



**FULL COUNCIL, Wednesday 13 July 2016**

## **MEMBERS' QUESTIONS**

### **ELM PARK SCHOOL**

#### **1) To the Cabinet Member for Children & Learning, Councillor Robert Benham**

##### **From Councillor Barbara Matthews**

Elm Park Primary is a relatively new school, but has encountered a number of issues including a major leak since being open. Would the Cabinet Member confirm what safeguards are in place to ensure that such failures do not occur and that the local council taxpayers do not end up footing the bill for failures by contractors.

##### **Response**

Elm Park Primary was a new build facility, funded directly by government as part of Havering's primary review programme in 2010 and was project managed by an external body (EC Harris) on the Council's behalf. The Council adopts the JCT standard form of contract for building projects and this includes a 12 month defect liability period requiring the contractor to address any issues which manifest within the first year following practical completion. In addition there is a further 12 year period for latent defects as part of the contract deed. Design and materials use is subject to Building Control approval as is usual.

The school experienced a major flood early part of last Summer as a result of a failed heating valve. Clearly the 12 month defect liability period had long expired by this point and following investigation by our insurers, it was concluded that there was no latent defect in this instance.

Separately, there is an outstanding issue with the metal walkway and balustrade which has a coating which is spalling, impacting upon the external appearance of the school. Works to address this are planned during the summer holidays and the potential for a latent defect claim is being considered by Legal Services.

Finally, I chaired a Board of Governors meeting two weeks ago where an undertaking was made to look into this situation.

In response to a supplementary question, the Cabinet Member confirmed that the Council's building control section did monitor the construction of new schools.

Council, 13 July 2016

## **GLA PRECEPT**

### **2) To the Leader of the Council**

#### **From Councillor Lawrence Webb**

Since the creation of the greater London Authority in 2000 how much has Havering contributed to the Mayors budget both through the GLA precept and other levies such as the Community Infrastructure Levy.

During that same period how much funding has Havering received from the GLA.

#### **Response**

The Council collected the following precepts on behalf of the GLA in 2015/16 as disclosed in the draft statement of accounts:

£24.5 m Council Tax ( £24m in 2014/15)  
Business Rates £14.4 m ( £14.4 m in 2014/15)  
Business Rate supplement in 2015/16 £2m  
Mayoral Community Infrastructure Levy in 2015/16 £0.2 m

In the main these sums are in respect of a wide range of London wide services including Fire, Police and Transport which will be of benefit Havering residents. These budgets are managed directly by the GLA.

Some grant funding is redirected via Transport for London ( to the Council in relation to capital projects but in the main GLA spending is managed by them and not by the Council.

We do not hold financial information relating to GLA budgets from the year 2000 and it is not feasible to provide figures for the periods requested at this time.

## **NEW TENANTS IMMIGRATION STATUS**

### **3) To the Cabinet Member for Housing, Councillor Damian White**

#### **From Councillor Michael Deon Burton**

Would the Cabinet Member comment on the requirement of private landlords to check the immigration status of all new tenants and those renewing their tenancies and any implications for the Council of this requirement.

#### **Response**

All private landlords in England have to make Right to Rent immigration checks for new tenancies entered into after 1st February 2016. This means checking that tenants have the right to be in the UK. The government says that the checks:

## **Council, 13 July 2016**

'...will make it more difficult for immigration offenders to stay in the country when they have no right to be here. They will also act as a new line of attack against unscrupulous landlords who exploit people by renting out substandard, overcrowded and unsafe accommodation.'

Right to Rent checks have to be made if a person is:

- a private landlord, or
- has a lodger, or
- is sub-letting a property, or
- letting agents.

The landlord must:

- obtain the original acceptable documents that allow them to live in the UK
- check them in the tenant's presence
- keep the copied documents on file, and
- record the date of the check

The Home Office has produced guidance to landlords on how to make the appropriate checks.

If a landlord makes the checks and retains copies as required they will have a statutory excuse against a penalty for letting to an illegal migrant.

Turning to implications for the Council, Local authorities are exempt from applying the scheme because housing eligibility checks are already covered by other regulations and applied before applicants are offered tenancies or nominated to a housing association.

In response to a supplementary question, the Cabinet Member confirmed that the law would be applied to all potential tenants and that Havering only offered Council tenancies to people who had the right to live in the UK.

