

Council

Thursday 8 July 2010

CONFIRMATION OF CABINET AND COMMITTEE RECOMMENDATIONS AND RELEVANT ORIGINATING BACKGROUND PAPERS

ITEM ON SUMMONS	CABINET/COMMITTEE RECOMMENDATION	ORIGINATING REPORT
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Recommendation I:
Licensing and General Purposes
Committee
(15 June 2010)

8.	LICENSING POLICY	Report of the Divisional Director Partnership Development and Performance (Pages 1 - 66)
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Recommendation I:
Overview and Scrutiny Committee
(13 April 2010)

The revised Annual Scrutiny Report
2009/10 is included within the
background papers pack.

9.	SCRUTINY ANNUAL REPORT 2009/10	Report of the Corporate Director Community and Environment (Pages 67 - 96)
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**REPORT FOR: LICENSING AND GENERAL
PURPOSES COMMITTEE**

Date of Meeting:	15 th June 2010
Subject:	Revised Licensing Policy – for approval
Responsible Officer:	Brendon Hills – Corporate Director, Community & Environment
Exempt:	No
Enclosures:	Draft revised Licensing Policy and Responses to consultation

Section 1 – Summary and Recommendations

This report provides the draft revised Licensing Policy for this Authority and the responses received to the consultation exercise in respect of it.

Recommendations:

The Committee is requested to:

1. Consider the responses received following the consultation exercise on the draft revised Licensing Policy.
2. Consider the draft revised Licensing Policy
3. Refer the Policy to Full Council for approval.

Section 2 – Report

2.1 Background & Current Situation

Under Section 5 of the Licensing Act 2003, a licensing authority must prepare a statement of the principles that they propose to apply in exercising their functions under this Act. It is a requirement that the Authority reviews its Licensing Policy at least every three years. The current Licensing Policy was published on 18th October 2007.

The draft revised Policy was under consultation from 15th March – 21st May 2010, and the responses received are attached to this report.

2.2 Main Options

The options are limited as the process is legislative and is dictated by the Act itself. We have no discretion as to the making of a statement of policy, although there is some discretion as to the content of the statement.

There is one area of change to the revised Policy. This area is to reflect the legislative change appointing an elected member as an interested party for the purpose of the Licensing Act 2003.

Thus, the options available are as follows:

1. Recommend that the original changes to the policy should be made;
2. Propose modifications to the policy to take account of the consultation responses and any views of the Committee;
3. Recommend that the policy is left as currently written. As the change to the policy is to reflect a change in legislation, this option is not recommended.

2.3 Consultation

The Licensing Policy consultation took place from 15th March 2010 and ended on 21st May 2010.

The consultation was carried out in accordance with section 5 of the Licensing Act 2003, which requires the licensing authority to consult the following on the policy statement or any subsequent revision to it:

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,

(e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and

(f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

This authority consulted with the (Chief Officer of) Police for the Harrow area, all premises and clubs licensed in Harrow under the Licensing Act 2003 and known local residents' associations. The draft policy was published on the Council's website for the duration of the consultation period.

By the end of the consultation period the Authority had received only two responses regarding the policy statement. Both responses are attached to this report.

The response contributed by the Pinner Association requests that persons making applications under the Licensing Act 2003, be required to produce a copy of the relevant planning permission with associated conditions. As stated in the policy, planning and licensing are separate regimes and whilst the licensing policy can encourage an applicant to seek planning permission first, it cannot compel an applicant to do so. In addition, conditions can only be imposed following receipt of a representation and if it is necessary for the promotion of the licensing objectives. There may be a situation whereby the hours restriction imposed for planning is different from the hours restriction imposed for licensing. If the planning hours restriction is more onerous, the applicant will be expected to comply with this and if he or she fails, the Council in its capacity as local planning authority can take enforcement action. The Council as licensing authority can inform an applicant about planning restrictions, however these restrictions cannot simply be added as conditions to the licence.

The second response received makes various comments regarding the cost and availability of alcohol. The policy reflects the position as laid out in the Licensing Act 2003, that the Council, in its licensing role is not empowered to determine the need or commercial demand for another pub, restaurant or hotel. These are issues for relevant planning controls and the market to determine. Under the Licensing Act 2003, it is an existing offence to sell alcohol to a person who is drunk. The Government is considering whether to impose statutory restrictions on price promotions and selling alcohol below price.

2.4 Legal Implications

As noted above, it is a statutory requirement that the Authority produces a statement of licensing policy setting out its approach with regard to exercising its functions, and that it reviews it at least every three years.

2.5 Equalities Impact

The consultation on this policy was carried out in accordance with section 5 Licensing Act 2003 and was advertised on the Council's website for the

duration of the consultation period which took place over twelve (12) weeks. Having carried out an Equalities Impact Assessment in line with the Corporate Equalities Policy, it has been established that there is no adverse effect on any group on the grounds of age, disability, gender, race, religion, belief, sexual orientation or socio economics circumstances.

2.6 Community Safety - Section 17 Crime and Disorder Act

The key remit of the Licensing Policy will be the manner in which it and the decisions based on the policy address the need for partner agencies to work together to develop and implement strategies to tackle crime and disorder which may be related to the implementation of the Licensing Act and related controls and enforcement. Implementation of the Policy will serve to underpin the delivery of crime reduction strategy priorities and as such directly support section 17 key objectives and the Crime and Disorder Reduction Strategy.

2.7 Financial Implications

None

2.8 Risk Management Implications

If the authority does not review its policy within the 3 year period it will be in breach of s.5 of the Act, leaving the Authority open to challenge by persons dissatisfied with decisions made in accordance with the existing policy.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 02 June 2010		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 04 June 2010		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager x 6237

Background Papers:

- 1.) Draft revised Licensing Policy
- 2.) Responses to consultation

**The Pinner Association
Licensing Sub-Committee**

**Response by The Pinner Association to the Draft Harrow Council
Licensing Policy 2010.**

The Pinner Association generally agree with the aims expressed in the draft Harrow Council Licensing Policy 2010, and with the means described to achieve the desired outcomes, but wish to comment on one aspect of section 8 - Applications.

Paragraphs 8.11 and 8.12 explain the relationship that exists between Planning and Licensing law, as administered by the Local Authority, and gives instruction as to how any limitations on the use or opening hours of a premises imposed by a planning consent or otherwise by planning restrictions should be borne in mind by an applicant for a licensable activity at these premises. We would submit that a more robust and direct instruction should be required to be followed by an applicant, to ensure that the planning control exercised by the Local Authority and any licence granted by that same Local Authority are in agreement and compatible. We suggest that paragraph 8.12 should include the following:

The applicant is required to produce a statement from the Local Authority's Planning Department stating what, if any, is the class of use of, and any hourly restrictions on the sale of goods from, or consumption of items at, or the permitted hours of operation of, the premises for which a licence application is being made.

This may avoid situations that have arisen in the past when the hours of opening permitted on a licence exceeded those allowed under a condition of the planning consent.

G. T. Wheal, Chairman, Pinner Association Licensing Sub-Committee.
20th May 2010.

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Question	Response
Q1.Introduction - General comments on the Introduction	I cannot find the policy but wish to make comments on the over availability of alcohol. I speak from the heart having recently helped a cousin over come her alcohol addiction.
Q2.Main Principles - General comments on the Main Principles	Alcohol is far too cheap and far too easily obtained. from too many outlets. i speak as a dsaughter of a Publican. I lived in a pub for 6 years. Continually I was told by my Father to never serve any alcohol to a person who looked drunken or who was too obviously nearing that state; if I did, he could lose his licence. I was to call him after speaking kindly but firmly to the person asking for more. One never contradicted some one who appeared to have drunk too much.
Q3.Prevention of Crime and Disorder - General comments on Crime and Disorder	Alcohol causes people to lose their inhibitions on reasonable behaviour. Some Somalian boys were kicking in the groin another boy not of the same race but of African descent, at Harrow Weald; I then saw an article passed from the assaulted boy to the Somalians. Two Community Policeman came and they stopped; I sincerely hope that Community Police do not disappear. They give one a sense of security. I was too frightenend to get out of the car but shouted at them. I was scared that they may have had a knife.
Q4.Promotion of Public safety - General comments on Public safety	Keep the Community police. They must save more money than they cost.
Q5.Prevention of Public Nuisance - General comments on Public Nuisance	There should be some way of stopping ear splitting noise nuisance from cars.
Q6.Protection of Children from Harm - General comments on Protection of Children from Harm	Everyone must be more vigillant and noseiy and not feel guilty about it being the latter. Intervene and t befriend children and not regard them as monsters; bad parenting breeds monsters. Keep teh Sure Start progrmmes; being shut up in a box with a child with no extendeed family is not good. I reared 3 and without extended family nearby would have gone into depression perhaps. Young Mothers need support ; I likewisw supoorted my daughters as I had been. get some experienced Grannies to help young mums. t

Q7. Licensed Hours - General comments on Licensed Hours	<p>Unfortunately, the Anglo Saxon likes to tipple too much. There are many arguments for and against hours of accessibility to purchase alcohol. An uncle had an alcoholic problem and we all breathed a sigh when the pubs and off licences closed and he could get no more. Now it is bought in Super markets all round hth clock and drunk at home. alcoholism costs the NHS Billions probably; My cousin ended up with a broken arm and a stay in rehab; all avoidable. Let's stop advertising alcohol; put the price up and teach the young about it. We did it with smoking. The Monopoly Commission made a mistake placing so many pubs on the market. The managers put in were told to increase prices and sales and the tenancy contract between brewer and tenant to keep a respectable house got lost.</p>
Q8. Applications - The Act has specific requirements for applications and the scope for the modification of procedures is limited. However, comments on Section 8 are welcomed and the selected policies in the section.	
Q9. Specific premises - General comments on Specific Premises	
Q10. Representations - General comments on Representations	
Q11. Reviews - General comments on Reviews	
Q12. Cumulative Impact - General comments on Cumulative Impact	
Q13. Complaints against Licensed Premises	
Q14. Temporary Event Notices	
Q15. Designated Premises Supervisor	<p>The Licensee must be made responsible for hth behaviour of clients and see that they do not over imbibe with hth threat of loss of his licence and, in the old days, his home.</p>
General comments	<p>We must educate people to drink responsibly. Young girls are having liver damage ; we must teach girls that it is not smart to get drunk and show how boys get aggressive. I remember my Mother pointing out the Waafs being slung into the back of the Military Police trucks and being warned " Never get into that humiliating condition. Never let someone you do not know buy you a drink- you do not know what is in it" Likewise, I warned my daughters.</p>



LICENSING ACT 2003

LICENSING POLICY

2010

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Contents	Page
1. Introduction	3
2. Main Principles	3
3. Licensing Objective 1: Prevention of Crime & Disorder	5
4. Licensing Objective 2: Public Safety	7
5. Licensing Objective 3: Prevention of Public Nuisance	9
6. Licensing Objective 4: Protection of Children from Harm	10
7. Licensed Hours	13
8. Applications	14
9. Specific Premises	17
10. Representations	17
11. Reviews by Responsible Authorities and Interested Parties	19
12. Culmulative Impact or Effect	19
13. Integrating Strategies and Avoiding Duplication	20
14. Enforcement and Protocols with Enforcement Agencies	21
15. Cultural Strategies	22
16. Complaints against Licensed Premises	22
17. Smoke free premises	23
18. Temporary Event Notices (TENs)	24
19. Designated Premises Supervisors	24
20. Name of Premises	24
21. Advertising Campaigns / Help Groups	25
22. Administration, Exercise and Delegation of Functions	25
23. Responsible Authorities – Contact Details	26
24. Annex A: Table of Delegation of Licensing Functions	27
Annex B: Proposals for Conditions that support the issue of licences or certificates by the Authority.	28
Annex C: The prevention of Crime and Disorder	30
Annex D: The maintenance of Public Safety	34
Annex E: Theatres and Cinemas (Public Safety)	39
Annex F: The prevention of public nuisance	43
Annex G: The protection of children from harm	45
Annex H: Licensing and Compliance Enforcement Policy	47
25. Glossary	52

London Borough of Harrow

Licensing Policy – Licensing Act 2003

1. Introduction

1.1 Harrow Council is the Licensing Authority under the Licensing Act 2003 ('the Act.'). It is responsible for premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of licensable activities:

- The sale and/or supply of alcohol.
- The provision of regulated entertainment.
- Late night refreshment.

1.2 The guiding principles in the Licensing Act 2003 are the Licensing Objectives:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

1.3 These Objectives and the Statutory Guidance are the basis for this policy. In the context of licensing, our society has to strike a balance between those activities that profit one portion of that society and those that may have a detrimental effect on another. All views will be taken into account when determining licensing policy.

1.4 This licensing policy covers the period from 8th July 2010 until 7th July 2013. It will be kept under review and, following consultation, revised or amended at any point in that period that the Council see fit.

2. Main Principles

2.1 'Licensing' in this policy means the administrative functions behind the issue of Personal Licences, Premises Licences, Club Premises Certificates to qualifying clubs and temporary events within the terms of the Act, especially in relation to s.5. Nothing in this policy will undermine the rights of any person to apply under the Act and have the application considered on its individual merits, and/or override the right of any person to make representations or to seek a review of a licence or certificate where they are permitted to do so under the Act. Further explanation of licensing functions can be found in Annexes B to G

2.2 The Act provides flexibility for operators to provide licensable activities that suit the individual nature of a venue. The application form and

accompanying Operating Schedule for a premise enable a business to reflect its individual needs, setting down when and how the activities will take place. While this Licensing Policy assists with the interpretation of the Objectives, applicants must carefully consider the potential impact of their licensable activities and seek advice where necessary. They should conduct a thorough risk assessment with regard to the Licensing Objectives when preparing their application. The matters put forward on an Operating Schedule normally become conditions on any licence or certificate granted, hence applicants should carefully consider what is in the application and must be willing and able to comply with the Operating Schedule.

- 2.3 Where there are no representations to an application the Licensing Authority must grant the licence or certificate with only those conditions that are consistent with the Operating Schedule and any mandatory conditions in the Act. In the case of an event organised under a Temporary Event Notice, a counter notice can only be served following appropriate representations made by the Police.
- 2.4 When determining unresolved representations the Licensing Authority will primarily focus on the impact of the activities taking place at licensed premises on persons living, working or engaged in normal activity in the area concerned.
- 2.5 Conditions on licences and certificates might only arise from the following sources:
- The Operating Schedule.
 - The mandatory conditions within the Act.
 - At a hearing by the Licensing Authority to determine unresolved representations.
- 2.6 Conditions attached to Premises Licences and Certificates will as far as possible, relate local necessity; for example, the provision of CCTV. A key concept of the Act is the tailoring of conditions to the individual style of premises and events. A standardised group of conditions should therefore be avoided, and may be unlawful where they cannot be shown to be necessary to promote the licensing objectives. This is not to say that the wordings of conditions themselves cannot be identical when applied to different premises, since there are bound to be regular requirements. Examples could be conforming to ACPO principles, and other professional standards.
- 2.7 There are a number of available mechanisms for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- Planning controls.
 - Positive measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments.

- Designation of parts of the Borough as places where alcohol may not be consumed publicly.
- Regular liaison with Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and the instant temporary closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises.
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate.

2.8 The council addresses many of these issues in partnership with the Police and other agencies within the Partnership framework. The council acknowledges that some aspects of the law may be difficult to understand, and therefore always advises early consultation when applications are being made. Specific business advice cannot be given nor application forms filled in on behalf of applicants, but assistance can be provided in understanding the legislation. The Council acknowledge the speed at which legislation can change and will, as far as possible, undertake education by way of mail shot, group e-mails and seminars.

3. Licensing Objective 1: Prevention of Crime and Disorder

- 3.1 Licensed premises that serve alcohol and refreshments, especially those offering late night/early morning entertainment, can be a source of crime and disorder problems through the actions of their patrons and staff. Good management at premises makes an important contribution to reducing the impact on the local community. An example of good practice by management is active participation in local Pub and Drug Watch schemes.
- 3.2 The Council will work with the Police to encourage licensees to work in partnership with local Pub and Drug Watch schemes as a way of supporting licensees to actively prevent crime and disorder issues and to inform crime reduction strategies. Schemes will encourage the sharing of information, effective communication and will seek to address matters such as under-age sales, problems associated with drunkenness, prevention of illegal drug use, and violent and anti-social behaviour. Where there is no scheme in place applicants are strongly encouraged to visit www.uniquepubs.com/pubwatch to obtain further information and advice on setting up a scheme.
- 3.3 When addressing the crime and disorder objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule might include the following:

- (a) What measures will be taken by the licensee to promote drugs awareness and what provision has been made for facilities to store seized drugs. In the interests of public safety, nightclub owners and dance event promoters are encouraged to follow guidance in the Safer Clubbing Guide to ensure the health and safety of anyone attending dance events. Particular attention will be paid to the measures taken to record the seizure and storage of controlled drugs, weapons and similar material.
- (b) What measures will be taken by the licensee to prevent alcohol abuse such as drinking games and continuous drink promotions, such as the adoption of advice by the British Beer and Pub Association and the Portman Group. This is to avoid potential crime and disorder incidents linked to binge drinking.
- (c) What features are currently in place or planned for physical security at the premises, for example, CCTV. Advice is available from the local Crime Prevention Design Advisor on the layout and specification of CCTV systems.
- (d) How licensees propose to work in partnership with the Licensing Authority, Police and other traders in establishing a possible agreement on co-ordinating operating hours to prevent large numbers of people moving between premises. For example, disco nights, promotion nights and special events that could attract large numbers of people. Such co-ordination could be achieved through a local Pub Watch Scheme.
- (e) What arrangements will be put in place in respect of the adoption and use of a recognised or appropriate age-monitoring scheme.
- (f) What active management measures will be taken for the prevention of violence or public disorder. For example, where appropriate, employment of registered door staff to effectively control potential flashpoints such as the management of persons awaiting entry to premises and flashpoints within the premises itself.
- (g) What arrangements have been made for the safety of staff and other persons (including performers, contractors, agency staff and other persons in the premises for work purposes) in premises open between 11pm and 5am, or in premises where there is history of violence from customers or the public. One example of such a premises would be a shop selling alcohol for consumption off the premises (an "off-licence").
- (h) What arrangements have been made for seating in pubs, bars, nightclubs and late night refreshment premises. Research has shown that the amount of seating can be relevant to the prevention of crime and disorder.

