



**LICENSING AND GENERAL
PURPOSES COMMITTEE**

THURSDAY 27 SEPTEMBER 2007
7.30 PM

COMMITTEE AGENDA

COMMITTEE ROOM 1&2
HARROW CIVIC CENTRE

MEMBERSHIP (Quorum 4)

Chairman: Councillor Mrs Lurline Champagnie

Councillors:

Robert Benson
Don Billson
G Chowdhury
Ashok Kulkarni
Mrs Vina Mithani (VC)
John Nickolay
Tom Weiss
Jeremy Zeid

Mrinal Choudhury
Mano Dharmarajah
Thaya Idaikkadar
Nizam Ismail
Phillip O'Dell
Raj Ray

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

Issued by the Democratic Services Section,
Legal and Governance Services Department

Contact: Michelle Fernandes, Senior Democratic Services Officer
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***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

LICENSING AND GENERAL PURPOSES COMMITTEE

THURSDAY 27 SEPTEMBER 2007

AGENDA - PART I

1. **Declarations of Interest:**
To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:
 - (a) all Members of the Committee, Sub Committee, Panel or Forum;
 - (b) all other Members present in any part of the room or chamber.

2. **Arrangement of Agenda:**
To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

- Enc. 3. **Minutes:** (Pages 1 - 14)
That the minutes of the Special meeting held on 19 February 2007, the ordinary meeting held on 5 March 2007, the Special meeting held on 14 May 2007 and the ordinary meeting held on 7 June 2007, be taken as read and signed as correct records.

4. **Public Questions:**
To receive questions (if any) from local residents or organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

5. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).

6. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

- Enc. 7. **Review of the Licensing Policy:** (Pages 15 - 70)
Report of the Corporate Director (Community and Environment).

- Enc. 8. **Feedback and Recommendations from Member Working Group – Polling District Review:** (Pages 71 - 90)
Report of the Director of Legal and Governance Services.

- Enc. 9. **Review of Flexible Retirement Policy:** (Pages 91 - 100)
Report of the Corporate Director (Finance).

AGENDA - PART II

- Enc. 10. **Review of Flexible Retirement Policy - Appendix 2:** (Pages 101 - 102)
Appendix 2 to the report of the Corporate Director (Finance).

Local Government (Access to Information) Act 1985: In accordance with the Local Government (Access to Information) Act 1985, this meeting is being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Special Circumstances/Grounds for Urgency: Under Access to Information Procedure Rule 5.2, where a meeting is convened at shorter notice than set out in Rule 4, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

The meeting had to be convened in order to allow the Council, as the Licensing Authority, to fulfil its statutory duty and to allow the matter to be referred Full Council on 18 October 2007 for approval.

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REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

(SPECIAL) MEETING HELD ON 19 FEBRUARY 2007

Chairman: * Councillor Mrs Lurline Champagne

Councillors: * Robert Benson * Ashok Kulkarni
* Don Billson * Mrs Vina Mithani
* Mrinal Choudhury * John Nickolay
* G Chowdhury * Phillip O'Dell
* Mano Dharmarajah * Raj Ray
* Thaya Idaikkadar * Tom Weiss
* Nizam Ismail * Jeremy Zeid

* Denotes Member present

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

32. **Declarations of Interest:**

RESOLVED: To note there were no declarations of interest made by Members in relation to the business to be transacted at this meeting.

33. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following item be admitted late onto the agenda by reason of the special circumstances and grounds for urgency stated:

<u>Agenda Item</u>	<u>Special Circumstances and Grounds for Urgency</u>
35. Strategy for Early Retirement - agenda report and tabled paper.	Consultation with the Trade Unions had not taken place at the time the agenda went to print. In addition a paper tabled at the meeting summarised comments from the Trade Union. Members were requested to consider the late report together with the tabled paper in order to make an informed decision. The report had to be considered urgently in order to amend policy which would implement the new strategy for early retirement in time for the 1 April deadline.

(2) the following item be deferred until the next ordinary meeting for the reason stated below:

<u>Agenda Item</u>	<u>Reason</u>
36. Flexible Retirement Policy	It was agreed that there were no grounds for urgency to hear this item, and due to the limited time available at this Special meeting, it was agreed that this item be deferred.

(3) all items be considered with the press and public present.

34. **Minutes:**

RESOLVED: That the minutes of the meeting held on 18 September 2006 be deferred until the next ordinary meeting of the Licensing and General Purposes Committee.

35. **Strategy for Early Retirement:**

The Committee received a report of the Director of Financial and Business Strategy, which sought approval of the proposed new strategy for early retirement (ie. redundancy, efficiency of the service and Regulation 31) with effect from 1 April 2007.

An officer drew Members' attention to the proposed recommendation which was to approve the new strategy for early retirements, and in particular to:

- (i) note that the discretion to award compensatory added years was being removed with effect from 1 April 2007; and
- (ii) agree to continue to base severance payments on actual week's pay and apply the Council's current enhancement policy.

It was noted that the Trade Union had been involved in negotiations and a response summarising their views was tabled at the meeting.

Responding to questions, the Director of Financial and Business Strategy explained that the cost of redundancy currently fell on the revenue fund, and was spread over a maximum period of three years. The new strategy aimed to reduce the total cost and also spread the cost over a longer period. The new strategy included changes to the treatment of "strain on the pension fund" costs. She further went on to explain that an actuarial valuation took place every three years, which took into consideration liabilities such as retirement benefits and assets, namely the fund's investments, and, at the previous valuation, 82% of the Authority's assets were covered. The valuation would identify the liability gap which then dictated the employer's contribution for the following three years. It was noted that the policy was required to be in place prior to the organisational structure changes.

RESOLVED: That the new strategy for early retirements be approved, and in particular:

- (i) that the discretion to award compensatory added years be removed with effect from 1 April 2007;
- (ii) to continue to base severance payments on actual week's pay and apply the Council's current enhancement policy.

36. **Flexible Retirement Policy:**

RESOLVED: That this item be deferred to the next meeting of the Licensing and General Purposes Committee, due to be held on 5 March 2007.

(See also Minute 33).

(Note: The meeting, having commenced at 7.00 pm, closed at 7.30 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 5 MARCH 2007

Chairman: * Councillor Mrs Lurline Champagne

<p>Councillors:</p> <ul style="list-style-type: none"> * Robert Benson * Don Billson * Mrinal Choudhury * G Chowdhury * Mano Dharmarajah * Thaya Idaikkadar * Nizam Ismail 	<ul style="list-style-type: none"> * Ashok Kulkarni * Mrs Vina Mithani * John Nickolay * Phillip O'Dell * Raj Ray * Tom Weiss * Jeremy Zeid
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* Denotes Member present

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
37. Declarations of Interest:

RESOLVED: To note that the following interest was declared:

<u>Agenda Item</u>	<u>Nature of Interest</u>
8. Delegation of Function to Licensing Panels and Officers	Councillor Tom Weiss declared a personal interest in that he had worked as a consultant for companies which produced gambling machines. He remained in the room whilst this matter was considered and voted upon.

38. Arrangement of Agenda:

RESOLVED: That (1) in accordance with the provisions of the Local Government (Access to Information) Act 1985, the following item be admitted late to the agenda by reason of the special circumstances and grounds for urgency stated:

<u>Agenda Item</u>	<u>Special Circumstances / Grounds for Urgency</u>
10. Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997	This report was not available at the time the agenda was printed and circulated. Members were requested to consider this item as a matter of urgency.

(2) all items be considered with the press and public present, with the exception of the following item, for the reason set out below:-

<u>Agenda Item</u>	<u>Reason</u>
10. Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997	The report contained exempt information under Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to an individual.

39. Minutes:

RESOLVED: That the minutes of the ordinary meeting held on 27 November 2006 and the Special meeting held on 19 February 2007 be deferred until printed in the Council Bound Minute Volume.

40. Public Questions, Petitions and Deputations:

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

41. **Delegation of Function to Licensing Panels and Officers:**

The Committee received a report of the Executive Director (Urban Living) which sought Members' approval of the delegations to officers and the Licensing Panel in relation to the forthcoming legislative changes arising from the Gambling Act 2005.

Members were referred to a table which summarised officers' and Licensing Panels' responsibilities, and were advised that the final Gambling Policy would have to be approved by Council.

The officer emphasised that, unlike the Licensing Act 2003, the Gambling Act 2005 allowed the Council as a Licensing Authority to act as a "responsible authority", and it was therefore allowed to make representations in relation to the determination and review of applications. Responding to queries as to how this would work and as to personal and prejudicial interests within the Licensing Team, the officer explained that the Team would be split, with half the Team being involved with processing applications, and the other half acting as the responsible authority and submitting representations when applicable.

It was noted that the fees for applications were restricted by government, and could not exceed the cost of the Department's overheads.

RESOLVED: That (1) the Licensing Panels comprised of Members of the Committee may discharge the functions delegated to this Committee by the Gambling Act 2005;

(2) the Director of Community and Environment Services or the Chief Environmental Health Officer may discharge the power in the Gambling Act 2005 for the Licensing Authority (as a responsible authority) to make representations to itself;

(3) the Chief Environmental Health Officer or delegate may discharge the functions ascribed to officers in the matrix in section 2.2 of the report (with the exception of fee setting which is not a function delegated to this Committee).

42. **Flexible Retirement Policy:**

Members considered a report of the Director of People, Performance and Policy, which sought endorsement of the proposed flexible retirement policy following the introduction of flexible retirement into the Local Government Pension Scheme.

Her Majesty's Revenue and Customs (HMRC) had amended their rules, which permitted pension scheme members over 50 years of age to receive their pension benefits whilst continuing to work in a lower graded post or reduced hours of employment, and continuing to contribute to their pension scheme. The officer outlined positive reasons for this proposed policy:

- to effect a smoother transition from work to retirement;
- to retain the skills of more experienced employees;
- to offer an alternative to reducing staff by other means, such as efficiency;
- to transfer skills to new recruits.

The officer explained that each application for flexible retirement would require the relevant Department to present a sound financial business case, and would require final approval by officers and the Officer Sub-Group.

During discussion, it was moved and seconded that the wording of the second and sixth bullet points of the proposed policy be amended. Following separate votes on these two items, the amendments were agreed.

RESOLVED: That (1) the proposed policy outlined in 2.18 of the report, as amended below, be agreed effective from 1 April 2007:

- All requests for flexible retirement will be considered (a flow diagram could be produced so the process is clear to all and there would need to be a check at service level to avoid influx of requests for figures).
- Approval will only be granted where the business case demonstrates at least a saving of 10% in the first year on the general account.
- Pension benefits will only be considered for early payment where there is no strain on the pension fund. Where the actuarial reduction will not fully cover the cost of placing the pension into payment, there will have to be a sufficient reduction in the employee's grade or hours to ensure that the pension fund is reimbursed for any shortfalls;

- The reduction which must at least equate to the financial strain on the pension fund is to be identified as part of the business case;
- The waiving of any early retirement actuarial reduction (either in part or in full) will not be considered;
- Flexible retirements must be approved by a Director and the Officer Sub-Group, and agreed by the Early Retirement Sub-Committee.