## **AIR QUALITY IN THE BOROUGH**

### **4) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Keith Darvill**

What progress is being made to improve the Borough's Air Quality?

#### **Response**

Havering Council has been working on several initiatives to improve the Air Quality within the Borough. Over the past couple of years Havering has upgraded its monitoring network from 4 to 38 locations as a result of a successful bid to TfL's Mayors Air Quality Fund scheme. The increased monitoring locations gave the Council a much clearer indication of the air quality within the Borough, allowing the Council to closely monitor and review any 'hotspot' locations.

## **Council, 13 July 2016**

Recently a report was received from TfL updating the Council on London Bus Emissions Reduction, which over the period of 2008 – 2013 reduced emissions from the bus fleet in Havering from 137.5 tonnes per year to 101.5 tonnes per year, with a prediction of a continuing reduction till 2030. Further, the Council is continuing to promote ‘sustainable travel’ options through:

- improving pedestrian and cyclist access throughout the borough, promoting the use of Electric Vehicles and installing charging points
- encouraging the planting of air quality improving vegetation (such as that at the Ludwigshafen Roundabout in Romford)
- preparing an information pack for businesses to help them reduce their impact on air quality
- commissioning a video to raise awareness of air pollution and the part we can all play to improve the quality of the air we breathe <https://youtu.be/zlYmavUzlsW>
- implementing air quality planning conditions on new developments in order to reduce any detrimental impact they may have on the local air quality.

In response to a supplementary question, the Cabinet Member confirmed that pollution hotspots were monitored with the largest of these being in central Romford.

## **CAR PARKING CHARGES IN PARKS**

### **5) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Ray Morgon**

Given that the Administration planned to introduce car parking charges in a range of parks in Havering back in November 2015, would the Cabinet Member confirm that these have now been formally dropped given that the commuter parking problem could not be evidenced for every park, together with an appropriate business case.

#### **Response**

The Council previously agreed as part of the budget setting process for 2015/16 to introduce parking charges in parks, and that remains the Council’s aim. I have asked officers to define an overall parking strategy for Havering, which will include parks. Each park which falls in an area being considered for parking controls would be considered individually to protect the park from displaced vehicles from the surrounding roads. The use of parking provisions in the parks will be assessed and data gathered to determine whether the park will be suitable for paid for parking, the findings of which will form the business case and parking strategy for each area.

In response to a supplementary question, the Cabinet Member added that data to support the business case for parking charges in parks would be available by 2019.

Council, 13 July 2016

## **SHOPS IN HILLDENE AVENUE**

### **6) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Lawrence Webb**

Over the last five years what was the p.a. revenue from the shops in the vicinity of Hilldene Avenue?

Since the introduction of the parking charges how often have the shops defaulted or delayed payment of their rents.

#### **Response**

The income figures over the last 5 years are as follows:

2011/2012 - £1,058,700  
2012/2013 - £1,048,400  
2013/2014 - £1,078,900  
2014/2015 - £1,122,800  
2015/2016 - £1,169,800

Since the introduction of parking charges on 8th July 2013 there has been one repossession within the development. This related to a property in the Arcade where possession was taken in August 2013 following the accrual of significant arrears. The displaced tenant was subsequently granted a new lease of the property after entering into a payment plan.

The position concerning debtor cases is that there are three tenants that have arrears. Of these, one tenant has put forward a number of reasons why he is unable to meet his rental commitments, including the suggestion that the imposition of parking charges has had an adverse effect on his business.

## **PLANNING ENFORCEMENT IN WILFRED AVENUE, RAINHAM**

### **7) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor David Durant**

At June 8th Council meeting Cabinet Member, Cllr Dervish provided an update regarding two 2 metre high industrial style front brick walls in a residential turning at 20 Wilfred Ave, Rainham. He said a Certificate of Lawfulness submitted by the owner had been rejected on May 9th and they had been asked to lower the front part of the walls. Additionally Cllr Dervish agreed to check whether as requested an inspection of

## **Council, 13 July 2016**

extensive work at the back of the property had been undertaken to ensure it complied with planning rules.

Please can Cllr Dervish provide a new update regarding enforcement against the front walls and whether a site visit and inspection of the back of the property has taken place.