3.4 When considering controls at premises applicants are recommended to seek early advice from the Council's licensing staff and the Police.

- 3.5 Where conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have considered and taken action to rectify those issues. If there is continued abuse of the regulations, action will be taken in accordance with the Enforcement Policy.
- 3.6 In the interests of the Licensing Objectives, the Licensing Authority advise that where alcohol is consumed in designated outside areas, appropriate risk assessments are undertaken to minimise risks. Such measures may include the serving of drinks in plastic vessels, regular cleaning of litter, control of noise levels, etc.
- 3.7 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred, or partake in extremist activities, in order to prevent the likelihood of meetings resulting in crime or disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when accommodating these meetings. The Council recognises the need to promote the elimination of unlawful discrimination and to promote equality of opportunity. Therefore, the Council recommends licensees seek guidance from the Home Office website www.raceimpact.homeoffice.gov.uk
- 3.8 When determining unresolved representations to an application and where necessary in individual circumstances to comply with the Licensing Objectives, the Licensing Authority may consider attaching specific conditions related to the licensed activities and conditions as outlined in Annex C – Conditions relating to the prevention of crime and disorder.

4. Licensing Objective 2: Public Safety

- 4.1 Members of the public visiting licensed premises expect that their physical safety and health will be protected. Licensees must be able to demonstrate that they have considered and put into effect measures to protect the safety of the members of the public. Applicants are advised to seek early advice from the Council's Licensing Officers, Environmental Health Officers and the London Fire and Emergency Planning Authority (Fire Authority) before preparing their plans, Operating Schedules, establishing new premises, commencing refurbishment work, etc.
- 4.2 A wide range of premises fall within the scope of the Act including cinemas, halls, theatres, nightclubs, public houses, cafés, restaurants and fast food outlets/takeaways. In addition open-air events such as concerts, or other events in parks, marquees and stadia, may also fall under licensing requirements. Each type of premises presents a mixture of risks, some common to the bulk of premises while others are unique to specific activities. It is essential that premises are constructed or adapted and operated to acknowledge and safeguard occupants against these risks. When addressing the public safety objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule

might include those in Annex D – Conditions relating to Public Safety (including fire safety) and Annex E – Theatres and Cinemas (Promotion of Public Safety).

- 4.3 When determining unresolved representations to an application and where necessary in individual circumstances to comply with the Licensing Objectives, the Licensing Authority will consider attaching conditions to licences and certificates to promote safety, and these may include conditions drawn from Annex D or Annex E.
- 4.4 The principal purpose of a safe capacity limit is to ensure the safety of all persons on the premises at the time and to ensure a safe means of escape in the event of fire. Capacity limits can also assist in preventing crime or disorder, as overcrowded premises can increase the risks of disorder as crowds become frustrated and hostile. Following relevant representations the Licensing Authority will consider the need for occupancy limits for an individual premises in consultation with the Fire Authority, Health and Safety Officers, and Building Control Officers, as appropriate, where there is a concern for public safety. Premises that have safe capacity limits imposed under fire safety legislation will not have a safe capacity limit imposed for the same activities under the premises licence, or club registration certificate, unless recommended by the Fire Authority.
- 4.5 Subject to the existence of controls under other legislation and the need to determine representations, the Council as Licensing Authority will wish to:
- Ensure that all licensed premises or temporary events have adequate and effective means of escape in case of fire and that all fire safety measures have been implemented.
 - Ensure, as appropriate, licensed premises or temporary events are provided with fire alarms, emergency lighting and fire fighting equipment suitable to the assessed risks and adequately maintained.
 - Ensure that the number of people present can safely be evacuated in the case of emergency.
 - Ensure adequate staff training to deal with emergencies and that the Operating Schedule expressly states what training is to be undertaken, its frequency and what records are kept to demonstrate this has taken place.
 - Ensure that safety measures are clearly stated in the Operating Schedule. Applicants might usefully make reference to relevant risk assessments.
 - Nightclub type premises can be a focus for the trade in and consumption of illegal drugs. The Council as licensing authority will continue to

encourage measures such as “Safer Clubbing” (available at www.drugs.gov.uk) and existing work through the Drug Action Team and the Crime and Disorder Reduction Partnership, as a strategic approach to addressing drug problems.

5. Licensing Objective 3: The Prevention of Public Nuisance

- 5.1 The Licensing Authority is committed to preventing public nuisance in the Borough by working in close partnership with Police and licensees, as well as coordinating action across the Council’s services. The term ‘public nuisance’ is not limited to existing legal definitions of the term and the Licensing Authority intends to interpret the term in its widest sense, including issues affecting the amenity of the area such as noise, light, odour, litter and anti-social behaviour.
- 5.2 In the Operating Schedule, applicants should indicate how they intend to carry out the licensable activities in a way that will not cause public nuisance. Where premises are located near to noise-sensitive areas, for example, nursing homes, hospitals or places of worship, the Operating Schedule should specify the steps to be taken to ensure there is no loss of amenity to persons in these premises when licensable activities are taking place.
- 5.3 When addressing the public nuisance objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps needed to deal with them. Such measures on the Operating Schedule might include the following:
- Measures taken or proposed that will reduce noise and vibration escaping from the premises. This would include music and human voices whether or not amplified. Additionally measures to control noise from vehicles and plant, such as ventilation and refrigeration equipment.
 - Measures taken or proposed that will minimise disturbance by persons arriving or departing from the premises, also the delivery of goods and services to the premises.
 - Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems in the locality.
 - For late night premises, provision for access to taxis and private vehicle hire services. For example, lists of taxi companies displayed by a public telephone.
 - Measures taken to encourage patrons to arrive and disperse quickly and quietly from the immediate vicinity of the premises.

- Measures taken to ensure the removal of persons ejected from the premises and their dispersal from the immediate vicinity.
- 5.4 In appropriate circumstances to control access to and egress from the premises during events and prevent public nuisance, the Licensing Authority will consider attaching a condition to licences requiring the use of Door Supervisors, Stewards, Security or other staff. Such staff need to be licensed by the Security Industry Authority.
- 5.6 At large events or events likely to create a particular noise or disturbance, following relevant representations, the Licensing Authority may request or require an organiser to conduct regular monitoring to determine the degree of disturbance to any nearby residential premises. Where such a condition is applied, the applicant will maintain a log of such monitoring indicating the time, any incidents and what remedial action was taken.
- 5.7 Applicants seeking licences for the sale or supply of alcohol should consider the measures to be taken to prevent individuals from consuming excess alcohol and to manage individuals who have consumed excess alcohol. The Licensing Authority would expect the holders of Premises Licences to promote the training of staff in alcohol abuse awareness as part of responsible trading within the Licensed trade.
- 5.8 When determining unresolved representations to an application and where necessary in individual circumstances to comply with the Licensing Objective, the Licensing Authority may consider attaching specific conditions related to the licensed activities and conditions as outlined in Annex F – Conditions relating to the prevention of public nuisance. The authority expects stricter conditions to be applied to control noise nuisance in areas that have denser residential accommodation.

6. Licensing Objective 4: The Protection of Children from Harm

- 6.1 The definition of ‘Protection of Children from Harm’ is written in the Act, and includes the protection of children from moral, psychological and physical harm. A wide range of premises fall within the scope of the Act and children can be expected to visit many of these for food or entertainment. The Act introduces some limits on access by persons under the age of 16 years to premises licensed for the sale of alcohol, but this aside, children should have access to licensed premises. It is recognised in certain situations that limitations may have to be considered where it appears necessary to protect children from harm.
- 6.2 When addressing the protection of children, applicants should initially identify any issues likely to adversely affect the objective and then the steps needed to deal with them. Such steps as are required to deal with these identified concerns should be included on the Operating Schedule. Applicants should consider the arrangements in place to prevent the sale of any alcohol to children, such as an age-monitoring scheme. The

Licensing Authority promote the following as part of a proof of age scheme:

- Passport;
- Photo Card driving licence issued in the European Union;
- Proof of Age Standards Scheme Card (PASS);
- Citizen Card supported by the Home Office;
- Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder

6.3 The Act details a number of control measures intended to protect children in licensed premises and the Licensing Authority will work closely with the police and through Trading Standards Officers, to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. The Licensing Authority will consult with the Local Safeguarding Children Board on any application where there are concerns over access for children. Licensees are encouraged to inform the appropriate agencies when it comes to their knowledge that children have tried to purchase alcohol illegally.

6.4 Licensees retain the right to permit or not to permit children into their premises at any time; where appropriate, applicants should state in the Operating Schedule

- Whether or not they will admit children to the licensed premises.
- Whether or not children will be admitted to all parts of the premises.
- Where children are to be admitted, the steps that will be taken to protect children from harm, e.g. designated areas for children and families, age (below 18) and hour limitations, or full exclusion of people under 18 in accordance with this objective.

6.5 The Licensing Authority considers that certain premises are likely to give rise to particular concern in respect of children. Where the discretion of the Authority is engaged through representations the circumstances of the case and the need for conditions limiting the access of children will be considered. The following are examples of premises that will raise concern:

- Where adult entertainment or services of a sexual nature is commonly provided at the premises.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors.
- Premises where there is a strong element of gambling.
- 'Off-sales' premises that allow children under the age of 12, entry after 9pm without an accompanying adult.

6.6 When determining representations the Licensing Authority will consider measures including any of the following options when dealing with a licence or certificate application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present.
- Limitations on ages below 18 years.
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 6.7 In relation to the exhibition of films, programmes or videos, included would be the protection of children from exposure to strong language, horror, violence and sexual content. In appropriate cases, the Licensing Authority will expect the licensee to provide evidence of how they intend to prevent these occurrences. It is expected that licensees of cinemas and places where films are shown will include in their operating schedules arrangements for restricting children from viewing age-restricted films, classified according to the recommendations of the British Board of Film Classification (BBFC) or the requirements of the Licensing Authority.
- 6.8 In relation to cinemas and places where films are shown applicants, when considering the need for control measures, should consider how entry to the premises will be controlled as part of an age-monitoring strategy and to demonstrate these measures in their Operating Schedule.
- 6.9 With regard to film classifications and the Protection of Children from Harm Licensing Objective, the Licensing Authority reserves the right to classify, or reclassify any film. Any classification by the Authority will be notified to relevant premises in the Borough and a notice placed on the Council's website.
- 6.10 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows and dance or drama productions. Additional arrangements are required to safeguard them while at licensed premises. In appropriate cases, the Licensing Authority will expect the licensee to provide evidence of how they intend to provide for the supervision and welfare of children as customers and as performers. In appropriate circumstances, where children are supervised, the Licensing Authority will expect the Operating Schedule to demonstrate that these supervisors have been appropriately cleared of relevant offences through the Criminal Records Bureau.
- 6.11 Where events are taking place that are solely provided for children, for example an under 18's disco, any licence or Temporary Event Notice must contain a risk assessment to prevent consumption of alcohol at or near the event.
- 6.12 Subject to the existence of controls under other legislation and the need to determine relevant representations, where a regulated entertainment is specially presented for children the Council as Licensing Authority will consider the following in order to control access and egress and to ensure the safety of children:

- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to a minimum of one member of staff per 50 children or part thereof.
 - No child unless accompanied by an adult to be permitted in the front row of any balcony.
 - No standing to be permitted in any raised seating (balcony, raked seating, etc) during the performance.
- 6.13 Where appropriate, and particularly with regard to large public events, an applicant should consider robust procedures for lost and found children.
- 6.14 The Licensing Authority would encourage licensees to demonstrate in their Operating Schedule that they implement guidance from the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing inappropriate products.
- 6.15 When determining unresolved representations to an application and where necessary in individual circumstances to comply with the Licensing Objective, the Licensing Authority may consider attaching specific conditions related to the licensed activities and conditions as outlined in Annex G – Conditions relating to the protection of children from harm.

7. Licensed Hours

- 7.1 A primary aim of the Licensing Act is to move away from fixed permitted hours for the sale of alcohol, but allied to these freedoms for the licensed trade are the responsibilities established by the Licensing Objectives.
- 7.2 If its discretion is triggered, the Licensing Authority will consider conditions to licences and certificates to prevent public nuisance, crime or disorder, and these may include conditions drawn from the annexes to this Policy. Stricter conditions to control noise will be expected in areas that have denser residential accommodation, but this should not limit opening hours without regard to the individual merits of any particular application.
- 7.3 In the light of relevant representations, the Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application. Consideration will be given to conditions in respect of issues such as noise control measures, door staff, use of external or noise sensitive areas, CCTV, travel planning, etc, where premises affect, or are likely to affect residential areas.
- 7.4 As a general guide to applicants where indicated by their individual assessments, the Licensing Authority would expect pub and nightclub type premises (characterised by the predominant consumption of alcohol, 'vertical drinking', etc) applying for the 'on' sale of alcohol beyond 11pm, to consider stricter conditions. Other types of premises seeking to apply for licences or certificates after midnight, either to sell alcohol for

consumption on the premises, or for entertainments, are also expected to consider stricter conditions. These latter premises include restaurants and cafés.

- 7.5 Where the only licensable activity is the sale of alcohol for consumption off the premises the Licensing Authority will generally consider licensing premises at any times they are open for shopping. Typically these premises are shops, stores and supermarkets. However, it may be considered that there are very good reasons for restricting hours, or imposing stricter conditions where, for example, the Police make representations in respect of shops known to be the focus for disorder, or disturbance.
- 7.6 Licensed premises, especially those operating late at night and in the early hours of the morning, can have a significant impact on people living, working or sleeping in the vicinity of the premises. The concerns include noise nuisance, light pollution, the potential for disorder and noxious smells. Due regard will be taken of the impact these may have and the Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Planning, Environmental Health and Pollution Control Officers before preparing plans, Operating Schedules, making alterations to premises, etc.

8. Applications

- 8.1 It is recognised that some ambiguity exists in the legislation surrounding applications for Premises Licences. The council officers will be the final arbiter on whether an application is deemed as being 'new' or a 'variation' and will process the application accordingly.
- 8.2 It is also accepted that the legislation does not specify that plans have to necessarily be prepared for a 'variation' application. It is the view of this Licensing Authority that plans are an essential element of any Premises Licence and that an accurate representation of the premises is required. Any variation of the layout will therefore require an up to date plan to be submitted with the application.
- 8.3 The Act imposes duties on applicants to provide the Licensing Authority with information in the form of an application, with specified supporting documents and a fee, in order to process an application. To assist the Licensing Authority applicants should check that the application pack is fully completed before sending it to the Licensing Authority and other statutory consultees. The Operating Schedule is essential so that the Licensing Authority and other interested parties can form a proper view as to what measures may be necessary to meet the four Licensing Objectives.
- 8.4 Applicants for the initial grant or variation of a licence or certificate are to describe in detail how they propose to meet the requirements of the four

Licensing Objectives and relevant aspects of this Licensing Policy in the Operating Schedule which accompanies the application. Operating Schedules should be precise and clear about the measures proposed to promote each of the licensing objectives.