(2) the policy be reviewed in six months' time at the Ordinary meeting scheduled for 10 September 2007.

[Note: Councillors Mrinal Choudhury, Mano Dharnarajah, Nizam Ismail, Thaya Idaikkadar, Phillip O'Dell and Raj Ray wished to be recorded as having abstained from voting on the amendment to the second bullet point of the flexible retirement policy].

43. **Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997:**

The Committee received a confidential report of the Director of People, Performance and Policy which detailed an application under Regulation 31(6) for the Authority to make immediate payment of retirement benefits on the grounds of ill-health to a former employee.

RESOLVED: That the pension benefits be placed into payment with effect from 13 February 2007.

[Note: Councillor John Nickolay wished to be recorded as having abstained from voting on the above item].

(Note: The meeting, having commenced at 7.30 pm, closed at 9.30 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

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REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

(SPECIAL) MEETING HELD ON 14 MAY 2007

Chairman: * Councillor Mrs Lurline Champagne

Councillors: * Robert Benson * Ashok Kulkarni
 * Don Billson * Mrs Vina Mithani
 * Mrinal Choudhury * John Nickolay
 G Chowdhury * Phillip O'Dell
 * Mano Dharmarajah Raj Ray
 * Thaya Idaikkadar Tom Weiss
 * Nizam Ismail * Jeremy Zeid

* Denotes Member present

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
44. Appointment of Chairman:

RESOLVED: To note the appointment at the Annual Council Meeting on 10 May 2007 of Councillor Mrs Lurline Champagne as Chairman of the Licensing and General Purposes Committee for the Municipal Year 2007/08.

45. Attendance by Reserve Members:

RESOLVED: To note that there are no Reserve Members appointed to this Committee.

46. Declarations of Interest:

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

47. Arrangement of Agenda:

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following item be admitted to the meeting by virtue of the special circumstances and grounds for urgency stated below:

<u>Item</u>	<u>Special Circumstances / Grounds for Urgency</u>
7. Establishment of Sub-Committees and Panels 2007/08	This information was not available at the time the agenda was printed and circulated. The establishment of the Committee's subsidiary bodies was the main purpose of this Special meeting, and needed to be done as soon as possible in order to enable meetings of the Sub-Committees and Panels to be convened.

(2) all items be considered with the press and public present.

48. Appointment of Vice-Chairman:

Councillors Mrinal Choudhury and Mrs Vina Mithani were nominated and duly seconded. Upon being put to a vote, it was

RESOLVED: To appoint Councillor Mrs Vina Mithani as Vice-Chairman of the Licensing and General Purposes Committee for the Municipal Year 2007/08.

[Note: Councillors Mrinal Choudhury, Mano Dharmarajah, Thaya Idaikkadar, Nizam Ismail and Philip O'Dell wished to be recorded as having voted against this appointment].

49. **Minutes:**

RESOLVED: That the minutes of the ordinary meeting held on 27 November 2007, the special meeting held on 19 February 2007 and the ordinary meeting held on 5 March 2007 be deferred to the next ordinary meeting of the Committee.

50. **Establishment of Sub-Committee and Panels 2007/08:**

RESOLVED: That the Panels and Sub-Committees of the Licensing and General Purposes Committee be established for the Municipal Year 2007/08 with the memberships and Chairmen as detailed in the appendix to these minutes.

(Note: The meeting, having commenced at 6.32 pm, closed at 6.43 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

APPENDIXLICENSING AND GENERAL PURPOSES PANELS

(Membership in order of political group nominations)

ConservativeLabourLiberal Democrats**(1) CHIEF OFFICERS' EMPLOYMENT PANEL (5)****(3) [(2) Voluntary]****(2)****(1) [From Conservative Group allocation]**I.
Members**1. Leader of Group****(Councillor Chris Mote or nominee) (CH)****1. Leader of Group****(Councillor Navin Shah or nominee)****1. Christopher Noyce****2. Deputy Leader of the Group****(Councillor David Ashton or nominee).****2. Deputy Leader of the Group****(Councillor Bill Stephenson or nominee).****(2) EARLY RETIREMENT SUB-COMMITTEE (3) (Non-proportional)****(2)****(1)**I.
Members**Miss Christine Bednell
Richard Romain (CH)****Mano Dharmarajah**II.
Reserve
Members**1. Mrs Lurline Champagnie
2. Narinder Singh Mudhar
3. Jeremy Zeid****1. Keith Ferry
2. -
3. -****(3) EDUCATION AWARDS APPEALS PANEL (3)****(2)****(1)**I.
Members**Miss Christine Bednell (CH)
Mrs Lurline Champagnie****Keeki Thammaiah**II.
Reserve
Members**1. Mrs Camilla Bath
2. Jean Lammiman
3. Mrs Vina Mithani****1. Raj Ray
2. -
3. -**

(4) LICENSING PANEL (3) (Pool of Members)

(To be selected from the following nominees)

Robert Benson	Mrinal Choudhury
Don Billson	Mano Dharmarajah
Mrs Lurline Champagne	Nizam Ismail
G Chowdhury	Thaya Idaikkadar
Ashok Kulkarni	Phillip O'Dell
Mrs Vina Mithani	Raj Ray
John Nickolay	
Tom Weiss	
Jeremy Zeid	

**(5) NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE RELIEF APPEAL PANEL (3)
(Pool of Members)**

(To be selected from the following nominees)

Don Billson	Mrinal Choudhury
John Cowan	Bob Currie
Mrs Myra Michael	Mano Dharmarajah
John Nickolay	Keith Ferry
Joyce Nickolay	Nizam Ismail
Dinesh Solanki	Dhirajlal Lavingia
Mark Versallion	

(6) PENSION FUND INVESTMENTS PANEL (4)**(2)****(2)****I.
Members**

David Ashton * (CH)	Mano Dharmarajah
Richard Romain	Thaya Idaikkadar

**II.
Reserve
Members**

1. Tony Ferrari	1. Keith Ferry
2. Mrs Lurline Champagne	2. Nizam Ismail
3. Robert Benson	

Harrow UNISON Co-optee (Non-voting): Mr R Thornton [Alternate: Mr J Rattray]
 GMB Co-optee: Mr S Karia
 Co-optee (Non-voting): Howard Bluston

(7) PERSONNEL APPEALS PANEL (3) (Pool of Members)

(To be selected from the following nominees)

Mrs Camilla Bath	Bob Currie
Don Billson	Mrs Margaret Davine
Mrs Lurline Champagne	B E Gate
John Cowan	David Gawn
Manji Kara	Mitzi Green
Jean Lammiman	Graham Henson
Salim Miah	Dhirajlal Lavingia
Joyce Nickolay	Raj Ray
Mrs Anjana Patel	Bill Stephenson
Dinesh Solanki	
Jeremy Zeid	

(8) SOCIAL SERVICES APPEALS PANEL (3) or ((2)) (Pool of Members)

(2)	((1))
Mrs Lurline Champagne	B E Gate
Mrs Myra Michael	Mitzi Green
Mrs Vina Mithani	Asad Omar
Eric Silver	Mrs Rekha Shah
Dinesh Solanki	

(CH)
(VC)

= Chair

= Vice-Chair

Denotes Group Members for consultation on Delegated Action and/or administrative matters.

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REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 7 JUNE 2007

Chairman:	* Councillor Mrs Lurline Champagne	
Councillors:	* Robert Benson	* Ashok Kulkarni
	* Don Billson	* Mrs Vina Mithani
	* Mrinal Choudhury	* John Nickolay
	* G Chowdhury	* Phillip O'Dell
	* Mano Dharmarajah	* Raj Ray
	* Thaya Idaikkadar	* Tom Weiss
	* Nizam Ismail	* Jeremy Zeid

* Denotes Member present

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
51. Declarations of Interest:

RESOLVED: To note there were no declarations of interest made by Members in relation to the business to be transacted at this meeting.

52. Arrangement of Agenda:

RESOLVED: That all items be considered with the press and public present.

53. Minutes:

RESOLVED: That (1) the minutes of the ordinary meeting held on 27 November 2006 be taken as read and signed as a correct record; and

(2) the minutes of the Special meeting held on 19 February 2007, the ordinary meeting held on 5 March 2007 and the Special meeting held on 14 May 2007 be deferred until printed in the Council Bound Minute Volume.

54. Public Questions/Petitions/Deputations:

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

55. Decisions taken under the Non-Executive Decision-Making Procedure:

RESOLVED: To note and, insofar as is necessary, to confirm the decision taken with the approval of the Chairman and Nominated Member since the beginning of the Municipal Year, as listed at Appendix A to the officer report.

56. Review of Polling Districts and Polling Stations:

The Committee considered a report of the Director of Legal and Governance Services, which advised of the necessity to review Harrow's polling districts and stations in accordance with legislation, and sought the establishment of a working group to undertake the work.

Further to the Electoral Administration Act 2006, authorities were duty bound to review polling districts and stations by 31 December 2007. It was noted that this review was the first on this scale in twenty years but thereafter would take place every four years. Members were asked to consider the setting up of a cross-party working group which would include representation from the Harrow Association of Disabled People and a Councillor from the Liberal Democrat Group to consider issues such as reasonable access and facilities for electors.

Responding to questions, an officer provided the following information:

- The working party would be a non-political group which would operate on the same basis as scrutiny review groups.

- Any Recommendations from the working party would be referred to the Licensing and General Purposes Committee in the first instance, with Recommendations (if any) going to Council for approval in October 2007.
- The Returning Officer would act as a conduit between the working party and the Licensing and General Purposes Committee.
- The proposed timetable was determined by the dates of the Licensing and General Purposes Committee and Council meetings, the publication of the Electoral Register on 1 December 2007 and the deadline of 31 December 2007 set by the Electoral Administration Act 2006. The timetable could be amended if required.
- The representative from the Harrow Association of Disabled People and a Liberal Democrat Councillor would be contacted following approval of the working party membership.

RESOLVED: That (1) the establishment of an informal Review Working Group to undertake the review of the polling districts and polling stations in Harrow, be agreed;

(2) Councillors Robert Benson, Mrinal Choudhury, G Chowdhury, Mano Dharmarajah and John Nickolay be appointed to serve on the Review Working Group;

(3) a Liberal Democrat Councillor be invited onto the Review Working Group;

(4) a representative from Harrow Association of Disabled People be invited onto the Review Working Group;

(5) the proposed timetable referred to in the officer report be amended to read:

1. 29 June 2007 Notice of review published
2. 10 August 2007 Deadline for submissions
3. September 2007 Meeting(s) of the Working Group to consider representations.

