this was the case;
 - Increases or decreases in budget, generally where notification had been received in-year of a change in the level of external funding such as grants or supplementary credit approval.
- 2.3 Under the Constitution, certain virements were key decisions. Key decisions were:
 - for revenue, any virement which resulted in change in a directorate cash limit of more than £250,000; and
 - for capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions were highlighted by an asterisk in the table.

2.4 The following table sets out the proposed changes. There were two figures shown in each line of the table the first amount column related to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occurred when, for example, the budget variation required related to an immediate but not ongoing need or where the variation took effect for a part of the current year but would be in effect for the whole of future years. We report that we agreed to the virements set out in the following table:

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
6	Social Services	Cap	154		Allocation of Mental Health SCE [R] 2005/06 grant.
6	Chief Executive	Rev *	417		DAAT funding £177k, LDA sub regional partnership engagement programme £240k
6	Chief Executive	Rev	24		GOL Building Safer Communities adjustment £121k(-), ODPM Beacon grant for getting closer to communities £67k, SRB grant for improving the public realm in Northumberland Park £30k, NDC grant for Black Arts in Seven Sisters £20k, SRB grant for Northumberland Park Aspire summer programme £23k, Youth Offending Service adjustment £5k
6	Finance	Rev	22		Programme evaluations: SRB grant for JUNP £10k and West Green £12k.
6	Chief Executive	Rev *	(755)	(755)	Neighbourhoods – SRB budgets removed that were added to base in previous years as on-going.
6	Chief Executive	Rev *	285		Removal/grant reduction of Laurel Health Centre NDC income.
6	Chief Executive	Rev	143	(45)	IRT grant no longer receivable £47k(-), Arts Council – North London sub-regional arts partnership grant £10k, ODPM Local enterprise growth initiative grant £100k, LDA employment ULV framework developing beneficiary consultancies grant £25k, other grants £55k.
6	Environment	Cap *	290		TFL funding for Dukes avenue area.
6	Environment	Cap	138		TFL funding for Priory road bus lane £16k, Local safety schemes £87k, W4 re-routing £10k, Heartland regeneration £25k.

6	Environment	Rev *	150	300	Parking Shop merger with Cashiers.
6	Education	Rev *	751		New allocation of DfES Standards Fund grant.
6	Chief Executive	Rev	100	100	Assumed annual spend for CRB checks.
6	Chief Executive	Rev *	400		Drugs Intervention programme c/f from 2004/05.
6	Chief Executive	Rev	223		Resettlement & aftercare provision.
6	Chief Executive	Rev	20		Heritage economic regeneration funded scheme at Hornsey High Street.
6	Chief Executive	Cap	245		Heritage economic regeneration funded schemes £220k, Conservation area partnership scheme £25k.
6	Chief Executive	Cap *	(1,756)		UCCG profile between years amended.
6	Chief Executive	Cap *	3,000		Unsupported borrowing for IT refresh project.

Children and Young People

3. PRELIMINARY ANALYSES OF RESULTS AT THE END OF KEY STAGES 1,2,3,4 AND POST 16 FOR 2005 AND DATA FOR ATTENDANCE AND EXCLUSIONS

2.4 We considered a report which informed us of the provisional results at Key Stages 1-4 and Post 16 for 2005, the analyses of those results and the implications for the School Improvement Programme 2005/6. The report also highlighted the priorities for raising standards during the current and coming years.

3.2 We were informed that the results at Key Stages 1 and 2 in Haringey had been improving and tracking the national results. The gap was not closing substantially although the improvement at Key Stage 2 English this year had been very encouraging. At Key Stage 3 the progress was well ahead of the national figures and the closing gap was beginning to show the same pattern as had been seen at Key Stage 4.

3.3 At Key Stage 4 there had been a significant improvement which had led to progress at almost four times the national rate since 2001. Haringey had improved from 31% (2001) to 50% 5+ A* - C in 2005. The national result had increased from 50% (2001) to 55.7% in 2005. The greatest improvement had been seen in the schools in the east of the Borough.

3.4 Progress for the major ethnic minority groups in the Borough had been good with Caribbean pupils now the fastest improving group with 20% more achieving 5+ A*-C grades since 2002 compared with African pupils at 15% and White UK pupils at 4%. The gap of achievement between ethnic minority groups was now closing while attendance in primary and secondary schools continued to improve.

3.5 Priorities for raising standards were focused on:

- Key Stage 2, especially schools where fewer than 65% of pupils achieved level 4;
- continuing to improve the achievement of pupils from ethnic minorities;
- lower achievers, especially those with special educational needs, and higher achievers, especially those from ethnic minority heritages.

Housing

4. CHANGES TO THE TENANCY AGREEMENT

- 4.1 In April 2005, as part of a review of the Council's tenancy agreement, we approved proposals to consult on demoted tenancies and identity photographs. Consultation then took place between June and October and we have now considered a report which summarised the results of that consultation and which highlighted further stages in the review.
- 4.2 Area Housing Forums were consulted in June and July 2005 and expressed support for the proposals for demoted tenancies and identity photographs. A consultation pack was sent to all secure tenants in September 2005. This comprised information on demoted tenancies and identity photographs, with a questionnaire. Over 400 responses were received. Of tenants who responded to the question on demoted tenancies, 80% supported the proposal, 15% were undecided and only 5% were against it. 87% of respondents favoured a requirement for housing applicants to be photographed, but fewer (74%) supported applying this to existing tenants.
- 4.3 Comments included the following:
- Several tenants said that demotion did not go far enough. They suggested faster and more preventative measures.
 - The North Tottenham Area Housing Forum specifically requested that the Executive again consider the use of Introductory Tenancies.
 - A number of tenants felt that it would not be cost effective or appropriate to photograph existing tenants.
- 4.4 Agencies were consulted through a range of means including by presentations given at the Anti-Social Behaviour Partnership Board and the Haringey Anti-Social Behaviour Liaison Group. In addition, agencies and community groups were consulted via letters. Feedback from organisations included:
- The Council must ensure robust investigations, so that tenants are not unfairly demoted, for example due to malicious reports.
 - Safeguards should be put in place to ensure that vulnerable people are not demoted inappropriately.
- 4.5 In addition to identity photographs, the following amendments to the tenancy agreement were proposed:

- A specific clause requiring tenants to place refuse only in chutes, bins and bulk refuse facilities.
- Amendments to strengthen the Council's right to access to carry out repairs and maintenance (such as gas servicing).

We were informed that these amendments arose from consultation with the Tenancy and Estate Management Panel and the Resident Repairs Panel respectively and did not require consultation under Section 105 of the Housing Act 1985.

- 4.6 In order to amend the tenancy agreement, the prescribed procedure for variation under Section of the 103 Housing Act 1985 had to be followed. This required that a preliminary notice of intention to vary be served on all tenants. The notice needed to set out the proposed variations and their effects, and invite comments. We noted that this preliminary notice would be followed by a notice of variation, specifying the date on which the changes to the tenancy agreement would take effect
- 4.7 We report that, having noted the results of the consultation and the further stages in the review of the tenancy agreement, we approved the introduction of demoted tenancies and an amendment to the tenancy agreement to require identity photographs of tenants. We also agreed that the issue of Introductory Tenancies be considered as part of the on-going review of the Council's tenancy agreement.

Enterprise and Regeneration

5. UNITARY DEVELOPMENT PLAN – ANNUAL MONITORING REPORT

- 5.1 We considered a report which advised us that local planning authorities were required to produce Annual Monitoring Reports (AMR) under Section 35 of the Planning and Compulsory Purchase Act 2004 and Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. The AMR covered the period April 2004 to March 2005 and had to be submitted to the Secretary of State by 31 December 2005. The publication of the AMR was also subject to a Best Value Performance Indicator (BV 200c) and the Government was also intending to allocate Planning Delivery Grant to authorities that submitted an AMR by the end of December 2005.
- 5.2 The AMR was used for information purposes to assess the performance and effectiveness of planning policies. It presented available statistical data relating to planning policies in the Council's adopted and emerging Unitary Development Plan. It contained a monitoring framework that identified targets and indicators which would be used to assess the performance and effectiveness of Unitary Development Plan objectives and key policies. The AMR also identified any problems of data collection and analysis.
- 5.3 We report that we approved the Annual Monitoring Report, a copy of which has been placed in the Members Room, for submission to the Government Office for London.

Environment and Conservation

6. DEFRA CONSULTATION – RESPONSE TO PROPOSALS TO CHANGE THE LEVY DEFAULT

- 6.1 The Council would be aware that the North London Waste Authority (NLWA) was largely funded by a levy that was presently paid by the constituent Borough Councils in proportion to their Council Tax bases. This way of apportioning the levy was the 'default' arrangement that applied if no other means of apportionment was unanimously agreed by the Boroughs. A Government consultation paper had been issued which proposed changes to the law so that, from next year onwards, the default arrangement would require the levy to be made up of two parts. One part of which would meet the Authority's disposal costs of the household waste that it received from the Boroughs and would be paid by the Boroughs in proportion to their tonnages of household waste in the most recent completed financial year. The other part would meet all the Authority's other costs, including the transport and disposal costs of civic amenity waste, and would be paid by the boroughs in proportion to their Council Tax bases.
- 6.2 We considered a report which described the proposals and their likely effects for the NLWA levy on the Council and the other constituent Borough Councils and proposed a response to the consultation paper. We noted that, in the last decade or so attention had increasingly been given to the case for payment to be made in proportion to the tonnages that Boroughs delivered to the Authority. The main element in each Waste Disposal Authority's expenditure was the amount of waste that came from the constituent Boroughs for disposal. However, when the levy was apportioned on the default Council Tax base, there was no direct relationship between the expenditure incurred in disposing of the waste from each Borough and the levy each Borough paid.
- 6.3 In consequence, there had been a view in most constituent Councils that the default Council Tax base was unsatisfactory, and that there was a case for a change in the law so that Boroughs would pay on some form of tonnage basis. The higher a Borough's tonnage the more it would pay, and vice versa. This would accord with the "producer pays" principle, would give Boroughs more direct control over their own costs, and would be an encouragement to efficiency savings, the promotion of waste minimisation, reuse and recycling. We also noted that the need for change has been greatly magnified by the substantial increases in waste management costs that were now beginning to be generated by increasing environmental standards being imposed on waste disposal contractors, the Landfill Tax and, in the future, compliance with the Landfill Directive.
- 6.4 We report that although the Government's proposals would be largely cost neutral for Haringey, their intention to introduce the new levy arrangements for the financial year 2006/07 might result in a degree of uncertainty for constituent Boroughs, who were members of Joint Waste Disposal Authorities, until very late in the budget setting cycle, for which reason, whilst supporting the proposed changes, we were calling for transitional relief for those Boroughs who would be adversely affected by these changes in the next financial year.

