

Overview and Scrutiny Committee

AGENDA

DATE: Tuesday 17 November 2015

TIME: 7.30 pm

VENUE: Committee Rooms 1&2
Harrow Civic Centre

MEMBERSHIP (Quorum 4)

Chair: Councillor Jerry Miles

Councillors:

Ghazanfar Ali
Jeff Anderson
Michael Borio
Primesh Patel

Richard Almond
Marilyn Ashton
Chris Mote
Paul Osborn (VC)

Representatives of Voluntary Aided Sector: Mrs J Rammelt/Reverend P Reece
Representatives of Parent Governors: 2 Vacancies

(Note: Where there is a matter relating to the Council's education functions, the "church" and parent governor representatives have attendance, speaking and voting rights. They are entitled to speak but not vote on any other matter.)

Representative of Harrow Youth Parliament

Reserve Members:

1. Aneka Shah
2. Mrs Chika Amadi
3. Phillip O'Dell
4. Antonio Weiss
5. Jo Dooley

1. Stephen Wright
2. Lynda Seymour
3. Barry Macleod-Cullinane
4. Susan Hall

Contact: Vishal Seegoolam, Senior Democratic Services Officer
Tel: 020 8424 1883 E-mail: vishal.seegoolam@harrow.gov.uk

AGENDA - PART I

1. ATTENDANCE BY RESERVE MEMBERS

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

3. MINUTES (Pages 5 - 16)

That the minutes of the meeting held on 16 September 2015 be taken as read and signed as a correct record.

4. PUBLIC QUESTIONS *

To receive any public questions received in accordance with Committee Procedure Rule 17 (Part 4B of the Constitution).

Questions will be asked in the order notice of them was received and there be a time limit of 15 minutes.

[The deadline for receipt of public questions is 3.00 pm, <DATE>. Questions should be sent to publicquestions@harrow.gov.uk

No person may submit more than one question].

5. PETITIONS

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

6. REFERENCES FROM COUNCIL/CABINET

(if any).

7. PROJECT MINERVA UPDATE (Pages 17 - 28)

Report of the Corporate Director of Resources.

8. SCHOOL EXPANSION PROGRAMME (Pages 29 - 48)

Report of the Corporate Director of People.

9. REVISED POLICIES UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005 (Pages 49 - 168)

Report of the Divisional Director – Commissioning Services.

10. EVENTS POLICY (Pages 169 - 238)

In accordance with Committee Procedure Rule 36.4, Councillor Paul Osborn has requested that the Events Policy item which was presented to Cabinet on 15 October 2015 be included on the agenda. The report which was presented to Cabinet on 15 October 2015 is attached.

11. ANY OTHER BUSINESS

Which the Chairman has decided is urgent and cannot otherwise be dealt with.

AGENDA - PART II - NIL

*** DATA PROTECTION ACT NOTICE**

The Council will audio record item 4 (Public Questions) 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.]

Deadline for questions	3.00 pm on Thursday 12 November 2015
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OVERVIEW AND SCRUTINY COMMITTEE MINUTES

16 SEPTEMBER 2015

Chair: * Councillor Jerry Miles

Councillors:

* Ghazanfar Ali	* Michael Borio
* Richard Almond	* Chris Mote
* Jeff Anderson	* Paul Osborn
* Marilyn Ashton	* Primesh Patel

Voting Co-opted: (Voluntary Aided) (Parent Governors)

† Mrs J Rammelt	Mrs A Khan
Reverend P Reece	

Non-voting Co-opted: Harrow Youth Parliament Representative

* Denotes Member present
† Denotes apologies received

110. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

111. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 7 – Harrow Youth Offending Team – Annual Report; Agenda Item 8 – Harrow Youth Offending Partnership Youth Justice Plan 2015-2018

Councillor Marilyn Ashton declared a non-pecuniary interest in that she was a magistrate but not a youth magistrate. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 9 – Special Educational Needs and Disability (SEND) Reforms Implementation

Councillor Jeff Anderson declared a non-pecuniary interest in that he was a governor at Kingsley School. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 11 – Commercialisation Strategy

Councillor Paul Osborn declared a non-pecuniary interest in that he lived close to the Vaughan Road Car Park site. He would remain in the room whilst the matter was considered and voted upon.

112. Minutes

That the minutes of the ordinary meeting held on 9 June 2015 and the special meeting held on 3 September 2015 be taken as read and signed as correct records.

113. Public Questions and Petitions

RESOLVED: To note that no public questions were put or petitions received at this meeting.

114. References from Council/Cabinet

There were none.