(6) the Licensing and General Purposes Committee meeting scheduled for 10 September 2007 be moved to either 26 or 27 September 2007 in order to accommodate the amended timetable (see (5) above);

(7) any Member of the Licensing and General Purposes Committee could act as a Reserve, should a Councillor of the Working Group be unavailable to attend a meeting;

(8) the terms of reference of the Review Working Group be agreed.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.29 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman



Meeting:	LICENSING AND GENERAL PURPOSES COMMITTEE
Date:	27 SEPTEMBER 2007
Subject:	REVIEW OF THE LICENSING POLICY
Key Decision: (Executive-side only)	N/A
Responsible Officer:	Andrew Trehern, Executive Director, Community and Environment
Portfolio Holder:	Cllr Susan Hall, Environment Services Portfolio Holder
Exempt:	No
Enclosures:	1. Licensing Policy 2. Consultation Replies

Section 1 – Summary and Recommendations

This Report sets out the procedure followed and outcome in reviewing the existing Licensing Policy in complying with the statutory duty on the Council as the Licensing Authority to review the Licensing Policy every three years.

Recommendations:

The Committee is requested to:

1. Consider responses to the Draft Licensing Policy
2. Refer the Policy to Full Council for approval.

Reason: (For recommendation)

There is a statutory duty on the Council as the Licensing Authority to review the Licensing Policy every three years. In order for the Council to continue to administer the Licensing regime Full Council must approve the revised Policy by 6 December 2007 in order to comply with our statutory obligations.

Section 2 – Report

2.0 Background

- 2.1 The Licensing Policy establishes the basis for applications under the Act and how these will be determined by the authority. Hence the Policy must be in place and approved prior to the commencement of applications to the licensing authority or applications can not be made or considered.
- 2.2 The Policy is approved for a three-year period and must be kept under review during this period. The existing Policy was approved by the Council on 6 January 2005 and expires on 5 January 2008.
- 2.3 In drawing together its Licensing Policy the authority has to:
- Comply with the requirements of the Licensing Act.
 - Have regard to the Statutory Guidance issued to authorities by the Secretary of State under Section 182 of the Act.
 - Consider responses made to the Draft Policy as a part of the consultation
- 2.4 The Statutory Guidance was issued in late July 2004 and has since been revised. Consultees included statutory organisations such as the Metropolitan Police, London Fire and Emergency Planning Authority, Area Child Protection Committee, Harrow Licensing Justices and Harrow Primary Care Trust. Additionally the occupiers of all premises likely to require licensing, residents' representatives including Residents' Associations, Ward Councillors, plus those groups and persons who have taken an interest in licensing matters.
- 2.5 During the Consultation period, a public forum was organised at the Civic Centre for all interested parties to attend to discuss the proposed changes to the existing Policy, attended by Industry Solicitors, Police Officers, local businesses and representative s from Residents' Associations. The attendees were in agreement that the proposed changes would improve the quality of the application process and reduce unnecessary administrative burden on the Licensing and responsible Authorities.

3.0 Current situation

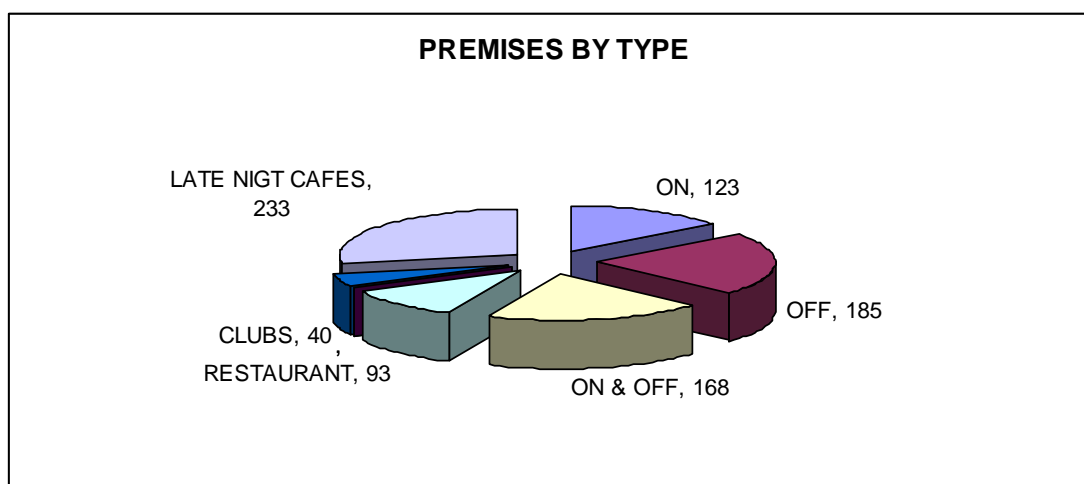
- 3.1 The existing Policy was written before the Licensing Act came into practice and focussed on addressing the legal issues governing applications. The proposed Policy has been revised to also address the lessons learnt in the recent past and to provide a more holistic approach to application process.

4.0 Financial Implications

- 4.1 There is no alteration to the core delivery of the Licensing Service and no direct financial implications have been identified. All fees and charges are set by Central Government and are not affected by the Policy Review.

5.0 Performance Issues

- 5.1 There are currently 522 Premises licences in force broken down by type in the following chart.



- 5.2 Since the introduction of the Licensing Act 2003, 62% of the premises have extended their opening hours beyond 11pm. In the last financial year the Licensing Service received 353 new applications for Personal Licences, 777 requests for change of names and addresses, 37 new Premises applications, 33 applications to Vary a Premises Licences, 68 Transfer applications, 135 DPS variations and 285 Temporary Event Notices. There were 14 panel Hearings to decide on the applications that received representations. The service also received and dealt with more than 600 representations and produced more than 30 Panel reports.
- 5.3 The current Staffing complement is; Service Manager (0.5FTE), 1 X Licensing Officer, 1 X Technical Officer and 2 X Licensing Support Officers. Due to the recent budget savings this service has lost one of the Licensing Officer's posts. In the last financial year we carried out 660 inspections to check compliance with licence conditions. We have successfully prosecuted a shop for unlicensed sale of alcohol, unlicensed sale of late night refreshment and for breaches of licensed conditions.
- 5.4 The service provides a fully searchable web based database on personal licence holders, all premises licences and all consultations with the assistance of TimeMaker Systems, an outside partner. It appears that we are the only Authority meeting the Government's requirement on fully searchable online database on personal licence holders in the Country.
- 5.5 The service has recently taken over responsibilities for the Gambling Act and completed the transitional arrangements within the time scales to facilitate a smooth transition from the old legislation.

Section 3 - Statutory Officer Clearance

Name: Sheela Thackrar	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 14 September 2007		
Name: Helen White	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 17 September 2007.		

Section 4 - Contact Details and Background Papers

- 4.1 Contact: P Sivashankar, Service Manager, Licensing, Private Sector Housing and Support Services, 6237
- 4.2 Gareth Llywelyn-Roberts, Head of Community Safety Services, 020 8736 6230, email gareth.Llywelyn-roberts@harrow.gov.uk

1.	Consultation	YES
2.	Corporate Priorities	YES



LICENSING ACT 2003

LICENSING POLICY

Published on 18th October 2007

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 18th October 2007 to 17th October 2010. 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 offences 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 minimum requirements are;
- 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 legislation exists as a control over the use of property; it is independent of licensing legislation and has different objectives. The Licensing Authority considers as a matter of routine, that the planning position for a premise is resolved before an application for a licence or certificate is made. An exception to this would be the application for a provisional statement, in advance of carrying out proposed alterations to premises.
- 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. This should be done in writing, and a failure to address these issues will be noted for the benefit of any of the Responsible Authorities and a Licensing Panel.
- 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.
- 8.20 It is recognised that the Designated Premises Supervisor of premises will be in day to day charge of that particular premise. It will be the policy of this Licensing Authority that the Premises Licence holder will retain overall responsibility for the operational running of the premise and it will be that person who will be held accountable should any proceedings become necessary. The Authority reserves the right to require a specified person (rather than a company) to be named as the Premises Licence holder.

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. 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.

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-qb.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.

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 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 encouraged to 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 andhours; 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.

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.

**DRAFT LICENSING POLICY
CONSULTATION FEEDBACK FORM**

HARROW

To help us monitor equal access and service delivery in respect of Licensing we would like to monitor the ethnic origin of our service users. This will help us to ensure that we continue to provide a service, which is delivered on a fair basis across the community. Any information you provide will be treated in strictest confidence.

Please send all completed forms to – **The Licensing Section, Harrow Council, Community Safety Services, PO Box 18, Civic Centre, Harrow, HA1 2UT.** All responses must be received by August 24th 2007.

About You

Title Name

Address Tel

Postcode email
(please provide full contact details to enable us to reply)

Your age 16 or under 25-34 45-54 65 or over
 17-24 35-44 55-64

Are you (tick most relevant) a resident Running a business in Harrow
 a licensee Other :
 a visitor

Please describe your ethnic origin.

- | | |
|--|---|
| <input type="checkbox"/> Asian or Asian British: Indian | <input type="checkbox"/> Mixed: White and Black Caribbean |
| <input type="checkbox"/> Asian or Asian British: Pakistani | <input type="checkbox"/> Mixed: White and Black African |
| <input type="checkbox"/> Asian or Asian British: Bangladeshi | <input type="checkbox"/> Mixed: White and Asian |
| <input type="checkbox"/> Asian or Asian British: Other | <input type="checkbox"/> Mixed: Other |
| <input type="checkbox"/> Black or Black British: Caribbean | <input type="checkbox"/> White |
| <input type="checkbox"/> Black or Black British: African | <input type="checkbox"/> White: Irish |
| <input type="checkbox"/> Black or Black British: Other Black | <input type="checkbox"/> White: Other |

Your First language

- English
- Chinese
- French
- Guarati
- Punjabi
- Somali
- Spanish
- Turkish
- Tamil
- Urdu
- Bengali

RECEIVED AT
LICENSING OFFICE
23 AUG 2007
TIME

Are you representing anybody/ a group? Yes No

If yes, please give details if different from above

Organisation

Address Tel

Postcode email

Comments by The Pinner Association on the Review of the 2003 Licensing Act.
Harrow Licensing Policy

The numbering of the paragraphs below reflects the numbering applied to the paragraphs in the new policy, except where specified.

2.4: Reinstating the first sentence of the penultimate paragraph of the old policy section 2.2:

When determining unresolved representations the Licensing Authority will primarily focus on the impact of the activities taking place at the licensed premises on persons living, working or engaged on normal activity in the area concerned.

2.9: Reinstating the last clause of the old policy section 2.7:

The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate.