- 8.5 The Licensing Authority has produced annexes to this Policy describing conditions that may be applied in appropriate circumstances. If representations are raised with the Licensing Authority that the Licensing Objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching additional conditions. In any event where measures to promote the Licensing Objectives are included in the Operating Schedule, conditions consistent with the Schedule will be attached to the licence or certificate, subject to the need for the Licensing Authority to amend, reword or revise the measure.
- 8.6 Applications that are incomplete will be returned with an explanation for the return. Such reasons are many and may include non-payment of the fee, absence of appropriate documentation and non-compliance with the legislation. The council are entitled to expect that reasonable steps have been taken to address the Licensing Objectives, and applications will be returned when minimum requirements have not been met such as:
- No entries in the Operating Schedule at all.
 - Entries that replicate other legislation
 - Entries that cannot be readily converted into credible enforceable conditions.
 - Failure to address the issues.
- 8.7 Examples of the above are many, and can include such diverse matters as a premises closing after the last times for public transport. This Authority expects some effort to have been made by the relevant premises to provide information on how patrons can safely journey home, such as a dedicated telephone to a licensed Hackney Carriage company or a list of licensed companies, etc.
- 8.8 The objective is to prevent unnecessary work on the part of the Licensing team, Responsible Authorities and Interested Parties, and the applicants themselves. Poorly constructed applications will be highly likely to attract representations, causing additional expense and needless delay in the process. It is in the applicant's best interest to present a well thought out application that addresses relevant topics, and can be processed with the minimum of fuss.
- 8.9 As a matter of course, the suggested Operating Schedule will be scrutinised by the Licensing Authority when applications are received, and

such conditions that will appear on any future licence in Annex 2 will be extracted. The applicant and/or their solicitor or agent will be notified of these proposed conditions so that any discrepancies can be addressed during the consultation period. Attention is drawn to para 7.15 *inter alia* of the Guidance issued under s. 182 of the Act, where it states it should be expected that applications submitted by professional agencies will conform to a reasonable standard, and will express steps in clear and readily translatable terms.

- 8.10 When no entry is made in the application box relating to 'adult entertainment' it will be taken that there is no application for such entertainment and that a condition will be made to this effect.
- 8.11 Planning, building control and licensing are distinct regimes and will be properly separated to avoid duplication and inefficiency. Applications for premises licenses for permanent commercial premises should normally be made from businesses with planning consent for the property concerned.
- 8.12 It is strongly recommended that applicants ensure that:
- The proposed licensable activity does not contravene planning legislation; and
 - The hours sought are within the limits authorised by any planning permission.
- 8.13 In circumstances where an applicant seeks to apply without resolving the necessary planning requirements, it will be for the applicant to detail the special circumstances that justify a departure from the policy.
- 8.14 Potential applicants are requested to seek early advice from the Licensing Authority and other authorities such as the Police and Fire Authority, concerning the licensing requirements for premises, or for activities they are planning. Large or unusual events often need particular consideration, the Licensing Authority will expect authorities to be consulted at the earliest planning stage for such an event, and not less than six months prior to the performance. This will minimise uncertainty and provide time to finalise the Operating Schedule with the organisers well before a formal application is submitted.
- 8.15 Where a licence or certificate is in force but an event outside of the normal Operating Schedule is proposed, the licensee is encouraged to notify the Licensing Authority at least 3 months prior to the event in order that the Authority is able to complete any consultation required and offer any appropriate advice.
- 8.16 In the case of Temporary Event Notices, the Licensing Authority should be consulted at the earliest practical stage, and it is recommended that Notice be given at least 4 weeks before the event. For routine events the Notice should be made not more than 10 weeks prior to the event.

- 8.17 In line with all guidance on safer drinking and responsible behaviour, it is the view of the council that drinks promotions are actively discouraged, and consideration will be given to using the conditions on a Premises Licence to reinforce this viewpoint. The type of promotion would include such occasions as 'happy hours,' 'two for the price of one' and similar. It would not necessarily include a 'free drink with a meal,' but consideration will be given to the attending circumstances surrounding any promotion.
- 8.18 It must be stressed that the role of the Licensing Authority is to simply process applications fairly. It is a strictly neutral role and will apply the principles in the Act properly with due regard to all parties. The decision to grant or refuse a Premises Licence is not made by the Licensing Team, and any application will stand or fall on its merits.
- 8.19 Applications for the transfer of a Premises Licence will be closely scrutinised. It will be expected that the signatures of all parties will be attached which will assist the process. In the case of a Premises Licence holder being unavailable for whatever reason, the Licensing Section will expect details of the steps that have been taken to locate the absent licensee. If there is not an adequate explanation, then a 'new' application will be required.

9 Specific premises

- 9.1 Applications received from premises ostensibly acting as a restaurant will be closely scrutinised. The council reserves the right to examine the operating emphasis of premises and to take such steps necessary to avoid misrepresentation. A restaurant will normally be expected to offer the condition that alcohol would be served as being ancillary to a meal and if this is not present, consideration will either be given to placing this on the licence if there is a committee hearing, or treating the premises as a public house.
- 9.2 It is recognised that there are premises where alcohol sales are only a part of the operation, such as a general grocery type of shop. It is also recognised that there may be a difference in the last permitted hours for alcohol sales and the closing time of the premises, during which time goods other than alcohol may be legitimately sold. It will be expected that during the time when alcohol sales cease and the shop has yet to close, there is some effort to demonstrate that alcohol is not for sale. Such measures may include the use of a shutter, signage, roping off the alcohol area, or similar.

10 Representations

- 10.1 The Licensing Act places duties on persons and organisations to make "relevant representations" and often in a relatively short timescale. In this context a "relevant representation" has to positively link the issues to the premises (or person) in question and the issues must relate to the

Licensing Objectives. The intention of Parliament is to apply a lighter bureaucratic touch to applications for licences and their variation; however, in the case of poorly performing premises, one of the sanctions is the power of review.

- 10.2 The Licensing Authority cannot accept representations that it considers frivolous or vexatious. Additionally, in the case of a review of a licence or certificate, repetitive representations are also invalid.
- 10.3 Council officers will determine whether a representation is irrelevant, frivolous, vexatious or repetitive in accordance with the Licensing Act and Guidance. This is subject to the power to refer a decision to the appropriate meeting of Elected Members where the particular circumstances require such an approach.
- 10.4 Where the Licensing Authority determines that a representation is invalid it will notify the person of the decision and the reason.
- 10.5 The ability to make representations is restricted to 'interested parties' and 'responsible authorities' as defined in the Act. Interested parties include persons and businesses in the vicinity of a premise, or the bodies representing them, and elected members of the relevant licensing authority for an area in which the premises is situated. Responsible authorities are usually public bodies including the Police, Fire Authority, Planning, Environmental Health, and health and safety authorities.
- 10.6 In determining whether 'interested parties' are in the vicinity of an applicant's premises the Licensing Authority will primarily focus on the direct impact of the activities taking place on the premises on members of public living, working or in the area concerned. It is recognised that where there is a cumulative impact or effect of a premises on an area, other considerations may be relevant to the consideration of the vicinity of a premises.
- 10.7 When a representation is made which purports to be on behalf of a group, society or other association, the council will require such proof as is reasonably necessary to verify that a signatory is genuinely speaking on behalf of the members of that group. This could take the form of minutes to a meeting, a resolution passed or similar documentation. 'Group' has a wide meaning and can include a Residents Association or similar.
- 10.8 Elected members are subject to the Local Authorities (Model Code of Conduct) Order 2007, which restricts their involvement in matters, and participation in meetings to discuss matters, in which they have a 'prejudicial interest'. In cases where an elected member makes a representation as an interested party, they will be considered to have a 'prejudicial interest' in the Licensing Authority's decision on a resulting review and in the local authority's representation to any appeal on this decision.

11 Reviews by Responsible Authorities and interested parties

- 11.1 It is a requirement for posters to be prominently displayed to advertise the fact that a party has applied for a review of licensed premises. Experience has shown that posters on hoardings, railings lamp-posts and the like are prone to be damaged, therefore failing in the primary requirement of advertisement. The council therefore reserves the right to ensure that the community is properly consulted on this important issue by taking such steps as seem appropriate in the circumstances. This would include such measures as a mail drop in the surrounding area or other form of advertisement.
- 11.2 The council also take the view that an essential part of the legislation is that the community are directly encouraged to be involved in quality of life issues surrounding licensed premises. The council will take such measures that are reasonable to ensure the community are aware of their powers in regard to reviews. This would include such methods as information placed in prominent places such as libraries and in council literature, and providing the Police, through the Safer Neighbourhood network, with sufficient information so that their population can be effectively informed.

12 Cumulative Impact or Effect

- 12.1 In its licensing role, the Council is not empowered to determine the need or commercial demand for another pub, restaurant or hotel. These are issues for relevant planning controls and the market to determine. Nevertheless, the cumulative impact of licensed premises in a locality, where there is an impact on the promotion of the Licensing Objectives, is a licensing matter.
- 12.2 In circumstances where areas appear to be under stress and giving rise in the locality to concerns over nuisance, crime or disorder, the Licensing Authority will consider the adoption of a special policy to refuse new licences.
- 12.3 In applying this policy the Licensing Authority will consider any application made. It will be for the applicant to detail the special circumstances that justify departure from the policy.
- 12.4 The Licensing Authority will take the following steps when considering whether to adopt a special policy:
- The initial identification of concern about crime, disorder, or public nuisance.
 - Where it can be demonstrated that nuisance, crime or disorder is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.

- Consultation with all defined parties.
- Adopting a policy about future licence or club premises certificate applications from that area.
- Publication of the special policy.

12.5 To apply the special policy, the Licensing Authority will consider representations based on the impact on the licensing objectives of the relevant application. While any applicant is to address the issues relevant to the special policy in the application and operating schedule, the onus is on the objectors to provide evidence to back up any assertion that the nature of the application would produce the cumulative impact claimed. Account is to be taken of the differing impacts of premises with different styles and characteristics. It is recognised that there is a diverse range of premises that sell alcohol, serve food and provide entertainment. These cover a wide range of contrasting styles and characteristics, hence the Licensing Authority will have regard to those differences and the differing impacts on the local community. It therefore also recognises that, within this policy, it may be able to approve licences or certificates that are unlikely to add significantly to the impact, and will consider the circumstances of each individual application.

12.6 The Licensing Authority will not use such policies solely:

- As the grounds for removing a licence or certificate when representations are received about problems with existing licensed premises.
- To refuse modifications to a licence or certificate, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits of the premises.

12.7 The Licensing Authority will review any special policies regularly to see whether they have had the effect intended, and whether they are still needed. The success and application of such policies have to be considered alongside the effect of other of the policies, and in particular, those Licensing Objectives relating to Public Nuisance and to Crime and Disorder.

13 Integrating Strategies and Avoiding Duplication

13.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime, disorder and public nuisance. Their strategies deal in part with the licensing function, and the Council will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies. Such groups may also usefully identify and make recommendations for changes to licensing policy.

- 13.2 Arrangements will be made, where appropriate, for the Licensing Committee to receive reports on the following matters to ensure these are reflected in their decisions:
- The needs of the local tourist economy and cultural strategy for the Borough.
 - The employment situation in the Borough and where appropriate the need for investment and employment.
- 13.3 It is recognised that there should be a clear separation of the planning and licensing regimes. Licensing applications should not be a re-run of the planning application. The Council recognises the need to avoid as far as possible duplication with this and other regulatory regimes.
- 13.4 The Council will ensure that regular reports are sent from the Licensing Committee to the Planning Committee advising them of the situation regarding licensed premises in the Borough, including the general impact of alcohol-related crime and disorder to assist them in their decision-making.
- 13.5 However, other legislation does not cover the particular circumstances of various licensable activities and the Licensing Authority will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in other legislation.
- 13.6 There are many other groups and strategies that have a bearing on licensed premises. Examples of such are drug and alcohol awareness teams, crime and disorder policies and other community strategies. It is not the purpose of this policy to replicate the contents of others, and reference must be made to those groups for specific initiatives.
- 13.7 The promotion of equality of access, while not one of the Licensing Objectives, is a matter in which the Licensing Authority encourages all licensees to comply with relevant legislation such as the Disability Discrimination Act 1995 and race relations legislation. Further advice on meeting the needs of persons with disabilities can be found on the website of the Disability Rights Commission at www.drc-gb.org

14 Enforcement, Protocols with Enforcement Agencies

- 14.1 It is essential premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act. The Licensing Authority will make arrangements to monitor premises and take appropriate, proportionate enforcement action in accordance with the Enforcement Policy. This includes unlicensed premises undertaking licensable activity and premises where a Temporary Event Notice is in force. The Council

has adopted a formal Enforcement Policy, setting out the aims and objectives concomitant with effective regulation.

- 14.2 The Council will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and higher-risk premises. Similar working arrangements are envisaged with the Fire Authority and other similar enforcement agencies in areas of mutual interest.
- 14.3 The Council has adopted an Enforcement Policy, and all enforcement action will be taken with this policy in mind.

15. Cultural Strategies

- 15.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children. When considering applications for such events and any conditions on licences or certificates, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives and the protection of the vulnerable.
- 15.2 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where only limited disturbance may be caused.

16. Complaints against Licensed Premises

- 16.1 Complaints relating to licensable activities carried out at licensed premises will be referred to the Council's Licensing Section, and enforcement will be undertaken in accordance with the Enforcement Policy.
- 16.2 Where practicable the Licensing Authority will expect mediation between applicants, licensees, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to an application. The Licensing Authority, where possible, would expect mediation through:
- Identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
 - Negotiation of potential conditions to reflect the resolutions achieved through mediation methods.
- 16.3 Where mediation is not practicable or fails and a formal representation has been raised, the Licensing Authority will arrange for a hearing to review the licence or certificate, or to determine the application.

- 16.4 If mediation methods are used it will not override the right of any interested party to ask that the Licensing Authority consider their valid representations, or for any licence or certificate holder to decline to participate in a mediation meeting.
- 16.5 The Licensing Authority will disregard any representations that are irrelevant, frivolous and/or vexatious.
- 16.6 A senior Police Officer may, under section 161 of the Licensing Act 2003 close premises in the interest of Public Safety for up to 24 hours on the grounds of likely or imminent disorder on or in the vicinity of the premises. Premises may also be closed if a public nuisance is being caused by noise from the premises.
- 16.7 Additionally, a review of the licence or certificate will take place within 28 days of any action by the Police to close down the premises for up to 24 hours, or longer if so granted by the Magistrates Court on grounds of disorder or public nuisance - Annex L of the Statutory Guidance and Section 167 of Licensing Act 2003.
- 16.8 Complaints against licensed premises will be investigated promptly, having regard to feasibility. It must be noted that council officials have limited statutory powers and that complete satisfaction to all parties may not be achieved. Regard will be given to all the events and wishes, and a resolution will be sought that is proportionate in the circumstances. The requirements of one individual cannot take precedence over others. Any decision taken on prosecution will be determined by the Attorney General's guidelines (and associated regulations) and will not be driven by the wishes of any individual or group.

17 Smoke free premises

- 17.1 The provision of the Health Act 2006 and associated Statutory Instruments clearly show that it is the intention of Government to promote health for all, through the use of these measures. This not only includes the staff and patrons of licensed premises, but regard will also be given to others who may come in contact with the effects of smoking, such as passers by and local residents.
- 17.2 With this in mind, the Council has adopted the viewpoint that there will be a general presumption that licensed premises will be completely free of smoking, and that this will be rigorously enforced by the management of the premises. Should there be breaches of the regulations, enforcement action will be taken in the first place against the management for permitting or failing to stop such activity.
- 17.3 Following on from this stance, it will be for the management of any licensed premises to clearly demonstrate a defined need when licensing applications are being made that would allow smoking on premises, including applications to use 'smoking shelters' or similar. Use of general

terms and the request to lift conditions of a licence, such as clearing an outside area by a specific time, will lead to rejection.

18 Temporary Event Notices (TENs)

- 18.1 The council acknowledges that the TEN system is a quick and straightforward method that allows an event to take place without recourse to complicated licensing procedures. The standards laid out in the legislation and associated guidance will be used, including a full description of the event. General terms such as 'party' or 'function' will lead to rejection.
- 18.2 Notice has to be given at least ten clear working days in advance of any proposed event. As a standard measure of timings, the council has adopted the viewpoint that this term does not include the day of delivery of the notice, or the day of the event itself. Weekends, bank holidays and any other recognised public holiday will not be used as a 'working day.'
- 18.3 It is incumbent on the person giving the notice that they have allowed sufficient time for any administrative difficulties that may arise. The council therefore always advises early contact to allow time for problems to be resolved.
- 18.4 It is the view of this Authority that although solicitors and agents may complete the forms on behalf of their clients, Temporary Events Notices will not be accepted without a written notice from the person responsible for the proposed event. This is to ensure the person responsible on the day is aware of the tasks involved.

19 Designated Premises Supervisor

- 19.1 Although the Act places no specific duty on the DPS other than being in day to day charge of premises, it would be expected that the individual will be available more frequently than not. If inspections reveal that a DPS is regularly absent from the premises they are presumed to control, consultation will take place with all Responsible Authorities for their consideration and for them to judge whether a review of the licence is necessary. This is especially pertinent when an individual who does not hold a Personal Licence is left in charge of a premise offering alcohol.

20 Names of premises

- 20.1 It is recognised that no specific requirement exists for individuals or companies inform the council of a change in name of their premises. It must be stressed that although it is not compulsory, this is strongly advised to save administrative confusion. Any unnecessary difficulty caused by such a change will remain the responsibility of the individual or company concerned.

21 Advertising campaigns/help groups

- 21.1 Public confidence in the effective management of licensed premises is paramount. For this purpose, the council reserves the right to undertake occasional reminders to the public of their rights in regard to licensed premises, and also to encourage groups or organisations to offer advice and guidance on relevant issues. Examples could be groups dealing in drug and alcohol abuse or 'stop smoking' groups. These could be encouraged on a general basis or by active involvement at the point of sale.

