

Council SUMMONS AND AGENDA

DATE: Thursday 3 December 2015

TIME: 7.30 pm

VENUE: Council Chamber, Harrow
Civic Centre

All Councillors are hereby summoned to attend the Council Meeting for the transaction of the business set out.



Hugh Peart
Director of Legal and Governance Services

Despatch Date: [25 November 2015]

PRAYERS

Reverend Matthew Stone, Mayor's Chaplain & Rector of St John the Evangelist, Stanmore, will open the meeting with Prayers.

1. COUNCIL MINUTES (Pages 11 - 28)

That the minutes of the meeting held on 24 September 2015 be taken as read and signed as a correct record.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from all Members of the Council.

3. PROCEDURAL MOTIONS

To receive and consider any procedural motions by Members of the Council in relation to the conduct of this Meeting. Notice of such procedural motions, received after the issuing of this Summons, will be tabled.

4. PETITION: RESCUE OF PINNER MEMORIAL PARK

In accordance with the Council's Petition Scheme, a petition containing more than 2,000 signatures will be considered/debated by full Council. The Petition to rescue Pinner Memorial Park meets the threshold of signatures needed to engender a Council debate.

A representative of the petitioners will read the terms of the petition on behalf of the petition signatories. There is a period of one minute allocated to present. A period of ten minutes is permitted for Members to debate the Petition terms and issues.

Following discussion the Council may choose to refer the petition to the Cabinet, a Committee or Corporate Director to determine the matter, taking into account the views expressed by Council.

5. PETITIONS

To receive any petitions to be presented:

- (i) by a representative of the petitioners;
- (ii) by a Councillor, on behalf of petitioners;
- (iii) by the Mayor, on behalf of petitioners.

6. PUBLIC QUESTIONS *

A period of up to 15 minutes is allowed for members of the public to ask questions of members of the Executive, Portfolio Holders and Chairs of Committees, of which notice has been received no later than 3.00 pm two clear working days prior to the day of this Meeting. Any such questions received will be tabled.

7. LEADER AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

To receive a presentation from the Leader of the Council and Portfolio Holders on business since the last ordinary meeting, followed by a question and answer session. The item is allotted 20 minutes.

8. HARROW YOUTH OFFENDING PARTNERSHIP YOUTH JUSTICE PLAN 2015-18 (Pages 29 - 32)

Recommendation I: Cabinet
(17 September 2015)

9. REVISED POLICIES UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005 (Pages 33 - 152)

Report of the Head of Paid Service

10. CHANGES TO THE CONSTITUTION ARISING FROM THE COUNCIL'S MEMBERSHIP OF THE WEST LONDON ECONOMIC PROSPERITY BOARD (Pages 153 - 168)

Report of the Director of Legal and Governance Services

11. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL (Pages 169 - 172)

Report of the Director of Legal and Governance Services

12. QUESTIONS WITH NOTICE *

A period of up to 15 minutes is allowed for asking written questions by Members of Council of a member of the Executive or the Chair of any Committee:-

- (i) of which notice has been received at least two clear working days prior to the day of this Meeting; or
- (ii) which relate to urgent matters, and the consent of the Executive Member or Committee Chair to whom the question is to be put has been obtained and the content has been advised to the Director of Legal and Governance Services by 12 noon on the day of the Council Meeting.

Any such questions received will be tabled.

13. MOTIONS

The following Motions have been notified in accordance with the requirements of Council Procedure Rule 14, to be moved and seconded by the Members indicated:

(1) Harrow united in the face of Terrorist atrocities Motion

To be moved by Councillors David Perry and Susan Hall and seconded by Councillors Keith Ferry and Barry Macleod-Cullinane:

“This Council Notes:

- The shocking events in Paris on Friday 13th November, where 132 innocent people were killed in terrorist atrocities.
- The recent terrorist attacks across the world; with 224 people losing their lives in the bombing of a Russian passenger plane, 40 people killed in bombings in Beirut, 5 people shot to death at a Jerusalem synagogue and 20 people killed at a hotel in Bamako. Terrorism knows no borders, and these horrific incidents are just some examples of the lives lost to terrorist atrocities over the past few weeks.
- The outpouring of condolences from across our many communities in Harrow, with declarations of support and solidarity with the families who have lost loved ones in terrorist atrocities across the world.

This Council Believes:

- Harrow’s diversity is our strength; we are proud to be a Borough where people of different backgrounds and faiths respect each other.
- Elected representatives of all parties should work together to keep our residents safe and to condemn acts of terror that threaten our shared values of democracy and freedom of expression.

The Council resolves:

- To hold a minute’s silence at Full Council to mark with respect and sorrow all of the victims of terrorist atrocities across the world.
- To condemn anyone who would try to promote fear or hatred in our Borough.
- To show strong local leadership in promoting tolerance, respect and cohesiveness amongst our many communities; events like the Paris shootings should not divide us.”

(2) Harrow £159 Campaign Motion

To be moved by Councillor David Perry and seconded by Councillor Sachin Shah:

“Council notes:

- That previous administrations, both Labour and Conservative, have both campaigned to get Harrow a fairer grant deal from Central Government.
- The report by LG Futures (Analysis of Funding Drivers, October 2014) was commissioned to understand Harrow’s funding context in comparison with other London boroughs, and the rest of the UK. The report made a number of findings that have raised concerns about Harrow’s spending power and how our Government grants are calculated.
- In respect of spending power, the analysis found that in Harrow our residents have £39.8m less spent on them than the London average – that is £159 less per person than the average Londoner.
- The formulas used by Government date back to 1978 and do not reflect Harrow’s current needs, particularly given the pressures from homelessness and welfare changes.
- Harrow receives less funding than the London average on account of a range of factors including its lower population density, having less residents on welfare, amongst other technical points.
- Harrow also receives less funding than the national average on account of it being in London and “Damping”, a process by which boroughs take additional reductions to buffer other boroughs, reallocates a lot of Harrow’s funding elsewhere.
- Harrow is also short-changed by the “freezing” of funding formulas (which may not be “unfrozen” until 2020/21) – which means Outer London’s unprecedented demographic changes and population growth goes unacknowledged.
- This unfair funding from Central Government is on top of the £83m of cuts imposed on Harrow Council and our residents by central Government.
- The Council’s commitment to being an efficient and well run organisation, including it’s ambitious commercialisation programme that will create £5m of income by 2018/19, to help make up the shortfall caused by central Government cuts.

Council believes:

- The funding formulas need to be updated so that Harrow gets the money necessary to continue Building a Better

Harrow, protecting frontline services and 'Making a Difference' to our community.

- An adjustment to the Settlement Funding Assessment so that the growing populations of Harrow is reflected now would be a fairer way to allocate funding out to local Council's, rather than waiting until when it is next up for assessment in 2020/21.
- Greater fairness in the funding system, so that:
 - "Damping" is reduced, and Harrow's resources are not pulled into an endless cycle of re-allocation to other boroughs.
- The weighting of resources is changed to reflect the changing nature of London. The future settlement needs to acknowledge the role of outer London authorities in maintaining the progress and status of the capital.
- A request that the Government provide an advantage to Harrow when making funding decisions for other grants in light of our shortfall.

Council resolves:

- To Support the Harrow '£159' campaign to get Harrow its missing millions.
- For the Chief Executive to write to local MPs and Assembly Members to ask them to support the Harrow '£159' campaign and lobby central government for a fairer grant.
- For the Leader of the Council to write to the Prime Minister explaining the Council's funding shortfall."

(3) **Government cuts making Harrow' residents poorer Motion**

To be moved by Councillor Pamela Fitzpatrick and seconded by Councillor Adam Swersky:

"This Council Notes:

- On 7 July the Chancellor announced £12 billion of cuts to the welfare budget by 2019/20. This package included a proposal to freeze all working-age benefits for the duration of the current parliament.
- This would include a freeze to Local Housing Allowance rates, at a time when rents are rapidly increasing.
- There is a full blown Housing crisis in London; currently in Harrow 600 families are in temporary accommodation, including B & B's, many of which are out of the Borough.

- Due to a mixture of low wages and unsustainable increases to House prices and rents there have been exponential increases of residents being forced to use the Private Rental Sector for Housing. These costs are often met by Housing Benefit, through the Local Housing Allowance scheme. Even families in work have to rely on Local Housing Allowance rates; in all, 57.6 per cent of London's households in receipt of LHA have a member who is in employment
- These cuts to welfare also include plans to cut the Tax credit budget by £4.4bn. The proposed changes reduce the incentives to work, by reducing the income thresholds or work allowance for working tax credit, child tax credit and universal credit while increasing the taper rate.
- There are over 15000 families in Harrow receiving Tax Credits, which help the lowest paid families in Harrow with the cost of essential items such as food, child care and heating.
- It is estimated that the marginal reductions rate could be as high as 93%, meaning that as families on tax credits earn more money, the increased taper rate mean that they will only keep 7p of every extra pound they earn.
- Analysis by the Institute of Fiscal Studies have shown that even after taking into account the new minimum wage and increase to tax free personal allowance these cuts to Tax Credits will leave millions of families across the Country and in Harrow worse off by thousands of pounds.
- A Government report into the changes reported,
 - *These changes from April 2016 will affect almost all in-work recipients of tax credits. At April 2015, 3.3 million in-work families received tax credits, of whom 2.7 million had children. The average impact across all affected families can be roughly estimated as a reduction in the tax credit award of around £1,300 in 2016-17. The actual impact will vary from family to family however; some will lose more than this amount, others less. Some families will lose entitlement to tax credits completely.*
- On Monday 26th October the House of Lords voted to delay the introduction of the proposed cuts to Tax credits by three years.

This Council Believes:

- In a Borough where 40% of residents earn below the London Living Wage, these cuts will have a disproportionate affect in Harrow, where thousands of families rely on Tax Credits to top up their wages and the Local Housing Allowance so they can afford to live.
- A four year freeze to Local Housing Allowance rates will make a dire situation even worse for many of our residents who are unable to find affordable homes.
- This freeze will make it increasingly difficult for key workers such as nurses and shop assistants to live in London - all our residents will suffer if these workers are forced to move away from London.
- This Government's housing and welfare policies are hitting in work families, and are making the housing crisis even worse in Harrow.

The Council resolves to:

- That the Chief Executive writes to the three local MPs in Harrow to raise our concerns directly with Government about the impact of the cuts to Tax Credits and freezing Local Housing Allowances to families in our Borough.
- The Council monitors the impact of cuts to Tax Credits and freezes to Local Housing Allowances in Harrow via the welfare reform board.
- Formally state our objection to cuts to Tax Credits and freezing Local Housing Allowances that will leave our residents poorer by thousands of pounds.”

14. EXCLUSION OF PRESS AND PUBLIC

To resolve that the press and public be excluded from the meeting for the following item of business, on the grounds that it involves 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>
15.	Information Report - Remuneration Packages and Severance Payments of £100,000 or Greater	Information under paragraph 1 (contains information relating to any individuals).

15. INFORMATION REPORT - REMUNERATION PACKAGES AND SEVERANCE PAYMENTS OF £100,000 OR GREATER (Pages 173 - 180)

*** Data Protection Act Notice**

The Council will audio record items 6 and 12 (Questions with Notice) and will place the audio recording on the Council's website, which will be accessible to all.

[**Note:** The questions and answers will not be reproduced in the minutes.]

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COUNCIL 3 DECEMBER 2015

MINUTES

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COUNCIL MINUTES

24 SEPTEMBER 2015

- Present:**
- * Councillor Krishna Suresh (The Worshipful the Mayor)
 - * Councillor Mrs Rekha Shah (The Deputy Mayor)
- Councillors:**
- | | |
|--|--|
| <ul style="list-style-type: none"> * Ghazanfar Ali * Richard Almond * Mrs Chika Amadi * Jeff Anderson * Sue Anderson † Marilyn Ashton * Mrs Camilla Bath * June Baxter * Christine Bednell * James Bond * Michael Borio * Simon Brown * Kam Chana * Ramji Chauhan * Bob Currie * Niraj Dattani * Margaret Davine * Jo Dooley * Keith Ferry * Ms Pamela Fitzpatrick † Stephen Greek † Mitzi Green * Susan Hall * Glen Hearnden * Graham Henson * John Hinkley * Ameet Jogia * Manjibhai Kara * Barry Kendler * Jean Lammiman * Barry Macleod-Cullinane | <ul style="list-style-type: none"> * Kairul Kareema Marikar * Ajay Maru * Jerry Miles * Mrs Vina Mithani * Amir Moshenson † Chris Mote † Janet Mote * Christopher Noyce * Phillip O'Dell * Paul Osborn * Nitin Parekh * Ms Mina Parmar * Varsha Parmar * Primesh Patel * Pritesh Patel * David Perry * Kanti Rabadia * Kiran Ramchandani * Mrs Christine Robson * Lynda Seymour † Aneka Shah * Sachin Shah * Norman Stevenson * Sasi Suresh * Adam Swersky * Bharat Thakker * Antonio Weiss † Georgia Weston * Anne Whitehead * Stephen Wright |
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- * Denotes Member present
- † Denotes apologies received

PRAYERS

The meeting opened with Prayers offered by Reverend Matthew Stone, Mayor's Chaplain & Rector of St John The Evangelist, Stanmore.

100. COUNCIL MINUTES

RESOLVED: That the minutes of the Annual meeting held on 19 May 2015 be taken as read and signed as a correct record.

101. DECLARATIONS OF INTEREST

The Mayor invited appropriate declarations of interest.

Councillor Susan Hall declared an interest in that she had a business in Wealdstone, an area that was mentioned throughout the agenda. She would remain in the room whilst the matters were considered and voted upon.