6.8: The last paragraph of the old policy section 6.5 referred to:

...or the has a reputation for underage drinking.

and:

Premises with a known association with or likely to give rise to heavy or binge drinking.

Why have these clauses been deleted from the new policy section 6.8? We feel that these clauses should be retained in the new policy.

6.13: Why has the paragraph in the old policy:

The Licensing Authority will impose a mandatory condition requiring licensees of cinemas and places where films are shown to restrict children from viewing age-restricted films classified according to the recommendation of the BBFC or the requirements of the Licensing Authority.

been deleted from section 6.13 of the new policy?

7.7: We strongly support the principles in the new section 7.7, and additionally feel that the Government Guidance under Planning Law that the hours between 11 pm and 7 am are when people will be sleeping, and that noise and disturbance during these hours should be minimised, should be incorporated into the new policy in this section.

- 8.7:** We strongly support this new clause and feel strongly that it should be included in the new policy.
- 8.11 & 8.12:** These are good statements, but should go further by requiring that the applicant should supply a copy of all relevant current planning consents showing all conditions and limits under which such consent was awarded, in the absence of which the Licensing Officer will obtain this information before the licence application is determined.
- 8.16:** It should be the norm to impose conditions such that drinks promotions and other types of special offer will not be allowed unless the applicant can present a good reason why these should be allowed.
- 10.7:** The wording in this paragraph should be amended to read:
- When a representation is made which purports to be on behalf of a group, society or other association, **the council may require such proof as they may reasonably consider necessary at any time** that the 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.
- 11.1:** We agree strongly with this new requirement. Locally recognised representative organisations such as residents' associations, amenity societies, etc, should be included in the distribution of information and any consultation.
- 11.2:** In this new section, with which we agree, the phrase:
-The council will take such measures that are reasonable to ensure that the community **and locally recognised organisations** are aware of their powers in regard to review.....
- would ensure that residents' associations and amenity societies would be fully informed. For the wards of Pinner and Pinner South these should include The Pinner Association.

Geoffrey Wheal.
Chairman, Licensing Sub-Committee, The Pinner Association.

August 2007.

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From: Dr Martin Rawlings MBE, Director Pub & Leisure
Direct Line: 020 7627 9141
E-mail: mrawlings@beerandpub.com

21st August, 2007

Chief Environmental Health Officer
Licensing Consultation
Freepost HA 4343
Harrow Council
PO Box 18
Civic Centre
Station Road
Harrow
Middlesex.
HA1 2UT

licensing@harrow.gov.uk

Dear Sir,

RE: LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in the Harrow area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies, which includes security in design, drugs, drinks promotions, noise control and health and safety.

The BBPA believes that the implementation of the Licensing Act 2003 has been successful to date and is encouraged by reports of decreased levels of disorder associated with licensed premises. The BBPA welcomes the Council's positive approach to the licensing of the sale of alcohol and the provision of public entertainment and in particular its recognition of the cultural and social contribution that the trade has to make, and also its importance as a local employer. The draft policy has also recognised one of the key principles of the Licensing Act 2003, namely that each application must be treated on its own merits.

We welcome this opportunity to provide comments as part of this licensing policy review and this response is also supported by BII, the professional body for the licensed retail sector. We have not used your general response form as our comments are general in nature. Our main observations are as follows:



Conditions

The Association is pleased that the Council has recognised that blanket or standard conditions cannot be imposed under the Licensing Act, except where there are valid objections to a licence on the grounds of one of the licensing objectives or where an objection is upheld following a hearing. Your policy recognises that anything put forward on an Operating Schedule would normally become a condition on a licence, but we are concerned that your policy may lead to applicants providing more information than is necessary within their operating schedules. Applicants need to assess the risk in their own premises and then offer additional measures within their operating schedule in relation only to issues which have been identified. Any other information within the operating schedule will lead to more conditions being attached to the licence than is strictly necessary. If objectors believe the licensing objectives will not be met, it is always open for them to make relevant representations.

With regard to conditions generally para 2 refers to the wording of identical conditions being permitted in relation to "conforming to ACPO principles and other professional standards". We are concerned that these would be blanket conditions and therefore challengeable under the Act.

Prevention of Crime and Disorder

In this section you encourage applicants to seek advice about setting up a Pubwatch scheme where none exists – the contact details in the policy are no longer valid and should be replaced with www.nationalpubwatch.org.uk

The list of measures to consider when addressing the crime and disorder objectives includes a number of areas which we believe are beyond the remit of the Licensing Act. For example in 3(d) it is unrealistic to expect commercial competitors to form an agreement on hours of operation to prevent customers migrating between premises. In 3(g) the safety of staff and other persons working later shifts is not relevant to the Licensing Objectives. In 3(h) there should be no expectation that special arrangements will be made for seating in pubs, bars and nightclubs.

This section also includes an unrealistic "expectation" that applicants should be aware of local groups known to incite violence or hatred.

Public Safety

We welcome acknowledgement in your policy that capacity limits may only be considered subject to relevant representations being made. The vast majority of licensed premises do not currently have capacity limits and there is no reason for this to change.

Prevention of Public Nuisance

Applicants, who know their own premises best will carry out their own risk assessments and decide whether there is a particular issue to address.

Protection of Children from Harm

Your policy seeks to encourage licensees to inform appropriate agencies when children have tried to purchase alcohol illegally. This would place yet another burden on licensees and we would question the point of doing so in light of Ministerial statements that there is no intention of "criminalising" young people by prosecuting them for attempting to purchase alcohol".

With regard to access to the premises by children it should be adequate for licensees to state whether children are permitted or not within their premises without any requirement to define specific areas set aside for children and families.

Applications

Your policy states that Operating Schedules should be precise and clear about the measures proposed to promote each of the licensing objectives. We would remind you that the Government's Guidance makes it clear that it is entirely up to applicants to decide what steps (if any) they intend to take to meet the licensing objectives. Although relevant representations might be more likely if little information is provided, this in itself does not make an application invalid.

We would emphasise once again that even where representations are raised with the Licensing Authority that the Licensing Objectives cannot be met unless additional specific conditions are attached, the Licensing Authority can only attach a condition where an objection is upheld following a hearing.

The Licensing Authority should recognise that not all drinks promotions and "happy hours" are irresponsible and the Licensing Authority cannot prevent legitimate commercial activity.

Although sympathetic to the request for consultation about Temporary Event Notices at the earliest practical stage, your policy should also state in this section the current legal minimum requirement for notice of 10 working days.

Enforcement Policy

We would welcome a recognition of the Hampton principles of inspection and enforcement in this section, which include the following:

- No inspection should take place without a reason
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection

Smoke free premises

The Council's draft policy makes specific reference to the smoking ban which is enforced by separate legislation and therefore not within the scope of the Licensing Objectives. It is not unlawful for customers to smoke outside and we would hope that the Council would not wish to unnecessarily constrain a business which wished to accommodate smokers outside. In the event that customers outside a licensed premises gave rise to noise nuisance and

representations were made to the licensing authority on these grounds, then the matter can be dealt with via the processes contained in the Licensing Act 2003. Where customers are outside the premises because they are *smoking*, there should not be an automatic assumption that this will lead to unacceptable noise nuisance. If it does, then interested parties and responsible authorities are legitimately entitled to raise the issue as they would for any other cause of noise nuisance. Any conditions on a licence resulting from representations on noise nuisance should be evidence based and relate to the public nuisance objective and not smoking.

Designated Premises Supervisor

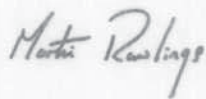
There can be no expectation on behalf of the Council that the DPS "will be available more frequently than not". There is no mechanism in the Licensing Act for licensing authorities to:

- Insist that the DPS be on the premises at all times
- To make a fit and proper judgement on individuals nominated as the DPS
- Insist on experience, training or qualifications in addition to the personal licence qualification
- Insist on more than one personal licence holder for the premises.

The law simply requires a DPS to be nominated for licensed premises where the sale of alcohol is to take place.

We trust that you will find these comments helpful and look forward to any response you may have. We would also appreciate being listed as a consultee in any further licensing related consultations.

Yours sincerely,



Martin Rawlings

CONSULTATION COMMENTS AND AUTHORITIES RESPONSES

COMMENT	RESPONSE
Mandatory requirement ensuring trade waste collection contracts are in place, with evidence of this to be provided	Comment Noted. There is primary legislation under duty of care to dispose waste through approved waste contracts. The Licensing Authority will be looking to work in partnership with Environmental Health Teams to inform and resolve such matters through primary legislation.
Remove the requirement for planning permission to be resolved prior to licence as this does not reflect what we currently do	Planning Authority is a Responsible Authority. Representations made by a Responsible Authority must be considered by the Panel. Panels not adhering to this statement allow some businesses to operate out side the planning controls, thus creating unfair practice by the Licensing Authority. Requiring the applicant to provide the special circumstances allows applications which are provisional and or simply testing the lay of the land.
Why is smoking covered by licensing. It should be handled entirely separately. Does not support the objectives.	Due to the ban in smoking in enclosed areas, there is a risk of public nuisance by people using the garden and front forecourt areas. This part is to provide advice and awareness so that when an application is made, the applicant can address the matters regarding control of patrons.
Insert “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”.	Inserted
Insert” The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate”	inserted
Insert” Premises with a known association with or likely to give rise to heavy or binge drinking”	Subjective comment, deleted
Insert” The Licensing Authority will impose a mandatory condition requiring licensees of cinemas and places where films are shown to restrict children from viewing age-restricted films classified according to the recommendations of the BBFC or the requirements of the Licensing Authority”	Deleted as the same condition is imposed by mandatory conditions.

<p>Relevant representations might be more likely if little information is provided, this itself does not make an application invalid</p>	<p>The Statutory Guidance is very clear in its statement regarding the value of an operating schedule and detail expected in it. Inadequate statements not only indicate that the applicant has not properly assessed the impact under the licensing objectives but also increase the administration costs to the Licensing Authority in coordinating representations and unnecessary hearings.</p>



Meeting:	Licensing and General Purposes Committee
Date:	27 September 2007
Subject:	Feedback and Recommendations from Member Working Group – Polling District Review
Key Decision: (Executive-side only)	No
Responsible Officer:	Hugh Peart
Portfolio Holder:	Councillor Chris Mote
Exempt:	No
Enclosures:	Appendix A – Recommendations from the Member-Level Working Group meetings of 5 and 11 September 2007.

Section 1 – Summary and Recommendations

Appendix A to this report sets out the recommendations from the working group having undertaken a review of every polling district within the Borough. Where no change is recommended, this is clearly marked in the appendix.

Recommendations:

That:

- (1) Recommendations in relation to individual polling districts, as set out in Appendix A to this report be endorsed; and
- (2) Future reviews of polling district address a part of the Borough each year, to ensure that the statutory requirement to conduct a review every four years of all of the Borough's polling districts is met .