22. Administration, Exercise and Delegation of Functions

- 22.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee delegates certain decisions and functions and has a Sub-Committee to deal with aspects of its responsibilities.
- 22.2 The following Table at Annex A sets out the delegation of decisions and functions to Licensing and General Purposes Committee, the Sub-Committee and to Officers. All matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.
- 22.3 Delegations are without prejudice to Officers referring an application to a Sub-Committee or Committee; or a Sub-Committee to a Committee, if considered appropriate in the circumstances of any particular case.

Responsible Authorities S13 (4) of the Licensing Act 2003

Contact Details

METROPOLITAN POLICE

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Metropolitan Police
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HA2 ODN
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ENFORCING AUTHORITY UNDER THE HEALTH AND SAFETY AT WORK ACT 1974 AUTHORITY

Community Safety Services (Health & Safety)
Harrow Council
Civic Centre
PO Box 18
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Harrow HA1 2UT
Tel: 020 8736 1380
e-mail ehealth@harrow.gov.uk

AREA CHILD PROTECTION SERVICES

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Area Child Protection Manager
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PREVENTING RISK OF POLLUTION RISK TO PUBLIC HEALTH

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Tel: 020 8736 1380
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FIRE AUTHORITY

London Fire Brigade
Licensing – Harrow Team
169 Union Street
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London
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e-mail:
firesafetyregulationNW@london-fire.gov.uk

LOCAL PLANNING

Sucha Singh - Basuta
Planning & Development
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TRADING STANDARDS

Hashith Shah
Brent & Harrow Trading Standards
Quality House
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Health & Safety Executive (Public Buildings only)

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Annex A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection	If no objection is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club registration certificate		If a relevant representation is made	If no relevant representation is made
Application for minor variation to premises licence/club registration Certificate			All cases
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application.			All cases
Determination of a police representation to a temporary event notice		All cases	

Annex B

Proposals for Conditions that support the issue of licences or certificates by the Authority.

These proposals are principally drawn from the annexes to the Statutory Guidance to Authorities. Additional information may be provided in the annexes and in individual cases the guidance may have to be considered alongside these conditions. The way conditions should be applied to licences or certificates is described within the body of the main Policy.

Annex C – Conditions relating to the prevention of crime and disorder.

Annex D – Conditions relating to Public Safety (including fire safety).

Annex E – Theatres and Cinemas (Promotion of Public Safety).

Annex F – Conditions relating to the prevention of public nuisance.

Annex G – Conditions relating to the protection of children from harm.

Proposed Conditions

General

The Licensing Authority recognises that it is important to balance any conditions attached to a licence or certificate so as not to be disproportionate or overly burdensome but to achieve the licensing objectives. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises or event concerned. Where relevant representations have been made, the Licensing Authority will consider attaching conditions necessary for the promotion of the licensing objectives, including those drawn from the relevant Model Pools of Conditions set out in the guidance issued by the Secretary of State under Section 182 Licensing Act 2003.

The following conditions should not be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible options for controls at specific premises or related to specific activities. Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a means of promoting the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and the breach of a condition could give rise to prosecution. This list cannot be construed as being definite, and must be capable of flexibility to meet specific circumstances. Individual premises will require a varied approach to their conditions, and those conditions given in the Model Pool will be used as guidance. The council reserves the right to make suitable alterations dependent on circumstances and would expect Responsible Authorities to demonstrate similar flexibility in their approach.

Once licensed it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. The Licensing Authority will make arrangements to monitor premises and make appropriate enforcement action to ensure this.

The Licensing Authority will work closely with the Metropolitan Police to establish protocols to ensure an efficient deployment of Police and Council officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that high-risk activities receive the highest priority.

Annex C – The prevention of Crime and Disorder

When addressing the crime and disorder objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule might include the following:

- (i) Details of registered Door Supervisors and other appropriately trained staff to be provided, including the number, their location whilst working at the premises, and the times they will be on duty. All Door Supervisors are to be licensed by the Security Industry Authority.
- (ii) The fitting of CCTV equipment, its location and specification.
- (iii) Where applicable to the use of the premises such measures as an 'over 21' policy, or provision of adequate search facilities, or 'no entry or re-entry' after a certain hour. .
- (iv) Measures proposed to prevent possession, supply, or consumption of illegal drugs and possession of weapons, for example by adequate search arrangements and/or spot checks by door supervisors.
- (v) Measures to be implemented to promote sensible drinking and prevent binge drinking.
- (vi) Details of the management of any promotional events such as "happy hour" or special offers, which may include their duration, times, location within premises and whether any additional measures such as increased security is to be utilised during these events to minimise crime and disorder.
- (vii) The location of lighting inside/outside the premises.
- (viii) Measures aimed at discouraging anti-social behaviour.
- (ix) Whether or not the premises will be serving alcohol in glass or plastic containers. If serving alcohol in glass containers, identify what measures will be implemented to ensure patrons cannot take glass container outside the premises.
- (x) Whether the premises belongs to a local Pub or Club Watch scheme.
- (xi) Measures to discourage crime, for example the fitting of alarms, the positioning of cigarette or other vending machines in full view of staff, and the fitting of gaming machines with an approved security device/metal boot or emptied at night.

The Police Crime Prevention Advisor is able to visit premises and advise if requested. Applicants assessing the risks associated with this objective can obtain detailed guidance from the Police. The Licensing Authority recommends that crime prevention advice is obtained and implemented.

Possible conditions relating to the prevention of crime and disorder

1. Door supervisors

1.2 An accurate and up-to-date log book shall be maintained in a format prescribed by the Licensing Authority, providing details of door supervisors employed in respect of the premises, which shall comprise two distinct parts:

- (i) A part recording the name, address, telephone number and registration number of each door supervisor employed in respect of the premises

(whether employed directly or through an agency) and the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly.

- (ii) A part recording the name and registration number of each door supervisor, dates and times of commencement and finishing of work, signature of the door supervisor in respect of both, and details of any incident in which the door supervisor is involved, including the calling of the police and any police action taken.
- 1.2 All door supervisors, at all times when they are on duty, shall wear an identity badge, conspicuously displayed, and carry proof of registration.
 - 1.3 There shall be a minimum of door supervisors on duty at the premises at all times during opening hours.
 - 1.4 There shall be a minimum of one door supervisor for every 100 persons or part thereof at functions attended by adults.
 - 1.5 Where the audience includes minors there shall be either:
 - (i) a minimum of two door supervisors for every 100 persons or part thereof; or
 - (ii) at least one door supervisor per exit, whichever is the greater.
 - 1.6 At least one female door supervisor shall be employed and available where appropriate.

3. Bottle bans, plastic containers and toughened glass

- 3.1 No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption on the premises, whether at the bar or by staff service away from the bar.
- 3.2 Bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.
- 3.3 No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
- 3.4 Drinking vessels shall only be made from shatterproof material eg plastic or toughened glass.

4. CCTV

- 4.1 CCTV cameras shall be installed at the following locations: xxxxxxxxxxxx.
- 4.2 Equipment shall be installed, operated and maintained in good working order and in accordance with the recommendations of the Police or Crime Prevention Officer.

5. Open containers not to be taken from the premises

5.1 Customers shall be prevented from taking alcoholic or other drinks from the premises in open containers.

6. Restriction on drinking areas

6.1 Alcoholic drinks may only be consumed in the following location(s): at the following times

7. Proof of age

7.1 A valid proof of age card or other age identification shall be required to be produced by any person appearing to those selling or supplying alcohol to be under 18 (or 16 in the case of the consumption of beer, wine and cider in the company of an adult during a table meal) and who is attempting to buy alcohol.

8. Crime prevention notices

8.1 Notices shall be prominently displayed and prevented from damage and deterioration advising customers as follows:

9. Drinks Promotions

9.1 Licencees are to encouraged comply with the British Beer and Pub Association's 'Guidelines on On-Trade Promotions' to reduce the potential for crime and disorder.

10. Signage

10.1 Signs shall be prominently displayed and prevented from damage or deterioration:

(a) advising normal hours of permitted licensable activities; and/or

(b) prohibiting access to children from the following locations at the following times

11. High Volume Vertical Drinking

11.1 A ratio of tables and chairs per customers shall be maintained.

12. Striptease, Table Dancing, Pole Dancing and entertainments of the like kind

12.1 The Licensing Authority has had standard conditions for premises that provide striptease and similar entertainments. These encompass all four of the licensing objectives contained in the Licensing Act 2003. The Licensing Authority wishes

to ensure that public order is preserved, that the commission of other offences is deterred, and to ensure that such entertainments are merely part of a dance to music. In addition, the Licensing Authority wishes to ensure that publicity for such entertainments do not cause offence to other members of the community. The Licensing Authority, subject to representations in any particular case, may seek conditions which control the following:

- Advertising.
- Adoption of relevant Police guidelines relating to Codes of Conduct for the premises and performers.
- No touching and a “three feet rule”.
- No physical participation by the audience.
- CCTV, which should be agreed with the Police, kept for at least 28 days and made available to both the Police and authorised officers from the Council.
- Time restrictions when close to schools, playgroups or other educational establishments, such as museums and places of worship.
- Appropriate levels of stewarding and registered door supervisors, as agreed with the Police.

Annex D – The maintenance of Public Safety

When addressing the public safety objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule might include the following:

- (i) The maximum capacity figure for the premises and a statement demonstrating the premises' ability to accommodate the predicted number of patrons safely.
- (ii) Safe use of special effects/equipments (lasers, smoke machines, strobe lights etc) which may affect public safety.
- (iii) Measures to be implemented to promote sensible drinking and prevent binge drinking, for instance by the display of health warnings, legal warnings and the like.
- (iv) Measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons, for instance by adequate search arrangements and/or spot checks by door supervisors.
- (v) The availability of drinking water.
- (vi) The location of any toughened glass to be installed at the premises.
- (vii) The availability of up to date public transport and car parking information at the premises.
- (viii) The details of any proof of age scheme to be implemented.
- (ix) A detailed plan that identifies all existing and proposed fire safety features, including smoke detectors, sprinkler systems, and the like. All fire safety measures are to comply with relevant standards.

Possible conditions relating to public safety (including fire safety)

13. Disabled People

- 13.1 Adequate arrangements shall exist to enable the safe evacuation of disabled people in the event of an emergency; and disabled people on the premises shall be made aware of those arrangements.

14. Capacity

- 14.1 The number of persons admitted to the premises on any one occasion shall not exceed the maximum capacity of xx (such number to be inclusive of staff and performers working at the premises) and overcrowding in any part of the premises so as to interfere with the safety or comfort of the public shall not be permitted.
- 14.2 The maximum occupancy of the building at any one time shall be restricted in respect of the ground floor to xx persons and in respect of the first floor to xx persons (such numbers to be inclusive of staff and performers working at the premises) and overcrowding in any part of the premises so as to interfere with the safety or comfort of the public shall not be permitted.

- 14.3 A suitable method of determining the number of persons on the premises at any one time shall be employed to ensure that the maximum permitted number is not exceeded.
- 14.4 The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and shall inform any authorised person on request.
- 14.5 A notice, in a format prescribed by the Licensing Authority, shall be displayed in a prominent position at the entrance to the premises so as to be visible and easily understood, indicating the maximum number of persons permitted on the premises at any one time. Where there are specified numbers for particular parts of the premises, notices in a format prescribed by the Licensing Authority shall be displayed at the entrance to those parts, indicating the maximum number of persons that may be present there at any one time.

15. First Aid

- 15.1 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises at all times.
- 15.2 At least one suitably trained first-aider who shall be responsible for first aid shall be on duty when the public are present. If more than one suitably trained first-aider is present on the premises, each person's responsibilities shall be clearly identified.
- 15.3 A suitable rest room shall be available free of charge at all times which contains the following:
- (a) a quiet and cool atmosphere;
 - (b) adequate seating;
 - (c) continuous free access to cold drinking water; and
 - (d) an adequate and appropriate supply of suitable first aid materials.

16. Lighting and Electrical Installations

16.1 Fixed Installations

- (a) All electrical wiring, fittings and appliances shall be constructed and maintained in a safe and satisfactory condition to the satisfaction of the Licensing Authority.
- (b) In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- (c) Where electric lighting is supplied for stairs, ramps or passages outside the premises and is operated by a switch adjacent to an exit door, it need not be continuously supplied but it must be constantly available for use.

- (d) A system of emergency lighting, independent of the normal lighting of the premises, shall be provided and shall illuminate all escape routes. The system shall operate automatically on failure of the normal lighting or be on at all times, and shall be maintained in efficient working order and tested at specified intervals to the satisfaction of the Licensing Authority and the fire authority, with details of tests recorded in the Fire log-book.
- (e) Emergency lighting batteries shall be fully charged before the admission of the public.
- (f) In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements shall be in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.
- (g) Each enclosed area within the premises shall be sufficiently illuminated to a minimum level so that other parts of the area are always clearly visible.
- (h) Corridors, passageways and stairways shall be evenly illuminated to a level not less than that required by the current British Standard Code of Practice.
- (i) If the premises has a single phase electricity supply the premises shall have installed Residual Current Device protection to all final sub-circuits on the socket outlet ring mains with a maximum operating time of 40 milli-seconds at a current of 150 milliampere, designed to operate if the earth-leakage current exceeds 30 milliampere. A test button shall also be incorporated.
- (j) Where practicable, stage lighting shall be supplied from a separate sub-circuit from that supplying the main hall lighting. Any lighting and electrical apparatus on the stage likely to become heated shall be provided with suitable protection to prevent contact by scenery or any other combustible material.
- (k) At least three electric handlamps shall be available at the premises at all times for use by appointed staff and the handlamps shall be properly maintained at all times and ready for use in an emergency.

16.2 Temporary electrical installations

- (a) Temporary electrical wiring and distribution systems shall not be provided [without notification to the Licensing Authority at least ten days before commencement of the work] and/or [without prior inspection by a suitable qualified electrician].
- (b) Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable, BS 7909.

- (c) Temporary electrical installations shall only be installed by a competent person; or
- (d) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put to use.
- (e) All temporary electric cable which is not a fixture at the premises shall be heavily and adequately insulated and protected and any metal clad switchgear, spot lamp frames, etc. shall be effectively earthed and each circuit adequately fused.
- (f) Temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and all temporary electrical installations shall be removed entirely as soon as the need for them has ceased.

17. Indoor sports entertainments

- 17.1 An appropriately qualified medical practitioner shall be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- 17.2 Where there is a ring, it shall be constructed and supported by a competent person and inspected and certificated by a competent authority and any material used to form the skirt around the ring must be flame-retardant.
- 17.3 At any wrestling or other entertainments of a similar nature, members of the public shall not occupy any seat within 2.5 metres of the ring.
- 17.4 At water sports entertainments, staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times.

18. Special effects

- 18.1 No laser beams (pyrotechnics or real flame), strobe lights, explosives, flammable or smoke-producing agents, toxic or hazardous substances and any similar entertainment involving special effects or special risks shall be used on the premises except following prior notification to the Licensing Authority at least ten days in advance.
- 18.2 Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.
- 18.3 Signs shall be prominently displayed at the entrance to the premises where appropriate to advise members of the public that special effects will be used during the performance and what those special effects will be.

19. Certificates

- 19.1 Copies of the following certificates shall be produced to the Licensing Authority or the fire authority upon request:
- (a) Certificate of Electrical Safety.
 - (b) Certificate of Safety for Emergency Lighting.
 - (c) Certificate of Structural Soundness.

20. Combating the supply of drugs

- 20.1 An outer body search shall be carried out where there is reasonable suspicion that an individual is in possession of an illegal drug or an offensive weapon; or
- 20.2 An outer body search of the public shall be a condition of entry.
- 20.3 Notices shall be displayed advising the public that an outer body search is a condition of entry and that the Police will be informed if anyone is found in possession of illegal drugs or offensive weapons.
- 20.4 Security arrangements shall be sufficient to discourage the sale, supply and consumption of drugs on or in the immediate vicinity of the premises [e.g. require that security staff check the toilet area regularly].
- 20.5 The Police shall be informed if anyone is found in possession of illegal drugs or an offensive weapon or is known to have been involved in the sale or supply of illegal drugs.
- 20.6 Persons who are known to have been convicted of drug and drug-related offences which are not spent shall be excluded from the premises.
- 20.7 The Police shall be consulted regarding the steps which could be taken to assist with the surveillance of offenders and in respect of other crime prevention measures.
- 20.8 The advice of the Police shall be sought on procedures for keeping records of incidents (eg violence, disorder and other criminal activity, drug and weapons seizures) and making such records available for inspection.
- 20.9 The Police shall be consulted in the development of any policies concerning:
- (a) The storage, disposal and transfer of confiscated drugs and weapons into lawful custody; and
 - (b) Procedures relating to the treatment of individuals who commit criminal offences.
- 20.10 The Licensee shall liaise with the police and local drug agencies to develop a written Drugs Prevention Strategy for the premises.

21. Ceilings

- 21.1 All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority following each inspection.