102. MAYOR'S ANNOUNCEMENTS

- (i) The Mayor announced that details of his engagements would be circulated to Members on the Members' Information Circular.
- (ii) The Mayor announced that the meeting of Full Council was taking place on Eid-UI-Adha and requested that Council join in him in acknowledging this event.

103. PROCEDURAL MOTIONS

- (i) The Mayor drew Council's attention to a tabled motion in relation to Police Community Safety Officers. Upon being put to the vote, it was agreed that the motion was urgent.
- (ii) Having asked whether there were any further Procedural Motions, Councillor Graham Henson moved that the tabled urgent motion in relation to Police Community Safety Officers be considered as the next item of business. The motion was duly seconded by Councillor David Perry. Upon being put to the vote it was carried.

104. URGENT MOTION

The Council received an urgent Motion in the names of Councillor Graham Henson and Councillor David Perry.

"Urgent Motion to Stop the Mayor of London putting our residents at risk

This Council notes:

- Harrow is currently the safest Borough in London.
- Since May 2010, as a result of the Conservative Government cuts, London has lost 3,170 dedicated neighbourhood Police Community Safety Officers (PCSOs) – this is a cut of over 70%.
- In Harrow the number of PCSOs on our streets have been reduced from 114 in April 2010 to 28 in August 2015.
- As a result of the Government's Spending Review in 2010 the Metropolitan Police have faced cuts of almost £600m. This 20% cut to its budget has devastated the police service in the capital, despite promises from the Mayor of London and Home Secretary that the cuts would not affect police numbers.
- At the upcoming Government's Spending Review this November it is widely expected that the Metropolitan Police will face a minimum of another £800m in cuts, with reports that the budget could be cut by as much as 43%.
- The 'Safer Neighbourhood Team' (SNT) model introduced by the Labour Government was widely welcomed by communities and saw each ward allocated a dedicated team of six officers (1 Sergeant, 2 PCs and 3 PCSOs).
- In Harrow PCSOs are an invaluable part of making our communities and neighbourhoods safe.
- In Harrow fear of crime is a real concern amongst residents; cutting neighbourhood policing teams and PCSOs will reduce the presence of police on our streets and only add to the fear of crime locally.
- The introduction of Boris Johnson's Local Policing Model dismantled SNTs reducing them to just a single dedicated PC and PCSO per ward.
- On the 29th September the Metropolitan Police's Management Board will consider proposals to scrap neighbourhood PCSOs altogether, resulting in a loss of over 1,000 officers if approved.

This Council believes:

- That the introduction of neighbourhood policing teams transformed local policing, increased public confidence and provided an integral link between communities and the police.
- That whilst PCSOs have been informed of the Metropolitan Police's intention to make this decision there has been no meaningful consultation with Council's, the public or PCSOs about the impact of scrapping PCSOs.

- The Mayor is trying to force through measures that put our residents at risk, whilst hoping nobody realises; this lack of transparency shows that the Mayor of London is aware of how damaging these cuts will be to our communities.
- Scrapping neighbourhood PCSOs would be the final nail in the coffin for neighbourhood policing as SNTs would be reduced to just a single dedicated PC. This would make residents feel more unsafe in their neighbourhoods.
- A further cut of £800m to the Metropolitan Police would devastate local policing and make our communities and residents in Harrow less safe, whilst putting at risk all of the excellent work the Police, Harrow Council and community stakeholders have achieved in making Harrow a safe place to live and work.

This Council resolves:

- To write to the Home Secretary, the Mayor of London, the Mayor of London candidates, local MPs and Assembly member in opposition to further cuts to our Safer Neighbourhood teams and police numbers in Harrow.
- To condemn attempts to reshape London's police force by stealth and call on the Mayor and Metropolitan Police to set out the true impact of Government cuts and engage in a meaningful consultation with Londoners about the future of policing in the capital.
- To locally campaign to save our local police services to keep our residents safe.”

Upon a vote, the Motion was agreed.

RESOLVED: That the Motion as set out above be adopted.

105. PETITION: BELMONT CIRCLE BUSINESSES

In accordance with the Council's Petition Scheme, Council received a petition containing over 2,000 signatures as follows:

- (1) Petition submitted by Belmont Circle businesses stating “We refer to one of the Corporate Priorities for 2015/19 of Harrow Council – “Making a difference for local business” and we hope, by that, you meant for better! Harrow Council recently implemented a parking and traffic management plan for Belmont Circle Area as approved at the TARSAP meeting of 10 December 2014.

As a result of the scheme, especially introduction of double yellow lines, a good number of available parking spaces have been removed and parking displaced. This has resulted in shoppers not being able to

park and continue to bring business to the area. We can categorically confirm that this has resulted in a substantial drop in business to the detriment of the sustainability of once flourishing business.

We, the business owners along with our valued customers, urge Harrow Council to urgently review the scheme and revert the implementation of at least the restrictive double yellow lines. If the double lines were introduced for safety measure, we would like the council to produce evidence of any accidents in recent years.

We welcome the full support of our ward councillors in this matter.”

Debate was held on the content of the petition.

RESOLVED: That the petition be referred to the Traffic and Road Safety Advisory Panel for consideration.

106. PETITIONS

RESOLVED: To note that no petitions had been received.

107. PUBLIC QUESTIONS

RESOLVED: To note that no public questions were received.

108. LEADER AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

- (i) The Leader of the Council, Councillor David Perry, introduced the item highlighting the achievements, challenges and proposals since the last ordinary meeting.
- (ii) Other Members of the Council spoke and/or asked questions of the Leader of the Council which were duly responded to.

109. PRESENTATION CEREMONY - RECOGNITION OF LONG SERVICE - COUNCILLOR MRS CAMILLA BATH

Council had previously agreed, by Resolution 192 on 18 July 1985, that Members who completed 25 years' service with the Council be presented with framed, illuminated copy resolutions of appreciation. Councillor Mrs Camilla Bath had completed 25 years' service as a Member of the Authority in May 2015, and her resolution of appreciation had been adopted by Council on 19 May 2015.

The Mayor, Councillor Krishna Suresh, on behalf of the Council, now formally congratulated Councillor Mrs Bath and presented her with a framed, illuminated copy resolution to mark her long service achievement. Councillors Christine Bednell, James Bond, Simon Brown, Susan Hall, Ameet Jogia, Jean

Lammiman, Barry Macleod-Cullinane, Kareema Marikar, Christopher Noyce, David Perry, Lynda Seymour and Anne Whitehead spoke in appreciation of Councillor Bath's service.

Councillor Bath returned thanks for her presentation.

110. PRESENTATION CEREMONY - RECOGNITION OF LONG SERVICE - COUNCILLOR CHRISTOPHER NOYCE

Council had previously agreed, by Resolution 192 on 18 July 1985, that Members who completed 25 years' service with the Council be presented with framed, illuminated copy resolutions of appreciation. Councillor Christopher Noyce had completed 25 years' service as a Member of the Authority in May 2015, and his resolution of appreciation had been adopted by Council on 19 May 2015.

The Mayor, Councillor Krishna Suresh, on behalf of the Council, now formally congratulated Councillor Noyce and presented him with a framed, illuminated copy resolution to mark his long service achievement. His Worshipful the Mayor and Councillors Jeff Anderson, James Bond, Jean Lammiman, Paul Osborn and David Perry spoke in appreciation of Councillor Noyce's service.

Councillor Noyce returned thanks for his presentation.

111. CORPORATE PARENTING STRATEGY

RESOLVED: That the Corporate Parenting Strategy be noted and the position that all Members should undertake training to ensure they understood and were able to meet their Corporate Parenting responsibilities be endorsed.

112. REVIEW OF THE COUNCIL TAX SUPPORT (CTS) SCHEME FOR 2016/17 FINANCIAL YEAR

Upon the meeting moving to a vote upon the substantive Recommendation and the report of the Corporate Director of Resources it was carried. The voting was as follows:

In Favour of the Motion: His Worshipful the Mayor Councillor Krishna Suresh, Councillors Ali, Amadi, Jeff Anderson, Sue Anderson, Borio, Brown, Currie, Dattani, Davine, Dooley, Ferry, Fitzpatrick, Hearnden, Henson, Kender, Marikar, Maru, Miles, O'Dell, Parekh, Varsha Parmar, Primesh Patel, Perry, Ramchandani, Robson, Mrs Rekha Shah, Sachin Shah, Sasikala Suresh, Swersky, Weiss and Whitehead.

Against the Motion: Councillors Almond, Ashton, Mrs Bath, Baxter, Bednell, Chana, Chauhan, Hall, Hinkley, Jogia, Kara, Lammiman, Macleod-Cullinane, Mithani, Moshenson, Noyce, Osborn, Mina Parmar, Pritesh Patel, Rabadia, Seymour, Stevenson, Thakker and Wright.

Abstain: Councillor James Bond

RESOLVED: That there was no need to review the Council Tax Support (CTS) Scheme for 2016/17 financial year and the existing CTS scheme, as previously adopted by full Council, for the 2016/17 financial year, be continued with.

113. PROPERTY PURCHASE INITIATIVE OF GOOD QUALITY TEMPORARY ACCOMMODATION

RESOLVED: That an addition of a total of £30m to the Capital Programme be approved to enable the Council to proceed with the purchase and repair of properties, as set out in resolution 1 of the Cabinet minutes of 14 July 2015; an initial spend profile to assume a spend of £7.5m in 2015-16, £15m in 2016-17 and the final £7.5m in 2017-18, though this might vary depending on how quickly appropriate properties could be sourced.

114. TREASURY MANAGEMENT OUTTURN 2014/15

RESOLVED: That the proposed revised Counterparty Policy, as described in Appendix 6 to the Cabinet report, be approved.

115. COMMUNITY SAFETY STRATEGY

RESOLVED: That the Community Safety Strategy be adopted.

116. 'BUILDING A BETTER HARROW' - DELIVERY PROGRAMME

RESOLVED: That

- (1)** an addition to the 2015/16 Capital Programme for site assembly for the Wealdstone re-development, as set out in the confidential Appendix A to the Cabinet report, be approved;
- (2)** the allocated capital funding of £1,150k be brought forward from 2016/17 to 2015/16 and the re-allocation of this funding and £750k of existing capital funding in 2015/16, as detailed in paragraph 2.4.5 of the Cabinet report.

117. GAYTON ROAD DEVELOPMENT PROPOSALS

RESOLVED: That

- (1) a capital budget of up to £15m for the social affordable and private housing elements, as per option 3 of the report, be approved;**
- (2) additional borrowing of up to £15m to fund the capital expenditure in Cabinet resolution 3 (i) be approved.**

118. REVENUE AND CAPITAL MONITORING

RESOLVED: That the addition to the Capital Programme, set out in paragraph 107 of the Cabinet report in respect of Grange Farm Regeneration be approved.

119. ARRANGEMENTS FOR THE DISMISSAL OF/DISCIPLINARY ACTION AGAINST THE HEAD OF PAID SERVICE AND CHIEF OFFICERS

RESOLVED: That

- (1) a Committee be established under Section 102(4) of the Local Government Act 1972 with terms of reference and membership as set out in Appendix 1 to the Director of Legal and Governance Services report;**
- (2) the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition Group be appointed to the Committee;**
- (3) the Leader of the Council be appointed as Chair of the Committee;**
- (4) amendments to the terms of reference of the Chief Officers' Employment Panel and to the functions and terms of reference of full Council as set out in Appendix 2 to the report of the Director of Legal and Governance Services be agreed;**
- (5) other consequential and additional changes to the Constitution as set out in Appendix 2 to the report of the Director of Legal and Governance Services be agreed.**

120. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

RESOLVED: That

- (1) Councillors Adam Swersky and Keith Ferry be appointed as representatives to London Councils' Pensions Collective Investment Vehicle for the remainder of the Municipal Year 2015/16;**

- (2) **Councillor Keith Ferry be appointed as representative to London Councils' Employment and Skills Lead Member for the remainder of the Municipal Year 2015/16;**
- (3) **Alderman Keith Toms be appointed as representative to Mayor of Harrow's Charity Fund Trustees.**

121. QUESTIONS WITH NOTICE

To note that fourteen questions from Councillors to the Leader of the Council and Portfolio Holders had been received and that a written response would be provided and placed on the Council's website.

122. MOTIONS

At item 22 the Council received four Motions:

- (i) Motion in the names of Councillor Pamela Fitzpatrick and Councillor Sachin Shah. The tabled amendment was voted upon but not carried.

"Budget cuts to Welfare Motion

Council notes that:

- In George Osborne's emergency Budget, £12bn of cuts to the UK's vital safety net for people who have hit on hard times were laid out, with a further £19bn to be cut from non-protected government departments, including the Department for Communities & Local Government.
- In the budget many of the welfare cuts will detrimentally affect Harrow's residents, including:
 - 18 – 21 year olds in Harrow will no longer be automatically eligible for housing benefit.
 - Employment & Support Allowance, which helps people with severe medical conditions will be cut (i.e. Working age benefits will be cut in real terms each and every year for four years).
 - Cutting the benefit cap to below the level needed by a family with two children living in the private rented sector. Tax credit, housing benefit and universal credit will be limited to two children from April 2017.
 - A new national 'living wage' to be introduced for over 25s, which is set almost £2 an hour lower than the London living wage.

Council believes that:

- Making 18 – 21 year olds exempt from housing benefit will be a further hit to a generation of young people both in Harrow and across the UK who are struggling to get on the housing ladder.
- The cut to Employment & Support Allowance is unjustified and will penalise people with disabilities through no fault of their own; people with severe medical conditions may no longer be able to afford to eat or heat their homes, leading to their condition deteriorating.
- The effects of these cuts will push more and more people in to severe poverty, rent arrears and homelessness.
- Setting the benefit cap at £23,000 will force families out of Harrow and London, forcing children to move schools and putting more pressure on families.
- Limiting certain benefits to families with a maximum of two children has put families in a terrible place by making no allowance for women who have become pregnant with a third child after being a victim of a traumatic sexual crime.
- The new national 'living wage' is solely an increase to the minimum wage, and falls below the actual living wage, which in London is £9.15.