### **Response**

The owners of the property has been requested to lower the walls and a response has been received seeking to agree the extent of reduction required. Staff have given the owners clarification as to the reduction required. Also, an appeal has been lodged against the refusal of the certificate. An enforcement notice is being prepared seeking reduction in the height of the walls. The notice will be served if no commitment to reduce in accordance with Council requirements is made by the owners. The rear of the property has been inspected and all the works that have taken place have been confirmed as not requiring planning permission. An update on this issue was given to Councillor Durant on 4 July.

In response to a supplementary question, the Cabinet Member added that he did not feel this matter was suitable to go before the Towns & Communities Overview and Scrutiny Sub-Committee as the process was under way and the Sub-Committee scrutinised matters of policy.

## **CYCLING ON PAVEMENTS**

### **8) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Reg Whitney**

Would the Cabinet Member confirm what restrictions are in place in relation to cycling on pavements?

### **Response**

Cycling on footways such as pavements on the side of a carriageway is prohibited by Section 72 of the Highway Act 1835, amended by Section 85(1) of the Local Government Act 1888. This is punishable by a Fixed Penalty Notice of £30 under Section 51 and Schedule 3 of the Road Traffic Offenders Act 1988 and is enforceable by the police.

The Fixed Penalty Notice provision came into force in August 1999, however the Home Office issued guidance on how the new legislation should be applied, indicating that Fixed Penalty Notices should only be used where a cyclist is riding in a manner that may endanger others. The government restated this position in 2014.

**Council, 13 July 2016**

In response to a supplementary question, the Cabinet Member agreed to bring up the matter of cycling on pavements when he met with the Police Borough Commander.

## **MAPPING OFF ROAD PARKING & DROPPED KERBS**

### **9) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Ian de Wulverton**

What is the reason the council has paid a private company, to map out all off road parking and dropped curbs in Havering? What was the cost to the council for the aforementioned mapping process?

Response

Parking is a major cause of concern for our residents. The Highways, Traffic and Parking team receive hundreds of queries each month from residents, visitors and businesses relating to where they can or cannot park, availability of kerbside parking spaces, and how the Council intends to ease traffic flow across the borough. The choice of many is to drive, and so parking is, as we all know, a contentious issue within our communities, and this survey will highlight areas where parking capacity issues may be present.

In order to formulate parking policies that will meet the needs of the travelling public and residents, both now and in the future with new housing developments being proposed, we need to determine where the restrictions and the footway crossings are in the borough. To this end, and recognising that the Council did not have the resources to undertake such a vast project, we employed the services of a professional consultancy with substantial experience and expertise in this field. The cost to the Council is £400,000 to undertake the site surveys and the mapping exercise. The results will allow us to develop a parking strategy that will meet the future needs of our residents and businesses, that will not only inform planning policy for future developments, but will boost economic regeneration and provide our community with an easy to use online map to identify areas that they can safely park.

In response to a supplementary question, the Cabinet Member confirmed that there were no current plans for the Council to charge residents for driving across footways in order to access their own drives.

Council, 13 July 2016

## **ONESOURCE SAVINGS**

### **10)To the Cabinet Member for Housing Company Development & oneSource Management, Councillor Ron Ower**

#### **From Councillor Jeffrey Tucker**

Please provide an update regarding changes in the number of Havering employees and forecast net savings within the 5 year plan following the merger of all back office administrative services with Newham.

#### **Response**

OneSource is funded by Havering, Newham and Bexley Councils in order to deliver shared back office support services. The joint working is set to realise at least £14.6m of savings in the period up to 2018/19.

Savings of £4.3m and £3.7m have been delivered for 2014/15 and 2015/16 respectively, bringing the total savings achieved to £8.0m. Further savings of £3.1m are anticipated to be delivered in 2016/17.

Havering's share of these savings, £5.005m, is already assumed within the current financial strategy and MTFS.

The savings have been achieved in a number of ways including generating efficiencies through process re-engineering, sharing overheads, reducing management, removing duplication, increasing income and reducing non staffing expenditure.

To date restructures within oneSource have resulted in a reduction of 92 posts overall. This has been met through a mixture of redundancies, retirements and the deletion of vacant posts. The transformation of oneSource is ongoing and further significant reductions are expected.