Reason: (For recommendation)

To ensure that each polling district has flexibility in the future to change the polling station should that prove necessary e.g. should a building fall out of use due to fire etc.

To ensure that polling station facilities are optimised wherever possible.

Section 2 – Report

Background

Members will recall that at their last meeting they agreed to set up a working group. The terms of reference for the group and membership were agreed at that time.

Current situation

The working group met twice on 5 and 11 September, to consider recommendations from the officers about the various polling districts. The findings of the member working group are set out in Appendix A

Why a change is needed

The legislative framework recently changed which means that the authority is required to complete a review of its polling district by the end of this year.

Financial Implications

None arising from the contents of this report.

Performance Issues

Not applicable

Section 3 - Statutory Officer Clearance

Name: ...Myfanwy Barrett Chief Financial Officer

Date: 14 September 2007.

Name: Jill Travers on behalf of the
Monitoring Officer

Date: 17 September 2007.

Section 4 - Contact Details and Background Papers

Contact: Jill Travers. Principal Lawyer, Governance Services

Background Papers: Report to and minutes of the Licensing and General Purposes Committee – 7 June 2007

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	N/A

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London Borough of Harrow Polling District and Places Review 2007

Recommendations of review working group

Due the changes brought about by the new parliamentary constituency boundaries, the working group recommends that:

- 1) The lettering for each polling district be prefixed with an additional letter to denote the parliamentary constituency it belongs to. E for Harrow East constituency, W for Harrow West constituency, and R for the Ruislip, Northwood and Pinner constituency.
- 2) To amalgamate polling district MD with district MA as soon as the current parliament is dissolved.
- 3) To re-letter Hatch End ward to account for the new constituency arrangements..

Ward	Revised	Current
Hatch End	Y, YA, YB	P, PA, PB

The following are the recommended arrangements for each ward by polling district.

Constituency: HARROW EAST

Ward: EDGWARE

POLLING DISTRICT	POLLING STATION	ACTION
A	Edware & District Ex-service Mens Club, Beacon Lane, Edgware	No change. Designate polling district as polling place.
AA	The former Whitchurch Edgware Boys Club, Methuen Road, Edgware	No Change. Designate polling district as polling place.
AB	Little Stanmore Middle School, St David's Drive, Edgware	No Change. Designate polling district as polling place.
AC	Stag Lane First ans Middle School, Collier Drive, Edgware	No Change. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: CANONS

POLLING DISTRICT	POLLING STATION	ACTION
B	St Lawrence Church Hall St Lawrence Close, Edgware.	No Change. Designate polling district as polling place.
BA	Alyward First and Middle School, Pangbourne Drive, Stanmore.	No Change. Designate polling district as polling place.
BB (Appendix 1)	Synagogue Community Centre, London Road, Stanmore.	Split polling district north/south to create new polling district BD. Polling station for BB to remain at present location. Designate polling district as polling place.
BC	Canons Hall, Wemborough Road, Stanmore	No Change. Designate polling district as polling place.
BD (Appendix 1)	Concert Hall, Royal National Orthopaedic Hospital, Warren Lane, Stanmore.	New polling district created by splitting polling district BB. The number of electors contained in this district will initially be low approx 170. However, when the Warren Lane estate is fully occupied this should rise to around 500. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: KENTON EAST

POLLING DISTRICT	POLLING STATION	ACTION
C	Greek Community Hall, Kenton Road, Harrow. (Junct of St Pauls Avenue)	Use new hall which has been built behind the old building. Designate polling district as polling place.
CA	Glebe First and Middle School, D'Arcy Gardens, Harrow.	No Change. Designate polling district as polling place.
CB	Kenmore Park Community Centre, Warneford Road, Harrow.	No Change. Designate polling district as polling place.
CC	Kenton Baptist Church Hall, Streatfied Road, Harrow.	No Change. Designate polling district as polling place.

Constituency: HARROW EAST**Ward: QUEENSBURY**

POLLING DISTRICT	POLLING STATION	ACTION
D	Portakabin, Queensbury Circle (Junction of Honeypot Lane & Taunton Way) Stanmore.	No Change. Designate polling district as polling place.
DA	Culver Evangelical Church, Culver Grove , Stanmore.	Culver Evangelical Church to replace Park High School, Thistlecroft Gardens, Stanmore. as the polling station for polling district DA. Designate polling district as polling place.
DB	Kenton Baptist Church Hall, Streatfield Road, Harrow.	No Change. Designate Kenton Baptist Church Hall as polling place.
DC	Bob Lawrence Library, North Parade, Mollison Way, Edgware.	No Change. Designate Bob Lawrence Library as polling place.

Constituency: HARROW EAST**Ward: BELMONT**

POLLING DISTRICT	POLLING STATION	ACTION
E	Canons Hall, Wemborough Road, Stanmore.	No Change. Designate polling district as polling place.
EA	Stanmore Baptist Church Hall, Abercorn Road, Stanmore.	No Change. Designate polling district as polling place.
EB	Belmont Community Hall, Belmont Circle, Kenton.	No Change. Designate Belmont Community Hall as polling place.
EC	St Joseph's R.C. School, Dobbin Close, Harrow	No Change. Designate St Joseph's as polling place.
ED	Culver Evangelical Church, Culver Grove , Stanmore.	Culver Evangelical Church to replace Park High School, Thistlecroft Gardens, Stanmore. as the polling station for polling district ED. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: STANMORE PARK

POLLING DISTRICT	POLLING STATION	ACTION
F	Small Hall, Stanmore Chapel, Nelson Road, Stanmore.	No Change. Designate polling district as polling place.
FA	ST John's C. of E. Middle School, Stanmore Hill, Stanmore.	No Change. Designate polling district as polling place.
FB	Micklem Hall, The Church House, Old Church lane, Stanmore	No Change. Designate polling district as polling place.
FC	Woodlands Communal Room, Binyon Crescent, Stanmore.	No Change. Designate polling district as polling place.
FD	Wykeham Hall, Bishop Ken Road, Harrow.	No Change. Designate Wykeham Hall as polling place for polling district FD.

Constituency: HARROW EAST

Ward: HARROW WEALD

POLLING DISTRICT	POLLING STATION	ACTION
G	Weald First and Middle School, Robin Hood Drive, Harrow.	Move Olivia Mews from G to GA. Designate polling district as polling place.
GA	The Blackwell Hall, Uxbridge Road, Harrow Weald (Near All Saints Church)	Move Olivia Mews into GA from G. Designate polling district as polling place.
GB (Appendix 2)	Cedars First and Middle school, Whittlesea Road, Harrow Weald.	If St Barnabas Court is available as a polling station for GC split GB into two with a north/south divide to form new polling district GC. Polling station for GB to remain at present location. Designate polling district as polling place. If St Barnabas is not available no change.
GC (Appendix 2)	St Barnabas Court, Long Elmes, Harrow Weald.	If St Barnabas Court is available create new polling district GC. If not available GB to remain intact. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: KENTON WEST

POLLING DISTRICT	POLLING STATION	ACTION
H	St Mary's Church Hall, Kenton Road, Harrow. (Junct St Leonard Ave)	No Change. Designate polling district as polling place.
HA	Kenton Library, Kenton Lane, Harrow,(Junct. Christchurch Ave)	No Change. Designate polling district as polling place.
HB	Priestmead First and Middle School, Hartford Avenue, Harrow.	No Change. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: WEALDSTONE

POLLING DISTRICT	POLLING STATION	ACTION
J	Wykeham Hall, Bishop Ken Road, Harrow.	No Change. Designate polling district as polling place.
JA	Small Hall, Wealdstone Methodist Church, Locket Road, Harrow.	No Change. Designate polling district as polling place.
JB	Whitefriars First & Middle School, Whitefriars Avenue, Harrow.	No Change. Designate polling district as polling place.
JC	Whitefriars First & Middle School, Whitefriars Avenue, Harrow.	Possibility of using Salvatorian College as a polling station. Until Salvatorian becomes available designate Whitefriars as polling place.

Constituency: HARROW EAST

Ward: MARLBOROUGH

POLLING DISTRICT	POLLING STATION	ACTION
K	Healthy Living Centre, 38/40 Wealdstone High Street Wealdstone, HA3 7AE.	No Change. Designate polling district as polling place.
KA	Communal Room, 99 Churchill Place, Barons Meade, Off Marlborough Hill, Harrow	No Change. Designate polling district as polling place.
KB	Marlborough First and Middle School, Marlborough Hill, Harrow.	No Change. Designate polling district as polling place.
KC	Sangat Community Centre, 28A Sancroft Road, Harrow.	No Change. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: GREENHILL

POLLING DISTRICT	POLLING STATION	ACTION
L	Comfort Hotel, 2-12 Northwick park Road, Harrow, HA1 2NT	Amalgamate polling district L with LA. Polling station to remain at Comfort Hotel. Designate polling district as polling place.
LA	Comfort Hotel, 2-12 Northwick park Road, Harrow, HA1 2NT	Amalgamate with polling district L.
LB	The Welldon Community Centre, Welldon Crescent, Harrow.	Rename polling district LA. Designate polling district as polling place.
LC	Middlesex New Synagogue, 39 Bessborough Road, Harrow.	Rename polling district LB. Designate polling district as polling place.
LD	Civic Centre registrar's reception, Station Road Harrow.	Rename polling district LC. Investigate possibility of using Mosque, under construction, on Station Road as polling station. Designate Civic Centre as polling place.

Constituency: HARROW EAST

Ward: HARROW ON THE HILL

POLLING DISTRICT	POLLING STATION	ACTION
MD	Roxeth First and Middle School, Roxeth Hill, Harrow.	As soon as the new Parliamentary boundaries take effect (on the dissolution of parliament) suggest amalgamating this polling district with MA. Until then, designate The Welldon Community Centre as polling place for UK Parliamentary elections, and Roxeth First and Middle School for all other elections.