Council resolves that:

- The Council will monitor the impacts of these welfare cuts on our residents.
- The Council is committed to supporting the most vulnerable, and is prohibited in doing this within the financial constraints placed on it by the Conservative Government.
- The Leader of the Council and the Chief Executive jointly writes to Harrow's three MPs and the Chancellor of the Exchequer to express our concern about these changes on Harrow's residents.
- The Council will lobby national government to reverse some cuts if they are found to impoverish or have a significant and damaging impact on the lives of our residents."

Upon a vote, the Motion was agreed.

RESOLVED: That the Motion as set out at (i) above, be adopted.

- (ii) Motion in the names of Councillor Adam Swersky and Councillor Graham Henson. The tabled amendment was voted upon but not carried.

“National Park City Motion

Council notes that:

- There is a campaign by the Greater London National Park City to make London the world’s first National Park City.
- The proposed organisation would bring together public, private and third sector organisations to enhance our natural and cultural heritage, encourage a better understanding and enjoyment of the city, foster wellbeing and inspire others to share these purposes.
- Air pollution in London is a real problem and is linked to 1 in 12 deaths in London; taking measures to improve London’s green spaces and parks will help reduce levels of air pollution, and be of benefit to all our residents health & well-being.
- Living in a green city with easy access to local parks, nature and wildlife improves the well-being of local residents.
- The London Assembly have passed a motion approving the plans to turn London into a National Park City.
- That under the guidance of the Labour administration, the Council has set a target to be the best Borough in London for recycling, as a part of its campaign to make the Borough cleaner and more green.
- The Borough of Harrow has over 100,000 trees, with a third of the Borough categorised as green space – including five parks that have been awarded green flag status.
- Good quality green spaces are an essential component of the urban fabric of Harrow and, with over 1,300 hectares of open space within the borough, this make a profound contribution to the quality of life of local communities.
- The Council has set up Park User Group Forums to allow local people to have a greater say in how their parks are maintained, and to encourage community use of our parks.
- The Council has a fully developed open spaces strategy to preserve our parks and green spaces.

Council believes that:

- That the £83m of cuts imposed by the Conservative Government on Harrow Council and our residents, has put severe pressure on our ability to maintain our parks and open spaces to the highest possible standard.
- As a Council we should work with all organisations to improve our parks and green spaces, as well as reduce air pollution and help support our residents to access and enjoy our many parks.
- We should welcome and fully support the excellent campaign to make London the world's first National Park City.
- The Greater London National Park City initiative would bring together public, private and third sector organisations to enhance our natural and cultural heritage, encourage a better understanding and enjoyment of the city, foster wellbeing and inspire others to share these purposes.

Council resolves that:

- The Portfolio Holder for Business, Planning & Regeneration should meet with Greater London National Park City to explore how the plans to make a London a National Park City can fit in with the Labour administration's ambitious regeneration plans for the Borough.
- All Harrow Councillors should sign to declare their Wards support on the http://www.nationalparkcity.london/ward_support website.
- The Council should support the organisation in developing its vision, in particular by setting out how Harrow Council and its local partners could contribute towards its aims."

Upon a vote, the Motion was agreed.

RESOLVED: That the Motion as set out at (ii) above, be adopted.

- (iii) Motion in the names of Councillor Barry Kendler and Councillor Keith Ferry.

"National Review of Planning Permission Motion

Council notes that:

- Overcrowding is an increasing problem not just in Harrow but across London.
- There is an increasing problem with 'beds in sheds,' where Landlords are cramming vulnerable people into unsuitable accommodation, often asking for extortionate rents.

- In 2008 there was a relaxation of planning permission laws to allow large structures to be constructed in rear gardens for domestic purposes without planning permission – this received cross party support under the Permitted Development Order SI 2362:2008.
- This change to planning law is now being exploited to build structures to house vulnerable people and charge them extortionate rents.

Council believes that:

- Everyone should have access to good quality and affordable accommodation.
- Tenants should not be exploited; the Tories disastrous housing policies have created a housing crisis in London and Harrow that is leading to vulnerable people being exploited.
- The abuse of SI 2362:2008 is creating overcrowded and insanitary living conditions, especially for migrant communities. This is damaging community relations and is creating hazardous living conditions.
- These problems were not envisaged in 2008 and the legal framework Planning Departments are working within are too weak to allow proper enforcement to take place.
- Due to the prevalence of this issue across the UK there should be a national review of SI 2362:2008.

Council resolves that:

- The Director of Planning and Chief Executive write a joint letter to Greg Clark MP, Secretary of State for Communities and Local Government, and Brandon Lewis MP, Minister of State for Housing and Planning to ask them to look at bringing in a national review on SI 2362:2008.”

Upon a vote, the Motion was agreed.

RESOLVED: That the Motion as set out at (iii) above, be adopted.

- (iv) Motion in the names of Councillor Jeff Anderson and Councillor Antonio Weiss.

“Supporting The Financial Transaction Tax (FTT)

Council notes that:

- Harrow Council had to make savings of £70m from 2010 to 2014 and £83m from 2014 to 2018.

- Extending the current FTT on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year.
- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives which is estimated to raise £30bn a year.

Council believes that:

- Revenues from the FTT could help repair the damage caused by cuts in public services since 2010.
- Local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure to help us meet the cost of an increasing and ageing population.
- Whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors, and more locally in Harrow.

Council resolves that:

- The UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.
- The Council will write to the Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, Secretary of State for Communities and Local Government and Local MPs stating this council's support for extending FTTs."

Upon a vote, the Motion was agreed.

RESOLVED: That the Motion as set out at (iv) above, be adopted.

123. INFORMATION REPORT - REMUNERATION PACKAGES AND SEVERANCE PAYMENTS OF £100,000 OR GREATER

RESOLVED: That the report be noted.

124. PROCEDURE FOR TERMINATION OF MEETING

At 10.28 pm, during the consideration of item 12 – Review of the Council Tax Support (CTS) Scheme for 2016/17 Financial Year, the Mayor sought agreement to the extension of the guillotine. Councillor Keith Ferry moved

that the guillotine be extended until the after the completion of item 16 – ‘Building a Better Harrow’ – Delivery Programme. This was agreed.

RESOLVED: That the provisions of Rules 9.2 and 9.3 be applied as set out above.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 11.03 pm).

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**COUNCIL
3 DECEMBER 2015**

**CABINET
RECOMMENDATION
(17 SEPTEMBER 2015)**

RECOMMENDATION I

**HARROW YOUTH OFFENDING
PARTNERSHIP YOUTH JUSTICE PLAN
2015-18**

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CABINET

17 SEPTEMBER 2015

Record of decisions taken at the meeting held on Thursday 17 September 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	* Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Stephen Greek	Minute 243
Susan Hall	Minute 243
Barry Macleod-Cullinane	Minute 243

* Denotes Member present

RECOMMENDED ITEMS

246. Harrow Youth Offending Partnership Youth Justice Plan 2015-18

Having noted the reference from the Overview and Scrutiny Committee tabled at the meeting, it was

Resolved to RECOMMEND: (to Council – December 2015)

That the Harrow Youth Offending Partnership Youth Justice Plan 2015-2018 be approved.

Reason for Decision: To adhere to the statutory requirements to produce a Youth Justice Plan.

Alternative Options Considered and Rejected: None.

**Conflict of Interest relating to the matter declared by Cabinet Member /
Dispensation Granted:** None.

[Call-in does not apply, as the decision is reserved to Council.]

COUNCIL
3 DECEMBER 2015

**REVISED POLICIES UNDER THE LICENSING
ACT 2003 AND THE GAMBLING ACT 2005**

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REPORT FOR: **Council**

Date of Meeting:	3 December 2015
Subject:	Revised policies under the Licensing Act 2003 and the Gambling Act 2005
Responsible Officer:	Michael Lockwood – Head of Paid Service
Exempt:	No
Wards affected:	All Wards
Enclosures:	Revised Licensing policy (Statement of Licensing Policy) Revised Gambling policy (Statement of Principles) Gambling Policy Consultation responses

Section 1 – Summary and Recommendations

This report encloses the revised proposed policies under the Licensing Act 2003 and the Gambling Act 2005 for this Authority.

Recommendations:

That (1) the revised draft Licensing Policy be approved;
(2) the revised draft Gambling Policy be approved.

Section 2 – Report

2.1 Background & Current Situation

Statement of Licensing Policy – Licensing Act 2003

Under Section 5 of the Licensing Act 2003, a licensing authority must prepare a statement of licensing policy which effectively sets out the principles that they propose to apply in exercising their functions under this Act. It cannot be inconsistent with the provisions of the Act. It is a requirement that the Authority reviews its Licensing Policy at least every five years. The current Licensing Policy was published on 8 July 2010.

The draft revised policy was under consultation from 5 March 2015 – 29 May 2015. No responses were received.

Gambling Policy – Gambling Act 2005

Under Section 349 of the Gambling Act 2005, a licensing authority must prepare a statement of the principles that they propose to apply in exercising their functions under this Act. The current Gambling Policy was published on 19 June 2012 and it is a requirement of the Gambling Act that the Authority reviews it at least before each successive period of three years.

The draft Policy was under consultation from 13 July 2015 to 7 August 2015 and the responses received are attached to this report.

Under Section 166 of the Gambling Act, a licensing authority may resolve not to issue Casino Premises Licences. This Authority has previously agreed a “no casino” resolution which is effective for three years. The draft Policy contains a statement proposing to continue this.

Members of the Licensing & General Purposes Committee will form the sub-committees that will hear Licensing Act 2003 and Gambling Act 2003 licence applications.

Overview and Scrutiny Committee

Both policies have been considered by the Overview and Scrutiny Committee on 17 November 2015

2.2 Main Options

Licensing Policy – Licensing Act 2003

The options are limited as the requirement for such a policy is set out in the legislation, although there is some discretion as to the content of the statement.

The policy has been amended to incorporate the main changes brought in as a result of legislation including the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Deregulation Act 2015 (the

deregulation of regulated entertainment between certain hours), and the Legislative Reform (Entertainment Licensing) Order 2014.

1. The options (for Council) are to approve the proposed policy (with or without any further amendments) or not approve it. The latter is not recommended due to the legislative requirement to review and maintain such a policy.

Gambling Policy – Gambling Act 2005

The options are limited as the requirement for such a policy is set out in the legislation, although there is some discretion as to the content of the statement.

A new section has been added to the policy – Section 3 Characteristics of the Borough. This is as per the Gambling Commissions guidance.

The options (for Council) are to approve the proposed policy (with or without any further amendments) or not approve it. The latter is not recommended due to the legislative requirement to review and maintain such a policy.

2.3 Consultation

Licensing Policy – Licensing Act 2003

The Licensing Policy consultation took place from 5 March 2015 and ended on 29 May 2015.

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

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority for that area,
- (c) each Local Health Board for an area any part of which is in the licensing authority's area,]
- (d) each local authority in England whose public health functions within the meaning of the [National Health Service Act 2006](#) are exercisable in respect of an area any part of which is in the licensing authority's area,]
- (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and

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

By the end of the consultation period, the authority did not receive any responses regarding the policy statement.

Gambling Policy – Gambling Act 2005

A consultation on the proposed Gambling Policy took place from 13 July 2015 and ended on 7 August 2015

The consultation was carried out in accordance with the Guidance issued by the Gambling Commission and section 349 of the Gambling Act 2005. Section 349(3) of the Gambling Act 2005 requires the licensing authority to consult the following on the policy statement or any subsequent revision to it.

- (a) The chief officer of policy for the authority's area
- (b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- (c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

This Authority consulted with the (Chief Officer) of Police for the Harrow area, the Gambling Commission, all premises carrying out gambling and/or betting activities in Harrow, and all known residents associations. Furthermore, the consultation and proposed gambling policy were published on the Council's website. In addition to this, the consultation was also advertised in a local newspaper to enable anyone to respond.

2.4 Legal Implications

Licensing Policy – Licensing Act 2003

Section 5 of the Licensing Act requires a licensing authority in respect of each 5 year period to determine its licensing policy with respect to the exercise of its licensing functions and to publish this before the beginning of the period.

As noted earlier in this report, section 5(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing policy.

Gambling Policy – Gambling Act 2005

Section 349 of the Gambling Act requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act, and the licensing authority is expected to review it from time to time (and amend it if necessary), ensuring that it is reviewed and published at least before the end of each successive three year period.

As noted earlier in this report, section 349(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing policy.

2.5 Equalities Impact

Licensing Policy – Licensing Act 2003

Under section 149 of the Equality Act 2010, the Council (as a public authority) has a duty to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
- advance equality of opportunity between persons with a protected characteristic and those without
- foster good relations between persons with protected characteristics and those without.

The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy and maternity, region or belief, sex and sexual orientation.

An initial Equalities Impact Assessment (EqIA), carried out in line with the Corporate Equalities Policy, established that there were no adverse impacts on any of the protected groups arising out of the proposed policy and a full (EqIA) was therefore not required.

Licensing Policy – Gambling Act 2005

Under section 149 of the Equality Act 2010, the Council (as a public authority) has a duty to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
- advance equality of opportunity between persons with a protected characteristic and those without
- foster good relations between persons with protected characteristics and those without.

1.1.1 The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy and maternity, region or belief, sex and sexual orientation.

An initial Equalities Impact Assessment (EqIA), carried out in line with the Corporate Equalities Policy, established that there were no adverse impacts on any of the protected groups arising out of the proposed policy and a full (EqIA) was therefore not required.