RECOMMENDED ITEMS

115. Harrow Youth Offending Partnership Youth Justice Plan 2015-2018

This Committee considered a report which presented the draft Youth Justice Plan (The Plan) 2015-2018 setting out how its outcomes would be delivered and what were its challenges and priorities

The Interim Corporate Director of Children and Families addressed the Committee and explained that the Youth Justice Plan was a 3 year plan and would be submitted to the Youth Justice Board in August 2015 prior to Full Council approval in December 2015.

The Head of Service – Youth Offending also addressed the Committee and made the following points:

- the three Key Performance Indicators for the Youth Offending Team, as set by the Youth Justice Board were reducing first time entrants; reducing re-offending and reducing the use of custody. Performance against these targets was good;
- there was a decrease in the number of young people being found guilty of a crime in 2014-15;
- the Harrow Youth Offending Team Annual Report fed into this Plan;
- the financial grant which was provided and associated with the work set out in the Plan would only be provided once the Plan had been finalised and agreed;
- the Plan addressed a number of key issues. These included structure and governance, partnership arrangements, use of resources, value for money and performance. It also reported on the key achievements and challenges.
- there had been a decrease in the number of youth remanded into custody. However those who had been remanded into custody were now being sentenced for longer periods for more serious crimes;
- there was increased compliance with national standards;
- the Youth Offending Service had been re-structured. There were now permanent members of staff as opposed to temporary members of staff. This meant that staff were better able to support young people;
- it was acknowledged that there were still some challenges in relation to assessments conducted and consistency.

The Portfolio Holder Assistant for Children's Health and Social Care addressed the Committee and reported that in her view the report was excellent and provided a good account of the issues in Harrow.

The following questions were made by Members and responded to accordingly:

- How was radicalisation of young people being addressed?

This was a very important issue. The Council had a bespoke officer who dealt with this issue. Training was also provided to members of the Youth Offending Team. If anyone was suspected of being radicalised they were referred to the appropriate Panel who could signpost them to the relevant support networks and to gather soft intelligence. There was a comprehensive Council approach and the Youth Offending Team played an important role in delivering this broader strategy.

- The number of female youths committing crimes in Harrow appeared to be higher than the national average. Was this significant?

It was believed that more young females were becoming involved in gangs in Harrow. There would be a peer review taking place on gangs in Harrow and it was expected that this issue would be reviewed in more depth to understand the issues.

- How would the issues surrounding the core group of youths who committed crime be tackled? Was it a case of youths copying parents' behavior particularly where parents had been remanded in custody for offences?

The Council would utilise a re-offending toolkit which would provide up to date data which the Council could use to address these issues. It was a fair comment to say that re-offending involved complex issues and there were multiple factors which impacted upon this.

- The re-offending rates were going up although the cohort was going down. Did this indicate that the situation was getting worse?

Whilst the re-offending rate had increased the cohort had decreased. This meant that the data provided was disproportionate and had to be viewed in this context.

- How representative were the quotes which had been utilised about the Youth Offending Team in the Youth Justice Plan.

The quotes were reflective of random feedback obtained from the Council's partners and from young people. The quality of survey responses did differ. It was important to remember that it was difficult for young people to articulate their responses particularly when they had faced immense challenges.

- Did the report reflect how self-aware the Council was on this issue?

It was believed that the Council was very self-aware of its performance in this area. Whilst the Council was not perfect the Youth Offending Services Team had improved considerably although it was recognised that there would still be challenges in the future.

- What was the relationship between the Youth Offending Team and the Youth Offending Management Board?

The Youth Offending Management Team was made up of managers and deputy managers. This Team was accountable to the Youth Offending Management Board who reported to the Youth Justice Board. The Youth Justice Board was a national organisation overseeing all Youth Offending Management Teams across the country.

Resolved to RECOMMEND: (to Cabinet)

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

RESOLVED ITEMS

116. Harrow Youth Offending Team - Annual Report 2014-15

This Committee considered this report which was discussed together with minute item 115 – Harrow Youth Offending Partnership youth Justice Plan 2015-2018.

RESOLVED: That the report be noted.

117. Special Educational Needs and Disability (SEND) Reforms Implementation

The Committee received a report which set out the arrangements for implementing the SEND reforms introduced by the Children and Families Act 2014 to improve outcomes for children and young people with special educational needs.

