

# Licensing and General Purposes Committee AGENDA

DATE: Monday 23 November 2009

TIME: 7.30 pm

VENUE: Committee Rooms 1 & 2,  
Harrow Civic Centre

## MEMBERSHIP (Quorum 4)

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Chairman: **Councillor Mrs Lurline Champagnie**

Councillors:

|                       |                  |
|-----------------------|------------------|
| Husain Akhtar         | Mrinal Choudhury |
| Don Billson           | Mano Dharmarajah |
| G Chowdhury           | Thaya Idaikkadar |
| Ashok Kulkarni        | Nizam Ismail     |
| Mrs Vina Mithani (VC) | Phillip O'Dell   |
| John Nickolay         | Raj Ray          |
| Tom Weiss             |                  |
| Jeremy Zeid           |                  |

Reserve Members:

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

Contact: **Lysandra Dwyer, Acting Senior Democratic Services Officer**  
Tel: 020 8424 1264 E-mail: [lysandra.dwyer@harrow.gov.uk](mailto:lysandra.dwyer@harrow.gov.uk)

# 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. MINUTES (Pages 1 - 4)

That the minutes of the meeting held on 7 September 2009 be taken as read and signed as a correct record.

## 3. 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).

## 4. 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).

## 5. DEPUTATIONS

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

## 6. REVIEW OF POLLING DISTRICTS AND POLLING STATIONS (Pages 5 - 10)

Report of the Director of Legal and Governance Services Department.

## 7. EXCLUSION OF THE PRESS AND PUBLIC

To resolve that the press and public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

| <u>Agenda Item No</u> | <u>Title</u>            | <u>Description of Exempt Information</u>  |
|-----------------------|-------------------------|---|
| 8.                    | Early Retirement Update | Information under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information).<br><br>Information under paragraph 4 of Part I of Schedule 12A to the Local Government Act 1972, relating to any |

consultation or negotiation in connection with any labour relations matters arising between the Authority and employees of, or office holders under the authority.

## **AGENDA - PART II**

### **8. INFORMATION REPORT - EARLY RETIREMENT UPDATE (Pages 11 - 14)**

Report of the Corporate Director (Finance)

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## REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

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### MEETING HELD ON 7 SEPTEMBER 2009

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Chairman: \* Councillor Mrs Lurline Champagne

Councillors: \* Husain Akhtar \* 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**

##### **RECOMMENDATION I - Revised Gambling Policy for Approval**

The Committee received a report of the Corporate Director of Community and Environment which, set out a draft revised Gambling Policy and the responses received to the consultation exercise carried out between May and August 2009.

An officer reported that there were three main areas of change to the Policy which sought to eliminate issues relating to users of gaming machines as follows:

- to provide clarification regarding club formation where a club gaming permit was to be applied;
- how the Council, as the Licensing Authority, would determine the suitability of premises where an operator claimed that they were providing a skills with prizes machine;
- an addition of small society lotteries.

Whilst there were options available to the licensing authority regarding the fee structure, these were currently set by the Council at the maximum level allowable.

In response to questions, the officer confirmed that:

- the Gambling Commission regulated the advertisement of gambling and the increased use of remote gambling through the Internet;
- an area of concern was children using computers in Internet Cafes for gambling, as Data Protection rules prevented authorities from investigating which sites had been used;
- alcohol licensed premises that held gaming permits, such as public houses, were required to monitor the use of the machines on their premises by situating the machines near the bar. However, the characteristics of some machines were exempt from these provisions;
- private members' clubs that had failed to monitor the use of gaming machines on their premises had been prosecuted and cautioned for contravening the conditions attached to their permit and/or the Gambling Commission Code of Practice.

**Resolved to RECOMMEND:** (to Council)

That the revised Gambling Policy be approved.

(See also Minute 120 and 124).