2.6 Financial Implications

None

2.7 Risk Management

Licensing Policy – Licensing Act 2003

The authority is required to publish a statement of its Licensing Policy at least every five years. Where this is not achieved, the authority could face challenge by persons dissatisfied with decisions made in accordance with the existing policy.

Gambling Policy – Gambling Act 2005

The authority is required to publish a statement of principles (Gambling Policy) at least every three years. Where this is not achieved, the authority could face challenge by persons dissatisfied with decisions made in accordance with the existing policy.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow.

Licensing Policy – Licensing Act 2003

The Licensing Act 2003 is built around the four licensing objectives which are: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Each objective is of equal importance and in promoting these objectives, it will make a difference to the vulnerable, local businesses, families and our community.

Gambling Policy – Gambling Act 2005

In addition to ensuring that the Council meets its statutory obligations, this policy will help to achieve the following corporate priorities:

- United and involved communities
- Supporting and protecting people who are most in need
- Supporting our Town Centre, our local shopping centres and businesses.

The policy will also help to ensure that the objectives are upheld:

- preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 20 November 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 24 November 2015.		

Ward Councillors notified:	YES
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Section 4 - Contact Details and Background Papers

Contact: Richard LeBrun, Environmental Services Manager,
(Public Protection) Ext 6267

Background Papers:

Draft Revised Licensing Policy Licensing Act 2003

Draft Revised Licensing Policy Gambling Act 2005

Overview and Scrutiny Committee:

<http://modern.gov:8080/ieListDocuments.aspx?CId=276&MId=62657&Ver=4>

If appropriate, does the report include the following considerations?

1.	Consultation Detailed under section 2.1	YES
2.	Priorities Detailed under section 2.7	YES

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LICENSING ACT 2003

LICENSING POLICY 2015

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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 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

Performance of a play
Exhibition of a film
Indoor sporting event
Boxing or wrestling entertainment (indoors and outdoors)
Performance of live music subject to exemptions as defined under the Live Music Act 2012
Playing of recorded music (excluding incidental music).
Performance of dance
Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance

1.3 The Live Music Act came into force on the 1st October 2012 and deregulates live music subject to the following criteria:

When it is unamplified and takes place between 8am and 11pm
When it is amplified and takes place in the presence of an audience of 500 persons or less and is provided between 8am and 11pm
If the premises are licensed for the sale of alcohol for consumption on the premises, it must be open for that sale at the time during which live music is provided under this exemption.
The premises where live music is taking place must be defined as a workplace under the Workplace (Health, Safety & Welfare) Regulations 1992

The Live Music Act further deregulates the provision of facilities for dancing and making music, and anything of a similar description.

1.4 This policy shall apply in respect of new consents, renewals, transfers and variations to the following:

Premises Licences
Club Premises Certificates

Sections of this policy also deal with Personal Licences and Temporary Event Notices.

- 1.5 The Act makes provision for this policy to be the subject of full consultation and the Council will review this policy at least every five years and consult on any proposed revisions.
- 1.6 The Act sets out four main licensing objectives which the Licensing Authority has a duty to promote in determining applications:
 - The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.

Each of the objectives is considered to be of equal importance.

- 1.7 This policy and the council's functions as the licensing authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the act. Terms and conditions will focus on achieving the licensing objectives with reference to:
 - Matters within the control of individual licensees
 - The specific premises and the places used
 - The vicinity of those premises and places
 - The direct impact of the activity taking place at the licensed premises on persons who live, work and carry out normal activity in area concerned.
- 1.8 Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the licensee of the premises concerned. However the council, none the less, considers that licensing legislation plays a key role, in controlling and regulating crime and also ensuring that the licensing objectives are promoted through licensed premises that are well managed. There are several options available to the licensing authority that may assist with this control in areas where licensed premises are contributing or considered responsible for the anti-social behaviour.
 - The power of the police, other responsible authorities, member of the licensing authority, or a local resident or business to seek a review of the licence or certificate in question.
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to a person who is drunk or under age.
 - Early Morning Alcohol Restriction Order (EMRO)
 - Late Night Levy
 - Cumulative Impact Zones

The Council also recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour (i.e. drunk and disorderly) that can occur away from the licensed premises including:

- Planning Controls
- Measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
- Powers of the Council to designate parts of the Borough as places where alcohol may not be consumed publicly
- Police enforcement of the normal law concerning disorder and anti-social behaviour including issuing fixed penalty notices
- The confiscation of alcohol from adults and children in designated areas and police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder; the likelihood of disorder or excessive noise emanating from the premises

The Council also recognises that it has a duty to protect the amenity of areas where people live and work. Accordingly, where relevant representations are made in response to an application (e.g. opposing an application for extended licensing hours or opposing an application on the grounds of cumulative impact) the Council will hold a hearing to weigh up the competing interests and determine the application. (Unless it is agreed by all parties that it is not necessary). Premises situated in or close by residential areas are likely to be subject to stricter noise controls than those that are not. The Licensing Authority may on review of a premises licence add conditions relating to the live music as if the live music were regulated entertainment. Each case must be considered on its own merits.

- 1.9 This policy will set out the general approach the Licensing Authority will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any other person to make representations on an application or seek a review of a licence where provision has been made to do so in the Act. However, the Licensing Authority will disregard any representations which are regarded as irrelevant, frivolous and/or vexatious.

This policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. However each case will be decided on its merits.

- 1.10 This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.
- 1.11 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.
- 1.12 This licensing policy covers the period from 3rd December 2015 until 2 December 2020. 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. 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 appropriate. 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 or Environmental Health.
- 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 appropriate 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.
- The prosecution of any Personal Licence Holder or member of staff at such premises who is selling alcohol to people who are drunk, or under age
- Early Morning Restriction Order (EMRO)
- Late Night Levy
- Cumulative Impact Zone

2.8 Early Morning Alcohol Restriction Order (EMRO)

An EMRO is a tool that can prevent licensed premises in a certain area from supplying alcohol during specific times between the hours of midnight and 6am as directed in the Order.

If the Licensing Authority identifies a problem in a specific area attributable to the supply of alcohol at two or more premises in that area, and has sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it may propose an EMRO. A proposed EMRO is subject to consultation and hearing and must be made only if the Licensing Authority consider it appropriate in the promotion of the licensing objectives.

Should an EMRO be made it must specify.

The day (and periods on those days) on which the EMRO will apply
The area to which the EMRO would apply
The period for which the EMRO would apply (if it is a finite period)
The date from which the proposed EMRO would apply

An EMRO overrides all authorisations to supply alcohol under the 2003 Act including temporary event notices. It is immaterial whether an authorisation was granted before or after the EMRO was made.

Exemptions

Licensing hours order made under section 172 of the 2003 Act
Between midnight and 6am on the 1st January every year
The supply of alcohol to residents staying overnight at premises for consumption in their room only.

EMROs in force will be published within the Statement of Licensing Policy

- 2.9 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 Premises Licence

3.1 Application

Any person aged over 18 years, a business or partnership may apply for a Premises Licence. The application must be accompanied by:

- The required fee
- An operating schedule
- A scale plan of the premises to which the application relates in the prescribed form
- If the premises involves the supply of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor and
- Application to be advertised in the manner prescribed by the Regulations issued under the Licensing Act 2003.

3.2 Operating Schedule

An Operating Schedule should include information to enable the Council or any other person to assess the steps taken by the applicant to promote the Licensing Objectives. For example it will include a

description of the style and character of the business to be conducted on the premises.

For premises where alcohol is to be sold for consumption on the premises it would be valuable to know the proposed capacity, extent of seating available for customers, the type of activities available on the premises whether licensable under the 2003 Act or not. If there is to be dancing on the premises the Operating Schedule should describe the type of dancing. If this will include striptease or lap dancing it should be noted that as well as the performance of dance on the premises licence further permission under Schedule 3 of the London Government (Miscellaneous Provisions) Act 1982 will be required.

Other examples of information required in the Operating Schedule are:

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, the activities are to take place
- Any other times the premises are open to the public
- Where the licence is required for a limited period, specify that period
- If the activities include the supply of alcohol, the name and address of the Designated Premises Supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- The steps the applicant proposes to promote the Licensing Objectives e.g. leaving licensed premises quietly and advise on public transport available for customers leaving the premises
- In preparing its Operating Schedule the applicant will be expected to undertake a thorough risk assessment with regard to each of the Licensing Objectives

3.3 Wholesale of Alcohol

The wholesale of alcohol to the public is a licensable activity under the 2003 Act. Therefore there will be a need for a Premises Licence and a Designated Premises Supervisor who holds a Personal Licence where such transactions take place.

3.4 Internet and Mail Order Sales

A Premises Licence will be required for the warehouse/storage facility of the alcohol, however the call centre where the order was placed would not be licensable.

3.5 Regulated Entertainment

This will require a Premises Licence.

3.6 Late Night Refreshment

The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the 2003 Act from the hours of 11.00pm until 05.00am.

3.7 Some premises are exempt from this licensing requirement:

- Clubs serving hot food and hot drink only to their members
- Hotels or comparable premises serving hot food and hot drink only to those who will be staying at the hotel that night
- Premises serving hot food and hot drink only to their own employees

- Premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

3.8 Restaurants and Cafes

Which sell hot food or drink between the hours of 11.00pm to 05.00am will need a Premises Licence. Consideration should be given to the suitability of sleeping accommodation if provided and should not generally be within the plans pertaining to the licence. Restaurants and Cafes will also need a Premises Licence if they sell alcohol at any time during the day or night.

3.9 Casinos and Bingo Clubs

Where activities which are licensable under the Act are carried out in Casinos or Bingo Clubs the conditions imposed will apply alongside those conditions imposed under the Gambling Act 2005.

3.10 Garages

Normally the sale of alcohol from a garage will be prohibited, however where it is shown that the main activity of the premises is not that of a garage each case will be judged on the individual circumstances of the application and account taken of the current planning consent for those premises.

3.11 Vehicles and Moveable Structures

The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or

temporarily parked is not to be regarded as a regulated entertainment for the purposes of the 2003 Act. For example, a band performing on a moving float in a parade would not require a Premises Licence if the performance only takes place while the vehicle is in motion.

4 Club Premises Certificate

4.1 Application

In order for Qualifying Clubs to supply alcohol and provide other licensable activities on club premises, a Club Premises Certificate is required and there is no requirement to specify a Designated Premises Supervisor.

Club Premises Certificates will be issued to qualifying clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation or supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support

4.2 that the club is non-profit making and that there is a minimum of 48 hours delay between applications and acceptance of new members.

4.3 The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

4.4 Any member of a club over 18 years of age may apply for a Club Premises Certificate and applications must be accompanied by:

- Completed application form
- The required fee
- An operating schedule
- A scale plan of the premises to which the application relates in the prescribed form
- A copy of the club rules
- A copy of notice to be advertised in the prescribed form

Operating Schedule

The Licensing Authority will require the club to produce an Operating Schedule which should include the following:

- The qualifying club activities to which the application relates

- The proposed hours of these activities and any other times during which it is proposed that the premises are to be open to the public
- Where the relevant Qualifying Club activities include the supply of alcohol, whether the supplies are for consumption on and/or off the premises.
- Information to enable the Council or any other person to assess the steps taken by the applicant to promote the Licensing Objectives (for example, the arrangements for door security to promote the prevention of crime and disorder).
 - Where a club intends to admit the general public to a Regulated Entertainment event then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement to obtain a Personal Licence. These Temporary Event Notices are subject to certain restrictions i.e. 12 occasions per year, must not aggregate more than twenty one days, and must have less than 500 people attending including staff.
 - If an applicant wishes to vary a Club Premises Certificate, the Licensing Authority requires the application to be processed in the same manner as for a Premises Licence.
 - The Licensing Authority will require the Club Secretary's contact details to be readily available in the event of an emergency.

5 Personal Licences

5.1 The Licensing Authority will grant a Personal Licence providing the following criteria is met:

- a. The applicant is over 18
- b. The required fee is paid
- c. The applicant possesses a licensing qualification*
- d. The applicant has not forfeited a Personal Licence in the previous five years beginning with the day the application was made
- e. The applicant has not been convicted of any relevant offence, or foreign offence as defined in the Act
- f. The Police have not given an objection notice about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence
- g. The application has been submitted correctly

*NB This was not required by existing holders of Justices' Licences during transition

- 5.2 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, all applicants will be required to produce a current Criminal Record Bureau Certificate. This certificate must be no more than one calendar month old and should be copied to the police along with the application. The Council will consult with the police regarding any relevant offence or foreign offence as listed in schedule 4 of the Licensing Act 2003 and schedule C of the Guidance disclosed by the applicant.

A relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

- 5.3 Where the police have issued an objection notice the refusal of the application will be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application.
- 5.4 If a representation is made by the police to an application the matter will be referred to the Licensing Committee.
- 5.5 The Licensing Authority will liaise closely with the police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a Personal Licence has an unspent criminal conviction for a relevant offence, the police and Council may interview the applicant should the police be minded to object to the grant of the licence.
- 5.6 An applicant for a personal licence has a duty to notify the Licensing Authority of any new relevant offences during the application process.
- 5.7 In accordance with the Guidance the licence holder is under a duty to notify any convictions for relevant offences to the Licensing Authority. This also includes foreign offences.

The Court has an obligation to notify the relevant Licensing Authority of any Conviction and of any decision to order that a personal licence be suspended or Declared forfeit.

- 5.8 The Council will require, where the licensable activities of a licensed premises include the sale of alcohol, one Personal Licence holder to be the Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises. Thus it will be clear who is responsible for the day-to-day running of the business.