Constituency: HARROW WEST

Ward: HARROW ON THE HILL

POLLING DISTRICT	POLLING STATION	ACTION
M	Old Gaytonians Clubhouse, South vale, Sudbury Hill, Harrow.	No Change. Designate polling district as polling place.
MA	Roxeth First and Middle School, Roxeth Hill, Harrow.	No Change. Designate polling district as polling place.
MB	COMMUNAL HALL, NORTHOLT ROAD, HARROW. (ADJOINING GRANGE COURT)	No Change. Designate polling district as polling place.
MC	WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: HEADSTONE SOUTH

POLLING DISTRICT	POLLING STATION	ACTION
N	ST. GEORGE'S CHURCH HALL, PINNER VIEW, HARROW. (OPPOSITE JUNCT. HIDE ROAD)	No Change. Designate polling district as polling place.
NA	NORTH HARROW ASSEMBLY HALL, STATION ROAD, NORTH HARROW.	No Change. Designate polling district as polling place.
NB	MAIN HALL, HAVS BUILDING, THE LODGE, 64 PINNER ROAD, HARROW.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: WEST HARROW

POLLING DISTRICT	POLLING STATION	ACTION
O (Appendix 3)	ST. PETER'S CHURCH, SUMNER ROAD, HARROW.	To ease congestion at St Peters Church in polling district O, that Beaumont Avenue, Bladon Gardens, Blenheim Road, Dorchester Avenue, Grosvenor Avenue, North Avenue and Sandhurst Avenue be moved from polling district O into the revised polling district OB. Designate polling district as polling place.
OA	GRANGE FIRST AND MIDDLE SCHOOL, WELBECK ROAD, HARROW.	No Change. Designate polling district as polling place.
OB (Appendix 3)	Elmfield Church Hall, Imperial Drive, Harrow,	Polling district OB is split in two to ease congestion at Rayners Lane Baptist Church Hall. This will create a new polling district of OC, as well as a revised OB polling district. Elmfield Church Hall, Imperial Drive, Harrow, serves as the polling station the revised OB polling district. Designate polling district as polling place.
OC (Appendix 3)	RAYNERS LANE BAPTIST CHURCH HALL, IMPERIAL DRIVE, HARROW.	New polling district. Rayners Lane Baptist Church Hall serves the new polling district OC. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: HATCH END

POLLING DISTRICT	POLLING STATION	ACTION
P	HATCH END FREE CHURCH (BAPTIST) HALL, ROWLANDS AVENUE, PINNER.	No Change. Designate polling district as polling place.
PA	GUIDE HEADQUARTERS, OFF PUBLIC CAR PARK, GRIMSDYKE ROAD, HATCH END.	No Change. Designate polling district as polling place.
PB	HEADSTONE SENIOR CITIZENS CLUB, AUGUSTINE ROAD, HARROW.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: HEADSTONE NORTH

POLLING DISTRICT	POLLING STATION	ACTION
R	PINNER PARK MIDDLE SCHOOL, HEADSTONE LANE, HARROW.	No Change. Designate polling district as polling place.
RA	NOWER HILL HIGH SCHOOL, GEORGE V AVENUE, PINNER.	No Change. Designate polling district as polling place.
RB	ST. ALBAN'S CHURCH HALL, NORWOOD DRIVE, HARROW.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: ROXETH

POLLING DISTRICT	POLLING STATION	ACTION
S	SOUTH HARROW BAPTIST CHURCH ROOMS, NORTHOLT ROAD, SOUTH HARROW.	No Change. Designate polling district as polling place.
SA	EARLSMEAD FIRST AND MIDDLE SCHOOL, ARUNDEL DRIVE, HARROW.	No Change. Designate polling district as polling place.
SB	JUNCTION OF THE HEIGHTS AND GAYLOR ROAD, NORTHOLT.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: ROXBOURNE

POLLING DISTRICT	POLLING STATION	ACTION
T	The Beacon, Scott Crescent, Rayners Lane.	If the Windsock Club is both suitable and available, that polling district T be split in two, with a North/South divide to provide electors in the south of the polling district with a more convenient polling station. That the whole of the revised polling district T be assigned as the polling place, and that the whole of the new polling district TB be assigned as the polling place. If the Windsock Club is either not suitable or not available, that the polling district remains as it is and the whole of polling district T be assigned as the polling place.
TA (Appendix 4)	ST. ANDREW'S CHURCH HALL, MALVERN AVENUE, HARROW.	No Change. Designate polling district as polling place.
TB (Appendix 4)	Windsock Club, Eastcote Ave, Rayners Lane.	As T above

Constituency: HARROW WEST

Ward: RAYNERS LANE

POLLING DISTRICT	POLLING STATION	ACTION
U	None	Check availability of Zoroastrian Centre, Rayners Lane or alternatively Harrow Town Cricket Club as polling stations. Designate polling district as polling place.
UA	RAYNERS LANE SCOUT HEADQUARTERS, HIGH WORPLE, HARROW.	No Change. Designate polling district as polling place.
UB	LONGFIELD FIRST AND MIDDLE SCHOOL, DUKES AVENUE, NORTH HARROW.	No Change. Designate Longfield First and Middle as polling place for UB.
UC	ROXBOURNE FIRST AND MIDDLE SCHOOL, TORBAY ROAD, HARROW.	No Change. Designate polling district as polling place.

Constituency: HARROW WEST

Ward: PINNER SOUTH

POLLING DISTRICT	POLLING STATION	ACTION
W	THE VAGABONDS CLUBHOUSE, HOLWELL PLACE, PINNER.	No Change. Designate polling district as polling place.
WA	PINNER VILLAGE HALL, CHAPEL LANE, PINNER.	No Change. Designate polling district as polling place.
WB	CANNON LANE FIRST AND MIDDLE SCHOOL, CANNONBURY AVENUE, PINNER.	No Change. Designate polling district as polling place.