7. FINSBURY PARK CPZ EXTENSION – REPORT OF STATUTORY CONSULTATION

- 7.1 The Finsbury Park Compulsory Parking Zone (CPZ) was reviewed in June/July 2004, by way of a satisfaction survey in the CPZ and in roads on the periphery of the zone. The feedback indicated support for inclusion from some roads on the periphery. It also highlighted the need to review the distribution of business and pay and display bays to provide for the businesses on Stroud Green Road.
- 7.2 We considered a report in September 2004 which gave approval to proceed with formal consultation for a possible extension of the existing zone. The results were presented to our meeting in June 2005 and we gave approval given to proceed to statutory consultation for a CPZ extension on Scarborough Road, Carlisle Road, Upper Tollington Park, Carlton Road and Cornwall Road. It was also agreed to conduct further consultation with the residents/businesses of Lancaster Road, Connaught Road, Oakfield Road, Dagmar Road and Beatrice Road to ask if, in light of the agreed extension, they now wished to be included, despite their initial lack of support.
- 7.3 We considered a report which set out the feedback from further and Statutory Consultation on the extension to the Finsbury Park CPZ. The report demonstrated that the statutory requirements for making Traffic Management Order's (TMO's) for CPZ's had been satisfied. As a result, it recommended approval to formalise the necessary TMO's for the extension of the Finsbury Park CPZ. Approval was also sought to enter into further Statutory Consultation for modifications to the existing scheme to provide business and pay & display bays at locations, identified in the satisfaction survey, where demand existed and where impact on resident parking was minimal.
- 7.4 We report that having noted the feedback of the further consultation and statutory consultation process and in particular the objections received, we agreed to the extension of the Finsbury Park CPZ for the hours Monday to Saturday 8:30am to 6:30pm, Match day and event Day Controls Monday to Saturday 8:30am to 8:30pm, Sunday 12 noon to 4:30pm. We also authorised officers to make the Traffic Management Order (TMO) and take all the steps necessary for the introduction of a CPZ in the proposed extension area and to proceed to Statutory Consultation for modifications of the existing Finsbury Park CPZ for the relocation of business and pay and display parking bays in the roads specified in the report. Residents would be informed of the decision and works programme in a letter to all properties in the consultation area.

8. STREETScape MANUAL

- 8.1 We considered a report which advised us that, in May 2004, the Audit Commission had inspected the Council's Streetscene Division and had recommended, amongst other things, that the Council develop a design guide to ensure consistency in the appearance of street furniture throughout the Borough.
- 8.2 We were informed that In order to address this recommendation a new Streetscene Manual had been prepared on which consultation had been carried out with internal stakeholders, external bodies and recognised residents' groups. We were also informed that the feedback received showed 100% support for the introduction of Streetscene Guidance, with 73% of respondents agreeing that the draft Manual contained the correct elements although it was highlighted that environmental aspects should be added to the key principles. There were a number of other points that could be adopted in the Manual while others would require further discussion or consideration.

8.3 We report that we agreed, in principle, to adopt a Streetscene Manual to promote consistency in street design and furniture throughout the Borough and to the modification of the draft Manual to reflect comments received during consultation as appropriate. We also delegated authority to approve the content of the Manual to the Director of Environmental Services in consultation with the Executive Member for Environment and Conservation.

Chair:
Councillor Charles Adje

Deputy Chair:
Councillor Harry Lister

INTRODUCTION

- 1.1 The Council has reserved the power to approve policies, plans and strategies that are specified in the Council's Policy Framework. (Part F.6 of the Constitution – The Budget and Policy Framework Schedule).
- 1.2 The Council's Policy Framework means (i) the plans and strategies required to be approved at full Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or (ii) those plans and strategies that the Council itself has determined shall be reserved to the full Council for approval.
- 1.3 This report covers one of those strategies which we considered at our meeting on 20 December 2005.

ITEM FOR DECISION

Housing

2. HOUSING STRATEGY

- 2.1 We considered a report which advised us that the Council's current housing strategy (2003-6) had been granted Fit For Purpose (FFP) by the Government Office for London (GoL) in August of this year following nearly 18 months of dialogue. The inevitable result of this delay had been that much of the background information and context in the strategy was out of date, as were the proposed actions. Particularly, there was little mention of the Arms Length Management Organisation (ALMO) and its implications. We noted that FFP status meant that the Council would not be required to submit an updated housing strategy to the Government for at least three years. However, to ensure that our business plans and housing related strategies were properly aligned to our overall housing strategy and to our community strategy priorities, we should and would be expected to keep the strategy current and maintain an up to date action plan.
- 2.2 The existing action plan, although meeting FFP criteria, did not accurately reflect work being undertaken to meet our objectives including such major initiatives as the ALMO or the Prevention and Options project which would radically alter the way we delivered services. Also the monitoring arrangements were not as robust or joined up as we would like. We noted that reviewing the Housing Strategy now and taking it through the Council decision making process would aid the ALMO inspection process and ensure we were focused on our priorities at this critical time.
- 2.3 The report proposed that the background, context information and actions in the Housing Strategy be updated while the existing objectives and overall vision were retained. The Council's housing vision would, therefore, remain as:

Meeting the Borough's current and future housing needs – and through doing so, making a major contribution to social inclusion and the socio-economic well-being of Haringey.

2.4 Our overall housing strategy objectives would remain as:

- *Improve housing services to residents across the tenures*
- *Maximise the supply of affordable homes, increasing access and housing choice*
- *Improve community safety, sustainability and cohesion in our most deprived communities and create opportunities for people to achieve and succeed*
- *Regenerate our neighbourhoods, achieving decent homes for all and improve the environment*

2.5 As part of the review of the strategy each of the key drivers had been looked at to ensure that our strategy and actions reflected current priorities and direction. The following drivers had informed the development of the strategy and the prioritisation of the actions.

National, Regional and Sub-Regional priorities –

- *Sustainable communities agenda had developed.*
- *Target of reducing temporary accommodation by half by 2010*
- *Increased drive to sub regional and regional working – context clearer than in 2003*

Local Strategic Context, including the Council's corporate priorities as stated in the Community Strategy -

Our priorities remained in line with the Community Strategy objectives and the updated strategy reflects the important role that housing had to play in achieving the overall aims of the Council and our partners. GOL recently recognised the effectiveness of the Housing Strategic Partnership in delivering outcomes by giving a green light to the housing contribution to the community strategy action plan.

The Haringey context and the local housing market, including supply and demand and property condition –

- *Demand continued to exceed supply*
- *Affordability remained a key issue*
- *Increased need and possible opportunity to access private rented options*

The prioritisation of limited resources -

- *Changes to the housing funding regime had major implications for our private sector grants programme and the delivery of our Private Sector Housing Strategy*
- *A successful ALMO and achievement of 2 and 3 stars would bring the investment needed to meet the decent homes standard*

Issues of concern for stakeholders -

- *Transience and the impact of high levels of temporary accommodation*
- *Impacts of new development*
- *For service users - options and customer care*

2.6 Consideration of the drivers had led to the identification of the following key issues and priorities:

Delivery of the ALMO -

The Council endorsed the proposal to create an ALMO in January 2005 and it received the backing of a majority of tenants (54%) in the ballot held in March/April 2005. A Shadow Board was established in October 2005 and Homes For Haringey would go live in April 2006.

Delivery of a robust remaining housing function –

The Government considered that the creation of an ALMO gave the remaining housing service an opportunity to concentrate on its strategic housing function. The creation of a new management structure for the Housing Strategy and Needs Service was the first step in ensuring that the service could meet the challenges ahead.

Implementation of the Homelessness Project –

The new 'prevention and options' approach, which would be delivered with our partners, marked a fundamental change in the way that our homelessness services were delivered. The project was likely to be implemented at the end of March 2005.

Achieving a 50% reduction in temporary accommodation by 2010 –

Our levels of temporary accommodation continued to rise against a backdrop of the ODPM expecting a 50% drop. A specific action plan that fed into this strategy was being developed.

Delivery of housing development that contributed to the achievement of sustainable communities -

Provision of new units to assist housing need while ensuring that the impacts were positive for the borough.

Regeneration of private sector housing -

Private sector housing played a major role in meeting housing need in Haringey, providing homes to over 70,000 households. The strategy sought to encourage the sector to provide affordable, accessible and decent homes for those wishing to rent or buy. Key activity included action on Houses in Multiple Occupation (HMOs), empty properties and rogue landlords. We would work with landlords through the Accredited Letting Scheme to improve standards and offer options to those in most need. The improvement of private sector housing was also a critical part of our neighbourhood regeneration activity.

Partnership working on housing and broader objectives -

Partnerships to deliver key objectives were well developed. Progress had been made in our joint working with both internal and external organisations. Particular work on anti poverty and fuel poverty would be undertaken.

Increased understanding of the market -

In the future the CPA would place greater emphasis on the Council's understanding of the market and planned interventions. The Strategy acknowledged that and the service was actively working towards building a far greater level of knowledge about Haringey's housing need and local housing markets. A major new housing needs survey had been commissioned and would report in March 2006 with sub-area analysis to ward level. In conjunction it was hoped that the sub-region would procure a detailed housing markets analysis across all 6 boroughs.

- 2.7 We noted that this process involved an updating of the strategy and that a more fundamental review of the strategy and its priorities would be conducted in 2007, following the development of the new Community Strategy and the receipt to updated housing needs and market analysis information.
- 2.8 We also noted that a key aspect of the update had been to ensure that the action plan had 'SMART' targets clearly linked to the achievements of the strategies objectives. The action plan covered the period from 2006 to 2008 and would be updated to reflect the most recent Audit Commission Key Lines of Enquiry (KLOE) guidance. The action plan would be agreed with key stakeholders. As our strategic objectives would require close partnership working with internal departments and key external agencies including Housing Associations, the health authority, and the voluntary sector with monitoring of the action plan carried out through the Housing Strategic Partnership and to this end it was proposed that the Head of Housing Strategy and Performance prepare a quarterly report, which would be considered by the Partnership.

WE RECOMMEND

1. That the process for updating and monitoring the Housing Strategy and the priority areas as highlighted above be approved.
2. That a summary version of the Housing Strategy be produced for publication and dissemination and that it be translated into the most appropriate community languages with an Information campaign undertaken to publicise it and the work being undertaken in the action plan.

**REPORT OF THE GENERAL
PURPOSES COMMITTEE No.03/2005-06**

Page 1

COUNCIL 09 JANUARY 2006

Chair:
Councillor Reg Rice

Deputy Chair:
Councillor Jean Brown

INTRODUCTION

- 1.1 This report covers three matters considered by the General Purposes Committee at our meeting on 19 December 2005. All these reports resulted in recommendations from the Committee to full Council to make amendments to the Council's Constitution.

**ITEMS FOR DECISION FROM THE COMMITTEE MEETING ON
19 DECEMBER 2005**

**2. AMENDMENTS TO SCRUTINY REVIEW AND CALL-IN
PROCEDURES**

- 2.1 We received a report on proposed changes to the procedures for Scrutiny Reviews and Call-In.
- 2.2 The proposals set out in Appendix 2 to this report are intended to expedite the consideration and practical implementation of recommendations from Scrutiny Reviews commissioned by the Overview and Scrutiny Committee (OSC). In each case there would be an implementation action plan which would assist OSC in monitoring the way recommended reforms are put into practice and in assessing outcomes and service improvements.
- 2.3 The most important procedural change would be to leave The Executive to make the final decision on recommendations from OSC arising from Scrutiny Reviews. In most cases there would be no need for a further report to full Council.
- 2.4 When this proposal came before us at our meeting on 24 October we did express concerns about leaving The Executive as the final arbiter of scrutiny recommendations in the event that there was any significant dispute about them with OSC.
- 2.5 We had asked for further consultation with Members and, following this, we are now recommending a new sub-paragraph 1(c)(x) in Part I.2 (Appendix 2 at page 3). This reads:

“In the event that The Executive does not accept one or more of the recommendations in the final report from the Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee has the

right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination.”