In response to a supplementary question, the Cabinet Member confirmed that 92 posts had been deleted overall and the overall saving to Havering delivered by oneSource was £5.005m. The oneSource newsletter was being sent to Members and the Cabinet Member would share the oneSource strategic plan for 2016 onwards with Councillor Tucker.

## **ASBESTOS IN SCHOOLS**

### **11)To the Cabinet Member for Children & Learning, Councillor Robert Benham**

#### **From Councillor Jody Ganly**

Would the Cabinet Member confirm how many Havering schools contain asbestos and what regular checks are made to ensure that they remain safe for both students and teachers.



**Council, 13 July 2016**

## **Response**

The majority of Havering Schools contain some level of asbestos; the levels range from school to school and it is impossible to say exactly how much (due to the fact that some asbestos would only be discovered upon de-construction or by very intrusive measures). In line with the Asbestos Regulations, all schools have had a Management Survey carried out that identifies asbestos that is readily and easily detectable (but the survey is not intrusive or conclusive in terms of identifying every fibre of asbestos). The Management Survey provides details on level of risk and gives recommendations on how to manage e.g. removal, encapsulation and/or inspection. The purpose of the survey is to identify as much accessible asbestos as possible and allow schools to manage the known asbestos on a day to day basis. Schools are provided with an action plan and any remedial works that may need to be undertaken. All schools have been provided with an inspection regime and provided with the opportunity to attend training on how to use their Management Survey and the requirements to undertake the inspection including at what intervals. Checks are regularly carried out to ensure that schools are undertaking their inspections. Clear procedures are in place for reporting any disturbance or deterioration to known asbestos.

Schools that are part of the LA are required to use the services of the Council Asbestos Management Unit who are able to provide guidance and advice along with managing the Council contract for the Asbestos Surveying and Removal Services. This allows the Council to be reassured that the correct standards and levels of risk are being suitably managed.

In response to a supplementary question, the Cabinet Member agreed to ascertain if any claims had been made against the Council re asbestos related illnesses suffered by people working in schools.

## **EMERGENCY CONTACT FOR COUNCILLORS**

### **12)To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

#### **From Councillor Ian de Wulverton**

What is the council's procedure for Councillors to contact them in an emergency?

## **Response**

The means by which Councillors contact the Council during an emergency very much depends upon what the emergency is. If the emergency is service specific (for example a Housing or Social Care issue) and it is during business hours then contact would be expected to be made with either the Contact Centre or directly with the particular Service in question. Outside business hours contact can be made through the Council's emergency number 01708 433999 from where the nature of the emergency would be defined and routed in accordance with the Council's emergency out of hours procedures.

**Council, 13 July 2016**

In response to a supplementary question, the Cabinet Member agreed to look into reports of contact centre staff not knowing the correct contacts for dealing with recent flooding in the borough.

**COUNCIL CREMATORIUM**

**13) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish**

**From Councillor June Alexander**

Would the Cabinet Member confirm what regular maintenance action is taking place to ensure that our crematorium looks well kept.

**Response**

A grounds maintenance schedule is in place, which follows a systematic approach to ensure the grounds of the Crematorium are maintained to an acceptable standard throughout the year. There are currently five grounds maintenance staff, one team leader and four gardeners as well as assistance from the Crematorium team depending on workload. All the gardeners work in conjunction/partnership with the Shaw Trust horticultural project (a Learning Disabilities Charity) that carry out basic horticultural duties and tackle high visitation areas and basic weeding and tidying, as well as concerns and complaints.

The Grounds Maintenance Schedule consists of :

- Grass cutting and strimming (carried out between the months of April until September, the cutting season). High visitation and first impression areas can be prioritised and may be cut and strimmed every week depending on resources, weather conditions and season.
- Shrub, rose and flowers beds are weeded and tidied typically every seven/eight weeks, unless there has been a concern or complaint. This year the weeds have thrived due to the inclement weather conditions i.e. heavy downpours then brilliant sunshine the ideal weather for weed growth.
- Paths are swept and tidied every seven/eight weeks; dead flowers and artificial flowers “past their best” are removed and the areas tidied very seven/eight weeks. This can also be prioritised depending on concerns or complaints.
- Shrubs, trees and hedges are pruned in the early autumn and late spring.
- Weedkilling is carried out periodically but normally after April
- Moss, grass, weeds are scraped out of paths and paving as required

In response to a supplementary question, the Cabinet Member agreed to investigate reports of areas of the crematorium site being poorly maintained.