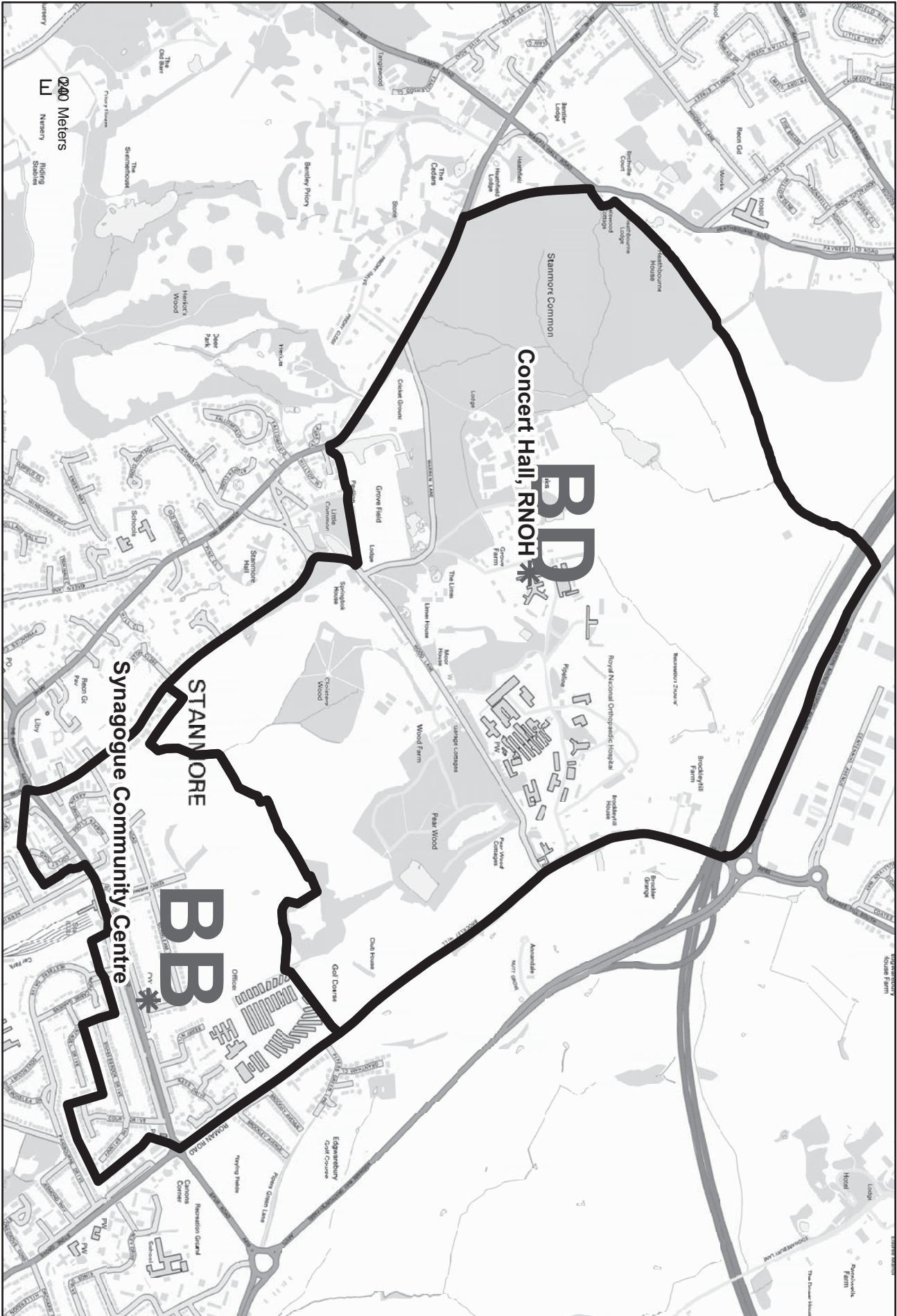
Constituency: HARROW WEST

Ward: PINNER

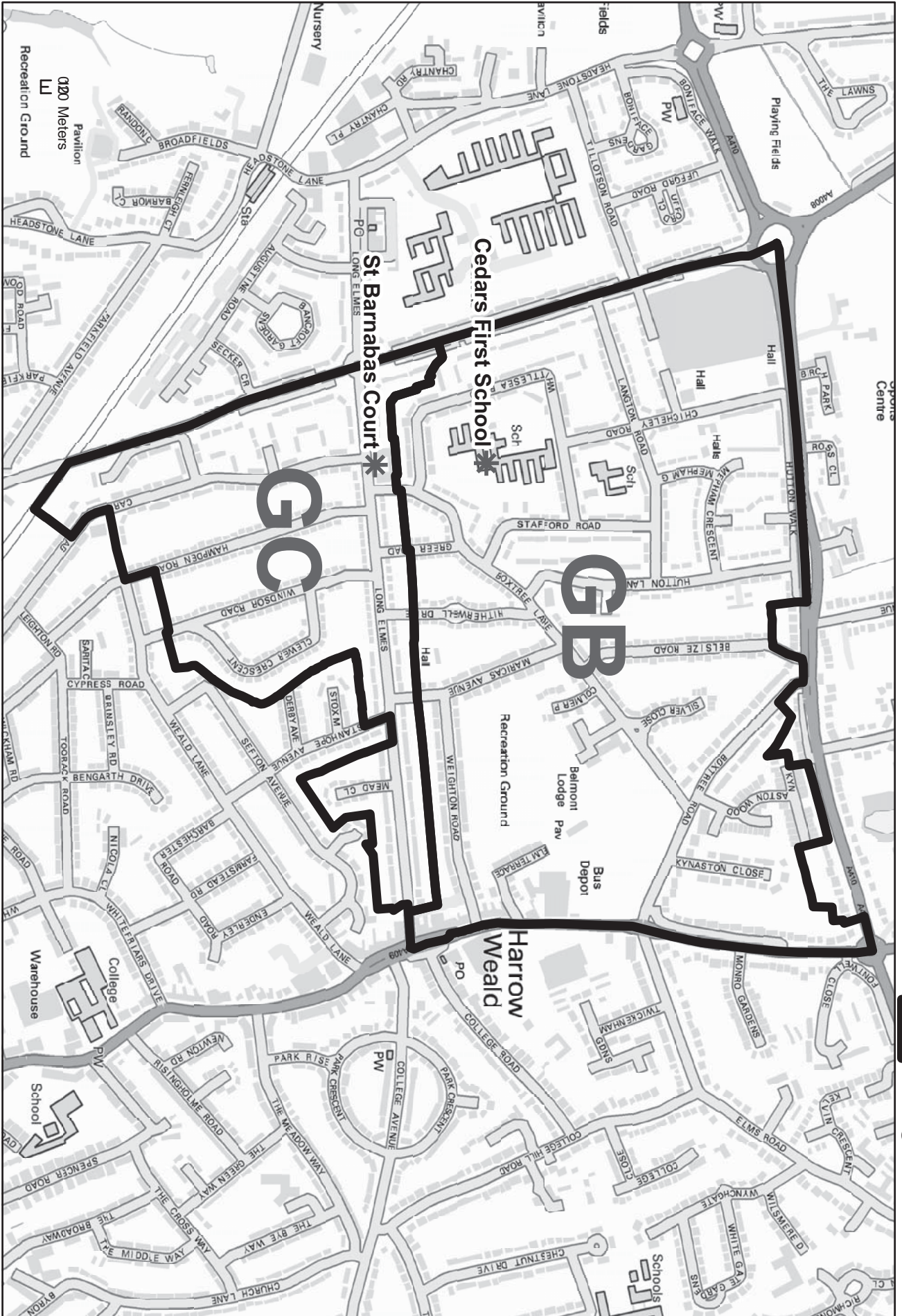
POLLING DISTRICT	POLLING STATION	ACTION
X	PINNER METHODIST CHURCH HALL, LOVE LANE, PINNER.	No Change. Designate polling district as polling place.
XA	PINNER HILL COMMUNITY CENTRE, PINNER HILL ROAD, PINNER. (NEXT TO WELCH PLACE)	No Change. Designate polling district as polling place.

* Polling Stations
 □ Polling District

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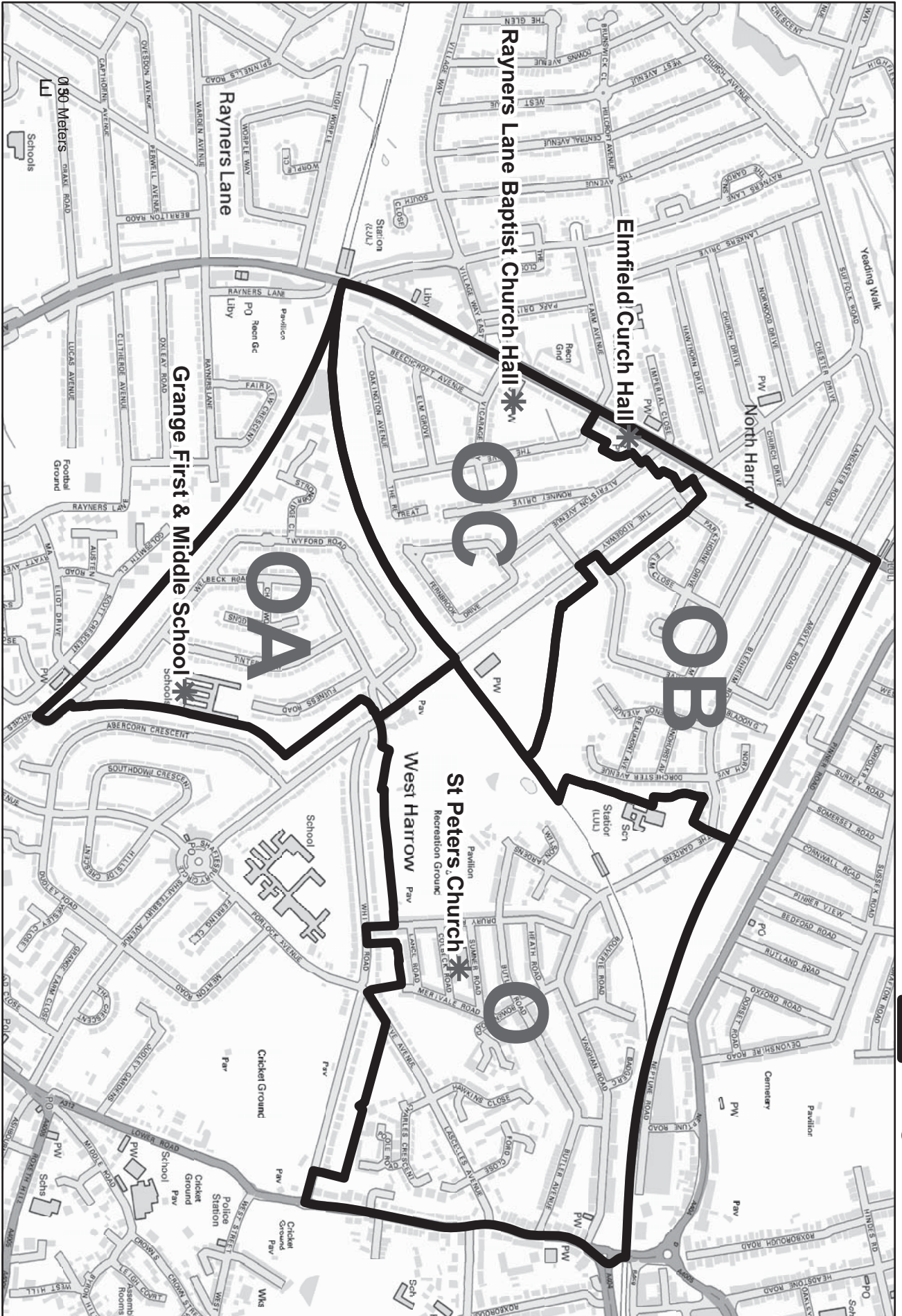
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* Polling Stations
 □ Polling District



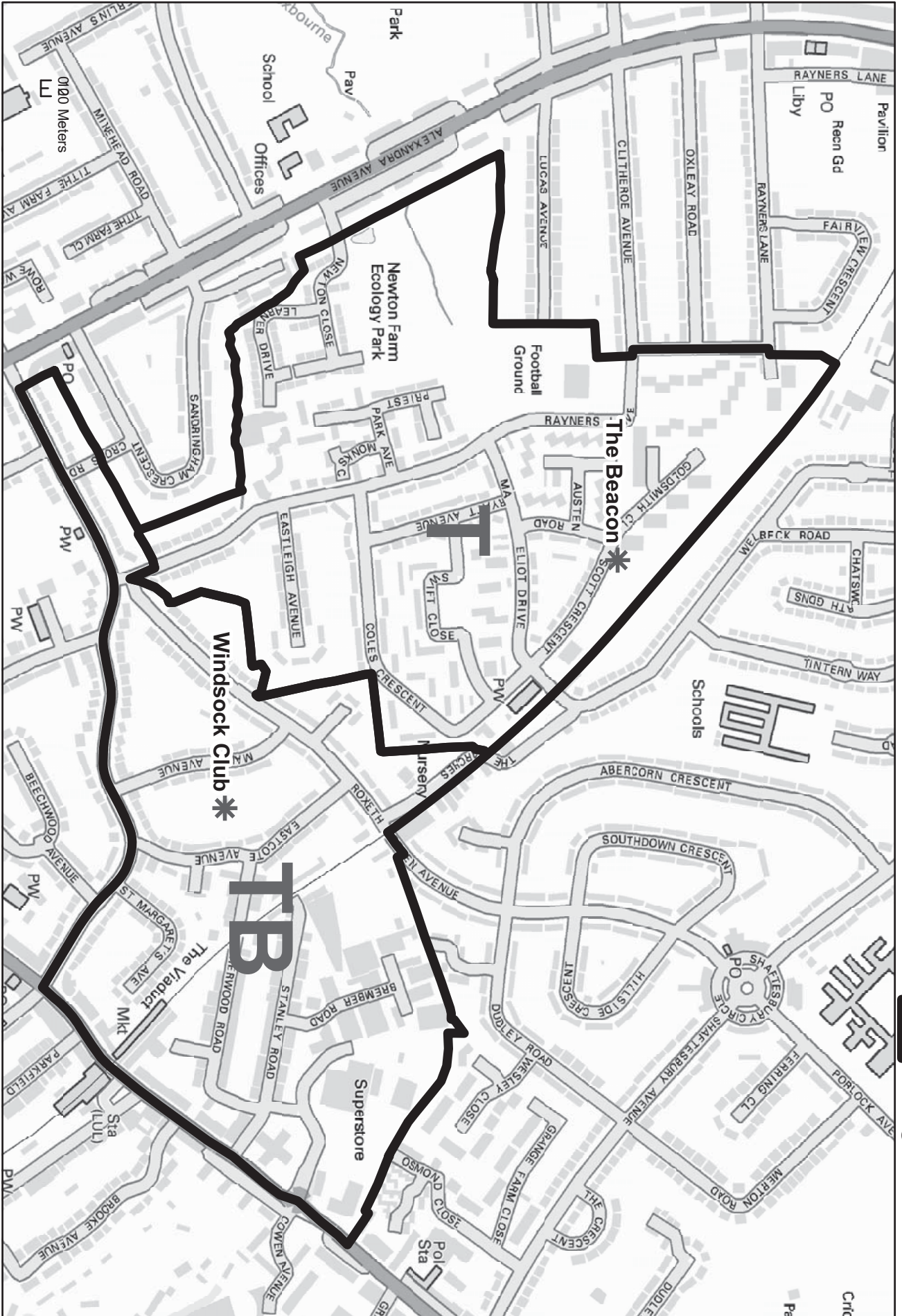
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- * Polling Stations
- Polling District



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Meeting:	Licensing and General Purposes Committee
Date:	27 September 2007
Subject:	Review of Flexible Retirement Policy
Key Decision: (Executive-side only)	No
Responsible Officer:	Myfanwy Barrett – Corporate Director of Finance
Portfolio Holder:	David Ashton
Exempt:	No
Enclosures:	Appendix 1 – Summary of Flexible retirement policies of other London Boroughs. Appendix 2 –Flexible retirements approved by Harrow Council.

SECTION 1 – SUMMARY AND RECOMMENDATIONS

Elected Members requested an update on the use of Harrow Council's Flexible Retirement Policy to include details of policies adopted by other authorities, actual experience at Harrow and any recommendation for adjustment to Harrow's policy.

RECOMMENDATIONS:

The Committee is requested to review the application of Harrow Council's Flexible Retirement Policy and approve the proposed changes as detailed in 2.15 and 2.17.