- 2.6 We considered that this revised proposal preserves the balance between “Scrutiny” and “The Executive” and the robustness of the Scrutiny function. It would only come into play in a small minority of cases and so would not impede the measures to speed up Scrutiny Reviews generally. We noted that full Council would also remain the final arbiter of recommendations from Scrutiny Reviews about non-executive or regulatory functions.
- 2.7 There are proposals in paragraph 16 of Appendix 2 to bring the order of proceedings at OSC and Scrutiny Review Panels into line with the normal practice for other Committees. We also decided not to recommend any change to paragraph 1(b)(i) in Appendix 2.
- 2.8 Adopting all the above changes to Scrutiny Reviews would result in consequential amendments to the Constitution at Part I.1 (the Overview and Scrutiny Article) and Parts E.1 and E.7 (the functions and terms of reference of full Council). The text changes are set out in Appendices 1, 4 and 5 to this report.
- 2.9 We had previously asked for consultation with Members on the relatively minor amendments proposed to the Call-In procedure which were found to be acceptable. Most of these are clarifications or corrections but do not alter the substance of the existing procedure. We agreed to a late tabled proposal to amend paragraph 1 in Part I.3 (Appendix 3 at page 1) which would make it clear that the right to Call-In does not apply to an executive decision by way of an appeal hearing or a quasi-judicial procedure.
- 2.10 The most significant other points are:
- (i) To provide that whenever there is a valid Call-In, the Monitoring Officer or Director of Finance must submit a report to OSC advising whether the original decision of The Executive was inside or outside the policy/budget framework (see paragraph 6);
 - (ii) To make clear that it is the Members of OSC who determine whether the original decision of The Executive was inside or outside the policy/budget framework (see paragraph 10);
 - (iii) To delete the existing option for OSC to “fail to take any action” which is unnecessary since OSC will keep the option to “decide not to take any further action”.
- 2.11 All the recommended text changes are set out in Appendix 3 to this report.

WE RECOMMEND

That Council adopt the amendments to the Overview and Scrutiny provisions and the full Council provisions set out in Appendices 1, 2, 3, 4 and 5 to this report and that Parts I.1, I.2, I.3, E.1 and E.7 of the Council's Constitution be amended accordingly.

3. AMENDMENTS TO THE SCHEME OF DELEGATION ON PLANNING ENFORCEMENT

- 3.1 We received a report about the Scheme of Delegation to Officers and proposed amendments to ensure the effectiveness of Planning Enforcement action.
- 3.2 Haringey's Scheme of Delegation has a generally expressed delegation of "all enforcement action" to senior officers within the Planning and Enforcement Services. In a recent High Court case, involving Kirklees Council, a similar delegation was held to be ineffective. It was insufficiently clear to allow officers to authorise an application to the Court for an injunction to restrain threatened unlawful development.
- 3.3 Although the position at Kirklees was not entirely the same as in Haringey, we agreed that as a matter of precaution all the statutory powers with respect to enforcement, prosecution, injunctions, rights of entry and related matters should be set out expressly section by section in the same way as the other Planning functions in the schedule of specific statutory delegations.
- 3.4 It has always been the intention that such powers should be delegated to officers and so there will be no practical change to the scope of delegation or the general supervision by Members of the exercise of delegated powers. It is important that matters such as the authorisation of injunction proceedings are delegated to senior officers so that action can be taken speedily to prevent breaches of planning control. We noted that no action had been taken recently by Haringey officers which would be affected by the Kirklees case.
- 3.5 We were asked to recommend general changes to the description of the officers granted delegated powers. The reference to the vacant post of "Group Manager – Planning" should be removed and the two "Heads of Development Control" should be so described without reference to responsibilities for the "East" or "West" areas which may be the subject of re-organisation within the Service. These changes would have effect throughout the Scheme of Delegation.

- 3.6 We asked for an amendment to clarify the enforcement powers under section 43 of the Planning (Listed Building and Conservation Areas) Act 1990. All the proposed text changes are set out in Appendix 6 to this report.

WE RECOMMEND

That Council adopt the amendments to the Scheme of Delegation to Officers set out in Appendix 6 to this report and that Part F.7 of the Council's Constitution be amended accordingly.

4. AMENDMENTS TO THE CONSTITUTION RELATING TO LICENSING AND GAMING

- 4.1 We received a report on the proposed adoption of the Haringey Local Licensing Procedure Rules and changes to the Constitution which would be desirable to deal effectively with the new responsibilities for regulating gaming machines that have come to the Council from the Magistrates Court.
- 4.2 We noted that the Licensing Sub-Committees have been successfully conducting regular hearings of contested applications under the Licensing Act 2003 for at least 4 months under the Local Licensing Procedure Rules first approved by the Licensing Committee on 15 March 2005.
- 4.3 The content of these Rules is within the jurisdiction of the Licensing Committee. At its last meeting on 6 December, the Licensing Committee had made some minor amendments to the Rules and had then requested us to recommend to full Council the formal adoption of the Rules as part of the Council's Constitution. We noted that comparable procedural provisions, relating to matters coming before the Planning Applications Sub-Committee, are already incorporated into the Constitution.
- 4.4 The text of the Rules is set out in Appendix 7 to this report.
- 4.5 We were asked to consider the grant of a new delegated power to the Head of Legal Services to make arrangements to dispose of cases remitted by the Magistrates Court back to the Council after an appeal. While most appeal cases would be heard afresh by the Magistrates, in some cases the Court may regard it as appropriate for the Council to re-hear the matter but acting in accordance with the Court's "Direction" on a procedural point.

- 4.6 In such cases the practical arrangements would be within the jurisdiction of the Licensing Committee. However, a meeting of the full Committee would not be a convenient way of dealing with relatively minor procedural decisions. The better alternative would be for a formal delegation to the Head of Legal Services, acting in consultation with the Chair of the Licensing Committee, of the decisions on such arrangements.
- 4.7 We noted that the Chair of the Licensing Committee could always ask for the decision on the arrangements to be referred to that Committee in an important or sensitive case. The proposed delegation would not prejudice the right of Members of the relevant Licensing Sub-Committee to make the substantive decision on the appeal case at the end of the re-hearing.
- 4.8 The text of the proposed new delegation is set out at the bottom of Appendix 8 to this report under the heading "Licensing Act 2003 – section 181"
- 4.9 We considered a report previously before the last meeting of the Licensing Committee about the Council's new responsibilities for regulating gaming machines, technically known as permits for "amusement with prizes" gaming machines under section 34 of the Gaming Act 1968. The new responsibilities relate to premises licensed under the Licensing Act 2003 for the sale of alcohol and they came to the Council from the Magistrates on the full coming into force of that Act on 24 November 2005.
- 4.10 We were advised that the Council would have a discretion whether or not to grant a permit for a gaming machine in each case but it could not pass a general resolution to prohibit all such machines in premises licensed to sell alcohol. We noted that the former practice of the Magistrates had been to grant permits for up to two gaming machines automatically without a hearing. We also noted that when the provisions of the Gambling Act 2005 come into force in 2007, premises licensed to sell alcohol will automatically be entitled to two gaming machines on compliance with a simple notification procedure.
- 4.11 In the light of the above, we approved the proposal to extend the existing delegated power of the Assistant Director, Enforcement so as to allow the grant of permits for one or two gaming machines. We required an amendment to this delegation to make it clear that it only applies to premises where alcohol is consumed on the premises at a proper bar. The recommended delegation in this form is set out in Appendix 9 to this report in the first item under section 34 of the Gaming Act 1968. Any applications for more than two gaming machines would come to Members for decision.

- 4.12 We noted that the Licensing Committee on 6 December had passed a general resolution to grant or renew permits for gaming machines only in respect of premises licensed for the sale of alcohol as described above or premises which are primarily amusement arcades. We were advised that the Council cannot refuse to renew permits for an existing amusement arcade except where there is clear evidence of non-compliance with the rules excluding under 18s, in which case officers would refuse renewal. Any applications for permits for a new amusement arcade would come to Members for decision.
- 4.13 The delegation to the Assistant Director Enforcement was proposed for amendment to reflect the above points. The changes are set out in Appendix 9 in the second item under section 34.
- 4.14 We were advised that the new jurisdiction for gaming machines must be exercised by the Council's 2003 Act Licensing bodies although there are distinct rules for this under the Gaming Act 1968. The terms of reference for the Licensing Sub-Committees in Part E.7 of the Constitution need to be amended to include this new jurisdiction.
- 4.15 The terms of reference also need to include the new jurisdictions to determine the rare applications for (i) permits for small lotteries under section 16 of the Lotteries and Amusements Act 1976, and (ii) orders to allow certain games to be played in premises licensed for the sale of alcohol under section 6 of the Gaming Act 1968.
- 4.16 All these recommended changes to the terms of reference of the Licensing Sub-Committees are set out in Appendix 10 at paragraphs (q), (r) and (s).

WE RECOMMEND

That Council adopt:

- (i) the "Haringey Council – Local Licensing Procedure Rules for Hearings under the Licensing Act 2003" set out in Appendix 7 to this report as a new Part C.9 of the Council's Constitution, and
- (ii) the amendments to the Scheme of Delegation to Officers set out in Appendices 8 and 9 to this report and that Part F.7 of the Constitution be amended accordingly, and
- (iii) the amendments to the terms of reference of the Licensing Sub-Committees set out in Appendix 10 to this report and that Part E.7 of the Constitution be amended accordingly.

APPENDIX 1

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part 1.1

Overview and Scrutiny Committee Article

Article 16 - Overview and Scrutiny

16.01. Terms of reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000, the Health & Social Care Act 2001 and the NHS Reform & Health Professional Act 2002.

16.02. General role

Within its terms of reference, the Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Executive's or Council's functions;
- (c) make reports and recommendations to the full Council, the Executive or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;

OVERVIEW AND SCRUTINY

- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive;
- (f) receive the reports and recommendations of its commissioned Scrutiny Review Panels; and
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies.

16.03. Specific functions**(a) Scrutiny Review Panels.**

The Overview and Scrutiny Committee shall appoint task oriented, time limited Scrutiny Review Panels in order to discharge the Overview and Scrutiny role and will co-ordinate their respective roles.

(b) Policy development and review.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) Question members of the Executive and chief officers about their views on issues and proposals affecting the area; and
- (v) Liase with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(c) Scrutiny.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

- (i) Review and scrutinise the decisions made by and performance of the Executive and council officers both in relation to individual decisions and over time;
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) Question members of the Executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) Make recommendations to the Executive ~~and the Council~~ or relevant non-executive Committee arising from the outcome of the scrutiny process;
- (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vi) Question and gather evidence from any person (with their consent).

(d) Finance

Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

(e) Annual report.

Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

16.04. Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish will conduct their proceedings in accordance with **the Overview and Scrutiny Procedure Rules** set out in **Part I.2** of this Constitution.

16.05. Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by Full Council.