Council, 13 July 2016

## **EX-ARMED FORCES PERSONNEL ON HOUSING REGISTER**

### **14)To the Cabinet Member for Housing, Councillor Damian White**

#### **From Councillor Barry Mugglestone**

Would the Cabinet member confirm how many times Havering Council had confirmed the service of ex-armed forces personnel with the Royal British Legion as per page 116 June Cabinet papers.

#### **Response**

At present, no confirmation of ex-armed forces personnel service has been requested from the Royal British Legion because it is not an option that can be used under the current Housing Allocation policy which was implemented in Sept 2014. The only source of verifying eligibility is by the ex-armed forces personnel providing their original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation. Under the new policy approved by Cabinet on 15 June 2016, due to be implemented from 1st July 2016, confirmation of service with the Royal British Legion will be an additional way of confirming eligibility for housing priority from ex-armed forces personnel.

In response to a supplementary question, the Cabinet Member stated that the Royal British Legion had recently been in contact with the Council and had stated that Havering had a model policy for housing allocations for ex-service personnel. The right and proper checks were undertaken and the Royal British Legion was approached first although the Ministry of Defence would also be contacted if this did not yield results.

## **HAVERING SCHOOL PUPILS**

### **15)To the Cabinet Member for Children & Learning, Councillor Robert Benham**

#### **From Councillor John Wood**

Would the Cabinet Member confirm how many pupils in Havering schools live outside the borough?

#### **Response**

Publically available data on schools, pupils and their characteristics are available, the most recent set is from the January 2016 census here - [Cross-border movement local authority tables: SFR20/2016](#)

An excerpt from the report appears below and shows that the total percentage of pupils residing in another LA attending a school maintained by Havering is 9.7% (3,439

**Council, 13 July 2016**

pupils). This is significantly below the London and Outer London averages. The table below shows the percentage for each of the year groups. It can be seen that there is a large increase between primary and secondary (years R-6 and years 7-11 respectively) but this is typical, especially in an area like London where mobility between schools is relatively easy.

In response to a supplementary question, the Cabinet Member explained that the number of children residing in another borough and attending a Havering school was due to a number of factors including the Council's policy on allowing pre-school age siblings to attend the same school and some roads outside the borough still having a Havering establishment as their nearest school. There were also several hundred children living in Havering who attended schools outside the borough.

The Cabinet Member felt it should be celebrated that many people outside the borough wished for their children to attend a Havering school and was also pleased that 88% of children in Havering had received their first choice schools in the recent admissions process.

**Table 13: Local Authority cross border movement by national curriculum year group of state-funded school pupils resident in England** <sup>1,2,3,4</sup>

January 2016

By Local Authority area, by Region in England

		Number of pupils residing in the LA	Number of pupils attending schools maintained by the LA	% of pupils residing in other LAs attending schools maintained by the LA												Total
				R	1	2	3	4	5	6	7	8	9	10	11	
E92000001	England	7,097,155	7,099,224	3.2	3.4	3.6	3.7	3.8	4.1	4.3	9.0	9.2	9.3	9.5	9.6	5.9
E12000007	London	1,090,869	1,088,028	7.2	7.7	8.3	8.5	8.9	9.4	10.1	19.5	20.2	20.8	21.6	22.3	13.0
E13000001	Inner London	364,206	370,378	9.0	9.6	10.4	10.7	11.0	11.7	12.3	20.9	21.8	22.6	23.4	25.2	15.0
E13000002	Outer London	726,663	717,650	6.2	6.8	7.2	7.4	7.8	8.2	8.9	18.7	19.4	19.8	20.6	20.9	12.0
<b>E09000016</b>	<b>Havering</b>	<b>34,539</b>	<b>35,498</b>	<b>5.1</b>	<b>5.3</b>	<b>5.4</b>	<b>4.8</b>	<b>5.7</b>	<b>5.3</b>	<b>5.3</b>	<b>13.7</b>	<b>16.3</b>	<b>17.2</b>	<b>17.4</b>	<b>15.9</b>	<b>9.7</b>