The Divisional Director of Special Needs Services introduced the item and made the following points:

- the Committee had first considered the issues raised in this report about a year ago. The Committee had agreed that these issues would be further reported at this point to set out the relevant developments which had taken place;
- the requirements of the SEND reforms are contained within the Children and Families Act 2014 which repealed previous legislation;
- Local Authorities and their partners were required to implement a number of key aspects of the reforms by 1 September 2014 and there were a number of elements that were being developed over time;
- a key feature of the new system that had been introduced was that there was a greater emphasis on a family-centred approach with the expectation of a stronger engagement of the parents of children, young people with special educational needs and disabilities, children and young people;
- there were a number of key developments relevant to Harrow. Firstly the Council was required to publish an initial, accessible local offer developed with key partners. This covered the support available for those with or without special educational statements or education, health and care plans from birth to 25 years, including SEN support in school;

- a Transition Plan had been published as part of the local offer and was produced and developed with parent and schools and colleges. This gave information on how the Council would go about transferring children and young people who received support as a result of special educational statements or a learning difficulty assessment to education health and care plans overall by April 2018;
- a clear policy was in place regarding the scope of personal budgets being part of the local offer. Whilst personal budgets had attracted a lot of media attention, they had attracted less attention from parents;
- there was a strong emphasis on Joint Commissioning and the requirement for Local Authorities and Clinical Commissioning Groups to work together strategically to develop special needs and disability system that will nest support the SEND reforms;
- the Authority was required and had put in place arrangements for providing independents information, advice and support for parents and children and young people with special educational needs and disabilities across education, social care and health, including independent supporters;
- the Council also had to have in place systems for dispute resolution;
- the Government had provided funding for the implementation of the SEND reforms. However the amount provided had been modest and the Council had engaged in considerable amounts of work and service restructure to deliver the new requirements;
- research commissioned by the Department for Education had indicated that the new proposals would on average be more expensive than the previous system of special needs statements. This was consistent with the Council's experience locally;
- it was still early to assess the performance of the new provisions. However there were indications that the views of families were being sought and listened to and taken into account. The process was more joined up and integrated, involving children and adult social care services;
- since the SEND provisions came into effect in September 2014, there had been a 14.5% increase in the number of requests for education, health and care (EHC) plan assessments. The statutory time period for the completion of assessments had been reduced from 26 weeks to 20 weeks;
- Harrow's performance in relation to the key national indicator of EHC Plans which measured country. However owing to the increased time demands and complexity of completing assessments under the new SEND system there had been a decrease in performance;

- there was an anticipated inspection by Ofsted and the Care Quality Commission (CQC) due to take place. This would assess the implementation of SEND reforms in local authorities and health partners;
- the process of transferring from the old to new system for those with special needs statements had involved the initiation of 244 transfers of which 198 were complete.

The following questions were made by Members and responded to accordingly:

- the process involved the Council being more proactive which was more positive. It enabled the Council to detect issues at a much earlier stage. What were the financial implications on delivering the new proposals for the future?

It was unsure how long that the Government funding for implementing these new proposals would last. The Council had carefully budgeted for it by using money allocated for this current financial year to be transferred to the next financial year.

- What was is meant by the Council extending and widening the personal budget approach to supporting children and young people with disabilities and their families?

The scope to deliver personal budgets for children was similar to that in adult services. Given the emphasis placed on personal budgets the next step would be personalisation.

- Were schools prepared for the education, health and care plan templates that were tested with children and young people with special educational needs?

There was not a national template that could be utilised but there was guidance and legislation that had to be followed. The template that the Council were using had been approved by the Department for Education. There would be a steep learning curve for schools and this was a complex area. Upskilling by schools was required as they were still operating two systems which caused confusion in itself. The Council would be working hard to support schools as best they could.

RESOLVED: That the report be noted.

118. Draft Scope for Welfare Reform Scrutiny Review Group

The Committee received a report which set out the draft scope for the scrutiny review of welfare reforms. The proposed Chair of the Review Group addressed the Committee and explained that potentially the review could have a very wide scope. Given this there were two areas that the Review

Group wanted to focus on. These were consideration of Working Tax Credits and the Benefits Cap.

There were 4 phases involved as part of the review. This would involve the evidence phase, evidence gathering, the solution phase and finally writing of the final report.

A Member of the Committee commented that given the Greater London Authority Elections would be held next year, it was advisable that the final report was submitted back to the Committee at the first meeting after these elections. The report could potentially involve political discussion and it was in the interests of the Review that this was considered at a time when there would be less political discussion about it. The Member also asked that in section 6 of the Draft Scope, the second paragraph be amended to read 'Amongst the cohorts to focus on ...'

RESOLVED: That

- (1) the scope of the Review be agreed subject to the second paragraph of section 6 of the Draft Scope, being amended to read 'Amongst the cohorts to focus on ...'
- (2) the Chair of the Review Group be Councillor Pamela Fitzpatrick;
- (3) a final report be presented back to the Committee at its first ordinary meeting after the Greater London Authority Elections on 5 May 2016.

119. Commercialisation Strategy

The Committee received a report which set out updates to the Commercialisation Strategy that was approved by Cabinet in June 2015. The Committee welcomed the Portfolio Holder for Finance and Major Contracts and the Portfolio Holder for Business, Planning and Regeneration who were in attendance for this item.