APPENDIX 2

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are show in italics and underlined]

Part I.2

Overview and Scrutiny Procedure Rules

1. The arrangements for Overview and Scrutiny

- (a) The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
- (b) The terms of reference of the Overview and Scrutiny Committee will be:
- (i) the performance of all overview and scrutiny functions on behalf of the Council;
 - (ii) the commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council, ~~to fulfil these overview and scrutiny functions;~~
 - (iii) to decide and amend the terms of reference of all scrutiny reviews;
 - (iv) to receive reports from the Leader at *the earliest convenience* ~~its first meeting~~ after each annual council meeting on 'the state of the borough', the Executive's priorities for the coming year, and its performance in the previous year;
 - (v) to receive reports from local National Health Service bodies on the state of health services and public health in the borough area;
 - (vi) to monitor the Executive's Forward Plan to ensure that appropriate decisions are discussed;
 - (vii) to receive all appropriate performance management and budget monitoring information;

- (viii) to approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and scrutiny panels' time is effectively and efficiently utilised;
 - (ix) to consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Executive or to Council;
 - (x) to ensure that referrals from Overview and Scrutiny Committee to the Executive either by way of report or call-in are managed efficiently;
 - (xi) to ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny reviews panels.
- (c) The Overview and Scrutiny Committee may commission a number of Scrutiny Review Panels:
- (i) Scrutiny Review Panels are task orientated, time-limited advisory bodies appointed to examine a specific issue in depth and reporting to the Overview and Scrutiny Committee;
 - (ii) Panels will analyse submissions, request and analyse any additional information, and question the Executive Member(s), relevant Council officers and officers and/or board members of local NHS bodies;
 - (iii) subject to the approval of the Overview and Scrutiny Committee, Scrutiny Review Panels will be able to appoint external advisors and/or to commission specific pieces of research if this is deemed necessary;
 - (iv) Scrutiny Reviews Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports;
 - (v) the culmination of a Scrutiny Review Panel's work is the submitting of a report to the Overview and Scrutiny Committee, including key findings, conclusions and recommendations. Exceptionally, where progress has

become protracted or stimulating debate would be helpful, an interim report may be submitted, with the consent of the Chair of the Overview and Scrutiny Committee;

(vi) prior to publication, draft reports will be sent to the relevant Chief Officers or officers of the National Health Service for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;

(vii) Following endorsement by the Overview and Scrutiny Committee,
final reports and recommendations will ~~go~~ be presented to the next available Executive meeting. The Executive will note the report and request a responding report from the Chief Executive or Chief Officer and Executive Member responsible. The response is to be available within 6 weeks of the request and will include a detailed tabulated implementation action plan;

(viii) Following endorsement by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Executive for information

(ix) On receiving the responding report, the Executive will consider both reports and formally agree their decisions, and the implementation action plan at the next available Executive meeting.

(x) In the event that The Executive does not accept one or more of the recommendations in the final report from the Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee has the right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination.

~~(viii) The scrutiny report and the Executive response will then be submitted together to full Council at the earliest opportunity.~~

(xi) ~~Following agreement of a report and/or recommendations by Council,~~
~~the appropriate Chief Officer(s) will within three months~~
~~prepare an~~
~~action plan for approval by Executive Member(s).~~ The implementation action plan will also be presented to the Overview and Scrutiny Committee who will be invited to monitor its implementation.

(xii) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.

(d) When Scrutiny Review Panels report on non-executive or regulatory

functions the above rules are adapted as follows;

(i) Paragraphs (c)(i) to (vi) apply;

(ii) Paragraph (c)(vii) applies as if references to the "Executive/Executive meeting" and "Executive Member" were replaced by references to "meeting of /the non-executive body responsible" and its "Chair" as appropriate;

(iii) Paragraph (c)(viii) applies as appropriate;

(iv) Paragraph (c)(ix) will be replaced by this provision - "On receiving the responding report, the non-executive body responsible, at its next available meeting, will consider both reports, its proposed response and the implementation action plan and will make recommendations on these to full Council. At the next available meeting full Council will formally agree the response and the implementation action plan."

(v) Paragraphs (c) (x) does not apply.

(vi) Paragraphs (c) (xi) and (xii) apply.

(e) All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).

- (f) The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.

2. Membership of the Overview and Scrutiny Committee and Scrutiny Reviews Panels

- (a) All Councillors (except members of the Executive) may be members of the Overview and Scrutiny Committee, and Scrutiny Review Panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- (b) Councillors' membership of the Overview and Scrutiny Committee and Scrutiny Review Panels will be in proportion to the representation of different political groups on the Council.

3. Co-optees

- (a) Each scrutiny panel and review shall be entitled to appoint up to three people as non-voting co-optees, in consultation with the Overview and Scrutiny Committee.
- (b) Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part C.7 of this Constitution.

4. Education representatives

- (a) The Overview and Scrutiny Committee shall include in its membership the following representatives:
- (i) at least one Church of England diocesan representative (voting);
 - (ii) at least one Roman Catholic diocesan representative (voting);
 - (iii) 3 parent governor representatives (voting); and
 - (iv) a representative from the Race Equality Joint Consultative Committee (REJCC) (non-voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or a Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion

of the Chair. The Overview and Scrutiny Committee will attempt to organise its meetings so that relevant education matters are grouped together.

- (b) Each Scrutiny Review Panel, where the review's terms of reference relate wholly or in part to any education functions that are the responsibility of the Executive, shall include in its membership the following representatives:
- (i) at least one Church of England diocesan representative (voting);
 - (ii) at least one Roman Catholic diocesan representative (voting);
 - (iii) 3 parent governor representatives (voting); and
 - (iv) a representative from the REJCC (non-voting).

If the scrutiny review deals with other matters, these voting representatives shall not vote on those other matters, though they may stay in the meeting and speak at the discretion of the Chair.

5. Meetings of the Overview and Scrutiny Committee, and Scrutiny Reviews Panels

- (a) In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the Overview and Scrutiny Committee, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.
- (b) Meetings of Scrutiny Review Panels may be called by the Chair of the Scrutiny Review Panel, by any two members of the panel or by the proper officer if he/she considers it necessary or appropriate.
- (c) The ordinary meeting place for the Overview and Scrutiny Committee and the Scrutiny Review Panels shall be Haringey Civic Centre, High Road, Wood Green, London, N22 8LE but they may arrange to meet elsewhere whenever they see fit.

6. Quorum

The quorum for the Overview Scrutiny Committee and for each Scrutiny Review panel shall be at least one quarter of its membership and not less than 2 voting members.

7. Chair of the Overview and Scrutiny Committee and Scrutiny Reviews Panels

- (a) The Chair of the Overview and Scrutiny Committee will be appointed by the Council.
- (b) The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.
- (c) Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 16.05 in Part 1.1 of this Constitution.

8. Work programme

Overview and Scrutiny Committee will determine the future scrutiny work programme and will commission task and finish Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each review.

9. Agenda items for the Overview and Scrutiny Committee

- (a) Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.
- (b) The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to ~~the Council and/or~~ the Executive within an agreed timescale.

10. Policy review and development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in the **Budget and Policy Framework Procedure Rules** in **Part F.3** of this constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and its Scrutiny Review Panels may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

11. Reports from the Overview and Scrutiny Committee

- (a) Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will ~~go~~ be presented to the next available Executive meeting. The procedure to be followed is set out in paragraphs 1(c) or 1(d) above, as appropriate. ~~The Executive will note the report and request a responding report from the Chief Executive or Chief Officer and Executive Member responsible, to be available within 6 weeks the request.~~
- (b) ~~On receiving the responding report, the Executive will consider both reports and formally agree their decisions, at the next available Executive meeting~~
- (c) ~~The scrutiny report and the Executive response will then be submitted together to the next meeting of full Council.~~
- (d) ~~Following agreement of a report and/or recommendations by Council, the~~
- (e) ~~appropriate Chief Officer(s) will within three months prepare an action plan for approval by Executive Member(s). The action plan will also be presented to the Overview and Scrutiny Committee, who will be invited to monitor its implementation.~~

12. Making sure that overview and scrutiny reports are considered by the Executive

- (a) The agenda for Executive meetings (including any meetings of single members) shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Executive shall be included at this point in the agenda unless either they have been considered in the context of the Executive's deliberations on a substantive item on the agenda or the Executive gives reasons why they cannot be included and states when they will be considered.
- (b) Where the Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where decision making power has been delegated to an individual Executive member, a Committee of the Executive or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that individual for consideration, and a copy to the proper officer. If the member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then the body/he/she must then refer the matter to the next appropriate meeting of the Executive for debate before making a decision.

13. Rights and powers of Overview and Scrutiny Committee members

(a) Rights to documents

- (i) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee and Scrutiny Review Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 D.2 of this Constitution.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee and Scrutiny Review Panels as appropriate depending on the particular matter under consideration.

(b) Powers to conduct enquiries

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that

they reasonably consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (and Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so).

(c) Power to require Members and officers to give account

- (i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service to attend before it to explain in relation to matters within their remit:
- (A) any particular decision or series of decisions;
- (B) the extent to which the actions taken implement Council policy (or NHS policy, where appropriate); and/or
- (C) their performance.

and it is the duty of those persons to attend if so required. At the discretion of their chief officer, council officers below third tier may attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.

- (ii) Where any member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the member or proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

14. Attendance by others

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend. Attendance is optional.

15. Call-in

The call in procedure is dealt with separately in this Part of the Constitution, immediately following the Overview and Scrutiny Procedure Rules.

16. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.

- (a) The Overview and Scrutiny Committee shall consider the following business as appropriate:
- (i) apologies for absence; ~~minutes of the last meeting;~~
 - (ii) urgent business; ~~declarations of interest;~~
 - (iii) declarations of interest; ~~deputations and petitions;~~
 - (iv) minutes of the last meeting; ~~consideration of any matter referred to the Committee for a decision in relation to call in of a decision;~~
 - (v) deputations and petitions; ~~responses of the Executive to reports of the Committee; and~~
 - (vi) consideration of any matter referred to the Committee for a decision in

~~_____ relation to call in of a decision; the business otherwise set out on the agenda for the meeting.~~

(xi) responses of the Executive to reports of the Committee;
and

(xii) the business otherwise set out on the agenda for the meeting.

(b) A Scrutiny Review Panel shall consider the following business as appropriate:

(i) minutes of the last meeting;

(ii) declarations of interest;

(iii) the business otherwise set out on the agenda for the meeting.

(c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;

(ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and

(iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.

(d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Executive ~~and/or Council as appropriate~~, (via

the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

17. Matters within the remit of more than one Scrutiny Review Panel.

Should there be any overlap between the business of any scrutiny reviews, the Overview and Scrutiny Committee is empowered to resolve the issue.



APPENDIX 3

[the words recommended for deletion are struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part 1.3

Call-in Procedure Rules

1. When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Civic Centre normally **within 2 working days of being made**. *The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.*
2. The notice of the decision will be dated and will specify that the decision will come into force, and may then be implemented, on the **expiry of 5 working days after the publication** of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. *This does not apply to "urgent" decisions.*
3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:
 - (a) it is submitted by any five Members of the Council.
 - (b) it is received by the Proper Officer by 10 a.m. on the fifth day following publication.
 - (c) it specifies the decision to which it objects.
 - (d) it specifies whether the decision is claimed to be outside the policy or budget framework.
 - (e) it gives reasons for the call-in and outlines an alternative course of action.
 - (f) it is not *made in relation to* a decision taken in accordance with the urgency procedures in ~~section~~ *paragraph* 18 below.

4. The Proper Officer will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Executive Members including the decision taker and the relevant Chief Officer.
5. A decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee's ~~receipt of a call-in request~~, unless a meeting of the Overview and Scrutiny Committee takes place during the 10-day period.
6. If a call-in request ~~claims that a decision is contrary to the policy or budget framework,~~ is deemed valid, the Proper Officer will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.
7. Unless a decision is designated "urgent" pursuant to section 18, when it shall be implemented immediately, no action shall be taken to implement the decision until **5 working days** have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring officer has determined the validity of the request.
8. Subject to paragraph 5, when a ~~valid~~ request for call-in is ~~received,~~ deemed valid, all action to implement the decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request..
9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.
10. ~~If a~~ The Committee shall consider any report of the Monitoring Officer / Chief Financial Officer ~~confirms that~~ as to whether a called-in decision is ~~within~~ inside or outside the policy / budget framework. ~~or if there is no such report, or if~~ The Overview and Scrutiny Committee is of the view that shall have regard to that report and any advice but Members shall determine whether the

decision is ~~within~~ inside or outside the policy / budget framework. ~~regardless of any advice to the contrary, If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has four~~ three options:

~~(a) The Overview and Scrutiny Committee may fail to take any action, in which case the decision is implemented at the expiry of the 10-day period from the Chair of the Overview and Scrutiny Committee's receipt of a valid request for call-in.~~

- (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the decision is implemented immediately.
- (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision taker, in which case the decision taker **has 5 working days** to reconsider the decision before taking a final decision.
- (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.