Annex E – Theatres and Cinemas (Promotion of Public Safety)

Possible conditions relating to public safety in Theatres and Cinemas

22. Access to Cinemas, Theatres, Auditoriums, and similar premises

- (a) Licensees are required to restrict children from viewing age-restricted films, according to the recommendations of the British Board of Film Classification or, where relevant, any age restriction determined by the Licensing Authority. The Licensee should state in the Operating Schedule what measures are to be put in place to control such access.
- (b) Subject to the existence of controls under other legislation and the need to determine relevant representations, where a regulated entertainment is specially presented for children the Council as Licensing Authority will consider the following to control access and egress and to ensure the safety of children:
- (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children, or part thereof.
 - (ii) No child, unless accompanied by an adult, to be permitted in the front two rows of any balcony.
 - (iii) No standing to be permitted in any part of the auditorium during the performance.

Note –Following relevant representations the Licensing Authority will consider attaching conditions to licenses and permissions to prevent harm to children.

22.1 Attendants

- (a) The number of attendants on each floor or tier in a closely seated auditorium shall be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor, tier or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the public.

22.2 Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to -
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

22.3 Drinks

- (a) Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely-seated audience except in plastic and paper containers.

22.4 Balcony Fronts

- (a) Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

22.5 Seating

- (a) The premises shall not be used for a closely-seated audience except in accordance with plans previously submitted to and approved by the Licensing Authority, a copy of which shall be kept available at the premises and shall be shown to any authorised person upon request.
- (b) Where any part of the premises is used for a closely-seated audience exceeding 250 people there shall be an unobstructed seatway or space of at least 305 mm (12 ins) measured between perpendiculars between the back of one seat and the foremost portion of the seat arm or frame immediately behind.
- (c) Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.
- (d) If tiered seating is provided, the back of the highest level and the ends of the rows shall be provided with an effective safety barrier to the satisfaction of

the licensing authority.

- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

23. Premises used for film exhibitions

23.1 Attendants – premises without a staff alerting system

- (a) Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor or tier	At least one attendant shall be present in any auditorium or on any floor or tier

23.2 Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system, the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
101-1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his or her response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he or she is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as is reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

23.3 Minimum lighting

- (a) The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film.

Note – the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007: (Maintained Lighting for Cinemas).

Annex F - The prevention of public nuisance

When addressing the public nuisance objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule might include the following:

- (i) Measures to demonstrate that, between 11.00 pm – 7.00 am: no noise is audible a metre from the façade of the nearest noise sensitive premises, or no noise is audible within the nearest noise sensitive premises. Depending on the individual circumstances, the Licensing Authority may look for the provision of an acoustic report.
- (ii) Details of the location and types of noise attenuation measures used to minimise noise and vibration escaping the premises and car parking areas. Such measures may include soundproofing, acoustic lobbies and sound limitation devices.
- (iii) Demonstrate measures to avoid vehicular queuing on the carriageway, and disturbances from patrons queuing on the footpath.
- (iv) Arrangements for and the timing of deliveries to the premises.
- (v) The location of gardens and other open-air areas and the hours of use of such areas.
- (vi) The hours of use of refuse and recycling facilities. The storage capacity, site and screening of such facilities.
- (vii) Identify whether the activity will generate additional litter (including fly posters and/or illegal placards) in the vicinity of the premises, and measures to deal with them.

Possible conditions relating to the prevention of public nuisance

24. Hours

- 24.1 The permitted opening hours shall be; or
- 24.2 The premises shall be closed to the public betweenhours andhours.
- 24.3 Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours ofand [Regulated entertainment] or [consumption of alcohol] shall not be permitted in the following areasbetween the times ofhours andhours.

25. Noise and Vibration

- 25.1 A scheme for the soundproofing of the building shall be submitted to the Licensing Authority. The use of the premises shall not commence until all soundproofing works have been carried out to the satisfaction of the Licensing Authority. The soundproofing works shall be maintained thereafter to the satisfaction of the Licensing Authority.

- 25.2 Noise or vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.
- 25.3 Doors and windows shall be kept shut during operating hours.
- 25.4 Amplified sound equipment shall be governed by a sound limiting device set at a level approved by the Licensing Authority.
- 25.5 Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 25.6 All reasonable steps shall be taken to ensure that people entering or leaving the premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.
- 25.7 The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas shall be prohibited; or
- 25.8 The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas shall be prohibited except following prior notification to the Licensing Authority at least ten days in advance.
- 25.9 The placing of bottles into receptacles outside the premises shall only take place between the hours of 8.00 a.m. and 7.00 p.m.

26. Noxious smells

- 26.1 The premises shall be properly vented and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

27. Light pollution

- 27.1 Flashing or particularly bright lights on or outside the premises such as would cause a nuisance to nearby properties shall not be permitted.

28. Litter

- 28.1 Litter bins and / or cigarette butt bins shall be provided in the vicinity of the premises.
The number and locations of such bins shall be determined by the Licensing Authority.

Annex G - The protection of children from harm

When addressing the protection of children from harm objective, applicants should initially identify any issues likely to adversely affect the objective and then the steps to deal with them. Such measures on the Operating Schedule might include the following potential situations for children to:

- (i) Purchase, acquire or consume alcohol in circumstances that are illegal.
- (ii) Be exposed to drugs, drug taking or drug dealing.
- (iii) Be exposed to gambling.
- (iv) Be exposed to activities of an adult or sexual nature including the exhibition of film, or transmission of programmes or videos that include strong language and/or sexual content
- (v) Be exposed to incidents of violence or disorder.
- (vi) Be exposed to environmental pollution such as cigarette smoke or excessive noise. In view of concerns about passive smoking, the Licensing Authority may expect, where necessary, a 'no smoking' area be set aside for use by children.
- (vii) Be exposed to hazards.
- (viii) Purchase cigarettes from vending machines. The Licensing Authority expects these machines to be in sight and under the supervision of bar staff.

Note – This is not intended to be an exhaustive list.

Potential conditions relating to the protection of children from harm

29. Access for children to licensed premises

29.1 Age Restrictions – specific

- (a) Children under 18 are not permitted on the premises; or
- (b) Children under 18 are not permitted on the premises between hours and hours; or
- (c) Children under 18 are not permitted on the premises (in the following areas) (betweenhours andhours) (during the following licensable activities:.....); and/or
- (d) Children under xx are not permitted on the premises.

29.2 Age Restrictions - Cinemas

- (a) Films shall be classified in the following way:
 - U - Universal – suitable for audiences aged four years and over
 - PG - Parental Guidance - some scenes may be unsuitable for young children
 - 12A - passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 - passed only for viewing by persons aged 15 years and over
 - 18 - passed only for viewing by persons aged 18 years and over

(b) Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

(c) Where a programme includes a film recommended by the Licensing Authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.

29.3 Age Restrictions – Theatres

- (a) Admission of children under 18 shall not be permitted to entertainment incorporating adult entertainment.
- (b) Where performances are presented especially for unaccompanied children attendants shall be stationed in the area(s) occupied by the children, in the vicinity of each exit; on each level occupied by children the minimum number of attendants on duty shall be one attendant per 50 children or part thereof.

29.4 Children in performances

- (a) Backstage facilities shall be of a sufficient size to accommodate safely the number of children taking part in any performance.
- (b) All chaperones and production crew on the show shall receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- (c) Special effects, which may trigger adverse reactions especially with regard to children such as smoke, dry ice, rapid pulsating or flashing lights, shall not be used without consent of the Licensing Authority.
- (d) Children performing shall be kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises.

Annex H – Licensing and Compliance Enforcement Policy

Introduction

The Licensing team operates in connection with the Council's role as the Licensing Authority for the Licensing and Gambling Acts and the Local Authority for the regulation of other licensable activities and inspect premises for compliance under other Acts. The team works in partnership with the police, businesses, residents and other partner organisations. Through advice and enforcement it seeks to ensure compliance with regulations to create and maintain fair and safe standards of operation from the individuals, premises and services it licenses and for those that use the licensable services.

Purpose and Scope

The purpose of the Licensing Enforcement Policy is to set out the ways in which this service will enforce the law in accordance with the principles adopted by the department as a whole. The policy sets out what businesses and others affected by its regulatory responsibilities can expect from the service and assists staff in applying enforcement powers.

The policy applies to all Licensing officers with enforcement responsibilities. The Service Head of Licensing or deputy have additional responsibilities that are specified in the individual paragraphs of this policy and it will be reviewed as necessary in response to changing circumstances, such as new legislation or guidance.

Service Standards

In regard to enforcement, the general standards and procedures applicable to the service are set out below.

Inspections and Other Enforcement Visits

Premises in the borough will be inspected on the basis of licence application, risk assessment, annual or periodic inspection, or complaint. Inspections vary according to the legislation applicable. Where comprehensive inspections are carried out the officer will hand over a Post Inspection Report (PIR) that will summarise the findings of the inspection.

Other visits may be made to premises in order to check on compliance with the terms of licence and or legislation. These visits may include covert test purchases, visits in response to complaints, observations of premises etc.

Enforcement Options

In the event of an infringement being detected then the following list of options are available to the officer:-

- a) Advice
- b) Informal warning
- c) Written warning
- d) Simple caution
- e) Prosecution

In taking enforcement action, it is important that any action is proportionate to the risk however every effort will be made to minimise the cost to business or individuals. Wherein the opinion of the officer, the offence detected should be dealt with by way of c) Written warning, d) Simple caution or e) Prosecution, then the officer should consult with the Head of Licensing or deputy for an initial assessment as to which of those options would be the appropriate course of action. The initial views may well be modified as further information becomes available. Simple cautions will not be offered unless the authority is satisfied that there is sufficient evidence to prosecute and if the caution is refused, in certain circumstances, prosecution proceedings will follow without the offer of a formal caution..

Where infringements are detected during an inspection of licensed premises, the officer should issue a "post inspection report" (PIR) to the trader in question except when the infringement is of a very minor nature. The PIR is in the form of a self-duplicating document. The top copy will be given to the licence holder/responsible person, the duplicate copy will be kept by the licensing authority. The issue of a PIR does not preclude writing to the licence holder/responsible person giving more detailed advice, issuing a written warning or more serious action being undertaken in response to the infringement

Whilst recognising that officers need to exercise judgement in individual cases, it is also necessary that duties are carried out in a fair, equitable and consistent manner. In order to facilitate this, the following paragraphs apply.

For the guidance of officers when offences have been committed in any of the following circumstances then the minimum course of action should be a written warning. Where the investigating officer considers more severe action is appropriate, including prosecution, the investigating officer should consult the Head of Licensing and or deputy about the recommendation. The following matters may be considered when deciding the appropriate action:

- Offence was committed recklessly
- Offence was committed knowingly
- Offence was committed deliberately
- Offence was committed fraudulently
- The offence had a significant effect on a customer or group of people
- There have been repeated breaches
- The offence is likely to be repeated
- Violence has been used
- The offender was in a position of trust/authority
- The offender was a ringleader or organiser of others who committed the offences

- There are previous convictions or cautions for similar offences

A significant penalty is the likely outcome if prosecuted

In considering whether to initiate a prosecution in addition to the above, the following matters may be relevant for consideration by the Head of Licensing and or deputy in their absence.

- The admissibility and reliability of the evidence and there being a realistic prospect of conviction
- Relevant matters in the Code of Conduct for Crown Prosecutors
- Any expressed views of victim or victims family about the offender
- Whether there has been any willful obstruction of the officer investigating the offence
- Whether the offender did take any remedial action in response to advice given
- Whether the offender has corrected any harm done to the victim

Criminal proceedings should not normally be taken against an individual if he/she is not involved in the management or supervision of the licensable activity, nor has any additional responsibility for matters associated with the offence and is acting only in the course of their employment, unless the employee has contradicted the employer's instructions, is being deliberately obstructive or in committing the offence has acted unreasonably.

Occasionally the decision as to whether or not to prosecute is not clear-cut. The initial decision rests with the Head of Licensing or deputy, who will make the decision after considering the prosecution report, and after discussing the matter with the investigating officer and the officer in charge (if a different officer).

When offences detected are of a nature where it is considered that a simple caution or prosecution is the appropriate course of action and it is considered that a Director has consented, connived or was attributable to any willful neglect, then the same action against the director as is being taken against the licensee or company should be considered. This should be discussed with the Head of Licensing and or deputy.

If it is considered likely that the offending company may be wound up in order to avoid criminal proceedings then proceedings against the directors should be considered. This should be discussed with the Head of Licensing and or deputy.

Criminal proceedings against employees should not, except in unusual circumstances be considered, unless the employee has contradicted the employers instructions or is being deliberately obstructive or has not heeded warnings.

Offences of obstruction should be considered for prosecution especially if the nature of the obstruction has resulted in additional work and/or costs to the Department.

In the case of Temporary Event Notices, the 'notice giver', who may be an individual, may have criminal proceedings brought against them for breaches of legislation in connection with the event for which they as notice giver have legal responsibility.

Notifications

This service will fully comply with any requirements for statutory notifications. This includes the requirement to provide the HSE with details of Health and Safety notices and / or prosecutions and the OFT with information about convictions in order to keep the Central Register of Convictions updated.

Shared Enforcement Role

For some legislation there is a shared enforcement responsibility with other agencies such as the Police, Environmental Health, etc. The following paragraphs give guidance on how that responsibility is to be shared in the circumstances referred to.

The Licensing Act 2003 creates specific responsibilities for enforcement for the Police, Trading Standards and the Licensing Authority. Protocols between the Licensing Authority and the Police, and the London wide protocol with the LFEPA outline the respective responsibilities. The Licensing Authority and the Police will be the primary enforcer of conditions of licence. Trading Standards will enforce the under age sales of alcohol for consumption off licensed premises and the Police on. Complaints about noise nuisance under the Environmental Protection Act 1990 will be primarily the responsibility of Commercial Environmental Health as will inspection and response to complaints about the Health and Safety of licensed premises. Officers of the Licensing Authority where appropriately authorised under other legislation may enforce it on behalf of the Local Authority.

Where joint enforcement undertaken by the Police and Licensing officers for unlicensed trading results in prosecutions whether by the police or the local authority these will usually be processed by the local authority.

Where legislation creates other similar shared responsibilities this service will fully enforce those provisions of the legislation concerned.

Licensing officers will often receive information that will be of relevance to other regulators investigating criminal offences. The policy is that such information should be provided to those other regulators providing that no officer commits any offence in providing that information and that the relevant 'authority' for disclosure is provided. Information will be passed to the Police, Customs and Excise, the Inland Revenue, other local authorities on the above basis.

Powers of Entry

Licensing officers have considerable powers to enforce the law conferred on them by legislation. Some legislation grants authority to enter and inspect premises. Refusal to permit entry may constitute the offence of obstruction. In particular some legislation enforced by the Licensing team allows, if necessary, entry by reasonable force. A warrant issued by the justices will be sought where this is a requirement of entry or in some cases if entry had previously been refused or it is anticipated that entry may be refused and that pre-warning the occupant of entry would defeat the point of entering.

Forfeiture of Goods

When criminal proceedings are instigated in relation to goods that have been seized as evidence of an infringement of legislation then the normal course of action would be to request the court that such goods should be forfeited. Goods seized as evidence must be counted, bagged and tagged where and when possible in front of the offender and a notice of seizure must be completed. The accused must be given an opportunity to sign the seizure notice and be given a copy of the notice.

The goods must be held securely until the case comes to trial or a decision not to prosecute is made. Where it is decided to prosecute, the goods must be made available for the Court who will decide whether or not to order the forfeiture of the goods. If the decision is made not to prosecute, the goods must be made available to the offender for collection and kept securely until such time that they are collected. Goods must be checked out and signed for. Forfeit goods must be kept securely for such period as the court may order or until appeal options have expired before disposing of them.

In a case where a simple caution is accepted the owner of seized goods may assign the goods to the Licensing Service for disposal. As an alternative to seeking a court order, or a simple caution the owner of the goods may be asked to voluntarily assign the ownership of the goods to the Licensing Service for disposal.

Arrangements will be made by the Licensing Service for goods subject of a forfeiture order or voluntarily handed over to the Licensing service to be destroyed or occasionally it may be appropriate to donate goods to a suitable charity, if the goods can be rendered legal through, for example, removal of infringing trade marks.

Particular Customer Needs

This service will endeavour to be flexible in responding to customer needs by adapting the method of operation to suit the customer. In particular the following paragraphs apply in this regard:

Service leaflets, letters or other documents are willingly translated into other languages utilising a translation service. There is no additional expense to the customer for this service. We will also arrange for interpreters when necessary.

Glossary

These definitions are to assist in understanding the Policy. Therefore, they are not legal definitions. Reference should be made to the Act, the Guidance, and any regulations issued by the Secretary of State for any legal information.