- 5.9 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Licensing Authority will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.
- 5.10 The Premises Licence will specify the name of the Designated Premises Supervisor. It is the responsibility of the Premises Licence holder to notify the Licensing Authority immediately of any change of Designated Premises Supervisor.
- 5.11 Where a Personal Licence holder is convicted by a court for a relevant offence, the court will advise the Licensing Authority accordingly. On receipt of such notification, the Licensing Authority will contact the holder within 14 days requesting the return of the licence so that the necessary action can be taken. Licensees are advised to let the Council know of any relevant convictions.

6 Provisional Statement

- 6.1 Applicants may need to apply for a Provisional Statement where premises are being constructed or extended or substantially changed structurally.
- 6.2 A person may apply to the Licensing Authority for a provisional statement if-
- a) he is interested in the premises; and
 - b) where he is an individual, he is aged 18 or over; and where:
 - Copies of approved planning consents and copies of building regulation applications are provided as may be required by statutory regulations.
 - Clear plans of the proposals exist including provision for disabled people.
 - An Operating Schedule is capable of being completed.
 - Measures have been taken to promote the Licensing Objectives.
 - The proposed hours of opening have been decided.
 - Views be sought from the police.
- 6.3 The licence will not become effective until the Licensing Authority stipulates the effective start date.
- 6.4 Applications for a Provisional Statement shall be dealt with in the same way as a Premises Licence.
- 6.5 The applicant will be required to state the days and hours during which they wish to be authorised to carry on licensable activities. The licence will be determined on such terms unless, following the making of relevant representations, the Licensing Authority considers it appropriate to reject the application or vary those terms for the purposes of the Licensing Objectives.

7. Licensing Objective 1: Prevention of Crime and Disorder

- 7.1 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.
- 7.2 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 contact the police licensing officer to obtain further information and advice on setting up a scheme.
- 7.3 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.

- 7.4 When considering controls at premises applicants are recommended to seek early advice from the Council’s licensing staff and the Police.
- 7.5 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.
- 7.6 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.
- 7.7 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.homeoffice.gov.uk

- 7.8 When determining unresolved representations to an application and where appropriate 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.

8. Licensing Objective 2: Public Safety

- 8.1 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.

- 8.2 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).

When determining unresolved representations to an application and where appropriate 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.

- 8.3 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.

8.4 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.

9 Licensing Objective 3: The Prevention of Public Nuisance

9.1 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.

9.2 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.

9.3 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.
- The Licensing Authority may on review of a licence add conditions relating to the live music as if the live music were regulated entertainment. Each case must be considered on its own merits.

- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 When determining unresolved representations to an application and where appropriate 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.

10 Licensing Objective 4: The Protection of Children from Harm

- 10.1 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 appropriate to protect children from harm.
- 10.2 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

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

10.4 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.

10.5 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.

10.7 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 appropriate 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.

10.8 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.

10.9 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.

10.10 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.

10.11 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.

10.12 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.

10.13 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.

10.14 Where appropriate, and particularly with regard to large public events, an applicant should consider robust procedures for lost and found children.

10.15 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.

10.16 When determining unresolved representations to an application and where appropriate 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.

11. Licensed Hours

- 11.1 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.
- 11.2 If its discretion is triggered, the Licensing Authority will consider conditions to licences and certificates to uphold one or more of the four licensing objectives, 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.

12. Applications

- 12.1 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.
- 12.2 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.
- 12.3 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 the responsible authorities. The Operating Schedule is essential so that the Licensing Authority and other persons can form a proper view as to what measures may be appropriate to meet the four Licensing Objectives. If an application is received electronically, it is the duty of the licensing authority to forward the application to the responsible authorities.
- 12.4 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.
- 12.5 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.

12.6 Applications that are incomplete will be returned with an explanation for the return. Such reasons are many and may include non-payment of the fee, absence of appropriate documentation and non-compliance with the legislation. The council are entitled to expect that reasonable steps have been taken to address the Licensing Objectives, and applications will be returned when minimum requirements have not been met such as:

- No entries in the Operating Schedule at all.
- Entries that replicate other legislation
- Entries that cannot be readily converted into credible enforceable conditions.
- Failure to address the issues.

12.7 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.

12.8 The objective is to prevent unnecessary work on the part of the Licensing team, Responsible Authorities and Other Persons, 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.

12.9 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. Applications submitted by professional agencies must conform to a reasonable standard, and must express steps in clear and readily translatable terms.

- 12.10 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.
- 12.11 Planning, building control and licensing are distinct regimes and will be properly separated to avoid duplication and inefficiency. Applications for premises licenses for permanent commercial premises should normally be made from businesses with planning consent for the property concerned.
- 12.12 In order to avoid any duplication or inefficiency between the licensing and planning processes the Licensing Authority would prefer and strongly advice that prior to the submission of a licensing application the appropriate planning permission be granted in respect of the premises concerned and that any operating hours sought do not exceed those, if any, authorised by the planning application. Depending upon the particular circumstances changes to the hours of opening for a public house, restaurant, off licence or other licensed premises may be a matter that requires planning permission. The adopted Unitary Development Plan contains policy STC 9 'Restaurants, A3 Uses and Take-Away Hot Food Shops'. This policy sets out the criteria the Council will use to consider planning applications for these uses and sets out factors that will normally be applied in relation to opening hours. Operators of licensed premises are advised to contact the Council's Planning Service for further advice as to whether planning permission would be required to vary the hours of use and the planning implications of such a change.
- 12.13 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. The Council will have regard to the following provisions of the European Convention on Human Rights:
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right of respect for their home and private life; and
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.
- 12.14 The Equality Act 2010 aims to tackle potential discrimination against persons with protected characteristics.
- 12.15 Harrow Council has published its race Equal Opportunities Policy in which it sets out how it aims to address race equality issues in the Borough. In line

with Equality legislation an Equalities Impact Assessment has been undertaken on this Licensing Policy.

12.16 The Council recognises that people belonging to an equalities group may experience social exclusion for a number of reasons including access to information and negative or discriminatory attitudes of service providers. In response, Harrow Council's Equal Opportunities Policy has made it clear that the Council is committed to taking action to reduce the inequalities that people suffer. In line with this, the Council deems Harrow's diversity to be one of its strengths and therefore is committed to creating a more inclusive community. The Council will aim to ensure that its Statement of Licensing Policy and associated practices do not discriminate against any group within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end the Council will:

- Encourage applications for licences and certificates to be made from the widest range of ethnic and cultural groups.
- Provide information and documentation in other languages and formats on request to ensure the Council's licensing policy can be conveyed to all members of the community.
- Conduct an equalities impact assessment during the five year period of the policy to identify the effects the policy may have had for different groups within the community and once the assessment has taken place, take the appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.

12.17 The Government's Alcohol Strategy

The Government published its Alcohol Strategy in 2012. In this it outlined how the Licensing Act can be used to address some of the Social Health and Crime and Disorder issues raised by the misuse of alcohol, when considering applications for Premises or Personal Licences. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle anti-social behaviour. The Licensing Authority will ensure that all Operating Schedules agreed with Licensees are suitable and sufficient to address these issues.

12.18 Safer Clubbing – Guidance for Licensing Authorities, Club Managers and Promoters

For premises which may have problems with drugs, crime and disorder and/or are open late the Licensing Authority will refer to the guidance given and will expect applicants in their Operating Schedules to use the strategies outlined in the Home Office Drug Strategy booklet – Safer Clubbing.

- 12.19 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.
- 12.20 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.
- 12.21 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 own merits.
- 12.22 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.

Specific premises

- 12.13 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 as appropriate to avoid misrepresentation. A restaurant will normally be expected to offer the condition that alcohol would be served as being ancillary to a meal.

12.14 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.

13 Representations

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 Where the Licensing Authority determines that a representation is invalid it will notify the person of the decision and the reason.
- 13.5 The ability to make representations is restricted to ‘other persons and ‘responsible authorities’ as defined in the Act. Other persons include persons and businesses or the bodies representing them, and elected members of the relevant licensing authority for an area in which the premises is situated. Responsible authorities are usually public bodies including the Police, Fire Authority, Planning, Environmental Health, and health and safety authorities.
- 13.6 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 appropriate 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.
- 13.7 Elected members are subject to the Local Authorities (Model Code of Conduct) Order 2007, which restricts their involvement in matters, and participation in meetings to discuss matters, in which they have a ‘prejudicial

interest'. In cases where an elected member makes a representation as an interested party, they will be considered to have a 'prejudicial interest' in the Licensing Authority's decision on a resulting review and in the local authority's representation to any appeal on this decision.

14 Reviews by Responsible Authorities and Other Persons

- 14.1 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.

15 Cumulative Impact or Effect

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.

15.5 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.

15.6 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.

15.7 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.

16 Integrating Strategies and Avoiding Duplication

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 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.
- 16.5 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 appropriate for the promotion of the licensing objectives and are not already provided for in other legislation.
- 16.6 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.

17 Enforcement, Protocols with Enforcement Agencies

- 17.1 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 with effective regulation.
- 17.2 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 other similar enforcement agencies in areas of mutual interest.
- 17.3 The Council has adopted an Enforcement Policy, and all enforcement action will be taken with this policy in mind.

18. Cultural Strategies

- 18.1 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.
- 18.2 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.

19. Complaints against Licensed Premises

- 19.1 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.
- 19.2 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.
- 19.3 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.
- 19.4 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.
- 19.5 The Licensing Authority will disregard any representations that are irrelevant, frivolous and/or vexatious.
- 19.6 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.
- 19.7 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 –Section 11.4of the Statutory Guidance and Section 167 of Licensing Act 2003.

- 19.8 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.

20 Smoke free premises

- 20.1 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.
- 20.2 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.
- 20.3 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.

21 Standard and Late Temporary Event Notices (TENs)

- 21.1 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.
- 21.2 The Act provides for certain occasions when regulated entertainment, the sale of alcohol and late night refreshment at small scale events (for less than 500

people at a time and lasting no longer than 168 hours) do not need a licence but do need to provide advance notice to the Police, Environmental Health and the Licensing Authority. The Police and/or Environmental Health can object to a Temporary Event Notice if they consider that the event is likely to undermine one or more of the Licensing objectives.

21.3 A Temporary Event Notice may be sufficient for certain events. Temporary Event Notices are subject to various conditions and limitations which concern the following:

- The duration is limited for a period of up to 168 hours
- They can only involve the presence of less than 500 people at any one time, including staff.
- The same premises can be used for up to 12 occasions in a calendar year, but the aggregate number of days must not exceed 21
- A Personal Licence holder is limited to 50 per year.
- A person not holding a Personal Licence is limited to 5 per year

21.4 If the above conditions are not fulfilled, a temporary event at which licensable activities are to take place would require a Premises Licence.

21.5 The law states that for a standard Temporary Event Notice, at least ten working days' notice must be given to the Police, Environmental Health and the Licensing Authority prior to the day of the event. This does not include the day the Notice is received by the Licensing Team or the actual day of the event. The less time that is given may increase the likelihood of an objection. The licensing Authority recommends that at least 28 days' notice be given to hold such events to allow consideration of the notice and full guidance to be given to the organisers to run the event in a proper manner and to pass on any relevant information. The organisers, depending upon the nature of the event may find it useful to refer to "Guide to Health, Safety & Welfare at Pop Concerts and Similar Events", This 28 day period would also allow time for any subsequent counter notice to be appealed to Court. The minimum 10 working day notice makes this impossible as the Courts require 5 working days notice for such appeal.

21.6 In the event of a relevant representation. The Licensing Authority will hold a hearing not less than 24 hours before the event is due to take place.

21.7 It should be noted that events concerning more than 499 people a Premises Licence will be required for a limited period. Where the sale of alcohol is

involved here must be a designated premises supervisor specified on the application who must be a Personal Licence holder.

21.8 Much larger crowds may be attracted to large scale temporary events and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. The licensing Authority should be given early notice of such major events to discuss Operating Schedules with the organiser prior to a formal application being submitted. In order that public safety, crime and disorder as well as public nuisance matters are fully addressed organisers should refer to the following documents:-

- The Event Safety Guide – a guide to health, safety and welfare at music and similar events (HSE 1999) ('The Purple Book') ISBN 07176 24536
- Managing Crowds Safety (HSE2000) ISBN 07176 1834X
- Steps to Risk Assessment, Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety of Sports Grounds (The Stationary Office, 197) ('The Green Guide') ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnivals, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartnetwork.org/pages/publications

21.9 The police reform and Social responsibility Act has amended the Licensing Act 2003 to allow for Late Temporary Event Notices. Late notices can be given up to five working days before the event.

- Late notices are intended to be used by premises users who are required for reasons outside of their control, to for example, change the venue at short notice.
- Should an objection be received to a late notice there is no scope for a hearing and the event will not go ahead.

21.10 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.

22 Designated Premises Supervisors

- 22.1 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 appropriate. This is especially pertinent when an individual who does not hold a Personal Licence is left in charge of a premise offering alcohol.

23 Names of Premises

- 23.1 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.

24 Advertising campaigns/help groups

- 24.1 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.

25. Administration, Exercise and Delegation of Functions

- 25.1 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.
- 25.2 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.
- 25.3 Delegations are without prejudice to Officers referring an application to a Sub-Committee or Committee; or a Sub-Committee to a Committee, if considered appropriate in the circumstances of any particular case.