11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget framework), any Council meeting must **be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.**

12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has ~~three~~ two options:

~~(a) The Council may fail to take any action, in which case the decision is implemented immediately.~~

- (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.
- (b) The Council may refer the decision back to the decision taker, in which case the decision taker **has 5 working days** to reconsider the decision before taking a final decision.

13. Once a final decision has been made there is no further right of call-in. This decision or any decision having the same effect may

not be called-in again for **a period of six months** following the date at which the final decision was taken.

14. ~~If a report of the Monitoring Officer / Chief Financial Officer confirms the Overview and Scrutiny Committee determines~~ that the decision is outside the policy / budget framework, the ~~Overview and Scrutiny~~ Committee shall refer the decision to the decision taker and ~~ask the decision taker~~ with a request to reconsider ~~the decision~~ it on the grounds that it is incompatible with the policy / budget framework. The decision taker **shall have 5 working days** in which to reconsider the decision.
- 15. The decision taker has two options:**
- (a) Amend the decision in line with the Overview and Scrutiny Committee's determination ~~Monitoring Officer's / Chief Financial Officer's advice~~, in which case the decision is implemented immediately.
- (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must **convene within 10 working days** of the reaffirmation of the original decision.
16. When considering a called-in decision where a decision taker fails to amend a decision in line with the Overview and Scrutiny Committee's determination ~~Monitoring Officer's / Chief Financial Officer's advice~~, that it falls outside the policy / budget framework, the Council has two options:
- (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.
- (b) Require the decision taker to reconsider the decision again and refer it to a meeting of the Executive to be held within **5 working days** of the Council meeting. The Executive's decision is final.
- 17. Abuse of Call-in**
- (a) Members are expect to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Executive.
- (b) The call-in procedure is to be reviewed annually (see ~~section~~ paragraph 18 f), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

18. Call-In and Urgency

- (a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.
- (b) A decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.
- (c) If a decision is urgent and therefore not subject to call-in in, this will be stated on the record.
- (d) In order for a decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the ~~Vice Chair of the Overview and Scrutiny Committee~~ the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.
- (e) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (f) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

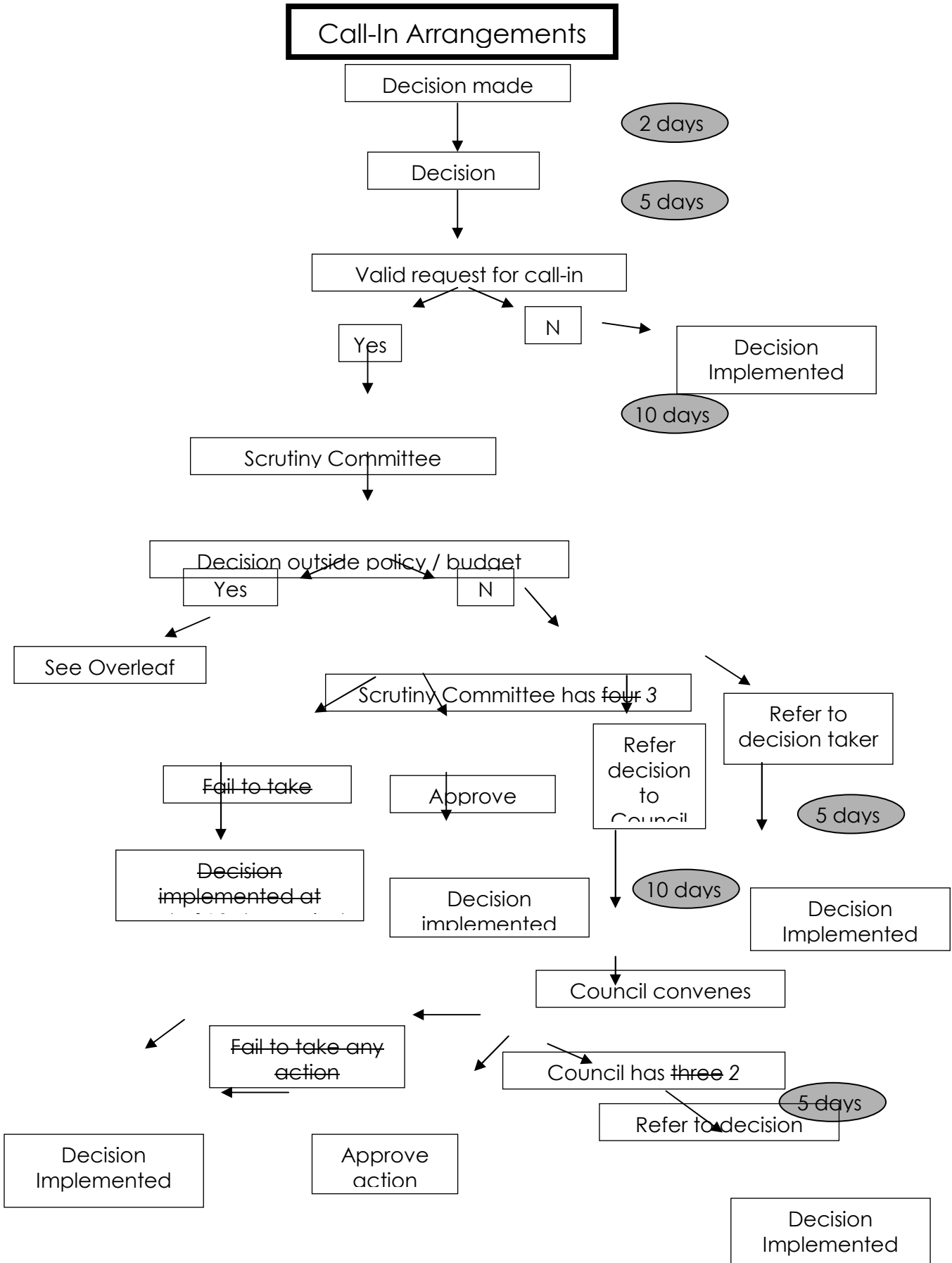
19. Call-In and the Forward Plan

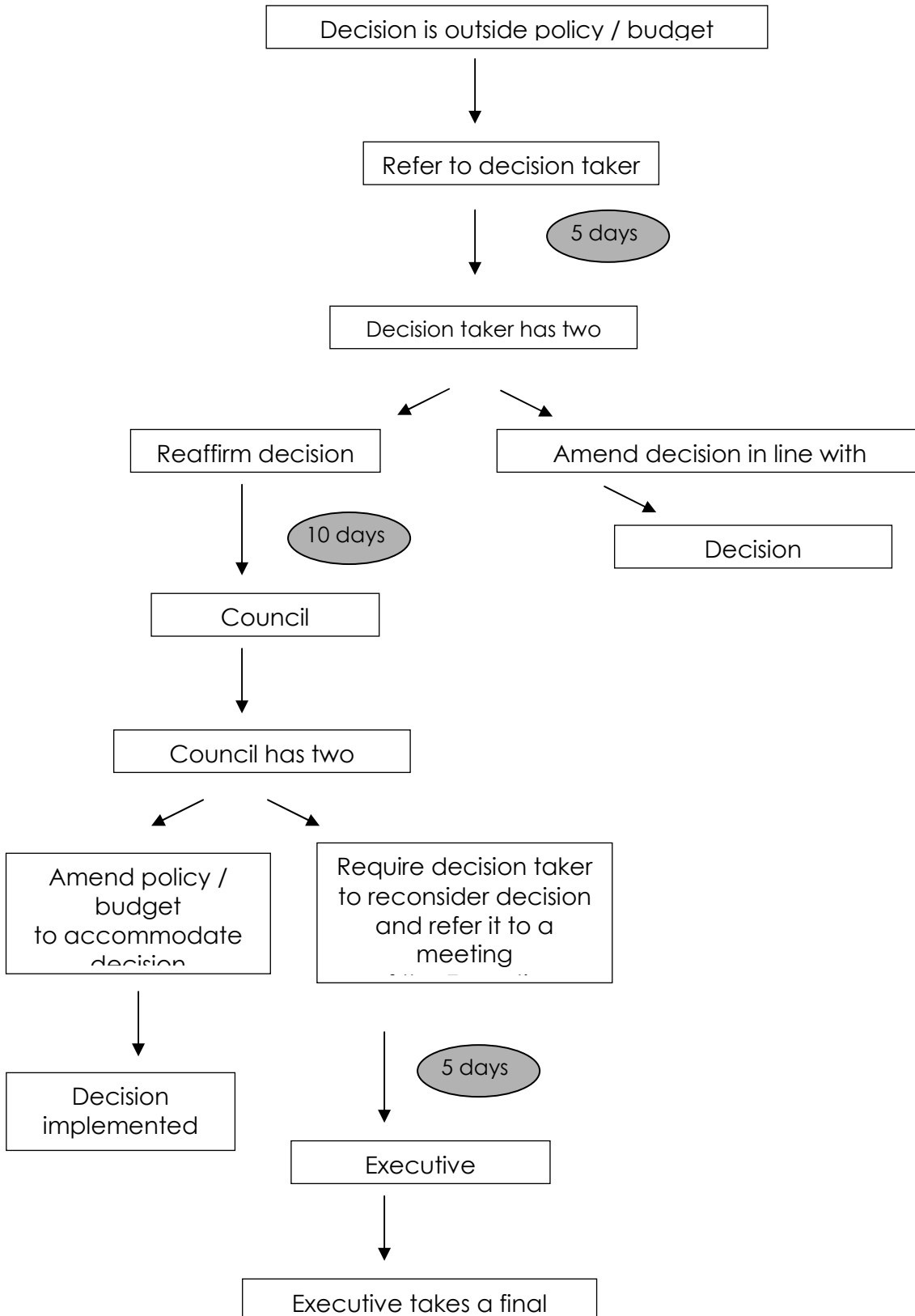
- (a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Executive decisions.
- (b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.
- (c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a decision cannot actually be implemented any sooner that it would have been had the Overview and Scrutiny Committee not called it in.
- (d) Where the Overview and Scrutiny Committee has called-in a decision from the Forward Plan before its due date, the decision

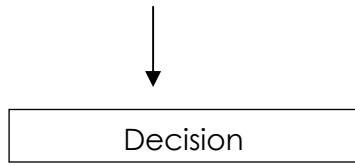
cannot be called-in again after the final decision has been taken.

20. Monitoring Arrangements

The operation of the provisions relating to call-in and urgency shall be monitored by the proper officer, and a report submitted to Council annually with proposals for review if necessary.







APPENDIX 4

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part E.1

The Full Council Article

Article 6 - The Full Council

6.01. Meanings

- (a) **Policy Framework.** A complete list of all the plans and strategies comprising the Council's Policy Framework is set out in the appropriate Schedule in **Part F, Decision Making**. These are the plans and strategies that Haringey Council has decided should be reserved to the full Council for approval:
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Director of Finance in consultation with the Executive Member for Finance and the Executive Advisory Board.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

6.02. Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the **policy framework** as set out in the appropriate schedule in **Part F**

- (c) Approving the budget, levying Council Tax and setting the non-domestic rate multiplier;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 6.01 (c) above;
- (f) Subject to the urgency procedure contained in **the Access to Information Procedure Rules in Part D** of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Executive;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions ~~Considering reports of the Overview and Scrutiny Committee and the Executive's responses to those reports;~~
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by The Executive and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers;
- (l) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (m) Adopting and amending an allowances scheme under Article 4.05;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;

- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All **local choice functions** set out in **Part F** of this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (v) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (w) All matters that must be reserved to Council under the Finance Procedure Rules; and
- (x) All other matters that, by law, must be reserved to Council.