**PART II - MINUTES**120. **Declaration of Interest:**

**RESOLVED:** To note that the following interest was declared:

| <u>Agenda Item</u>         | <u>Member</u>        | <u>Nature of Interest</u>  |
|----------------------------|----------------------|--|
| 7. Revised Gambling Policy | Councillor Tom Weiss | Councillor Tom Weiss declared a prejudicial interest and left the room during the discussion and decision-making on this item. |

121. **Minutes:**

**RESOLVED:** That the minutes of the meeting held on 8 June 2009 be signed as a correct record.

122. **Public Questions, Petitions and Deputations:**

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

123. **Secure Accommodation Reviews:**

The Committee received a report of the Corporate Director of Children's Services which, referred to the procedures currently employed by the Council for Secure Accommodation Reviews. The report outlined proposals to change the way Secure Accommodation Reviews were managed in Harrow to reflect best practice nationally.

An officer informed the Committee that:

- the Social Services Appeal Panel, reviewed decisions that placed children in secure accommodation, on a quarterly basis, together with an independent person who chaired the meeting;
- currently, there were separate procedures to review welfare and criminal proceedings which placed children in secure accommodation. Any decisions taken were ratified by the Corporate Director of Children's Services;
- proposals in the report sought to remove Councillor involvement with respect to secure accommodation reviews;
- if the proposals were agreed, future reviews would be made up of a Panel of senior officers and experts who had a good working knowledge and understanding of the complex issues relating to the provision of secure accommodation;
- the proposed change, if approved, would allow decisions ratified by the Corporate Director of Children's Services to be reviewed by a Panel of officers and experts working in the field.

The Chairman advised the Committee that the Members of the Social Services Review Panel may require specific training and knowledge in order to make decisions relating to children placed in care. She invited the Committee to discuss any issues surrounding the responsibility that they may have.

In the discussion that followed, concerns expressed by the Committee were as follows:

- a full consultation with relevant Members have taken place;
- the report did not detail the existing Terms of Reference and how these would be amended;
- the cost implications of placing a child in secure accommodation should have been included in the report;
- agreeing to the proposals would remove Councillors from this aspect of decision-making;
- Members considered that they were unable to make an informed decision based on the information provided.

In light of these comments, and following further discussion the Committee was of the view that it could not support the recommendations.

**RESOLVED:** That (1) the report be referred back for clarification on procedure;

(2) officers prepare a further report for discussion at a future meeting.

124. **Revised Gambling Policy:**  
Further to Recommendation 2, the Forum

**RESOLVED:** That (1) the responses received following the consultation on the draft revised Gambling Policy be noted;

(2) a copy of the existing Gambling Policy be circulated to Members of the Committee.

125. **Delegation of Functions to Officers:**  
An officer introduced a report of the Corporate Director of Community and Environment, which outlined the changes to the Licensing Act 2003 by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order. It was reported that some functions under the Licensing Act had been delegated to officers and that the Order sought to simplify the process of granting minor variations to existing licences and; simplify procedure thereby saving time, money and resources for all parties.

In response to questions by the Committee, the officer confirmed that:

- minor variation applications that were deemed to impede the licensing objectives would not form part of the minor amendments and would require a full variation application under s34 of the Licensing Act 2003 and any such applications with unresolved representations would be referred to a Licensing Panel hearing for determination;
- Members of the Committee and Ward Councillors would be advised of the number of applications for minor amendments that had been received and granted.

**RESOLVED:** That the Director of Community and Environment be authorised to discharge the functions brought in by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 and further delegate this power to officers in his department.