Responsible Authorities S13 (4) of the Licensing Act 2003

Contact Details

<p>METROPOLITAN POLICE</p> <p>Police (Licensing Officer)</p> <p>Metropolitan Police</p> <p>Unit 1 Central Depot</p> <p>Forward Drive</p> <p>HA3 8NT</p> <p>Tel: 07825 272 536</p>	<p>FIRE AUTHORITY</p> <p>London Fire Brigade</p> <p>Licensing – Harrow Team</p> <p>169 Union Street</p> <p>Southwark</p> <p>London</p> <p>SE1 0LL</p> <p>e-mail: FSRNorth@london-fire.gov.uk</p>
<p>ENFORCING AUTHORITY UNDER THE HEALTH AND SAFETY AT WORK ACT 1974</p> <p>Community Safety Services (Health & Safety)</p> <p>Harrow Council</p> <p>Civic Centre</p> <p>PO Box 18</p> <p>Station Road</p> <p>Harrow</p> <p>HA1 2UT</p> <p>E-mail: environmental.health@harrow.gov.uk</p>	<p>LOCAL PLANNING AUTHORITY</p> <p>Planning & Development</p> <p>Civic Centre</p> <p>PO Box 37</p> <p>Station Road</p> <p>Harrow, HA1 2UY</p> <p>e-mail: duty.planner@harrow.gov.uk</p> <p>e-mail: Planning.Applications@harrow.gov.uk</p> <p>e-mail: Property.Enquiries@harrow.gov.uk</p>

<p>AREA CHILD PROTECTION SERVICES</p> <p>Local Safeguarding Children Board Harrow Council</p> <p>Station Road</p> <p>Harrow HA1 2UT</p> <p>Tel: 020 8424 1341</p>	<p>TRADING STANDARDS</p> <p>Service Manager, Harrow Consumer and Business Protection Brent and Harrow Trading Standards Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ e-mail: trading.standards@brent.gov.uk</p>
<p>PREVENTING RISK OF POLLUTION RISK TO PUBLIC HEALTH</p> <p>Environmental Services Manager</p> <p>Environmental Health</p> <p>Harrow Council</p> <p>Civic Centre</p> <p>PO Box 18</p> <p>Station Road</p> <p>Harrow, HA1 2UT</p> <p>e-mail: TechnicalServices@harrow.gov.uk</p>	<p>THE HEALTH AUTHORITY</p> <p>NHS Harrow CCG</p> <p>4th Floor</p> <p>59-65 Lowlands Road</p> <p>Harrow on the Hill</p> <p>HA1 3AW</p> <p>Tel: 020 8422 6644</p>

<p>HEALTH AND SAFETY EXECUTIVE</p> <p>(PUBLIC BODIES ONLY)</p> <p>Health and Safety Executive</p> <p>Rose Court</p> <p>2 Southwark Bridge</p> <p>London</p> <p>SE1 9HS</p> <p>Tel: 020 7556 2267</p>	<p>The Licensing Authority</p> <p>The Licensing Manager</p> <p>Licensing Department</p> <p>Harrow Council</p> <p>Civic Centre</p> <p>PO Box 18</p> <p>Station Road</p> <p>Harrow, HA1 2UT</p> <p>e-mail: licensing@harrow.gov.uk</p>
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Annex A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection	If no objection is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/ club registration certificate		If a relevant representation is made	If no relevant representation is made
Application for minor variation to premises licence/club registration Certificate			All cases
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a			

complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application.			All cases
Determination of a police representation to a temporary event notice		All cases	

Annex B

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

Conditions should be appropriate to promote the four licensing objectives and should emerge initially from a risk assessment that should be carried out by a prospective licence or certificate holder. This assessment should be carried out before making an application for a premises licence or club premises certificate. This should be translated into the steps of the operating schedule of the application. The hours for licensable activities and hours open to public should also be stated. The annexes below give guidance on how conditions may be worded when they are extracted from the risk assessment.

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 appropriate 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 appropriate conditions for the promotion of the licensing objectives.

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 take appropriate enforcement action to ensure this.

The Licensing Authority will work closely with the Metropolitan Police and other responsible authorities to establish protocols to ensure an efficient deployment of Police and other 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 25' 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

- 1.1 An accurate and up-to-date log book shall be maintained in a format prescribed by the Licensing Authority, providing details of door supervisors employed in respect of the premises, which shall comprise two distinct parts:
 - (i) A part recording the name, address, telephone number and registration number of each door supervisor employed in respect of the premises (whether employed directly or through an agency) and the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly.
 - (ii) A part recording the name and registration number of each door supervisor, dates and times of commencement and finishing of work, signature of the door supervisor in respect of both, and details of any incident in which the door supervisor is involved, including the calling of the police and any police action taken.
- 1.2 All door supervisors, at all times when they are on duty, shall wear an identity badge, conspicuously displayed, and carry proof of registration.
- 1.3 There shall be a minimum of door supervisors on duty at the premises at all times during opening hours.
- 1.4 There shall be a minimum of one door supervisor for every 100 persons or part thereof at functions attended by adults.
- 1.5 Where the audience includes minors there shall be either:
 - (i) a minimum of two door supervisors for every 100 persons or part thereof;
or
 - (ii) at least one door supervisor per exit, whichever is the greater.
- 1.6 At least one female door supervisor shall be employed and available where appropriate.

3. Bottle bans, plastic containers and toughened glass

- 3.1 No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption on the premises, whether at the bar or by staff service away from the bar.

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

4. CCTV

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

5. Open containers not to be taken from the premises

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

6. Restriction on drinking areas

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

7. Proof of age

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

8. Crime prevention notices

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

9. Drinks Promotions

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

10. Signage

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

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

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

11. High Volume Vertical Drinking

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

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

12.1 The Licensing Authority has had standard conditions for premises that provide striptease and similar entertainments. These encompass all four of the licensing objectives contained in the Licensing Act 2003. The Licensing Authority wishes to ensure that public order is preserved, that the commission of other offences is deterred, and to ensure that such entertainments are merely part of a dance to music. In addition, the Licensing Authority wishes to ensure that publicity for such entertainments do not cause offence to other members of the community. The Licensing Authority, subject to representations in any particular case, may seek conditions which control the following:

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

Annex D – The maintenance of Public Safety

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

- (i) The maximum capacity figure for the premises and a statement demonstrating the premises' ability to accommodate the predicted number of patrons safely.
- (ii) Safe use of special effects/equipment's (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 milliseconds 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.
- (c) 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 appropriate, 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.

Annex H – Licensing and Compliance Enforcement Policy

Introduction

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

Purpose and Scope

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

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

Service Standards

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

Inspections and Other Enforcement Visits

Premises in the borough will be inspected on the basis of licence application, risk assessment, annual or periodic inspection, or complaint. Inspections vary according to the legislation applicable. Where comprehensive inspections are carried out the officer will hand over a Post Inspection Report (PIR) that will summarise the findings of the inspection. Other visits may be made to premises in order to check on compliance with the terms of licence and or legislation. These visits may include covert test purchases, visits in response to complaints, observations of premises etc.

Enforcement Options

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

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

In taking enforcement action, it is important that any action is proportionate to the risk however every effort will be made to minimise the cost to business or individuals. Wherein the opinion of the officer, the offence detected should be dealt with by way of c) Written warning, d) Simple caution or e) Prosecution, then the officer should consult with the Head of Licensing or deputy for an initial assessment as to which of those options would be the appropriate course of action. The initial views may well be modified as further information becomes available. Simple cautions will not be offered unless the authority is satisfied that there is sufficient evidence to prosecute and if the caution is refused, in certain circumstances, prosecution proceedings will follow with out the offer of a formal caution..

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

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

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

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

A significant penalty is the likely outcome if prosecuted

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

- The admissibility and reliability of the evidence and there being a realistic prospect of conviction
- Relevant matters in the Code of Conduct for Crown Prosecutors
- Any expressed views of victim or victims family about the offender

- Whether there has been any willful obstruction of the officer investigating the offence
- Whether the offender did take any remedial action in response to advice given
- Whether the offender has corrected any harm done to the victim

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

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

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

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

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

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

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

Notifications

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

Shared Enforcement Role

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

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

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

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

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

Powers of Entry

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

Forfeiture of Goods

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

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

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

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

Particular Customer Needs

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

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

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

• **Other Persons** - 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. Although any person or body may make a representation, the level of weight attached to a representation will differ depending on how close they are situated to the premises.

The group includes;

- A person
- A body representing a person or persons
- A person involved in a business
- 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 other persons will have the power to apply for a review by the licensing authority of existing licences on a ground relating to the promotion of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or, ultimately, revocation.

• **Licensed Activities:**

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

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

• **Licensing Objectives:**

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

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

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

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

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

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

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

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

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

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

• **Responsible Authorities** - include:

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

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

• **Temporary Events** - relatively small scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.

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

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

Contacts and Further Information

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

Call the service on:

T 020 8901 2600

F 08452801845

e-mail licensing@harrow.gov.uk

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Gambling Act 2005

LICENSING POLICY 2015

HARROW COUNCIL'S STATEMENT OF PRINCIPLES under Gambling Act 2005

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PART A

1. Introduction

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of the Licensing Policy which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years.

This Statement of Licensing Policy for premises authorised for gambling sets out the issues which the Licensing Authority will take into consideration when determining the grant of Premises Licences and other permissions and it covers licensed premises throughout the London Borough of Harrow. This Statement of Licensing Policy sets out those matters that will normally be taken into account when considering applications under the Gambling Act 2005 and also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.

2. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

3. Characteristics of the Borough:

The London Borough of Harrow is a Greater North London Borough with a diverse ethnic population of 243,400. The borough consists of 21 Wards.



4. Authorised Activities

Gambling is defined in the Act as either gaming, betting or taking part in a lottery:

- (a) Gaming means playing a game of chance for a prize
- (b) Betting means making or accepting a bet on:
 - (i) the outcome of a race, competition, or any other event or process,
 - (ii) the likelihood of anything occurring or not occurring, or
 - (iii) whether anything is or is not true.
- (c) A Lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating, only equal chance gaming takes place, and it does not occur in a place to which the public have access.

5. Consultation

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

In preparing this Policy (or any revision thereafter), the Licensing Authority has (and will) consult with persons representing the interests of persons carrying on gambling businesses within the borough and with interested parties who represent the interest of persons who are likely to be affected by gambling.

Harrow Council has carried out a consultation exercise upon this statement before it was finalised and published. The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

This licensing authority has consulted:

- The Chief Officer of Police
- Social Services
- Trade Associations
- Residents Associations
- All existing licensed premises under the Gambling Act 2005
- All 'on' licensed premises under the Licensing Act 2003
- All other interested businesses such as takeaway shops, taxi offices.

Our consultation took place between 13 July 2015 – 7th August 2015 and we followed the Revised Code of Practice (which came into effect in July 2008),

The full list of comments received and the consideration by the Council of those

comments are available on request by contacting the Licensing Service via the Council's website at: www.harrow.gov.uk/licensing or in writing to Licensing Service, Harrow Council, P O Box 18, Station Road, Harrow, HA1 2UT or emailing licensing@harrow.gov.uk

Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details specified as above.

6. Declaration

In producing this statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

7. Responsible Authorities

Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:

- (a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) the Gambling Commission
- (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) the fire and rescue authority for the same area
- (e) in England and Wales, the local planning authority, or in Scotland, the planning authority
- (f) the relevant authority as defined in s.6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) any other person prescribed in regulations by the Secretary of State.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- That this body is experienced in dealing with the protection of children

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.harrow.gov.uk/licensing

8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. These principles are:

- Each case will be decided upon its merits.
- This authority will not apply a rigid rule to its decision making.
- This Authority will consider the examples of considerations provided in the Gambling Commission’s Guidance to local authorities.
- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- The Gambling Commission has recommended that licensing authorities state whom they consider falls within the category of those that represent persons living close to the premises, or have business interests that may be affected by it and such persons can include trade associations and trade unions, and residents’ and tenants’ associations (Gambling Commission Guidance for local authorities).

- Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested party will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or represents a person that has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation should be sufficient.

If individuals wish to approach councillors to ask them to represent them then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority.

This Licensing Authority will take into account the following factors when interpreting 'sufficiently close':

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment;

This list is not exhaustive.

This Licensing Authority will take into account the following factors when determining whether an individual is a person with a 'business interest that might be affected':

- Size of the premises
- The 'catchment' area of the premises (i.e. how far people travel to visit);
- Whether the person making the representation has business interests in that catchment area that might be affected.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

This list is not exhaustive.

9. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provisions of the Data Protection Act and Freedom of Information Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

This Licensing Authority confirms that it will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation. The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required, and understands that the Licensing Authority will have a key role in providing information to the Gambling Commission and will provide information to the Commission to assist it in carrying out its functions.

The Licensing Authority will work closely with the Gambling Commission, Local Police Enforcement in Harrow and with other Responsible Authorities where there is a need to determine whether there is a need for information on specific premises and in order to target agreed problems and high risk premises that require greater attention.

10. Enforcement

In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licenses and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- i) Article 1, Protocol 1 – peaceful enjoyment of possessions.
- ii) Article 6 – right to a fair hearing
- iii) Article 8 – respect for private and family life
- iv) Article 10 – right to freedom of expression

Any decision to instigate legal proceedings and the subsequent management of our criminal cases will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and therefore will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. This assessment will be made in consultation with the responsible authorities and will include such factors as size and location of premises along with the type of activities offered and

level of complaints or representations received.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. This Authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise'

11. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Licence premises for gambling activities
- Consider notices given for the temporary use of premises for gambling
- Grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider occasional use notices for betting at tracks
- Register small societies' lotteries
- Maintain a Register in the prescribed form as required under section 156 Gambling Act 2005.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

This licensing authority resolved on 3 December 2015 not to issue casino premises licences pursuant to s166 Gambling Act 2005. This resolution will last for three years from the date of the resolution.

1. General Principles

Premises Licences authorise the provision of gambling facilities on the following:

- Adult Gaming Centres (for Category B3, B4, C and D machines)
- Family Entertainment Centres (for Category C and D machines). The Licensing Authority may also issue Family Entertainment Centres Gaming Machine Permits that authorise the use of Category D machines only).
- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries

Except in the case of race tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences.