6.03. Council meetings

There are three types of Council meetings:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

They will be conducted in accordance with the **Standing Orders (Council Procedure Rules)** in **Part E** of this Constitution.

Council meetings will be chaired by the Mayor if he/she is present. If the Mayor is not present, Council will select another Councillor to take the Chair. The Deputy Mayor does not automatically chair the meeting

in the Mayor's absence. The Council may select the Deputy Mayor if it so wishes.

6.04. Responsibility for functions

The Council will maintain the tables in **Part E** of this Constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Executive.

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part E.7

Terms of Reference: Full Council & Non Executive Bodies

SECTION 1 - THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in **Article 6.01** (a), above;
- (c) Approving the budget, levying Council Tax and setting the non-domestic rate multiplier;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in **Article 6.01** (c), above;
- (f) Subject to the urgency procedure contained in the **Access to Information Procedure Rules** in **Part D** of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Executive;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;

THE FULL COUNCIL, REGULATORY AND OTHER NON-EXECUTIVE COMMITTEES

- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions ~~Considering reports of the Overview and Scrutiny Committee and the Executive's responses to these reports;~~
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by The Executive and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers;
- (l) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (m) Adopting and amending an allowances scheme under **Article 4.05;**
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All **local choice functions** set out in **Part F** of this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Adopting Standing Orders for the Council and Standing Orders as to Contracts;

THE FULL COUNCIL, REGULATORY AND OTHER NON-EXECUTIVE COMMITTEES

(v) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;

(w) All matters that must be reserved to Council under the Finance Procedure Rules; and

(x) All other matters that, by law, must be reserved to Council.

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APPENDIX 6

[the words recommended for addition or insertion are shown in italics and underlined]

Part F.7 – Scheme of Delegation to Officers**Section 4 – List of Statutory Delegations to Officers within the Environmental Services Directorate**

NOTE: Throughout Part F.7 of the Constitution references to the “Group Manager – Planning” (GM-P) are deleted and the references “Head of Development Control – East” (HDC-E) and the “Head of Development Control – West” (HDC-W) are replaced by references to the “Heads of Development Control” (HDC). These changes are agreed to have effect as amendments to the Constitution.

[this schedule starts at page 87 of Part F.7 in the version of the Constitution last updated in June 2005]

Town and Country Planning Act 1990		
Section 169	Power to refer to the Secretary of State the question as to the identity of the "appropriate authority" in respect of a blight notice	AD-PEPP HDC
<u>Section 171C</u>	<u>Power to serve a planning contravention notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171D</u>	<u>Power to prosecute for non-compliance with a planning contravention notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171E</u>	<u>Power to issue a temporary stop notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171G</u>	<u>Power to prosecute for contravention of a temporary stop notice</u>	<u>AD-PEPP</u>

		<u>HDC</u> <u>AD-Enf</u>
<u>Section 172</u>	<u>Power to issue an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 173A</u>	<u>Powers to withdraw, waive or vary an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 178</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with an enforcement notice and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 179</u>	<u>Power to prosecute for non-compliance with an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 181</u>	<u>Power to prosecute for non-compliance with an enforcement notice having effect against subsequent development</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 183</u>	<u>Power to serve or withdraw a stop notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 187A</u>	<u>Power to serve a breach of condition notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 187B</u>	<u>Power to apply to the Court for an injunction to restrain any actual or apprehended breach of planning control</u>	<u>AD-PEPP</u> <u>HDC</u>

		<u>AD-Enf</u>
<u>Section 188</u>	<u>Duty to keep register of enforcement and stop notices</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 189</u>	<u>Power to prosecute for contravention of discontinuance orders</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 190</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with a discontinuance order and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>AD-Enf</u>
<u>Section 191</u>	<u>Power to issue a certificate of lawfulness of existing use or development</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 192</u>	<u>Power to issue a certificate of lawfulness of proposed use or development</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 193</u>	<u>Power to revoke a certificate issued under sections 191 or 192</u>	<u>AD-PEPP</u> <u>AD-Enf</u>
<u>Section 194</u>	<u>Power to prosecute for making a statement, or using a document, which is false or misleading, or withholding material information for the purposes of procuring a certificate under sections 191 or 192</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
Section 196A	Power to authorise officers to enter land without warrant	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 196B	Power to apply for warrant to enter land	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 196C</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>

Section 198	Power to make Tree Preservation Orders	AD-PEPP HDC
Section 198(2)	Power to give or refuse consent to carry out work in respect of trees subject to Tree Preservation Orders	AD-PEPP HDC
Section 199(1)	Power to confirm Tree Preservation Orders with or without modification	AD-PEPP HDC
Section 199(2)	Duty to observe regulations in respect of Tree Preservation Orders	AD-PEPP HDC
Section 201	Power to make provisional Tree Preservation Orders which take immediate effect.	AD-PEPP HDC
Section 203	Duty to pay compensation in respect of refusal of consent or grant of consent subject to conditions to carry out work in respect of trees subject to a Tree Preservation Order	AD-PEPP HDC
Section 206 (2)	Power to dispense with duty to replace trees removed, uprooted or destroyed in contravention of a Tree Preservation Order	AD-PEPP HDC
Section 207	Power to serve notice (replanting notice) requiring replacement of trees subject to a Tree Preservation Order	AD-PEPP HDC
<u>Section 209</u>	<u>Powers in connection with notices under section 207 including power to enter land, plant trees and recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 210</u>	<u>Power to prosecute for non-compliance with a tree preservation order</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 211</u>	<u>Power to prosecute for prohibited acts to tress in conservation areas</u>	<u>AD-Enf</u> <u>AD-PEPP</u>

<u>Section 213</u>	<u>Power to dispense with duty to replant tree</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 214A</u>	<u>Power to apply to the Court for an injunction to restrain an actual or apprehended offence under sections 210 or 211</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 214B</u>	<u>Power to authorise entry onto land for any of the purposes referred to in this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 214C</u>	<u>Power to apply for a warrant to enter land for any of the purposes referred to in this section and to authorise an officer to do so</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 214D</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 215	Power to serve notice requiring the proper maintenance of land	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 216</u>	<u>Power to prosecute for non-compliance with notice under section 215</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 219</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with a notice under section 215 and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-Enf</u> <u>AD PEPP</u>
<u>Section 224(1)&(2)</u>	<u>Powers to require (a) the removal of any advertisement displayed in contravention of regulations made under this section or (b) to require the discontinuance of the use for the display of advertisements of any site used in contravention of such regulations</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 224(3)</u>	<u>Power to prosecute for displaying an advertisement in contravention of regulations made under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 247	Power to submit a holding objection, on behalf of the Local Highway Authority, in	<u>AD-PEPP</u>

	respect of applications to the Secretary of State to stop up highways for development until such time as the proposed stopping-up can be reported for a formal decision	TL-TP
<u>Section 324</u>	<u>Power to authorise officers to enter land for any purposes referred to in this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 325</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 329</u>	<u>Power to authorise the service of any notice or other document under this Act and to take any related steps under this section</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
Section 330(1)	Power to serve notice requiring information as to the nature of interest in the premises, the name and address of any other person having an interest, the purpose for which the premises is used etc	AD-ENF
Planning (Listed Buildings & Conservation Areas) Act 1990		
<u>Sections 7 & 9</u>	<u>Power to prosecute for executing etc. works or demolition to listed buildings or buildings in conservation areas that are unauthorised or in breach of condition</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Sections 14, 15, 16, 17, 18 and 19</u>	<u>Powers and duties relating to the determination of applications for listed building consent and conservation area consent or variations</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 38</u>	<u>Power to issue listed building and conservation area enforcement notices</u>	<u>AD-Enf</u> <u>AD-PEPP</u> <u>HDC</u>
Section 28	Duty to pay compensation consequential upon revocation or modification of listed building consent	AD-PEPP HDC
Section 29	Duty to compensation for loss or damage	AD-PEPP

	caused by service of a building preservation notice	HDC
<u>Section 42</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with an enforcement notice under section 38 and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 43</u>	<u>Power to prosecute for non-compliance with a listed building enforcement notice or a conservation area enforcement notice</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 44A</u>	<u>Power to apply to the Court for an injunction to restrain an actual or apprehended contravention of section 9(1) or (2)</u>	<u>AD-Enf</u> <u>AD-PEPP</u> <u>HDC</u>
Section 53	Power to make arrangements for the management or disposal of building or land acquired under the Act	AD-PEPP HDC
Section 54	Power to execute works urgently necessary for the preservation of an unoccupied listed building	AD-PEPP HDC
Section 55	Power to recover costs incurred in executing works under Section 54 of the Act	AD-PEPP HDC
<u>Section 59</u>	<u>Power to prosecute for acts causing or likely to result in damage to listed buildings</u>	<u>AD-PEPP</u> <u>AD-Enf</u>

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APPENDIX 7

PART C.9 of the Constitution

HARINGEY COUNCIL – LOCAL LICENSING PROCEDURE RULES FOR HEARINGS UNDER THE LICENSING ACT 2003

Interpretation

1. “Act” means the Licensing Act 2003

“Applicant” means a natural person or other legal entity making any application or giving any notice for any form of licence, certificate, consent or determination in accordance with the Act

“Application” means any type of application or notice for any form of licence, certificate, consent or determination for which provision is made under the Act

“Chair” means the Chair of the Licensing Committee or Licensing Sub-Committee determining the relevant application

“Committee clerk” means the officer(s) instructed by the Head of Members’ Services to attend Licensing Sub-Committee meetings to take the minutes and assist with the proper running of the meetings

“Council” means the Council of the London Borough of Haringey

“Hearings Regulations” means The Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005 no. 44)

“Interested party” has the meaning prescribed in the Act

“Legal representative” means the officer(s) instructed by the Head of Legal Services to attend Licensing Sub-Committee meetings to advise on matters of law and procedure

“Licensing Committee” means the Council's statutory Committee under the Act

“Licensing representative” means the officer(s) instructed by the Assistant Director, Enforcement to administer application procedures and to attend Licensing Sub-Committee meetings to advise on licensing matters

“Licensing Service” means the Service under the Assistant Director, Enforcement responsible for administering the Council’s functions under the Act

“Member” means Haringey Councillor appointed to serve as a Member of the Licensing Committee or a Licensing Sub-Committee as the context requires

“Notice” means any notice made in accordance with the Act, or Regulations made thereunder, in relation to an application

“Objector” means each interested party, responsible authority, other natural person or legal entity who/which has made relevant representations or given any notice in relation to any application

“Party/Parties” means the applicant(s) and/or the objector(s) in relation to any particular application

“Premises” means any premises or land in respect of which an application is made

“Relevant Representation” means any relevant representation made in accordance with the Act, or Regulations made thereunder, in relation to an application

“Responsible authority” has the meaning prescribed in the Act

“Sub-Committee” means a Licensing Sub-Committee to which the Licensing Committee of the Council has delegated powers to determine applications. Unless the context otherwise requires, this shall be interpreted to include the Council’s Licensing Committee when that Committee is hearing an_ application within its terms of reference.

“Ward Councillor” means a Haringey Councillor representing a Ward within which are located any premises that are the subject of an application.

Scope and Application

2. These Rules apply to all applications made in accordance with the Act, or Regulations made thereunder.
3. These Rules should be read and interpreted in conjunction the Hearings Regulations and the Act.