- **Alcohol** - includes beer, wine, cider, spirits, or other fermented, distilled, or spirituous liquor of or exceeding 0.5% strength.
- **Authorised Officers** – those employees of the Council authorised by the Act or by the Council's constitution.
- **Club Premises Certificate** - provides authorisation for qualifying clubs to use club premises for qualifying club activities (see Qualifying Clubs below).
- **Cumulative Impact** – the impact on an area where the number, type, and closeness of premises selling alcohol, combined together can create serious problems from people using or leaving the premises.
- **Designated Premises Supervisor** – the individual for the time being specified in the Premises Licence as the Premises Supervisor. This can include the Premises Licence holder. Every Premises Supervisor must have a Personal Licence.
- **Enforcement** – the Police remain key enforcers of licensing law, however, the Council Enforcement officers also have an enforcement role. The Guidance has no binding effect on police officers who, within the terms of their service policies and the law, remain operationally independent
- Entertainment includes:
 - The performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A dance performance
 - Dancing
- It does not include:
 - Films as part of exhibitions in museums galleries etc
 - Music incidental to something other than regulated entertainment
 - TV and radio broadcasts
 - Religious meetings or services
 - Places of public worship
 - Garden fetes unless for private gain
 - Vehicles in motion
- **Grandfather Rights** - System by which licence holders can transfer terms of their existing licence, to obtain a premises or a personal licence. However, the Police can object to the transfer in certain circumstances.

• **Interested Parties** - are the bodies or individuals who are entitled to make representation to licensing authorities on applications for the grant, variation, or review of premises licence.

The group includes;

- A person living in the vicinity of the premises in question
- A body representing persons living in the vicinity of the premises in question
- A person involved in a business in the vicinity
- A body representing person involved in such business e.g. A trade association.

• **Late-night Refreshment** - outlets include places serving hot food or drink (or the means to heat it, for example, a microwave oven) to eat in the premises or to takeaway, between the hours of 11pm and 5am.

• **Licence Review** - In addition, responsible authorities and interested parties will have the power to apply for a review by the licensing authority of existing licences on a ground relating to the promotion of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or, ultimately, revocation.

• **Licensed Activities:**

- The retail sale of alcohol
- The retail supply of alcohol
- Regulated entertainment
- Late-night refreshment outlets between 11pm and 5am

Licensing Committee – a committee of 10 to 15 Councillors, appointed by the Council.

• **Licensing Objectives:**

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

• **Licensing Sub-Committee(s)** – one or more committees of three members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act.

• **Personal Licence** – permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises where they work.

• **Qualifying Clubs** - To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These are that;

- under the rules of the club, persons may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;

- under the rules of the club, those becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission;
- the club is established and conducted in good faith as a club;
- the club has at least 25 members;
- alcohol is not supplied to members on the premises otherwise than by or
- on behalf of the club.

To qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- The purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years;
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club;
- No arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole.

• **Regulated Entertainment** - is entertainment that is:

- Provided to the public, or
- Exclusively to members of a qualifying club and their guests, or
- Entertainment provided for profit/personal gain

• **Representations** - considered to be relevant are those that address the likely effect of the application on the promotion of the four licensing objectives. If the representation is made by an interested party it will not be relevant if the licensing authority considers it to be vexatious or frivolous.

• **Responsible Authorities** - include:

- Chief Officer of Police
- The Fire Authority
- The enforcing authority for section 18 of the Health and Safety at Work etc Act 1974
- The local planning authority
- The local authority
- A licensing authority
- Social Services – Area Child Protection Agency
- Crime Reduction Partnership

• **Special Policy** - Where a high concentration of licensed premises has been identified as causing a problem for the area and where imposing conditions on individual premises licences may be ineffective in addressing the licensing objectives, the Council may consider the refusal of new licences.

• **Temporary Events** - relatively small scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a

Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.

- **Vicinity** – usually taken to mean the area immediately around the licensed premises, i.e. in front, to the rear, the sides, above and below, but, where there is reasonable evidence to suggest that problems are directly linked to activity or customers of a particular premises, this can be extended. Ultimately, this will be decided by courts, however, the licensing authority will have to consider whether a resident or business would be directly affected by the carrying out of licensable activities on the premises.

- **Variation** – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises.

Contacts and Further Information

If you want further information about the service provided or the standards applicable please contact us or look at our website at www.harrow.gov.uk/licensing

Call the service on:

T 020 8901 2600

F 08452801845

e-mail licensing@harrow.gov.uk



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Community and Environment
Corporate Director – Brendon Hills

By Email and Post

G. T. Wheal, Chairman
Pinner Association Licensing Sub-Committee

Thursday, 17 June 2010

Our ref: ce/css/lic/

Dear Mr Wheal,

RE: Licensing Act 2003 - Proposed Licensing Policy 2010

Firstly many thanks for taking the time to review our proposed licensing policy and offering your comments.

Your comments highlight a difficult anomaly that this licensing authority is often presented with - applications for licences are made where the proposed operation goes beyond the applicant's current planning permission or conditions.

While this authority is aware of this anomaly, the legislative framework does not allow the licensing authority to take into consideration planning issues when determining a licensing application.

Planning and licensing are separate regimes established under different legislative enactments and whilst the licensing policy can encourage an applicant to seek planning permission first, it cannot compel an applicant to do so.

There may be situations whereby the hours restriction imposed for planning is different from the hours restriction imposed for licensing. If the planning hours restriction is more onerous, the applicant is expected to comply with this and if he or she fails, the Council in its capacity as local planning authority can take enforcement action. The Council as licensing authority can inform an applicant about planning restrictions, however the licensing authority cannot refuse or curtail a licence on the basis of planning matters.

Therefore, for the reasons outlined above, your suggested comments cannot be included in the licensing policy.

Again, many thanks taking the time to review our proposed licensing policy and your comments were greatly appreciated.

Yours sincerely

B Forde, Licensing Enforcement Officer
Email: licensing@harrow.gov.uk
Tel: 020 8901 2600

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**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting:	13 April 2010
Subject:	Overview and Scrutiny Committee Annual Report 2009/10
Responsible Officer:	Name of Chief Officer and Full Title (Director or above)
Scrutiny Lead Member area:	Councillor Stanley Sheinwald, Overview and Scrutiny Committee Chairman
Exempt:	No
Enclosures:	Overview and Scrutiny Committee Annual Report 2009/10

Section 1 – Summary and Recommendations

This report accompanies the Scrutiny Annual Report 2009/10. The annual report summarises the work of the scrutiny function in Harrow.

Recommendations:

Councillors are asked to:

- I. Agree the annual report
- II. Refer the annual report on to Full Council

Section 2 – Report

Introductory paragraph

The Overview and Scrutiny committee of the council is required to present an annual report of its activities to Full Council. The draft annual report is attached as Appendix One. It is divided into a number of sections in which reports from the individual committees or the scrutiny lead members are included.

As this is the final scrutiny annual report for the 2006 – 10 administration, the report does not include proposals for work programme items for the next municipal year. These will be developed with the new committees after the May local elections.

Financial Implications

There are no financial implications associated with this report.

Performance Issues

There are no performance issues associated with this report.

Environmental Impact

There is no environmental impact associated with this report

Risk Management Implications

There are no risk management implications associated with this report.

Corporate Priorities

- Deliver cleaner and safer streets
- Improve support for vulnerable people
- Build stronger communities

Section 3 - Statutory Officer Clearance

Not necessary for this report

Section 4 - Contact Details and Background Papers

Contact: Lynne Margetts, Service Manager Scrutiny, 020 8420 9387

SCRUTINY ANNUAL REPORT

2009/10

CONTENTS

CHAIRMAN'S FOREWORD	1
REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE.....	3
REPORT FROM PERFORMANCE AND FINANCE SCRUTINY SUB COMMITTEE	9
REPORT FROM LEAD MEMBERS – ADULT HEALTH AND SOCIAL CARE.....	11
REPORT FROM LEAD MEMBERS – CHILDREN AND YOUNG PEOPLE	14
REPORT FROM LEAD MEMBERS – CORPORATE EFFECTIVENESS.....	17
REPORT FROM LEAD MEMBERS – SAFER AND STRONGER COMMUNITIES	19
REPORT FROM LEAD MEMBERS – SUSTAINABLE DEVELOPMENT AND ENTERPRISE.....	21
REPORT FROM THE CALL- IN SUB COMMITTEE.....	23
CONCLUSION	25
APPENDIX ONE: SCRUTINY REVIEWS 2006 – 10	26

CHAIRMAN'S FOREWORD

This is the final annual report from the Overview and Scrutiny committee for the 2006 – 10 administration. Yet again, it has been a productive and very successful year. We were awarded a Centre for Public Scrutiny award for our review 'Delivering a Strengthened Voluntary and Community Sector' and the chairman was short listed for the 'Scrutineer of the Year' award in the Local Government Information Unit/CCLA C'lr 10 Achievement Awards. We were also delighted to hear in January of the commendation of our work offered by Right Honourable John Denham, Secretary of State for Communities and Local Government in a speech to a Centre for Public Scrutiny conference. The Secretary of State commented:

"In Harrow, they have used a scrutiny hearing to prompt a fundamental reappraisal of the way the council works with the third sector. And on a very important note, far from being confrontational on very difficult issues of funding and capacity, the effect of scrutiny has been strengthened relationships."

We are extremely proud to have been singled-out for such positive comments.

We have delivered a full work programme, covering a wide range of issues from our own financial processes, the plans and proposals of our colleagues in Health and the council through to partner performance during the recession. The section specifically on the Overview and Scrutiny committee provides more detail on the projects we have undertaken in the last year, and we would like to place on record our gratitude to the councillors and officers – from both within the council and from partner organisations – who have helped us to complete these projects. We feel that we have begun to forge constructive and effective working relationships across the board and we believe this places scrutiny on an excellent footing to be able to contribute to service improvement for the next four years.

Our revised structures have continued to develop, and following the I&DeA assessment of the process which we outlined last year, we have recognised the improvement areas required and will be looking to continue to address the issues raised as new scrutiny councillors take up their positions with the committee. In particular, a full programme of member induction for the new councillors is currently being designed and we are happy to have been able to use our own experience to help to design this programme.

We would like to publicly acknowledge the efforts of the scrutiny lead members who have championed their areas and have helped support scrutiny outside of the committees. Through their close monitoring of issues within their remit, we have been able to ensure that we continue to safeguard the best interests of the Harrow community.

Lead Scrutiny councillors discuss councillor calls for action



As we look back over the last four years, it is with pride that we consider the achievements we have made: we have supported the council's improvement agenda, contributing to both the comprehensive performance assessment and its successor the comprehensive area assessment; we have enhanced our budget scrutiny processes and have been able to make a

number of key strategic recommendations which we hope enhance our budget making processes; we have paid close attention to the exciting and extensive change proposals in health and have made a number of contributions to proposals for health improvement in the borough which have flowed from the proposal in Healthcare for London. By carefully monitoring the services available to local residents who experience strokes and by providing support to our colleagues in health, we have been able to assist the NW London Hospitals NHS Trust's successful bid to become an acute stroke service; we have monitored the development of polysystems for health care provision across the borough and we have challenged the performance of both the NW London Hospitals Trust and NHS Harrow. A full list of the projects we have undertaken since 2006 is attached in Appendix One.

None of our work would have been possible without the support from the staff in the Scrutiny Unit. We would like to thank all those who have helped us over the past 4 years including Nahreen Matlib, Heather Smith, Fola Beckley and Ed Hammond. Our special thanks must go to the head of the Scrutiny Unit, Lynne Margetts, without whose hard work, patience and dissemination of many differing complex issues brought to the attention of members, Scrutiny in Harrow could not have achieved what it has.

We have worked across political lines to ensure we bring a truly objective focus to our investigation. This is the only way that scrutiny can realise its potential and we would emphasise to our successors that independent, non-partisan, member-led scrutiny can and should make an enormous contribution to improving the wellbeing of the residents of the borough. We wish the next Overview and Scrutiny committee every success.



Councillor Stanley Sheinwald
Chairman Overview and Scrutiny committee



Councillor Mitzi Green
Vice Chairman Overview and Scrutiny committee

REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny committee has continued to meet on a monthly basis and has met 14 times during the last municipal year and we have commissioned a range of review projects. In the paragraphs below we outline the highlights of our year of scrutiny.

At Committee

Question and Answer Sessions with the Leader and Chief Executive

As in previous years, the committee invited the Leader and Chief Executive to attend the committee to discuss corporate priorities and budget setting. At its meeting in July, the committee was able to discuss with the most senior officer and politician in the council, the impact of the recession on the council's finances, the likely budget outturn and the transformation programme 'Better Deal for Residents' which has been designed to support the council through the difficult fiscal period anticipated over the coming years.

At its meeting in January, the committee was able to hear from the Leader, the Portfolio holder for Performance, Communication and Corporate Services and the Chief Executive about the council's priorities for 2010/11 and the budget proposals which had been designed to deliver these priorities, including the proposals for a 0% increase in council tax. The final report from the Standing Review of the Budget – see below – was also considered as a part of this meeting and was submitted along with the comments from the committee to the meeting of Full Council which sets the budget.

Health Issues

Not surprisingly, given the high profile being given in the capital to the Healthcare for London proposals resulting from the Darzi review, health issues have proved to be a priority for the year. We have received reports regarding a range of proposals to modernise healthcare in the borough which have derived from Healthcare for London. The report from the Adult Health and Social Care leads summarises these but we would like to place on record our gratitude to the many representatives from health who are working with us to safeguard the health of local people. We feel that as a committee and especially via the leads, we have now developed an excellent working relationship with health colleagues which means that they can be confident in the challenge they receive from us and we can rely on the prompt and impartial advice that they provide to the committee.

Specific issues which have been considered by the committee include:

- Improving surgical services for children and young people in hospitals
- North West London acute services review
- Influenza pandemic plan
- Polyclinic provision in East Harrow
- Children's cancer services
- The development of an Integrated Care Organisation

Consultation on future health care has been a priority



The committee has also developed its relationship with Harrow Local Involvement Network (LINK). The committee has agreed a joint working protocol with Harrow LINK and received information about its communications policy.

We are delighted that the Chairman of the LINK, Mr Julian Maw, has been able to attend the majority of our meetings this year and we were particularly pleased that Julian was able to participate in the challenge panel that was set up to consider the detail of the proposed Integrated Care Organisation. We were also pleased that Harrow LINK was represented at the joint challenge panel held with Brent to consider the implications of the acute services review. We look forward to continuing to develop a positive relationship with our colleagues at Harrow LINK.

Councillors were also extremely grateful to council officers and representatives of Care UK who attended committee in the autumn to help us to investigate the performance of our homecare contract following disclosures on the BBC's Panorama programme which suggested performance in this area was not as high as might be expected. We were reassured by their positive and proactive responses to our enquiries.

Community Safety Issues

In line with our duties to scrutinise the work of local Crime and Disorder Reduction Partnerships and to consider community safety issues, the committee met with the Borough Commander, Dal Babu and Cllr Susan Hall, Portfolio Holder for Environment and Community Safety, to discuss the crime priorities of the borough. Although Harrow remains a low-crime borough, it is important that we continue to monitor the effectiveness of our partnership working with police and ensure that the positive messages regarding community safety in the borough give confidence to our residents and improve the quality of their lives.

Meeting the Portfolio Holders

One of our key roles is holding the executive to account and one of the ways that we do this is to invite Cabinet portfolio holders to the committee to discuss specific aspects of their area of responsibility. As the table below shows, this year, in addition to our biannual meeting with Leader of the council, we have met with seven portfolio holders and three of them more than once. Issues raised during these discussions have included:

- Council's communication strategy
- Comprehensive Area Assessment results
- Third Sector Strategy
- Waste Management Strategy
- Educational Attainment
- Housing Revenue Account

We feel we have developed a constructive relationship with colleagues on Cabinet and hope that the challenge we offer to their portfolio is adding to the general improvement in services that is the priority for all of us. We hope that our successors can continue to perfect this creative tension.

Review Programme

In addition to our committee meetings, a significant amount of work has been undertaken in reviews. In 2006 we introduced new scrutiny methodologies: standing reviews, light touch reviews and challenge panels. These approaches have meant that we can undertake more proportionate investigations of the issues we have included in our work programme. They have proved an excellent addition to our resources.

We outline below the projects we have commissioned this year. The programme is slightly smaller than in previous years in order to accommodate the reporting process in election year.

Grants Criteria

During our project 'Delivering a Strengthened Voluntary and Community Sector for Harrow' which investigated the relationship between the council and colleagues in the Third Sector, a range of concerns were raised about the current panel-led approach to grants. These were:

- Lack of clarity about what the process is actually for
- Lack of priorities in awarding grants
- Concerns about the transparency of the process
- Concerns about the appropriateness of criteria
- Lack of effective appeals process
- Links with other commissioning processes are weak
- Management of information in this area is weak
- Short-termism of the grants process
- The timeliness of the process
- The application process
- The need to strengthen monitoring arrangements
- Grant awards do not match the amounts bid for

As a result, changes to the grant making process were proposed and were presented to a scrutiny challenge panel for comment. The panel made ten recommendations to the Grants Advisory Panel and seven of these were accepted outright with the other three accepted in principle with some comment

Neighbourhood Champions

This innovative scheme, introduced by the Council towards the end of 2009, was considered by a scrutiny challenge panel early in the New Year in order to ensure that all of the risks of such a scheme had been identified and addressed. At the time of writing this annual report, the challenge panel is finalising its report and we ask that our successors ensure it is submitted to the next administration if this remains appropriate.

Response to acute paediatrics services NHS consultation

This challenge panel is discussed in greater detail in the Adult Health and Social Care lead members' report. We would comment however, that the panel marked a departure from traditional scrutiny processes in that, for the first time, we discussed the implications of proposed changes to a service with another borough's scrutiny councillors.