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority when considering applications will not take into account whether or not there is an unfulfilled demand for gambling facilities within the borough of Harrow. Every application for a Premises Licence made to the Licensing Authority will be considered on its merits and will be treated fairly and objectively in accordance with the three Licensing Objectives. The Licensing Authority will consult with responsible authorities on all applications.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission ;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below).

In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act, in particular Articles 1, 6, 8 and 10.

Definition of "premises" - Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But there is no reason in principle why a single building cannot be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

Whether different parts of a building can properly be regarded as separate premises will

depend on the circumstances and the suitability of the division and this is a matter for discussion between the operator and the licensing authority. The crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence and are not an artificially created part of what is readily identifiable as a single premise.

In determining whether two or more premises are truly separate, the licensing authority will consider all the circumstances of the particular case; these may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Where there are issues about the sub-division of a single building or plot, the licensing authority will ensure that mandatory conditions relating to access between premises are observed. The broad principle is that there can be no access from one licensed premises to another, except between premises which allow access to those under the age of 18 and with the further exceptions that licensed betting premises may be accessed from other licensed betting premises. There is no definition of 'direct access' in the Act or Regulations.

Section 152 of the Act means that different premise licences cannot apply in respect of a single premise at different times. There is no temporal element to a premises licence. Therefore, a premise could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

When determining the location of proposed gambling facilities, the Licensing Authority in

appropriate circumstances, will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:

- Proximity of premises to local schools
- Proximity of premises to centre's that pose a high risk to vulnerable and young persons
- Proximity of premises to residential areas where there is a high concentration of children and young people
- Proximity of premises to places of worship, particularly where Sunday Schools are in operation

This list is not exhaustive and each case will be determined on its merits.

Duplication with other regulatory regimes - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives - Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance

for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).

According to mandatory and default conditions relating to gambling premises that admit under 18's, any area where category B or C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designated for that purpose
- supervised at all times to ensure that under 18's do not enter the area
- arranged in a way that ensures that all parts of the area can be observed
- supervised by either:
 - (a) one or more persons whose responsibilities include ensuring that under 18's do not enter the areas
 - (b) CCTV monitored by one or more persons whose responsibilities include ensuring that under 18's do not enter the areas.

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category A, B and C machines are on offer in premises to which children are admitted:

- all such machines identified are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only persons over 18 years of age are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions, which the Licensing Authority cannot attach to premises licenses which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated and
- conditions in relation to stakes, fees, winning or prizes

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate. If Door Supervisors are required, they must hold a valid SIA registration.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

Gaming Machines – The Gambling Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission-licensed suppliers. Permit holder and those applying for permits for clubs, alcohol licensed premises or family entertainment centres will also be advised through Commission Guidance to obtain gaming machines from Commission-licensed suppliers.

Section 172 of the Act prescribes the number and category of gaming machines that are permitted in each type of a gambling premises licensed by authorities. Neither the Gambling Commission nor the licensing authority has the power to set different limits or further expand or restrict the categories of machine that are permitted (with the exception of alcohol-licensed premises holding gaming permits where authorities have discretion to specify the number of permitted gaming machines).

Section 235 of the Act sets out the definition of a gaming machine and details exemptions for equipment that is not to be considered a gaming machine even though gambling can be performed on it. It should be noted that there remains a distinction between skill machines and gaming machines in that skill machines are unregulated.

In determining whether a machine is a gaming machine or a skill machine, this licensing authority will apply BACTA's Code of Practice for Skill with Prize (SWP) Machines. Therefore a machine will be regarded as Skill with Prize Machine (SWP) if the following criteria are met:

- The game must not be a game of chance as defined by section 6 of the Gambling Act 2005
- In non-licensed premises where children have access, the machine should not exhibit casino style games or have the appearance of a gaming machine
- Descriptions associated with gaming machines such as "jackpot" should be avoided
- The maximum prize available in a single game must not exceed £50 in cash (or non monetary prize). This does not apply to tournament games
- All games should be designed and operated to be fair to customers and rules should be available for view prior to a game commencing.

Where a machine does not meet the above criteria to be an SWP machine, the licensing authority may utilise its powers under s317 Gambling Act 2005, to remove the machines from the premises and bring legal proceedings under s242 Gambling Act 2005.

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of provision of information leaflets / helpline numbers for organisations such as GamCare.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

Potential licence applicants should note that a 'no-casino' resolution has been passed by this authority on 3 December 2015 and currently no applications for casino premises licences will be considered.

5. Bingo premises

The licensing authority will need to be satisfied that bingo can be played in any bingo premises for which they issue a premises licence. This is a particularly relevant consideration where the operator of an existing bingo premises licence applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if any category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

6. Betting premises

It is noted that the Gambling Commission's Guidance for Local Authorities states: Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons. While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter'

Section 172 (8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B,C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

Self Service Betting Terminals (SSBTs)

S.235 provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Premises may make these machines available to take bets on live events as a substitute for placing a bet over the counter. As these machines are not gaming machines, they will not be taken into account when calculating the maximum number of gaming machines that will be permitted on the premises. However, Where a machine is made available to take bets on virtual races, that machine will be regarded as a gaming machine and therefore will be taken into account when calculating the maximum permitted number of gaming machines for the premises.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8. Travelling Fairs

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Travelling fairs do not require a permit to provide gaming machines and can provide an unlimited number of Category D gaming machines provided that:

- The machines are operated in compliance with all relevant legal requirements
- The facilities for gambling are no more than ancillary amusement at the fair

9. Provisional Statements

Applicants for premises licence must fulfil certain criteria – they must hold or have applied for an operating licence (except in the case of tracks) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already benefits from a premises licence (either for a different type of gambling or the same type).

The process for considering an application for a provisional statement is the same as that for a premises licence application. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence. If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when a premises licence application is made in respect of the same premises. No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage
- (b) which is in the authority's opinion reflect a change in the operator's circumstances
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the licensing authority will discuss any concerns they have with the applicant before making a decision.

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

11. Appeals

There is a right of appeal by the applicant, should the Licensing Authority reject an application, similarly there is a right of appeal by a person who made representations or the applicant should the authority grant an application. This appeal must be lodged within a period of 21 days from the day on which the applicant (i.e. person bringing the appeal) was notified by the Licensing Authority of the decision and must be made to the Magistrates' Court.

The Magistrates' Court may take into account the Licensing Authority's Licensing Policy, Gambling Commission's Guidance, any relevant Codes of Practice and the licensing objectives (after hearing the evidence).

PART C

Permits / Small Society Lotteries / Temporary & Occasional Use Notice

Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in specified premises.

There are four classes of gaming machines: Categories A, B, C and D with category B further divided into sub-categories B1, B2, B3, B3A and B4.

A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill.

The Act introduces a range of permits for gambling which are granted by licensing authorities. Forms of authorisations other than Premises Licenses are as follows:

- Unlicensed Family Entertainment Centres
- Gaming machines on alcohol-licensed premises
- Club Gaming Machines
- Club Gaming
- Prize Gaming

The licensing authority may only grant or reject an application for a permit. No conditions may be attached to a permit.

In addition, licensing authorities are responsible for receiving, from holders of alcohol-licensed premises (under the Licensing Act 2003) notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under

section 282 of the Act.

1. Unlicensed Family Entertainment Centre gaming machine permits Unlicensed Family Entertainment Centres (FECs) are able to offer only category D gaming machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

The licensing authority is not limited to these considerations and will determine each application on its merits.

2. (Alcohol) Licensed premises gaming machine permits Premises licensed to sell alcohol for consumption on the premises have an automatic entitlement to make available for use up to two gaming machines of categories C or D. The premises merely need to notify the licensing authority of their intention to utilise their automatic entitlement; the licensing authority has no discretion to consider the notification or turn it down. However, the licensing authority can remove the automatic authorisation by making an order under section 284 of the Act in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to make available for use more than two gaming machines, a licensed premises gaming machine permit must be obtained from the licensing authority. An application can only be made by the holder of the 'on-premises' alcohol licence (under the Licensing Act 2003) for the premises for which the application is made.

The licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Holders of alcohol-licensed premises gaming machines permits are required to comply with the Code of Practice drawn up by the Gambling Commission on the location and operation of machines.

With effect from 1st September 2007, all old 'section 34' permits issued under the Gaming Act 1968 were renamed 'alcohol-licensed premises gaming machine permits'. Where the holder of a premises licence under the Licensing Act 2003 applies to transfer that licence, he must also transfer any alcohol-licensed premises permit held in respect of the same premises. It is the new premises licence holder's responsibility to undertake this transfer. Failure to transfer the alcohol licensed gaming machine permit may result in prosecution under s242 Gambling Act 2005.

The licensing authority may cancel an alcohol-licensed premises permit in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit, the licensing authority will give the permit holder 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the authority cancels the permit, the cancellation does take effect until the period for appealing against that decision has elapsed or until the appeal is determined.

The authority may also cancel a permit if the holder fails to pay the annual fee unless failure is the result of an administrative error.

3. Prize Gaming Permits

A prize gaming permit is issued by the licensing authority to authorise the provision of

facilities for gaming with prizes on specified premises. An application for a prize gaming permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application cannot be made if a premises licence or club gaming permit is in effect for the same premises.

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

This licensing authority will also require the applicant to demonstrate that:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. Commercial Clubs may only apply for a Club Machine permit.

A Club Gaming Permit will enable the premises to provide up to three gaming machines (categories B, C or D), equal chance gaming and games of chance as set out in the regulations issued by the Secretary of State. A Club Gaming machine permit will enable the premises to provide up to three gaming machines of category B, C or D.

The Guidance also makes it clear that before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18. In making an assessment on whether a club is a members' club, miners' welfare institute or a commercial club, the licensing authority will utilise the definitions of each as set out in the Licensing Act 2003

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years;
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" as the club or institute will already have been through a licensing process in relation to its club premises certificate under the Licensing Act 2003.

The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with the Gambling Commission's Code of Practice about the location and operation of gaming machines.

5. Small Society Lotteries

The Gambling Act 2005 repeals the Lotteries and Amusements Act 1976. Local Authorities are now responsible for registering societies to run small society lotteries. As the Act gives the same definition to 'local authority' and 'licensing authority', this policy will refer to the 'licensing authority' as per the Gambling Commission guidance.

Promoting or facilitating a lottery will fall within 2 categories, and unless it does so, will be illegal:

- (a) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission)
- (b) Exempt Lotteries (registered by the Licensing Authority)

Exempt Lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- (a) Small Society Lotteries;
- (b) Incidental Non-Commercial Lotteries;
- (c) Private Lotteries;
- (d) Private Society Lotteries;
- (e) Work Lottery;
- (f) Residents' Lottery;
- (g) Customer Lotteries;

Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels.

Applicants seeking to register as a Small Society Lottery must apply to the Licensing Authority in the area where their principal office is located.

Lotteries are regulated through a licensing and registration scheme, conditions imposed on licences, Gambling Commission's Code of Practice and Guidance. In exercising its function with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

The Licensing Authority will require applicants who seek to register as a Small Society Lottery to set out the purpose for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information or confirmation from the Society.

6. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

7. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Licensing Department
Harrow Council
PO Box 18
Civic Centre
Station Road
Harrow
HA1 2UT

30th July 2015

Dear Sir

Consultation on Harrow Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of moral objections to gambling.

Whilst it is not detailed within the consultation document, Coral Racing Limited recognise the requirement to supply risk assessments with future applications following the consultation completion and seek to clarify an area which the Council will take into account when considering applications for Premises Licences. Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, vulnerable adult centres, residential areas with a high concentration of families and children, residential children's homes & hostels providing accommodation for young people leaving care and places which have a similar characteristic:

- Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.
- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050



1800+ shops



mobile



coral.co.uk



0300 242 232

company

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Power Leisure Bookmakers Limited response to Harrow Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. Therefore, the Gambling Commission will have approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 that provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and should have mechanisms in place for consultation.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered along with the avoidance of duplication with other regulatory regimes, such as planning.

Location and local area risk assessment

The Authority is again referred to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. The policy correctly identifies that there is a clear distinction between disorder and nuisance but it should be highlighted that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.

The draft policy suggests that specific policies may be introduced regarding the location of specific gambling premises, but as details have not been provided with the current draft, it is impossible to assess the validity of the potential local area profiling that may be completed by the Licensing Authority and the evidence utilised to determine the theoretical risk in any area identified. Without a direct correlation with actual risk, it remains difficult for both the licensing authority and operators to implement detailed policies to address perceived risks without an assessment of any detrimental impact that any proposed gaming provision may have.

As a number of factors are identified that will be considered by the Licensing Authority with regard to the location of gambling premises, an effective analysis should be completed to ensure that the density of particular premises and any perceived risks correlate with actual harms caused by gaming related activities within those locations identified.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

William Hill's Consultation Response to Harrow Council's Consultation on its Statement of Principles

William Hill is one of the UK's largest betting operators with an estate of over 2300 shops.

We are a business which values being in the regulated sector and we devote significant resources to regulatory compliance. Equally regulation should follow both the letter and spirit of the Gambling Act 2005.

We believe that both operators and licensing authorities should work collaboratively to promote the Licensing Objectives.

We believe that any preamble in the statement should stress the overriding obligation of local authorities to aim to permit regulated gambling provided it is consistent with the Licensing Objectives

Whilst we accept that MPs and Councillors qualify as "interested parties" we do believe that these individuals should have to produce specific evidence of being asked to represent constituents or specific evidence of constituency complaints. Otherwise there is a danger of a legal process becoming over politicised.

We welcome the distinction made between disorder and nuisance, but police are often called to support staff carrying out their regulatory obligations and therefore police calls do not automatically qualify nuisance as disorder.