Pre-Hearing Procedure

4. The Licensing Service will notify the relevant Ward Councillors of each application, notice or relevant representation relating to premises within their Ward within 2 working days of receiving such application, notice or relevant representation. This requirement is in addition to any requirement arising under the Hearings Regulations.
5. The Licensing Service may seek to mediate between the parties to an application with a view to securing: -
 - (a) the withdrawal of any relevant representation or notice,
or
 - (b) the agreement of the parties that a hearing is unnecessary.
6. If, in any case, the parties agree that a hearing is unnecessary, the Licensing representative, in consultation with the Chair, shall decide whether the Council consider that a hearing is unnecessary to determine the application and shall give notice of that decision to the parties forthwith.
7. In any case where it has been decided that a hearing is unnecessary, the Sub-Committee shall consider the application at an ordinary meeting. In reaching its decision, the Sub-Committee shall take into account the form of application and accompanying documents, any written relevant representations and notices that have not been withdrawn and any report or other documents that appear to be relevant.

Membership and Quorum for Hearings

8. Where an application relates to premises within a Ward, then a Ward Councillor shall not take part in the decision upon that application as a Member.
9. So far as practicable, hearings will be arranged so that the Sub-Committee determining the application does not include Members representing any Ward in which premises affected by the application are located
10. The quorum for any hearing of a Sub-Committee shall be three Members and the quorum for any hearing by the Licensing Committee shall be four Members.

11. Any Member arriving after the commencement of a hearing, or leaving during the course of a hearing, shall take no part, or no further part, in the conduct of that hearing or the decision on the application in question.

Councillors' Participation in Hearings

12. A Councillor, who is not a Member of the Sub-Committee determining the application in question, may participate in the hearing but only if the Councillor is an objector who has made relevant representations in accordance with the Hearings Regulations and the Act, or if the Councillor has been asked to attend by a party in order to act as a witness or a representative for that party.
13. A Councillor, who is a Member of the Sub-Committee determining the application in question, will have a prejudicial interest in that application if the he/she makes a relevant representation by way of objection to it and may well have a prejudicial interest if he/she has otherwise been involved in supporting or opposing the application. Any Member of a Sub-Committee who has a prejudicial interest for these or other reasons must not participate in the decision upon the application and must not be present at the hearing in any capacity or at all.
14. Any Member of a Sub-Committee who has made a relevant representation by way of objection to an application on behalf of his/her constituents and who cannot attend the hearing personally by reason of Rule 13, should arrange to be represented by an agent or a fellow Ward Councillor who is not a Member of the Sub-Committee.
15. A Councillor will have a personal interest in an application if it might reasonably be regarded as affecting that Councillor (or his/her spouse/partner, relatives, friends, employer or business) to a greater extent than other residents in the area. A Councillor with a personal interest shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee. This is in order to avoid any possible allegation of bias.
16. Whenever a Councillor, who is not a Member of the Sub-Committee, intends to participate in a hearing in accordance with Rule 12, the Councillor must consider whether he/she has a personal or a prejudicial interest before the hearing. A Councillor with a personal interest, who is not a Member of the

Sub-Committee determining the application, may participate in a hearing in accordance with Rule 12 but must disclose such an interest first. A Councillor with a prejudicial interest, who is not a Member of the Sub-Committee determining the application, must not be present at the hearing in any capacity or at all. Members must be aware that their Code of Conduct applies to all Councillors at all times in whatever capacity they attend a hearing.

17. Where a Member of a Sub-Committee has had any form of personal or business involvement with a party to an application, which is to be determined by the Sub-Committee, or with any person connected to a party, then the Member must consider whether such involvement could amount to a personal or a prejudicial interest or whether such an interest could exist for any other reason. If there is any doubt on this matter, the Member must seek the advice of the Monitoring Officer or the legal representative.
18. A Councillor who has participated in a decision by the Council to make any application, or to support or assist an application made by another person, shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee.

Lobbying of Members and Expressions of Opinion by Members

19. If a Member of a Sub-Committee is approached by a party or a lobbyist for or against an application to be determined by that Sub-Committee, then the Member must: -
 - (a) explain that he/she cannot discuss the matter, and
 - (b) refer the lobbyist to another Councillor who is not a Member of the Sub-Committee or to the Licensing Service who can give further information on the process of dealing with the application, and
 - (c) keep an adequate written record of the approach, and
 - (d) disclose the fact of the approach before the hearing in accordance with Rule 51(c).
20. If a Member of a Sub-Committee receives any written representation either supporting or opposing an application to be determined by that Sub-Committee, then the Member shall pass the representation to the Licensing Service for appropriate action.

21. A Member of a Sub-Committee must avoid expressing any personal opinion about the merits of an application to be determined by that Sub-Committee and must not take any action that would bring into question the Member's capacity to consider the application objectively.
22. A Member of a Sub-Committee must not accept any gift, favour or free hospitality that could be seen as connected to any application to be determined by that Sub-Committee.
23. Members of Sub-Committees are not to be influenced by party political factors or pressures when determining any application.

Non-Attendance at Hearings

24. Where a party has not notified the Council that he/she does not intend to attend or to be represented at a hearing, and that party fails to attend the hearing then the Sub-Committee may either: -
 - (a) adjourn the hearing to a specified date where it considers this to be necessary in the public interest, or
 - (b) hold the hearing in the party's absence.
25. Normally, a party who fails to attend a hearing in the circumstances described in Rule 24 above, will be allowed one further opportunity to attend the hearing adjourned to a specified date.
26. Where an adjournment is granted, the Licensing representative shall make every reasonable endeavour to contact the party who failed to attend by telephone or in person in order to warn them of the new date for the adjourned hearing and the likelihood that the application will be determined in that party's absence in the event of further failure to attend.

Calling Witnesses

27. Where a party wishes to call a witness to give evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing stating: -
 - (a) the name of the witness, and
 - (b) a brief description of the point or points upon which the witness' evidence may assist the Sub-Committee in making its decision on the application

28. Where a party has given notice under Rule 27, the Licensing Service shall forthwith communicate this notice to the other party/parties, if possible by electronic means or by the most rapid practicable alternative means.
29. Where a party has given notice under Rule 27, the Sub-Committee shall consider at the commencement of the hearing whether it will permit the party to call the witness for the purpose(s) notified. Such permission shall not be unreasonably withheld.

Documentary Evidence

30. Where a party wishes to rely upon documentary evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. This notice shall be accompanied by six copies for the Council and sufficient additional copies of all the relevant documentary evidence for each other party made known to the notifying party. Compliance with this Rule is especially important in relation to documents that are not easy to photocopy because, for example, they are coloured or not A4 size.
31. Where a party has given notice under Rule 30, the Licensing Service shall forthwith communicate all the relevant documentary evidence to the other party/parties if possible by electronic means or by the most rapid practicable alternative means.
32. Where a party has complied fully with Rule 30, that party shall have the right to have the relevant documentary evidence admitted and, subject to the provisions of the Hearings Regulations, the Sub-Committee shall take such evidence into account in making its decision.
33. In any case where a party wishes to rely upon documentary evidence but has not fully complied with Rule 30, then at the commencement of the hearing the Sub-Committee shall follow this procedure: -
 - (a) the Chair shall establish whether the other party/parties consent to the documentary evidence being admitted, and
 - (b) if all the other parties so consent, then the documentary evidence shall be treated as if Rule 32 applied to it, or

- (c) if any party does not so consent, then the Sub-Committee shall decide whether to admit the documentary evidence nonetheless
 - (d) in making its decision under Rule 33(c), the Sub-Committee shall have regard to any reasons given for the late production of the documentary evidence, or other non-compliance with Rule 30.
 - (e) in making its decision under Rule 33(c), the Sub-Committee shall consider how far any other party may be prejudiced by the late production of the documentary evidence, or other non-compliance with Rule 30, and also the extent of the prejudice to the party seeking to rely upon the evidence if its admission is refused.
 - (f) in making its decision under Rule 33(c), the Sub-Committee shall consider whether it would be desirable in the public interest to adjourn the hearing for any period of time, or to another date, in order to allow any other party a reasonable opportunity to consider the documentary evidence.
 - (g) in making its decisions under Rules 33(c) and 33(f) above, the Sub-Committee shall consider any representations by the parties and the advice of its legal representative.
34. Where a party wishes to rely upon documentary evidence at a hearing but considers that any details of that evidence should be treated as confidential, for example the name or address of the signatory of a letter, then the party may exclude such confidential details from any documentary evidence sent to the Licensing Service under Rule 30. This Rule does not apply to any notice given or relevant representation made, since the originator must state his/her name and address in order for it to be valid.
35. In any case where confidential details are excluded under Rule 34, the Licensing Service must be informed that a request will be made by the party under Rule 42. If permission is refused under Rule 43, the whole or part of the relevant documentary evidence may be excluded from consideration. If permission is granted to exclude any confidential details, this may affect the weight to be given to the rest of the related evidence under Rule 58.
36. Where a party wishes to rely upon a model, or any form of evidence that cannot be photocopied, at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. The party seeking to rely upon such evidence shall indicate in the

notice, so far as practicable, the nature of that evidence and the purpose(s) of producing it.

37. Where a party has given notice under Rule 36, the Licensing Service shall forthwith communicate all relevant information about the evidence to the other party/parties if possible by electronic means or the most rapid practicable alternative means.
38. Rules 30 to 33 shall be applied flexibly to evidence of the type described in Rule 36 with a presumption that such evidence will be admitted if it materially helps the Sub-Committee to understand relevant issues between the parties at the hearing.

Petitions

39. Petitions shall on each page state their purpose and contain a warning to potential signatories that they are liable to be made public and that a copy will be supplied to other parties to the application. Each person signing should print their name and address legibly. At the end a petition must state the name(s) and address(es) of the persons circulating the petition and the dates on which this took place.
40. A petition must comply with Rule 39 unless the Sub-Committee decide to waive compliance with any requirement(s) for a good reason. A petition shall also be treated as documentary evidence and Rules 30 to 33 shall apply.

Private Hearings and Confidential Evidence

41. In accordance with the Hearings Regulations, hearings shall take place in public unless a decision to the contrary is made under Rule 43 in any case.
42. Where a party or a witness consider that any giving of evidence, or part of any evidence, or part of a hearing, should be held in private, then the party or their witness shall make such request to the Chair at the commencement of the hearing.
43. The Sub-Committee may decide to exclude members of the public from any part of a hearing and/or treat any evidence as confidential where the Sub-Committee consider that the public interest in preserving the confidentiality of any evidence outweighs the public interest in that part of the hearing taking place in public.

44. For the purposes of Rule 43, a party, a witness and any person assisting or representing a party, may be excluded from any part of a hearing or from hearing or seeing any particular evidence. Where the Sub-Committee decide to hold part of a hearing in private, a party and/or his/her representative shall not be excluded except for very special reasons.
45. Where the Sub-Committee decide to hold part of a hearing in private, the officers of the Licensing Service will not be excluded except for very special reasons. The Committee Clerk and legal representative shall not be excluded.
46. Before making any decision under Rules 43 or 45, the Sub-Committee shall consider the advice of its legal representative.
47. Where any part of a hearing takes place in private, the hearing will be adjourned immediately thereafter for a period of time sufficient to enable the Committee clerk to prepare a fair summary of the evidence and proceedings heard in private. This summary will exclude all details that the Sub-Committee, acting with the advice of its legal representative, consider should remain confidential. Upon the resumption of the hearing, the summary will be read out publicly in the presence of all the parties.
48. Rules 41 to 47 shall apply as nearly as may be practicable to documentary evidence where, with the consent of the Sub-Committee, confidential details may be disclosed to the Sub-Committee but excluded from disclosure to the public or persons mentioned in Rule 44.
49. Rules 41 to 47 shall apply, as nearly as may be practicable, where a witness wishes to disclose his/her name and/or address or other details only to the Sub-Committee and Council officers but not to the public or persons mentioned in Rule 44.
50. Whenever any evidence or information has been treated as confidential under Rules 41 to 49, the Sub-Committee shall consider whether to alter the weight given to that evidence in accordance with Rule 58.