126. **Exclusion of the Press and Public:**

**RESOLVED:** That the press and public be excluded from the meeting for the following item for the reasons set out below:

| <u>Item</u> | <u>Title</u>  | <u>Reason</u>  |
|-------------|---|--|
| 10.         | Non-Executive Decision: Exercise of Discretion under Regulation 35 of the Local Government Pension Scheme Regulations 2007. | The report was exempt from publication under Paragraph 1 (contained information relating to an individual) of Part I of Schedule 12A to the Local Government Act 1972. |

127. **Non-Executive Decision: Exercise of Discretion under Regulation 35 of the Local Government Pension Scheme Regulations 2007:**

The Panel received a confidential report of the Director of Legal and Governance Services which outlined a non-urgent executive action that had been taken under Regulation 35 of the Local Government Pension Scheme Regulations 2007.

**RESOLVED:** That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.20 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE  
Chairman

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REPORT FOR: LICENSING & GENERAL  
PURPOSES COMMITTEE

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Date: 23 November 2009

Subject: **Review of Polling Districts and  
Polling Stations**

Responsible Officer: Hugh Peart – Director of Legal &  
Governance Services

Exempt: No

Enclosures: Appendix A

## Section 1 – Summary and Recommendations

This report is intended to update members on the current arrangements in relation to the review of the Council's Polling District and Places.

**RECOMMENDATIONS:**

The Committee is requested to note that:

- (a) No further action should be taken in respect of the Polling Districts as set out in Appendix A.
- (b) The next review be completed by 31 December 2011 in accordance with the statutory requirement.

## SECTION 2 - REPORT

### Background

Members will recall the issue of the review of the Council's Polling District and Places, which was last reported to this Committee in November 2008.

At that meeting, the Committee resolved to agree the various Working Group recommendations. Further that the next review be completed by 31 December 2011 in accordance with the statutory requirements.

Since that time, consideration and discussions have taken place with regard to the various outstanding recommendations. The attached Appendix A sets out the agreed recommendations, with an update section.

The revised Register of Electors must be published on 1 December 2009 and any changes to the present Polling District and Places must be approved prior to this date. In view of the short time scale, it will now not be possible to undertake further investigations, arrange a meeting of the Working Group a subsequent meeting of this Committee for approval of the changes to the current arrangements.

This Committee is therefore asked to agree that there will be no changes to the current arrangements of the Polling District and Places, that in accordance with its previous resolution that the next review of the polling district and places in the Borough is carried out by 31 December 2011 in accordance with the statutory requirement.

There are no legal implications or costs associated with this report. In addition, there are no performance issues or risks associated with this report.

### Section 3 - Statutory Officer Clearance

|                       |                                     |                         |
|-----------------------|-------------------------------------|-------------------------|
| Name: Myfanwy Barrett | <input checked="" type="checkbox"/> | Chief Financial Officer |
|-----------------------|-------------------------------------|-------------------------|

|                       |
|-----------------------|
| Date: 20 October 2009 |
|-----------------------|

|                   |                                     |  |
|-------------------|-------------------------------------|--|
| Name: Linda Cohen | <input checked="" type="checkbox"/> | on behalf of the<br>Monitoring Officer |
|-------------------|-------------------------------------|--|

|                       |
|-----------------------|
| Date: 9 November 2009 |
|-----------------------|

### SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** Elaine McEachron, Assistant Lawyer - Corporate Governance,  
Tel: 020 8420 9414

**Background Papers:** List **only non-exempt**  
Report and Minutes of Licensing & General Purposes Committee –  
November 2008

IF APPROPRIATE, does the report include the following considerations?

|    |              |     |
|----|--------------|-----|
| 1. | Consultation | YES |
|----|--------------|-----|

|    |                      |     |
|----|----------------------|-----|
| 2. | Corporate Priorities | N/A |
|----|----------------------|-----|

## APPENDIX A

### London Borough of Harrow Council Polling District and Places Review

The Electoral Administration Act 2006 placed a duty on the Council to review its polling districts and places within the Borough every four years from December 2007. This council agreed that reviews would be undertaken every year in respect of selected parts of the Borough.

On 28<sup>th</sup> November 2008, the Licensing & General Purposes Committee agreed the recommendations set out below.