This innovation meant that the efficiency of our own challenge panel process was replicated in another borough and allowed our health colleagues to address the concerns of both ourselves and Brent Council in a single meeting. We recommend that the next Overview and Scrutiny committee considers undertaking similar partnership projects in future particularly as the interests of boroughs begin to coalesce around such issues as shared services and the 'Total Place' agenda.



Proposals may improve services to our youngest residents

Response to East Harrow polysystem NHS consultation

More information on this project is included in the Adult Health and Social Care lead members' report.

Standing Review of the Budget, Phase 2

The standing review was set up in 2007 and marked a significant change to the way in which scrutiny considered the budget. With a brief to consider some of the strategic issues impacting on the council's financial stability, the standing review has hopefully been able to point to a number of improvements which might be made to the Council's processes. In January, the review produced the report from its final phase, which considered:

- Asset management
- Shared services
- Revenue generation

The report's recommendations were agreed by Cabinet and were submitted to Full Council along with the budget papers for 2010/11.

This has been a significant improvement in the way that scrutiny considers the budget in Harrow and as a result, the outgoing Overview and Scrutiny committee has recommended to its successors that the standing review is re-established in the next administration.

Sustainability Phase 2 and 3

The detail from this review is included in the report from the Sustainable Development and Enterprise leads. However, we would comment that this review has also used innovative processes through which to undertake its investigations. We are particularly proud of the conferences and workshops which managed to pull together the views of a wide range of stakeholders in an efficient and effective manner. We would observe however, that this review has only managed to scratch the surface of its brief and, in particular, the impact of the recession on our residents, our business community and our own services is something which will continue to need to be monitored. As such, this is another project which the Overview and Scrutiny committee has recommended is picked up by its successors.

Transitions Scoping workshop

As our work programme had to be finalised promptly this year to enable preparations for the election to commence, we were disappointed not to have the time to investigate the ease of transition from children to adults services. However, as we consider this is such an important piece of work, we decided to consider how this project might be scoped if it is picked up, as we have recommended, by the next Overview and Scrutiny committee. This scope has been agreed by the Overview and Scrutiny committee and has been commended to our successors.

This was an excellent process and allowed officers and councillors to agree what the focus for a subsequent project might be. We recommend that in future, all such in-depth investigations start with a scoping workshop as this can ensure that there is agreement across the board to the investigation and can ensure the buy-in of all stakeholders.

Reflecting on our experience, looking to the future

There are obviously things that we could do better, we would not be effective scrutineers if we did not acknowledge this. In particular, whilst the majority of changes that followed the dissolution of the service-based committees have led to improved processes and a more targeted scrutiny function, we recognise that there is more that could be done to really

support the lead councillors and ensure that they can champion their areas – they are a key component of scrutiny in Harrow and they must be supported to function as efficiently as possible. We recognise the financial constraints on the Council but it is imperative that the Scrutiny function is adequately funded in order to be an effective part of the checks and balances on the executive.

Having said this, we feel that the challenge that we now bring to the council and our partners' performance is improving and our reputation thus has been enhanced. The challenge panel process has been a particularly effective addition to our armoury – we have been able to make timely contributions to policy proposals and service changes on a number of occasions and the efficiency of the process has again contributed to a greater credibility for our work. It is pleasing to note that the council's Corporate Strategy Board – the senior management body of the council, has commented very positively on the way scrutiny is now able to contribute to the council's processes.

For the future, we recommend that our successors continue to search for ways to improve scrutiny, to ensure that we are able to champion the needs of local people and to challenge **all** service providers locally to deliver excellent services to our residents. We would also restate the principles of good scrutiny, as encapsulated in our own strap line: scrutiny must be **independent**, it must be **member-led**, it must work to the **interest of and with local people** and it must deliver real outcomes in terms of **service improvement**. If our successors can focus on this then we are sure that they will continue, much as we have, to work across party lines with a clear focus on improving the lives of the people of the borough.



Councillor Stanley Sheinwald
Chairman Overview and Scrutiny committee



Councillor Mitzi Green
Vice Chairman Overview and Scrutiny committee

STATISTICS

Committee meetings	14
Attendance by Leader	2
Attendance by Portfolio Holders	<p>Cllr Paul Osborn, Portfolio Holder for Performance, Communication and Corporate Services (3)</p> <p>Cllr Susan Hall, Portfolio Holder for Environment and Community Safety (2)</p> <p>Cllr Jean Lammiman, Portfolio (2) Holder for Community and Cultural Services</p> <p>Cllr Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise (1)</p> <p>Cllr Christine Bednell, Portfolio Holder for Children's Services (1)</p> <p>Cllr Barry Macleod-Cullinane, Portfolio Holder for Adults and Housing (1)</p> <p>Cllr Anjana Patel, Portfolio Holder for Schools and Children's Development (1)</p>
Attendance by Chief Executive	2

Attendance by Partners	NHS Harrow (6) NW London Hospitals NHS Trust (3) Harrow Link (2) Harrow Police Service (1) Metropolitan Police Authority Link Member (1)
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REVIEWS

Review	Type of review	Number of meetings in 2009/10	Number of visits and other review activities in 2009/10
Grants Criteria	Challenge panel	1	0
Neighbourhood Champions	Challenge panel	1	0
Response to acute paediatrics services NHS consultation	Challenge panel (with Brent Council)	1	1 visit to hospital paediatric unit
Response to East Harrow polysystem NHS consultation	Consultation response	The response was derived from a number of different meetings of the lead members and the Overview and Scrutiny committee	
Standing Review of the Budget, Phase 2	Standing Review	4	4 visits to other boroughs
Sustainability Phase 2 and 3	in-depth review	3	1 Conference 1 Workshop
Transitions Scoping workshop	This workshop enabled preparation for a project which will be scheduled for 2010/11	1	0

REPORT FROM PERFORMANCE AND FINANCE SCRUTINY SUB COMMITTEE

2009/10 has seen the Performance and Finance Scrutiny Sub Committee consolidate its experience as the engine room for scrutiny, undertaking detailed performance investigation and escalating matters for further examination by O&S.

The system of chairman's briefings has continued to drive the agenda setting process for the committee, despite a break due to staff pressures in the middle of the year. Considerations made by the chairman and vice-chairman at these meetings, where scorecards are interrogated, are reported to the sub committee to ensure transparency. Where necessary, on an exception basis, further examination has taken place in the committee setting. Where the committee has felt that further in-depth scrutiny is warranted, matters have been escalated to the Overview and Scrutiny Committee.

This year the committee has considered a range of items including progress on achieving healthy schools status, integrated budget and service planning, revenue and capital monitoring, preparations for and outcomes of the Comprehensive Area Assessment, the staff survey and the Strategy for People.¹

We escalated the issue of the housing revenue account negative subsidy to the Overview and Scrutiny Committee and a challenge panel was undertaken. The results of the panel formed part of the council's response to the Department for Communities and Local Government's (CLG) review of council housing finance and rents policy.

A particular area of interest has been the efforts of the Chief Executive to change the culture of the organisation. We have paid particular attention to matters such as SAP utilisation by managers and the committee supports drives to raise compliance in areas such as budget monitoring. Such improvements will ensure that the organisation develops a stronger and more accurate understanding of its financial standing. Other related areas of focus have included workforce sickness and absence, making the most of Comprehensive Area Assessment and the council's Better Deal for Residents programme.

Our focus on housing has continued, particularly with regard to the recent pressures in the area of housing responsive repairs. We considered escalating the matter to O&S for detailed investigation, but the committee subsequently felt that a larger piece of work on the Kier contract should be considered. We recommend that our successors give the Kier contract serious consideration because of the contract's impact on a wide range of services delivered to our residents.

We have also monitored progress on past reviews including delivering a strengthened voluntary sector, the review of obesity and right to manage.

¹ At the time of writing this item is scheduled for consideration on 25 March 2010.

Reflecting on our experience, looking to the future

Harrow remains one of the few local authorities in the country that uses performance information to inform decisions about work programming. Many restrict interrogation of performance information to scrutiny of scorecards within the committee setting rather than integrating it into the planning of scrutiny activity. This is a key strength which must be maintained and strengthened going forward.

For the future we feel that there is potential to further improve our ways of working, in particular by engaging lead members to a greater extent in the identification of areas for monitoring and investigation, thereby forging links between consideration of policy and performance. There is also the potential to extend financial scrutiny and the consideration of financial matters alongside service performance.

We are pleased that the committee is growing in confidence in fulfilling its role and we hope that by doing so we can continue to support the council in strengthening its performance in delivering services to residents and meeting local priorities.



Councillor Mark Versallion
Chairman, Performance and Finance
Scrutiny Sub Committee



Councillor Brian Gate
Vice-Chairman, Performance and Finance
Scrutiny Sub Committee

Committee meetings	4
Attendance by Leader	None
Attendance by Portfolio Holders	Cllr Barry Macleod-Cullinane , Portfolio Holder for Adults and Housing (1) Cllr Paul Osborn , Portfolio Holder for Performance, Communication and Corporate Services (1)
Attendance by Chief Executive	None
Review meetings	1 (HRA challenge panel)

REPORT FROM LEAD MEMBERS – ADULT HEALTH AND SOCIAL CARE

Consideration of local health and social care issues

Over the last year, we have continued to consider a range of important health and social care issues that affect Harrow residents, some at committee-level and some in a more in-depth fashion to give them the full consideration that they warrant.

At committee we have considered for example the adults safeguarding annual report, the review of learning disabilities commissioning, adults annual complaints report, the borough's strategy and preparedness for a flu pandemic (especially pertinent given swine flu) and a particularly useful discussion on homecare in the borough. Following up on a range of concerns we held a meeting with directors from Care UK about their performance, the quality of their provision and the training/recruitment of staff.

Outside of committee we have followed up issues around reshaping children's cancer services in NW London and the NW London Commissioning Partnership (the aggregated pool of all NW London's PCT commissioning arms), the latter involving work with scrutiny councillors and NHS Chief Executives from across the NW London sector. We have also, following on from discussions at Overview and Scrutiny Committee, led in developing scrutiny's response to NHS Harrow's recent consultation on a polysystem of primary care in East Harrow. These will be particular areas that scrutiny may need to consider in the future and keep an eye on developments.

Harrow's Local Involvement Network is now establishing itself in the borough as a voice for local people through which to raise their concerns about health and social care provision. Over the past year we have agreed a protocol of working between the LINK and the Overview and Scrutiny Committee. Further we invited the LINK to a committee meeting to discuss their plans for public engagement and communications.

We continue to meet quarterly with the Council's Corporate Director of Adults and Housing to discuss issues around social care, focusing especially on safeguarding and self-directed support. Harrow has made great strides in progressing its personalisation agenda and is the leader in this field in London. In February, some of our officers showcased Harrow's good work on personalisation at an event run by the Centre for Public Scrutiny. We are very pleased that the strong improvements in Harrow's adult social care directorate has achieved a 3-star rating (performing well) from the Care Quality Commission. This recognises all the hard work by the Corporate Director and his team over the last year.

Reflecting on our work over the last four years, it has been particularly pleasing to see the progresses made in local social care and also participate in pan-London health scrutiny work, through the Joint Overview and Scrutiny Committees, which has allowed Harrow residents' concerns to be heard on a bigger platform across the capital.

Healthcare for London – consultation on new major trauma and stroke services (pan-London JOSC)



For the public consultation 'The shape of things to come – Developing new, high-quality major trauma and stroke services for London, Harrow scrutiny responded individually and as part of a pan-London joint overview and scrutiny committee (JOSC), of which Councillor Mithani was Harrow's representative. Following up on this, the JOSC met on a couple of occasions to consider NHS London's response to the JOSC's report and recommendations. As a result of these plans, Northwick Park Hospital now hosts one of London's eight Hyper-Acute Stroke Units, alongside a Stroke Unit and enhanced Transient Ischaemic Attack (TIA) services.

Integrated Care Organisation for Ealing and Harrow – Challenge Panel

In April 2009 NHS Harrow and NHS Ealing joined forces to form Ealing and Harrow Community Services – an arms length organisation established following government direction to PCTs to separate their commissioning and provider functions. Later in the year, the two PCTs and Ealing Hospital proposed the development of an Integrated Care Organisation (ICO) with effect from April 2010. Arguments for the development of an ICO suggest that it is the most viable way to deliver community care services with effective care pathways between acute services (provided by Ealing Hospital) and community care services (provided by Ealing and Harrow Community Services). As scrutiny councillors we believed that these new arrangements could have substantial impact on Harrow residents and therefore we held a challenge panel to scrutinise the proposals in more depth. The findings of the challenge panel were agreed by the Overview and Scrutiny Committee in January. We hope that the discussions during the challenge panel have reassured our NHS colleagues of scrutiny's commitment to work constructively with them to improve services and fully engage in order to safeguard the interests of residents in the future.

NW London Acute Services Review – joint challenge panel with Brent

Originally brought to our attention last summer, NW London Hospitals and the PCTs for Brent and Harrow reviewed emergency surgery and paediatric inpatient services for the two boroughs. The proposals to change arrangements for emergency surgery were implemented as a matter of urgency based on safety grounds.



The reconfiguration of paediatric services in Brent and Harrow was the subject of public consultation at the start of 2010. In order to scrutinise the proposals, assess the adequacy of the consultation and inform scrutiny's response to the proposals, scrutiny members from Brent and Harrow came together to hold a joint challenge panel with witnesses from the Hospital Trust, with valuable input from local stakeholders. After gathering evidence together, both boroughs developed their individual scrutiny responses to the consultation which concluded in April 2010. In our minds, this represents good cross-borough scrutiny working and an efficient and productive use of councillor and NHS time. We look forward to seeing the outcomes of the consultation proposals.

Reflecting on our experience, looking to the future

Looking back over the last four years we believe we have made valuable input to the direction of health and social care in the borough, to ensure that partner agencies across the borough work together to secure the best health and social care provision for the people of Harrow. For example we have seen new primary care facilities introduced to the borough, Northwick Park Hospital chosen to host a new hyper-acute stroke unit and the growth of personalisation in social care offering more clients choice and freedom over their care. We believe that scrutiny has facilitated these developments and offered a 'critical friend' challenge to plans as they were developed and implemented.

It continues to be an exciting time for health and social care with their rapid pace of change to improve services for local people. We anticipate that scrutiny will encounter many more developments in the months to come. There is a growing focus on the commissioning intentions of local health and social care organisations and we would anticipate that this will require a greater level of scrutiny in the future. In particular, the NW London Commissioning Partnership intends to translate its work on commissioning into an Integrated Strategic Plan and we anticipate further pan-London scrutiny projects in the autumn. As well as helping develop ideas, we will need to ensure that scrutiny keeps track of the implementation of past projects, for example those in Healthcare for London such as the polysystems for primary care across the borough and the new stroke services at Northwick Park Hospital.

The people of Harrow rightly expect first-class health and social care provision and we will continue to strive for this, working closely with the Harrow Local Involvement Network and other stakeholders to ensure that this is delivered.



**Policy Lead
Councillor Vina Mithani**



**Performance Lead
Councillor Rekha Shah**

REPORT FROM LEAD MEMBERS – CHILDREN AND YOUNG PEOPLE

In 2009/2010 we addressed a range of important issues that effect the children and young people in Harrow and the November 2009 Overview and Scrutiny meeting was a children and young people themed meeting where a number of the key topics we considered were presented.

Reshaping of Children’s Cancer Services in North West London (NWL)

Health related issues for children and young people really came to the forefront this year. Amongst these were the plans to reshape children’s cancer services in NWL to comply with national cancer service guidance. After deliberations at an Overview and Scrutiny meeting where the proposals were presented, we decided to look further into what the proposals would mean for Harrow residents and how they would be affected by them. In collaboration with the adult health and social care lead members we held meetings with the Director of West London Cancer Network and the Chief Executive of NHS Harrow to ensure that the proposals were the best option for Harrow residents. After further evidence was presented and detailed discussions took place, we were re-assured that the proposals and the case for change would still meet the needs of Harrow residents. It will be important to keep an eye on how this work progresses in the future.

North West London (NWL) Collaborative Programme Paediatric Initiative

We considered the NWL Collaborative Programme Paediatric Initiative to improve surgical services for children and young people in hospital. The project aims to resolve the fragmentation of neonatal and specialist paediatric surgical care from critical care in NWL by April 2010.

We were happy with the proposals to make Chelsea and Westminster NHS Foundation Trust in collaboration with Great Ormond Street and Guy’s and St. Thomas’ Hospital Foundation Trust the preferred provider.



The trust was also designated as the lead centre for NWL children's surgical provider network and will provide complex, in-patient neonatal and paediatric surgery for children and young people (0-18 years) residing in NWL. The progress of this work should continue to be monitored.

NW London Acute Services Review – joint challenge panel with Brent

As referenced in the report from the Adult Health and Social Care scrutiny leads, we were delighted to have been able to contribute to NHS Brent, NHS Harrow and NW London Hospitals Trust’s consultation “Better Services for Local Children – A Public Consultation for Brent and Harrow” on proposals for changes to local services for children in hospital. Our joint challenge panel with Brent scrutiny councillors was a unique way of developing our views on the proposal and we commend the process for the next Children and Young People’s leads. Our views on the proposal were agreed by the Overview and Scrutiny committee in February.