Commencement of the Hearing

51. At the commencement of each hearing the Sub-Committee shall follow this procedure but may omit or abridge any step or Rule as appropriate -

- (a) The Chair will introduce him/herself and invite the Members and officers to introduce themselves
- (b) The Chair will invite the parties to introduce themselves and their representatives (if any)
- (c) The Chair will invite Members to disclose any contacts they may have had before the hearing with the parties or lobbyists for them.
- (d) If any party fails to attend the hearing, the Sub-Committee shall decide whether to proceed with the hearing in the absence of that party or whether to adjourn the hearing to another date. The Sub-Committee shall have regard to Rules 24 and 25 and Regulations 12 and 20 of the Hearings Regulations in making such decisions.
- (e) The Chair will explain the procedure to be followed by reference to these Rules.
- (f) The Chair will suggest the order of the topic headings for discussion at the hearing and will then invite the comments of the parties. In the light of such comments the Sub-Committee will confirm the order of the topic headings or amend them.
- (g) The Chair will ascertain whether there are any requests by any of the parties to call a witness and the Sub-Committee will then determine any such request under Rule 29.
- (h) The Chair will ascertain whether there is likely to be a request from any of the parties to cross-examine a witness called by another party and, if so, the reasons given for seeking a cross-examination. The Sub-Committee will then determine whether to allow such cross-examination in the interests of establishing relevant facts.
- (i) The Chair will ascertain whether there are any requests by any of the parties to produce documentary evidence, including models etc., and whether there has been full compliance with Rules 30 to 37. In the event of any non-compliance these Rules, the Sub-Committee shall decide whether to admit the evidence and/or adjourn the hearing under Rules 33 and 38.
- (j) The Chair will ascertain whether there are any requests by any of the parties to treat any evidence as confidential or to hear any of the evidence, or hold any part of the hearing, in private. If so, the Sub-Committee shall decide the request under Rules 43 to 49.
- (k) In any case where the Licensing Service has informed a party that there are particular points on which the Sub-Committee will need clarification, the Chair will then invite the party to provide such clarification.

Procedure and Evidence at Hearing

52. In accordance with Hearings Regulations, the hearing shall take the form of a discussion led by the Chair. With permission of the Chair the other Members of the Sub-Committee may ask questions of the parties, their representatives and witnesses and may lead the discussion on specific topics or points.
53. The hearing shall follow the order of the topic headings determined under Rule 51 (f) unless there is a good reason to depart from this agreed by the Sub-Committee.
54. The Chair, or Member leading the discussion, shall endeavour to ensure that each party has a reasonable opportunity to explain their case under each topic heading. The parties, their representatives and witnesses have a duty to make their evidence and comments succinct and relevant to the issues under discussion.
55. A party shall not be permitted to cross-examine another party or their witness unless this has been allowed under Rule 51 (h). If a party has concerns relating to the evidence or comments of another party or their witness, this should be explained to the Sub-Committee so that the Chair can question the other party/witness about these concerns before completing that topic heading.
56. Where permission has been given to a party to call a witness, that witness may give evidence in one or more stages when the discussion covers the appropriate topic heading(s). Normally, a witness will be invited by the Chair to make a statement. The witness will then be subject to cross-examination by the other party/parties if this has been allowed under Rule 51 (h). Then the Sub-Committee may question the witness. A party shall not re-examine his/her own witness except with the consent of the Chair to clarify a significant point in earlier evidence.
57. At the end of each topic heading the Chair shall invite the Licensing Service or legal representative to make any comments that they may consider necessary. With the consent of the Chair, these officers may question parties or witnesses directly or put their questions through the Chair.
58. Strict legal rules of evidence shall not apply. However, in considering what weight to place on the evidence or comments of any party or witness, the Sub-Committee shall have regard to the extent to which information was: -

- (a) within a witness' direct knowledge, and
 - (b) clearly and specifically related to the points at issue in the hearing, and
 - (c) tested by questioning.
59. The Chair shall be responsible for the orderly conduct of the hearing. The Chair may require any person to be silent and may regulate the order in which persons speak at the hearing. The Chair will endeavour to prevent remarks which are repetitious or irrelevant or which amount to unsubstantiated offensive allegations against any person, present or not.
60. The Chair on his/her own motion may indicate the decision of the Sub-Committee on any procedural matter within the scope of these Rules notwithstanding that the decision is stated in these Rules to be that of the Sub-Committee. This is subject to the right of any Member, who makes an immediate request, to have the matter put to the vote of the Sub-Committee as a whole. Rule 66 will apply to such a vote.
61. In accordance with the Hearings Regulations, each party has the right to make a closing address to the Sub-Committee in order to summarise his/her case at the end of the hearing. Unless the applicant consents to a different order, the applicant shall have the right to make the final address.
62. Each party must be allowed an equal maximum period of time to make a closing address. Normally, the Chair will invite each party to state how much time that party will require. However, the Sub-Committee may fix a greater or lesser maximum time for each closing address provided that this is reasonable in relation to the weight and complexity of the issues at the hearing.

Decision Making

63. At the end of a hearing the Sub-Committee may confer publicly and announce its decision on the application(s) immediately.
64. Alternatively, the Sub-Committee may defer reaching its decision until a later time or date, in so far as this accords with the Hearings Regulations.
65. In any case, and whether or not Rule 64 applies, the Sub-Committee may retire with the Committee clerk and legal representative to another room to deliberate in private.

66. The Sub-Committee, if making a decision at that time, must reach their decision by a majority vote. The Licensing Committee, if making a decision at that time, must reach their decision by a majority vote but, in the event of an equality of votes, the Chair shall have a second, or casting, vote.
67. The decision(s) will then be summarised in writing and the Sub-Committee will return to the public meeting so that the Committee clerk can read out the decision(s) in the presence of all the parties and their representatives.
68. If the Sub-Committee require any clarification of matters of fact before reaching their decision(s), the Sub-Committee shall return to the public meeting and put questions to the parties, their witnesses or the Licensing representative in the presence of all the parties and their representatives.
69. If the legal representative gives legal advice on any point(s) material to the Sub-Committee's decision(s), this advice will be summarised and read out by the legal representative in public before the Committee Clerk reads out the decision(s).

Waivers and Irregularities

70. The Chair may agree to waive any of these Rules, including any time limit, in the case of any individual application where he/she considers that there is good reason to do so. Excepted from this power to waive are Rules 8 to 23 (inclusive). Any permanent variation of these Rules must be decided by the Licensing Committee.
71. Any irregularity arising from any failure to comply with any provision of these Rules before the Sub-Committee has made a determination shall not of itself render the proceedings void.
72. In any case of such an irregularity the Sub-Committee shall, if Members consider that any person may have been prejudiced as a result of the irregularity, take such steps as Members think fit to cure the irregularity before reaching a determination of the application(s). In any such case the Sub-Committee shall consult the legal representative before deciding upon any steps to cure the irregularity.
73. In any case where it appears after the Sub-Committee's determination that the decision has been vitiated by incorrect information or any procedural or legal error, the Legal Representative shall advise the Chair of this and of the steps

necessary to remedy the problem. With the consent of the Chair, the Sub-Committee may reconvene to take the steps advised and/or to amend its decision. With the consent of the Chair in an appropriate case, the Members of the Sub-Committee may signify their consent to any steps advised and/or any amended decision without reconvening in person. When the legal representative so advises, the parties affected shall be invited to a reconvened hearing or, where appropriate, to signify their consent to any steps proposed without attending in person.

Cases Remitted by the Magistrates on Appeal

74. On an appeal to the Magistrates Court, the Court may remit the case to the Council for it to determine in accordance with the Direction of the Court. The Chair of the Licensing Committee on legal advice may wish the Council to contest that Direction by further legal proceedings. If not, the Chair will receive advice from the Head of Legal Services on how to comply with the Direction of the Court and will be requested to agree the appropriate procedure. So far as possible, these Rules will apply to any further hearing with such modifications as are advised to secure compliance with the Direction of the Court.

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APPENDIX 8

[the words recommended for addition or insertion are shown in italics and underlined]

PART F.7 of the Constitution – Scheme of Delegation to Officers

Section 2 – Delegations to officers within the Chief Executive's Service

[this schedule starts at page 13 of Part F.7 in the version of the Constitution updated in June 2005]

Local Government and Housing Act 1989		
Section 33	Steps to promote economic development	ACE-S
Marriage Act 1994		
Section 1 and Regulations made thereunder	To recommend the scale of fees for applications for approval of premises for civil marriages and the attendance thereat of the Superintendent Registrar, Registrar of Marriage or their deputies, such scale to recover all of the Council's costs involved, and subject to approval by the relevant Executive Member	HLS*
Local Government Act 2000		
Sections 2, 3 and 4	Steps to promote economic, social and environmental well-being	ACE-S
<u>Licensing Act 2003</u>		
<u>Section 181</u>	<u>In consultation with the Chair of the Licensing Committee, power to make arrangements to deal with cases remitted to the Council by the Magistrates Court</u>	<u>HLS*</u>

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APPENDIX 9

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

PART F.7 of the Constitution – Scheme of Delegation to Officers

Section 4 – Delegations to officers within the Environmental Services Directorate

[this schedule starts at page 51 of Part F.7 in the version of the Constitution updated in June 2005]

Gaming Act 1968		
Section 34	Power to grant and renew or refuse <i><u>applications for up to two permits</u></i> in respect of machines used for gaming <i><u>in premises licensed for the sale or supply of alcohol for consumption on the premises (excluding premises where alcohol may only be served with meals).</u></i> save <i><u>This does not apply</u></i> where <i><u>gaming</u></i> use is main activity in <i><u>the</u></i> premises.	AD-Enf
Section 34	Power to renew <i><u>or refuse to renew applications for permits on the statutory grounds,</u></i> where amusement with prizes machines is the main activity of the premises.	AD-Enf
Section 34 schedule 9 (paragraph 8b)	Power to authorise officers to undertake the inspections of premises and where necessary examine any records.	AD-Enf

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APPENDIX 10

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

PART E.7 of the Constitution – Terms of Reference of Regulatory and Non-Executive Committees and Sub-Committees

[this extract starts at page 14 of Part E.7 in the version of the Constitution updated in June 2005]

3. Under Licensing Committee

3.01 Licensing Sub-Committees

- (a) To exercise all the functions listed in sub-paragraphs (c) to (q) below in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within (a) above to the Licensing Committee on the grounds of its special significance or difficulty;
- (c) To determine applications for premises licences where relevant representations have been made;
- (d) To determine applications for provisional statements where relevant representations have been made;
- (e) To determine applications for variations of premises licences where relevant representations have been made;
- (f) To determine applications to vary designated premises supervisors following police objections;
- (g) To determine applications for transfer of premises licences following police objections;
- (h) To consider police objections made to interim authority notices;

- (i) To determine valid applications for review of premises licences;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made;
- (l) To determine valid applications for review of club premises certificates;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (q) To determine applications for permits for amusements with prizes gaming machines in accordance with the policy resolution of the Licensing Committee on 6 December 2005
- (r) To determine applications for permits for games or lotteries under section 16 of the Lotteries and Amusements Act 1976
- (s) To determine applications for orders permitting games under section 6 of the Gaming Act 1968
- (t) To decide on any other matter within the licensing functions under the Licensing Act 2003 where it is necessary or desirable for Members to make that decision;
- (u) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee.

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