The Authority is respectfully reminded that it is not the role of an Authority to raise the licensing bar above that set by the framework of the Gambling Act 2005. Neither can the construction of the Statement of Principles seek to reverse the burden of proof set for the licensing process. There is a clear process for interested parties or responsible authorities making representations and mere statements of theoretical risk should, in our view, be given little weight. such statements should be removed from the Statement of Principles.

Whilst we accept that bodies such as Children's Safeguarding Boards should be consulted on gambling licensing issues, it is unlikely that many organisations are experts in gambling related harm and caution should be exercised before treating them as experts in this area.

It needs to be remembered that operators can only (in general) apply for a premises licence after they have been granted an Operating Licence. This process means that operators are already deemed "suitable" to run a gambling business. Therefore the Authority should concentrate on clearly evidenced factors which demonstrate association with gambling related harm.

As indicated, any exposition of risk in a Statement of Principles (or local area profile) should not be based on anything less than empirical evidence and proportionality needs to be applied to all licensing decisions. For example successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Although we will be implementing risk assessment at a local premises level, we do not believe that it is for the Authority to prescribe the form of that risk assessment. We believe that would be against better regulation principles with operators being allowed to gear risk assessment to their own operational processes; informed by Statements of Principle and the local area profile.

Therefore we do not believe that the co-location of educational establishments, children's play areas or locations in which there may be other potential vulnerabilities are necessarily matters for heightened risk; unless it can be demonstrated (on the basis of clear evidence by someone making representations that additional controls needs to be imposed in relation to clearly identified gambling related harm. Each case needs to be considered on its merits and there should not be general statements made that gambling premises are automatically faced with a higher burden of proof in these areas.

We do not believe that "deprivation" in a ward area is a prima facie reason for restricting gambling supply in that area. For example an operator may wish to relocate an existing premises or cater for a rising population. It is important, particularly in densely populated area for there to be sufficient regulated gambling supply. Operators do not target deprived communities, but they do base their business models inter alia on dense populations and high footfall.

In addition only a small percentage of the population use licensed gambling premises. Therefore the presence of such premises is unlikely to affect whole communities. In most locations betting premises constitute less than 2% of total retail frontage.

Whilst the National Lottery tickets and scratch cards can be accessed by 16 year olds through a wide network of retail outlets, the majority of licensed gambling premises do not allow access by children or young persons.

Therefore properly managed and controlled premises do not present a risk to those children and young people. Matters should only be considered relating to children and young persons in relation to their protection from the potential harmful effects of gambling (not wider social issues). The fact that a business only admits adults should carry strong weight.

In fact it is important in any area that gambling is catered for by regulated operators not illegal suppliers. Therefore if an operator considers there is demand in area then authorities should be wary not to undermine the fundamental principles of good gambling regulation regarding the preference for regulated gambling over illegal supply.

We believe that as part of their Statement of Principles, the Authority should consider the prevalence of illegal gambling; particularly in densely populated areas.

It should also be noted that the Secretary of State already has the power under regulation to issue and does issue mandatory and default premise licensing conditions. Operating licence conditions made by the Gambling Commission also dictate that operators are already obliged to uphold social responsibility.

Therefore the Authority should not seek to usurp the functions of the Secretary of State by seeking to impose a standard list of additional conditions on licencees.

The Authority should start from the position that the Gambling regulatory regime is fit for purpose and it should not engage in artificial constructs to prevent or limit gambling.

The Authority has recognised itself that it cannot consider demand for gambling (in terms of imposing its own views of the desirability of premises numbers or concentrations of premises). The Gambling Act imposed additional social regulation as a quid pro quo for market liberalisation.

Therefore we do not believe that any Statement of Principles should make reference to areas nearing "stress" or "saturation". An authority who does this is, in our view, exposing itself to allegations of circumventing the restriction on them regarding demand. Whilst the regimes are separate, we would remind the Authority that betting shops are now in their own sui generis use class. The vibrancy and vitality of an area are planning not licensing issues,

Finally it is not the responsibility of an applicant or existing licence holder to have to actively engage in a search for unique localised risk factors. Neither should the Authority just articulate a non exhaustive list of potential theoretical risks on a "just in case" basis. The applicant or licensee can only carry out risk assessment where there is apparent or crystallised risk which has been identified in local profiles or publicly available statistics.

For example statements like "the possible impact of a gambling premises may have on residential areas where there are concentrations of families with young children" is meaningless in the context of gambling related harm. In fact this is on the cusp of suggesting that the Authority is making moral or social judgments about what is accepted as a bona fide leisure activity.

We do not agree with aspects of the current Gambling Commission draft on Guidance to Licensing Authorities and have also reserved the right to challenge aspects of this advice.

Andrew Lyman

Director of Group Regulatory Affairs

COUNCIL
3 DECEMBER 2015

**CHANGES TO THE CONSTITUTION
ARISING FROM THE COUNCIL'S
MEMBERSHIP OF THE WEST LONDON
ECONOMIC PROSPERITY BOARD**

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REPORT FOR: COUNCIL

Date of Meeting:	3 December 2015
Subject:	Changes to the Constitution arising from the Council's membership of the West London Economic Prosperity Board
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Wards affected:	All
Enclosures:	Appendix 1 – Proposed amendments to Part 3A of the Constitution Appendix 2 – Proposed amendments to the Committee Procedure Rules

Section 1 – Summary and Recommendations

This report details proposed constitutional changes required in respect of the Council's membership of the West London Economic Prosperity Board. (WLEPB)

Recommendations:

Council is requested to agree the amendments to the constitution as set out in this report.

Section 2 – Report

1. Cabinet on 17th September 2015 resolved that the Council would enter into arrangements to form a joint committee under section 102 of the Local Government Act 1972 to discharge certain functions jointly. The other boroughs who are entering into these arrangements are Barnet, Brent, Hounslow and Ealing. The Joint Committee has been named The West London Economic Prosperity Board (WLEPB).
2. Cabinet also resolved that the matter be referred to the Monitoring Officer to allow consideration of any constitutional amendments necessary and refer these to Council as required.
3. The WLEPB has a set of functions and procedure rules which need to be inserted into the Harrow constitution. These rules require that decisions of the Joint Committee which relate to an executive function of a borough will be subject to the borough's call in arrangements.
4. The following are the proposed amendments to the constitution:
 - a. The Functions and Procedure rules of the West London Economic Prosperity Board to be added to Part 3A of the constitution as set out in Appendix 1.
 - b. Amendments to the Committee Procedure Rules as set out in Appendix 2 to make clear that the call-in process applies to decisions of a Joint Committee where executive functions have been delegated to it. This therefore covers the West London Economic Prosperity Board.

Financial Implications

There are no financial implications of this decision.

Risk Management Implications

Risk included on Directorate risk register? /No

Separate risk register in place? /No

There is no risk in amending the constitution in this way. There is a risk in not amending the constitution in that the call-in process would not explicitly cover executive decisions delegated to the WLEPB.

Equalities implications

Was an Equality Impact Assessment carried out? No

There are no equalities implications arising from these amendments.

Council Priorities

It is important that the Constitution is up to date and that residents and Members are able to call in decisions which may be relevant to the Council's priorities.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 23 November 2015		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 20 November 2015		

Ward Councillors notified:	NO
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Section 4 - Contact Details and Background Papers

Contact:

Jessica Farmer, Head of Legal Services
Tel: 020 8424 1889
E-mail: jessica.farmer@harrow.gov.uk

Background Papers: None.

If appropriate, does the report include the following considerations?

1.	Consultation	N/A
2.	Priorities	N/A

Addition to Schedule 3A of the constitution

JOINT ARRANGEMENTS

JOINT COMMITTEE OF THE BOROUGHES OF BARNET, BRENT, EALING, HARROW AND HOUNSLOW (KNOWN AS “WEST LONDON ECONOMIC PROSPERITY BOARD”)

Functions and Procedure Rules

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as ‘**WEST LONDON ECONOMIC PROSPERITY BOARD.**’
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

1. Definitions

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).

2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

3. Functions

3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:

- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
- 3.1.2 Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement.
- 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
- 3.1.4 Exercising any such powers and allocating any such funding.
- 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
- 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
- 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.
- 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
- 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.
- 3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

4. Membership

4.1 The membership will comprise of 5 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.

4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.

4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.

4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.

4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

5. Chair and Vice-Chair

5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.

5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.

5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chairman. This appointment will also rotate in a similar manner to the Chair.

5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.

5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.

5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

6. Sub-Committees

6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

7. Delegation to officers

7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

8. Administration

8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

9. Financial matters

9.1 The Joint Committee will not have a pre-allocated budget.

9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

10. Agenda management

10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.

10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.

10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the

agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.

10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key- decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

11. Meetings

11.1 The Joint Committee will meet as required to fulfil its functions.

11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.

11.3 The quorum for a meeting of the Joint Committee shall require at least 4 of the 5 appointed members (or their substitutes) to be present in order to transact the business as advertised on the agenda.

11.4 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

12. Notice of meetings

12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

13. Public participation

13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.

13.3 The maximum number of speakers allowed per agenda item is 6.

13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.

13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

14. Member participation

14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

15. Business to be transacted

15.1 Standing items for each meeting of the Joint Committee will include the following:

- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration

15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

15.4 "Special Circumstances" justifying an item being considered as a matter or urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary meetings

16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of meetings

17.1 Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chairman and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

18. Rules of debate

18.1 The rules of debate in operation in the Chair's authority shall apply.

19. Request for determination of business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

20. Urgency procedure

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

21. Voting

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

21.4 Any two members can request that a recorded vote be taken.

21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his / her vote for or against the matter or whether he/ she abstained from voting.

22. Minutes

22.1 At the next suitable meeting of the Joint Committee, the Chairman will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

22.2 Once agreed, the Chairman will sign them.

22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public and Press

23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

23.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks is necessary.

23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone

24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.

24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.

24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Participating Borough concerned have been concluded.

25. Access to minutes and papers after the meeting

25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

26. Amendment of these Rules

26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

27. Background Papers

27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection:

- (i) a copy of the list of background papers for the report; and
- (ii) at least one copy of each of the documents included in that list.

27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Proposed Amendments to the Committee Procedure Rules

45.1 Call-in is the process whereby a decision of the Executive, Portfolio Holder, Officer (where the latter is taking a Key Decision) or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the call-in procedure once.

Referral to the Call-In Sub-Committees

45.6 Subject to 47.6.1 and 47.6.2 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-in sub-committee to be held within seven clear working days of the receipt of the request for call-in.

45.6.1 Where the Call-in sub-committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

45.6.2 Where the Call-in sub-committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder, officer (if a key decision) or Joint Committee, the decision may be implemented on the day following the Call-in sub-committee meeting.

45.6.3 No Member who has signed a call-in notice in accordance with Rule 45.4 may sit as a member of the Call-In Sub-Committee which considers that call-in notice.

Process for Consideration of Called-in Items at the Call-in Sub-Committee

45.7 The Call-in sub-committee will consider the decision and the reasons for call-in. The sub-committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.

45.8 The sub-committee may come to one of the following conclusions:

45.8.1 that the challenge to the decision should be taken no further and the decision may be implemented;

45.8.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-in subcommittee must set out the nature of its concerns for Council; or

45.8.3 that the matter should be referred back to the decision taker (i.e. the Portfolio Holder, Executive or Joint Committee, whichever took the decision) for reconsideration. In such a

case the Call-In sub-committee must set out the nature of its concerns for the decision taker/Executive.

Referral to Council under Rule 46.8.2

45.10 In the event that the Call-In sub-committee refers the matter to Council under Rule 46.8.2 above, the decision shall be discussed at the next ordinary meeting of Council, provided that the next scheduled meeting is within 20 clear working days of the decision of the Call-in sub-committee, which referred the matter.

45.11 If the next scheduled meeting of the Council is more than 20 clear working days after the decision of the sub-committee, the Mayor will decide, in consultation with the Leaders of the political parties, whether an extraordinary meeting of the Council is expedient.

45.12 The Council when considering the matter may conclude:

45.12.1 that the challenge to the decision should be taken no further and the decision may be implemented;

45.12.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or

45.12.3 that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or

45.12.4 acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

COUNCIL
3 DECEMBER 2015

DECISIONS TAKEN UNDER THE
URGENCY PROCEDURE - COUNCIL

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REPORT FOR: COUNCIL

Date of Meeting:	3 December 2015
Subject:	DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Enclosures:	None

In accordance with the delegations to Chief Officers, the Leaders of each of the Political Groups on the Council were consulted on the following urgent decisions, which were approved on behalf of the Council, on the dates below as they required action prior to this meeting

20 October 2015 - Dispensation – Councillor Aneka Shah

It was agreed that Councillor Aneka Shah be given a dispensation from the requirement to attend a meeting of the Council within any six month period until 29 February 2016. The reason for Councillor Shah's absence was approved in accordance with Section 85 Local Government Act 1972.

The matter was urgent as Councillor Shah, for health reasons, was unable to attend any meetings of the authority for a period of 6 months from 19th May 2015, although she has continued to carry out some Councillor work from home. A decision had to be taken by 18 November 2015. As the next meeting of Council where a dispensation could be considered was 3 December 2015, an urgent non executive decision was taken in accordance with Part 3B of the constitution.

16 November 2015 - Appointments to Outside Bodies

Following a resignation, an appointment to an Outside Body of the Council was agreed as follows:

Harrow Association of Disabled People – Councillor Norman Stevenson

This appointment was agreed as a matter of urgency to ensure continuing Council representation on this body at the earliest opportunity.

FOR INFORMATION

Contact:

Elaine McEachron, Democratic & Electoral Services Manager

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Background Papers: Urgent Decision Forms. (Part I only)

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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