Transitions Scoping Workshop

We held a scoping workshop in September to address the issue of transition from children's care to adults. The Corporate Director for Children's Services, the Children with Disabilities Service Manager, Head of Service for Young People and a number of other officers and key practitioners met with us to address some of the issues surrounding the transition service. In the workshop we addressed roles and responsibilities in children's and adult services, information sharing systems, individual budgets and personalised plans amongst other things. The disjoint between the funded management of the child and the independent individual management of adults and the difference in the whole package of care provided is something that we feel needs to be investigated.

The workshop was very useful and having the key practitioners of the service involved in the scoping and the early part of a potential review proved to be a successful way of planning and identifying the key issues for a complex subject. We hope and recommend that the outcomes of the workshop will be considered and form the basis of the scope for a more detailed piece of work in the 2010/2011 work programme.



Reflecting on our experience, looking to the future

The Children's Plan set the scene for much of our work over the past few years and we have actively scrutinised the councils policies and procedure to ensure we are giving all children in Harrow the support they need to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

In particular, safeguarding and the outcomes of the Laming Review have been a prominent issue over the past year and we held key discussions with the Corporate Director to ensure that the right processes and procedures are in place in Harrow. We have also worked to ensure that our adoption procedure's are structured to try and provide a safe, secure and stable home for the children and young people in care. Ensuring that the Children's Trust arrangements are successfully in place has also been an area we have focussed on over the years. These areas will continue to important.

The light touch review of Extended Schools as community resources was an important review we carried out that addressed the development and progress of the boroughs extended schools. In line with this, we have also been happy to see the successful development of children's centres in the borough over the past few years.

The re-configuration of Harrow schools has also been an area we have also closely monitored. We will be keen to continue monitoring this development as we move towards implementation in September 2010 to ensure that the re-alignment of first and middle schools is on course to be delivered as efficiently as possible and to ensure minimal impact of the change on the children affected.

As our work throughout this year has shown, children and young people's health is becoming an increasing focus and we anticipate that scrutiny will encounter many more developments in the area of children's health over the next few years, we will be keeping a close watch on these developments and the developments in children's health service could be an area for review in 2010/2011. We also recommend a review of the Transition service in which some of the preparatory work has already been carried out.

We have been able to make a valuable contribution to the development and the delivery of services to children and young people in Harrow. We will continue to do this by following up on emerging and developing issues and also monitoring the outcomes of a number of the past reviews and issues we have considered.



Councillor Margaret Davine
Policy Lead



Councillor Janet Mote
Performance Lead

REPORT FROM LEAD MEMBERS – CORPORATE EFFECTIVENESS

We have continued to meet during 2009/10 to discuss matters relating to the corporate effectiveness of the council and we are very grateful to those officers who have attended our briefings to provide us with information. We are pleased that the Vice Chairmen of both the Overview and Scrutiny committee and the Performance and Finance sub committee now attend these briefings as observers.

People

We have continued to monitor the morale of staff within the council and the council’s capacity to deliver the kind of change necessary if we are to become one of the best council’s in London by 2012. As such we have taken particular interest in the delivery and results of the 2009 staff survey which will be used to revise the current Strategy for People. We were encouraged to hear that an interim survey had elicited a 50% response rate which demonstrated some improvements over the last survey and that officers were confident that this could be replicated in the full survey. Key issues identified in the interim survey had been leadership, managing change and developing people and significant work had been carried out to address this which will hopefully deliver improvement in the full survey. When we met with officers, the response rate to the full survey had reached 39%.

We were very interested to discuss the ‘engagement profile’ of the council which has been derived from the previous survey and we would endorse officers’ view that more resource should be focussed on ‘disenchanted’ staff rather than on staff already ‘disengaged’ from the organisation.

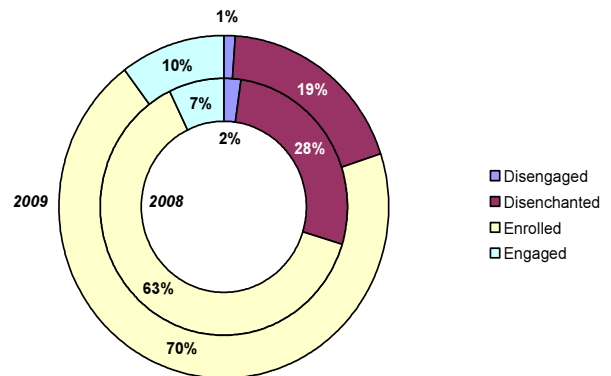
We asked that the results of the survey be presented to the Performance and Finance sub committee where we were pleased to have received very positive information regarding the improvements in the survey results.

We were also pleased to hear that sickness absence has begun to decline, this is something that we have monitored during the lifetime of this administration.

Comprehensive Area Assessment

This year saw the first results from the new public sector performance framework, Comprehensive Area Assessment. This assessment covers not only the council’s performance but also considers how effectively different bodies across the borough work together to address the priorities of the area. We received a number of briefings on the CAA and were updated on progress in terms of the submission of our own self assessments and the anticipated results. We would recommend that the results of the assessments are used to improve service performance and we would also recommend that the council investigates how we can benchmark with other authorities who have been awarded green flags for exceptional performance.

The Engagement Profile



We asked for a report on the results of the CAA and associated improvement plans to be presented to the Performance and Finance sub committee and to the Overview and Scrutiny committee in January and February.

Transformation Programme – A Better Deal for Residents

Towards the end of the year, we were advised of the efforts the council will need to make in order to address the significant fiscal difficulties it is likely to face in the coming years. We were advised that the council will not be able to address these difficulties through incremental change and a fundamental re-examination of purpose and function is absolutely critical. We were also advised that it is critical that these issues are addressed across the public sector and that we find new ways to deliver services to residents. The five streams of the 'Better Deal for Residents' programme will each focus on specific areas of improvement and we recommend both that the next corporate effectiveness lead members monitor the implementation of the plan but that also scrutiny overall ensures that this important programme delivers the improvements we need.

Reflecting on our experience, looking to the future

The aspects of council performance covered by corporate effectiveness leads is extensive and we have really only been able to scratch the surface of the issues being faced by the council. We would suggest to our successors that the most significant area for their attention should be the effective delivery of the Better Deal for Residents programme as to us, this must be the delivery mechanism of the council's efficiency programme.



Policy Lead
Councillor Stanley Sheinwald



Performance Lead
Councillor Mark Versallion

REPORT FROM LEAD MEMBERS – SAFER AND STRONGER COMMUNITIES

We met on a number of occasions during 2009/10 to discuss matters relating to community safety and community cohesion.

Community engagement, involvement and empowerment

We have spent some time over the past year addressing the progress and work underway in the council in respect of community engagement, consultation and empowerment. A steering group has been set up in the council to lead on this area of work and it now forms a strand of the 'better deal for residents' programme. In line with this we also considered and reported back to the Overview and Scrutiny committee details of 'the duty to involve, inform and consult' which came into force in April 2009. We addressed the implications on the council as a whole and more specifically the implications on scrutiny and how this will support us in the development of a safer and stronger community. We looked at evidence from the Network of Empowering Authorities (NEA) for good practice and learning on ways to aid community development and empowerment. We reminded Overview and Scrutiny of the HearSay Review and pointed to the recommendations which were accepted by Cabinet.

Sustainability Review

The impact of the economic downturn has had huge implications on the local community and it has been more important than ever for us to provide effective leadership with our partners and incorporate sustainability into our priorities. The sustainability review that we carried out this year aimed to address this.



The review focussed on the three strands of sustainability including economic, environmental and community.

The review was also co-chaired by Councillor Miles, Policy Lead Member for Sustainable Development and Enterprise and the overall report of the review was presented at the Overview and Scrutiny meeting in February.

Community Safety

We have also met with the Crime Reduction Team Leader on a number of occasions to discuss emerging issues and developments including the recently enforced statutory powers for local authorities to scrutinise Crime and Disorder Reduction Partnerships (CDRP) to ensure their accountability. During the meetings we explored the new protocols between CDRP partners and scrutiny and the opportunity for joint work, looking at the way in which work programmes can be developed to add value to local decision-making. We raised the point that there are a number of Community Safety Strands of work and that the Council would benefit from rationalising these and showing linkages between the various agencies such as HPCCG, Safer Harrow, CDRP etc

We are keen to explore ways in which Scrutiny can discharge the role and whilst we accept that the MPA link member attending O&S might be the best way forward, we are keen to keep the matter under review so that changes are introduced if we are unable to properly discharge our duty



We have established a link with our local MPA link member, Reshard Auladin who attended our scrutiny meeting on 16 March. The MPA link member role should prove to be useful to help increase police authority involvement in scrutiny.

Gypsy and Traveller Strategy

We set out last year that we would keep a watching brief on the development of the councils Gypsy and Traveller Strategy. This is still in development and it will continue to be important to ensure that Overview and Scrutiny is closely involved as the strategy progresses. We would suggest that our interest in this subject is acknowledged with closer involvement in the development of the strategy It will also be important to ensure it refers to the guidance from the Equality and Human Rights Commission entitled 'Gypsies and Travellers; simple solutions for living together'.

Overview and Scrutiny

The 16 March Overview and Scrutiny meeting was a special Safer and Stronger Communities meeting where we considered the Safer Harrow Annual Strategic Assessment which provides a six-month profile of crime and safety in the borough. At this meeting we had the opportunity to have a constructive question and answer session with the Borough Commander and the Portfolio Holder for Environment Services and Community Safety, Councillor Susan Hall.

Reflecting on our experience, looking to the future

In view of the fact that two of the council's corporate priorities 'deliver cleaner and safer streets' and 'build stronger communities' fall within our remit, our work as safer and stronger communities lead members has been and will continue to be of prime importance. Over the past few years we have addressed a number of issues such as Councillor Call for Action, Post Office closures and we were actively involved in the 'Delivering a strengthened voluntary and community sector for Harrow' review. We note that the implementation of some of our recommendations from this review has been difficult and we hope that the Safer and Stronger Communities scrutiny leads can be involved in the proposed review of this implementation. We expect that the Overview and Scrutiny work programme for 2010/2011 will continue to feature a number of issues relevant to our work in supporting a safer and stronger Harrow.



Councillor Anthony Seymour
Policy Lead



Councillor Nana Asante
Performance Lead

REPORT FROM LEAD MEMBERS – SUSTAINABLE DEVELOPMENT AND ENTERPRISE

Consideration of local sustainable development and enterprise issues

During 2009/10 we have sought to develop a comprehensive view of what it means to achieve a sustainable Harrow. To do this we have undertaken a detailed review focusing on Harrow's environmental, economic and community sustainability. This work has been given added impetus with the onset of global recession and our concern about its impact on our locality.

Sustainability review

Our review aimed to investigate how far the council has progressed with incorporating sustainability into its objectives and priorities and the extent to which local partners are working together to achieve them. It was co-chaired by Councillor Miles and Councillor Seymour, reflecting the cross-cutting nature of the subject matter.

Environmental sustainability – climate change

Harrow Council signed up to the Nottingham Declaration on climate change in 2007. The Declaration requires local authorities to address systematically the causes of climate change and to prepare their communities for its impacts. In response, the council prepared a draft Climate Change Strategy for consultation, which the review group decided to use as the focus for the environmental sustainability workstream. Our main conclusions focused on including an action plan in the strategy, strengthening the council's role in educating the local community about climate change and improving linkages with other policies and strategies.

Community sustainability – community cohesion

Our conference in July was attended by over 35 people from a range of different organisations across the borough. We are very grateful that these participants were able to give up their time to enable the review group to understand what can influence the degree of community cohesion in the area – particularly in the context of recession – and what needs to be done to improve cohesion in order to safeguard our community for the future. There is no question that the responsibility for developing a cohesive community rests with all of us, but there is also a responsibility for community leaders in setting the framework for delivery of a cohesive community. It is up to all of us, residents, community groups, organisations and the council to play our part.



Harrow's ladder of cohesion at the conference, July 2009

Economic sustainability – recession

A challenge panel was undertaken in January and formed the third element of the review. The main objective was to consider how well the council and our partners have responded to the impact of the recession on residents and to address how this additional pressure is impacting on the various organisations themselves.



Discussion underway at our conference, July 2009

Reflecting on our experience, looking to the future

Through our work as lead members we are very conscious of the cross-cutting nature of our policy area. This year, for example, we have been briefed on the recent consultations undertaken by the Mayor of London on the new London Plan, Transport Strategy and Economic Development Strategy; just one example of the need to consider Harrow's sustainability in the wider policy and geographical context. Looking forward, scrutiny will need to have particular regard to the council's role in place shaping – "the creative use of powers and influence to promote the general well being of a community and its citizens"² – and the need for the council to work with others to deliver sustainable places, improve economic performance, and foster enterprise.



**Policy Lead
Councillor Jerry Miles**



**Performance Lead
Councillor Dinesh Solanki**

² Lyons Inquiry into Local Government, March 2007, p. 3. <http://www.lyonsinquiry.org.uk/> Accessed 3 February 2010.

REPORT FROM THE CALL- IN SUB COMMITTEE

The call-in process enables decisions that have been taken but not yet implemented by the cabinet, portfolio holders or officers to be examined by members of the call-in sub committee. A decision can be called in by:

- Any six members of the council, and additionally, in relation to Executive decisions on education matters only, any six Members of the Council and the voting co-opted members of the Overview and Scrutiny Committee;
- Any member of the Overview and Scrutiny Committee;
- 150 members of the public, (defined as anyone registered on the electoral roll of the borough).

Whoever is calling in the decision must notify the Chief Executive and specify the grounds upon which the call in is being made. These are:

- Inadequate consultation has been undertaken with stakeholders prior to the decision
- The absence of adequate evidence on which to base a decision
- The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget framework
- The action is not proportionate to the desired outcome
- A potential human rights challenge
- Insufficient consideration of legal and financial advice.

The call-in sub committee can reach one of the following conclusions:

- The challenge to the decision should be taken no further and the decision should be implemented
- The decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework and should therefore be referred to the council
- The matter should be referred back to the decision taker for reconsideration.

During 2009/10 two decisions were called in.

The decision to implement a controlled parking zone in West Harrow was called in by 150 residents on the grounds that: inadequate consultation had been undertaken with stakeholders prior to the decision; absence of adequate evidence on which to base a decision; the decision was contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget framework; there was a potential human rights challenge. The sub committee decided that the challenge to the decision be taken no further and the decision be implemented.

The decision to implement the Learning and Development Project was called in by 150 residents on the grounds that: inadequate consultation had been undertaken with stakeholders prior to the decision; there had been insufficient consideration of legal and financial advice; there was an absence of adequate evidence on which to base a decision; the action proposed was not proportionate to the desired outcome. The sub committee decided that the challenge to the decision be taken no further and the decision be implemented.

Statistics	2009/10	2008/09
Committee meetings	2	1
Decisions called in	2	1
Call-ins from residents	2	0
Call-ins rejected	2	0
Call-ins upheld	0	1
Decisions altered following call-in	0	0



Councillor Anthony Seymour
Chairman



Councillor Mitzi Green
Vice Chairman

CONCLUSION

This is our final annual report and at the end of this administration we feel that we have developed a function which can make a significant contribution to the Council's improvement journey for the benefit of local people. Scrutiny is a challenging process, whilst we appreciate that we might not always come to the conclusions that please our colleagues, we hope that these conclusions are helpful and constructive, it is our sole purpose to work, across party lines to secure the excellent services that we believe the residents of Harrow demand.

We wish our successors the very best and hope that they find their time with scrutiny as rewarding as we have.

Harrow Council Scrutiny Councillors 2006 - 2010

APPENDIX ONE: SCRUTINY REVIEWS 2006 – 10

Review	Year
Accord MP	December 2006
Alexandra Avenue – response to PCT consultation	July 2006
Arts Culture Harrow	March 2007
Brent Birth Centre – response to NW London Hospital Trust consultation	February 2008
Carers' Case study	August 2007
Corporate Assessment – self assessment	September 2006
Council Improvement Programme	June 2008
Cultural Services	June 2007
Cultural Services – Beacon Centre case study	March 2008
Delivering a Strengthened Voluntary and Community Sector – interim	June 2008
Delivering a Strengthened Voluntary and Community Sector – final	November 2008
Economic Development and Tourism	November 2006
Education of Children Looked After	September 2006
Extended Schools as Community Resources	April 2009
Housing Revenue Account	November 2009
Integrated Care Organisation	January 2010
Obesity	November 2007
Residents Information Pack	September 2006
Response to Acute Paediatric Services NHS consultation	February 2010
Response to East Harrow polysystem NHS consultation	February 2010
Right to Manage	January 2009
School Nursing	December 2006
Scrutiny of Council Budget 2007 – 08	December 2006
Section 17 of Crime and Disorder Act 1998	August 2006
Self Assessment of the Council's corporate assessment	September 2006
Standing Review of the Budget – interim	September 2008
Standing Review of the Budget – final	January 2010
Sustainability	February 2010
Water Management	August 2006