The recommendations now include an update section in order to inform members of the committee of the current position.

**Constituency:** HARROW EAST

**Ward:** CANONS

| POLLING DISTRICT | POLLING STATION  | RECOMMENDATIONS   |
|------------------|--|---|
| EBB              | Synagogue Community Centre, London Road, Stanmore                                | No change. Designate polling district as polling place.   |
| EBD              | Find new premises to accommodate a polling station for the new polling district. | New polling district created by splitting polling district EBB for 2010 elections. Consider feasibility of Islamic Centre on Wood Lane, Stanmore as an option available for polling station. Designate polling district as polling place. |
|                  | UPDATE OCTOBER 2009  | The use of the alternative venue of the Islamic Centre has been explored. However, this centre is not available for use as a Polling Venue for election purposes.<br><b>No Change.</b>  |

**Constituency:** HARROW EAST

**Ward:** HARROW WEALD

| POLLING DISTRICT | POLLING STATION  | RECOMMENDATIONS   |
|------------------|--|---|
| EGB              | Cedars First and Middle School, Whittlesea Road, Harrow Road | No change in 2009. Designate polling district as polling place. Consider splitting the polling district EGB in time for the 2010 elections.   |
|                  | <b>UPDATE – OCTOBER 2009</b>                                 | However, it has not been possible to fully consider the splitting of the polling district. This will be further considered as part of the statutory review which will be undertaken in 2011.<br><b>Therefore no change.</b> |

**Constituency:** HARROW WEST

**Ward:** HARROW ON THE HILL

| POLLING DISTRICT | POLLING STATION  | RECOMMENDATIONS  |
|------------------|--|--|
| WM               | Old Gaytonians Clubhouse, South Vale, Sudbury Hill, Harrow | No change. Designate polling district as polling place. Consider options available for 2010 elections, including, St George's Catholic School, Sudbury Hill.   |
| WMC              | Whitmore High School, Porlock Avenue, Harrow               | Explore the use of McDonalds car park, Shaftesbury Circle, Harrow to replace Whitmore High School, Porlock Avenue, Harrow as the polling station for polling district WMC for 2009 elections. Designate polling district as polling station. Investigate alternative sites for 2010 elections immediately. |
|                  | <b>UPDATE – OCTOBER 2009</b>                               | No alternative sites available. The use of McDonalds car park will be used as polling stations. This polling station will revert to the Whitmore High School on completion of the current work.<br><b>Therefore no change.</b>   |

**Constituency:** HARROW WEST

**Ward:** RAYNERS LANE

| POLLING DISTRICT | POLLING STATION                      | RECOMMENDATIONS   |
|------------------|--------------------------------------|---|
| U                | Tithe Farm Social Club, Rayners Lane | No change. Designate polling district as polling place. |
|                  | UPDATE - OCTOBER 2009                | <b>No action required.</b>                              |

**Constituency:** HARROW EAST

**Ward:** WEALDSTONE

| POLLING DISTRICT | POLLING STATION   | RECOMMENDATIONS   |
|------------------|---|---|
| EJC              | Whitefriars First & Middle School, Whitefriars Avenue, Harrow | No change. Designate polling district as polling place. Subject to consultation, Salvatorian College to be used as a site for 2010 elections. If Salvatorian is to be used, redefine the ward boundary to use the college as a polling station. |
|                  | UPDATE - OCTOBER 2009   | This has been explored and no alternative venue is available.<br><br>Therefore No Change  |

**Constituency:** HARROW WEST

**Ward:** ROXETH

| POLLING DISTRICT | POLLING STATION                                   | RECOMMENDATIONS   |
|------------------|---|---|
| WSB              | Junction of The Heights and Gaylor Road, Northolt | Consult with Ward Councillors to consider the options available for polling site. |
|                  | UPDATE - OCTOBER 2009                             | No alternative site is available.<br><b>Therefore no change</b>                   |



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