SECTION 2 - REPORT

2.1 Background

- 2.2 As a consequence of changes to Her Majesty's Revenue and Customs (HMRC) rules the Local Government Pension Scheme (LGPS) Regulations were amended to permit the immediate payment of pension benefits, at the employers' discretion, where a scheme member from age 50 reduces his/her hours or moves to a lower grade even though the scheme member has not retired from employment and continues to build up benefits in the Scheme.
- 2.3 Employers were therefore required to prepare, publish and maintain a policy statement on flexible retirement.
- 2.4 Following a meeting of the Licensing and General Purposes Committee on 5 March 2007, Harrow Council's flexible retirement policy was formulated effective from 1 April 2007.
- 2.5 Under Harrow's current policy the following conditions apply: -
- a) All requests for flexible retirement will be considered;
 - b) Approval will only be granted if it is in Harrow Council's best interest to do so and where the service area can demonstrate operational efficiencies;
 - c) Pension benefits will only be considered for early payment where there is no strain on the pension fund and there is at least a 10% saving of on-cost salary in the first year. (Where the benefits into payment reflect a part year, the on-costed saving will be calculated against outstanding on-costed salary).
 - d) Where an actuarial reduction applies and this does not fully cover the cost of placing the pension into payment, there will have to be a sufficient reduction in the employee's grade or hours to ensure that the pension fund is reimbursed for any shortfalls;
 - e) The reduction which must at least equate to the financial strain on the pension fund and the 10% saving of on-cost salary in the first year, is to be identified as part of the business case;
 - f) The waiving of any early retirement actuarial reduction (either in part or in full) will not be considered;
 - g) Flexible retirements must be approved by a Director, the Officer Sub-Group and agreed by the Early Retirement Sub-Committee.
- 2.6 The committee also agreed at the meeting that the policy should be reviewed after a period of six months.

2.7 Comparisons with other London Boroughs

2.8 Appendix 1 provides a summary of the approval process within ten other London Boroughs set out in the following order;

- **Summary of policy** – In most instances application is consistent with Harrow’s policy.
- **Review Panel** – Many of the policies require a business case, which must be reviewed by some form of Chief Officer panel. There are only two Boroughs that have included Elected Members as part of the review process.
- **Waiver of actuarial reduction** – Four of the ten Boroughs have decided to apply the discretion to waive any actuarial reduction applied on benefits, but only in exceptional circumstances.
- **Number of flexible retirements passed to panel** – To date Harrow Council has approved four cases (see Appendix 2), which is fairly consistent with other London Boroughs. It is possible that this figure will rise over time as awareness increases.

2.9 Actual Experience at Harrow

2.10 To date twelve flexible retirement requests have been initiated since the introduction of Harrow’s policy;

- Four cases were agreed and implemented.
- Four cases were not pursued, and
- Four cases are outstanding.

2.11 The four cases not pursued were withdrawn after pension figures had been provided and a business case was required to move the applications on to the next stage. The withdrawals could be for a number of reasons: -

- The requirement for a business case eliminates the applicants who are less serious about taking flexible retirement.
- The benefits payable were lower than expected.
- The employee may feel that the possible percentage reduction on their benefits for receiving their benefits early is too great.
- The financial strain on the pension fund and/or the 10% saving of on-costed salary amounts to more than the salary saved due to the reduction in the employee’s grade or hours.
- The flexible retirement no longer meets the business requirements.

2.12 Requirement for an additional 10% saving of on-costed salary

2.13 To date there is no experience that indicates that cases have not been progressed directly as a consequence of the 10% on-costed salary saving.

2.14 Recommendation

- 2.15 In consideration of the above points the recommended alterations to Harrow's flexible retirement policy are below;
- Flexible retirements must be approved by;
 - (a) Members of the Early Retirement Sub-Committee where there is a strain on the pension fund; or
 - (b) The Head of Shared Services where there is no strain on the pension fund.
- 2.16 The above recommendation is consistent with the approach of other London Boroughs.
- 2.17 It is also recommended that the policy should be reviewed on an annual basis to ensure it meets Harrow's business requirements, remains consistent with policies adopted by other London Boroughs and that Elected Members receive update as to application of policy.

2.18 Financial Implications

- 2.19 Exercising the recommended change to policy does not alter the financial position. All flexible retirements and the financial impacts will be fully reported to The Licensing & General Purposes Committee on an annual basis.

2.20 Legal Implications

- 2.21 The recommendations conform with The Local Government Pension Scheme Regulations 1997 (As Amended) and The Local Government Pension Scheme (Amendment) (No.2) Regulations 2006.

2.22 Consultation

- 2.23 Full consultation has taken place with the Head of Human Resources, the Corporate Director of Finance and the Legal & Governance.

2.24 Performance Issues

- 2.25 None.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: Myfanwy Barrett.



Chief Financial Officer

Date: 17 September 2007

Name: Jill Travers

on behalf of the*
Monitoring Officer

Date: 17 September 2007

*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Greg Foley, Head of Shared Services, 020 8424 7673

Background Papers: None.

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES

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Appendix 1 - Summary of Flexible retirement policies of other London Boroughs.

Policy	Review Panel	Waiver of Actuarial Reduction	Number of Flexible retirements
Camden			
<ul style="list-style-type: none"> • There is no detrimental effect on service delivery • There is available alternative work at the lower grade • The arrangement is fair and equitable to other team members <p>In all cases, employees must receive advice as to how flexible retirement will affect their net pay and pension entitlement.</p>	<ol style="list-style-type: none"> 1. Business Case and financial information to Head of Service for final decision. 	<p>Yes, on compassionate grounds:</p> <ul style="list-style-type: none"> • Severe financial difficulties • Employees who are suffering the emotional and financial effects of bereavement • Employees who are forced to reduce hours to care for a dependant <p>Approval must be obtained from Director of Organisational Development and Director of Finance. The employee's directorate must meet the pension fund strain cost.</p>	Two
Hackney			
<ul style="list-style-type: none"> • The reduction in hours being at least 40% of the previous hours worked • The reduction in hours or grade should not be temporary. • The current post is not temporary, e.g. seconded post. • The reduction in grade amounts to a reduction of at least 2 grades. • The policy covers individuals beyond normal retirement age. • Application can be refused on grounds of a burden of additional costs (including the cost of pension fund strain as a result of the early payment of pension benefits). • Pension suspended if employee subsequently moves to a new employer. • The individual will not be permitted to return to full-time employment without the formal approval of the Review Panel. 	<ol style="list-style-type: none"> 1. Business case and financial information to Head of Human Resources & Head of Treasury and Pensions. 2. Deputy Director of Finance & Resources and Assistant Director of Human Resources for final decision. 	No	None
Hammersmith & Fulham			
<ul style="list-style-type: none"> • Applications for flexible retirement will be considered on an individual basis in view of all relevant considerations including the likely costs and benefits. 	<ol style="list-style-type: none"> 1. No reference to approval process made in policy 	The Council may exercise its discretion not to apply reductions in exceptional circumstances.	One
Haringey			
<ul style="list-style-type: none"> • As a minimum requirement, a member's pay must reduce by at least four spinal points or the equivalent in reduced hours. • Both the needs of the member and the Service must be taken into account. • Acceptance of Flexible Retirement debars the member from changing their job to a post offering higher pay within the Council or from returning to employment on higher pay with the Council for a period of not less than three years. 	<ol style="list-style-type: none"> 1. Approval by Assistant Director of relevant service area. 2. Deputy Head of Personnel for final decision. 	The Council's Section 151 Officer has delegated authority to waive any actuarial reduction, but only in exceptional circumstances that benefit the business and operational needs of the service. The cost to the Fund will be met from the Service budget.	Three

<p>Hillingdon</p> <ul style="list-style-type: none"> • Can be applied in circumstances where it is advantageous for the Council. The guiding principle should be that it will enhance or protect service delivery. • Applicable where an employee has announced or is considering announcing that they intend to retire. • Should result in savings, be cost neutral or cost effective and not in an increased cost to the Council. • The policy is intended to protect or enhance service delivery. E.g. Loss of scarce skills to the authority, • The reduction in hours or grade must be permanent and cannot later be revised or increased. • Not applicable to anyone below 60 years of age where there is a cost to the employer of bringing the pension into payment. 	<ol style="list-style-type: none"> 1. Business case to Director of service area 2. Head of Personnel for final approval 	No.	Three
<p>Merton</p> <ul style="list-style-type: none"> • Will consider and respond to all requests for flexible retirement. • Consideration to grant a flexible retirement request will be based on the merit of each individual case. 	<ol style="list-style-type: none"> 1. Approval of Director and the Head of Human Resources 2. Business case to Chief Executive for final approval. 		Four
<p>Redbridge</p> <ul style="list-style-type: none"> • There must be minimal or no cost to the Council • Must take into account any cost to the Pension fund and HR related costs. • Any pension fund strain must be taken into account in decision. • Where there is a significant cost, consideration could still be given to the case following a similar process to that already in place for dealing with premature retirements, which could include referral to the appropriate Council Committee where necessary 	<ol style="list-style-type: none"> 1. Approval of relevant Director / Head of Service. 2. Chief Personnel Officer for final approval. 	No specific reference made in policy.	None
<p>Southwark</p> <ul style="list-style-type: none"> • All employees aged 50 or over who are currently in the LGPS may apply • A business case must be drawn up to assess the feasibility of the application. 	<ol style="list-style-type: none"> 1. Approval by the Service area Business Manager 2. Business case to Chief Officer for final approval. 	If the business case includes a recommendation that the actuarial deduction is waived this must include a concurrent report from the Head of HR and the Finance Director (or their nominees who are authorised to sit in the Pensions Panel).	Six

Wandsworth			
<ul style="list-style-type: none"> Consideration given to requests on an individual basis where it would be in the Council's financial interests to allow it. 	<ol style="list-style-type: none"> Approval of Director of Finance and the Head of Corporate Services. Chairman of the General Purposes Committee for final approval. 	No specific reference made in policy.	One
London Pension Fund Authority			
<ul style="list-style-type: none"> Flexible retirement will be permitted only where there is a clear operational or financial advantage to be gained by the Authority by so doing 	<ol style="list-style-type: none"> Decision delegated to Principal Officers 	No specific reference made in policy.	
Bexley			
<ul style="list-style-type: none"> Permitted for LGPS employees with due consideration to the impact on business and service delivery. The Deputy Chief Executive and Director of Finance and Business Services will consider the strain on the pension fund of any request and ensure that adequate provision is made to address this through the relevant staffing budget. 	<ol style="list-style-type: none"> Approval of appropriate Designated Officer, the Deputy Chief Executive and Director of Finance and Business Services for posts below Member Level Appointment. Elected Member approval for posts at Member Level Appointment 	No	None

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