The Corporate Director of Resources & Commercial introduced the report and explained that it was of huge importance that the Council investigated how it could bring new streams of income to invest in and support the delivery of priority outcomes across the Council. The Corporate Director made the following points:

- the scope and objectives of the Commercialisation Strategy had been included in the report;
- the Council will be part of the Advanced Commercialisation Network at the Local Government Association (LGA) and had been liaising with a number of different authorities;
- it was recognised that the Council would have to undergo cultural changes if the aims and objectives of the Commercialisation Strategy

were to be achieved. It was recognised that different skills and knowledge were required by the Council;

- when the Commercialisation Strategy had been presented to Cabinet, a number of initial ideas had been included. For some of these ideas feasibility studies had been produced and some were quite detailed;
- it was expected that when the draft budget was produced in December 2015, there would be more information provided on the financial savings which it was expected that these ideas would make;
- the Council had taken legal and tax advice and had decided to set up trading entities and a limited liability partnership to deliver the proposals contained within the Commercialisation Strategy;
- there were a number of programme activities contained within the Commercialisation Strategy. These included reviewing the Council's subsidy position on fees and charges and revising the Council's trading performance and an ongoing review of service specification levels in major contracts.

The Portfolio Holder for Finance and Major Contracts explained that it was important that the Council embarked on a Commercialisation Strategy given the financial cuts facing the Council. The Portfolio Holder for Business, Planning and Regeneration explained that it was believed that the options explored in the Commercialisation Strategy would provide income to the Council.

The following questions were raised by Members and responded to accordingly:

- there were concerns that the risks involved with the Commercialisation Strategy had not been explored fully. There were big risks particularly in relation to commercial property and to the skill set that existing staff in the Council had.

There were risks involved in the Commercialisation Strategy but a lot of work had been done in assessing these. Specific analysis of risks would be included as decisions to progress key areas are brought to Cabinet in the future. The initial Commercialisation Strategy is high level. The Council had studied other authorities where commercialisation ideas had worked well and had also studied those where it had not. There would be business cases for each idea contained within the Commercialisation Strategy before it was commenced and this would involve a full evaluation of risk and financial implications.

- Who were the three directors on the Holding Company and how were they appointed?

The Directors of the Holding Company had not yet been appointed. A recruitment process would be followed. Role profiles for these roles had been developed and before their appointment independent advice would be sought by individuals. Any successful director appointed would be expected to fully understand their role.

- A different set of skills was required by staff working in a commercial organisation than those working in Local Government. How would this be addressed?

It was realised that there would have to be a culture change in the Council and that skills from outside of the Council would have to be brought in to deliver the proposals contained within the Commercialisation Strategy. However it was also important to recognise that staff within the Council had a strong set of skills and talent which could also be utilised. This had been demonstrated by the success of HB Public Law.

- There were significant concerns in relation to the proposal to the Property Purchase Initiative and the proposal to build homes for rental to private tenants. This involved a lot of risk and if money was lost this would ultimately be tax payers money.

A Commissioning and Commercial Board would be established within the Council as a result of the proposals. All key proposals would be put through this Board where risks would be fully assessed and considered. If specialist advice was required, then the Board would also ensure that this was provided.

- Who was responsible for recruiting staff to the Trading Company?

The Council would firstly look to recruit Directors in order to set up the company. It was then anticipated that the Directors would be responsible for the recruitment of the remaining staff. It was important to note that the aim was for the Holding Company to be self sustaining so any initial costs which the Council provided would have to be returned.

- The Commercialisation Strategy was welcomed. Could more details be provided regarding the proposal to build more homes to rent to private tenants?

Sites where new homes could be built included the Vaughan Road Car Park and the Waxwell Lane Car Park. Land close to the Leisure Centre could also be investigated as could the land on the old Gayton Road Library site. It was anticipated that most of the new homes built would be on Council owned sites although new sites could be acquired in the future.

- In terms of advertising banners on the Council's website, were the Council being selective on the companies that they were choosing?

The Council were careful in whom they selected and balanced this with the need to attract companies to advertise on the website. The Council had a code which it followed for this purpose.

- Could an update be provided regarding the proposed Recruitment Agency?

An assessment on this proposal had been undertaken by an organisation which had done a previous assessment for Kent County Council. It was believed that Kent County Council was now making £4 million profit on this area so the Council were keen to follow this.

- Could clarification be provided on the specific figures that were expected to make up the £5 million savings as part of the Commercialisation Strategy?

The exact figures were not available at this meeting but this figure was the minimum that was expected to be achieved by 2018/19. Further details on the breakdown of how this would be achieved would be available in the draft Budget in December.

- In relation to the Private Rented Sector Housing proposal was it the Council's intention to maximise its income in renting to private tenants or to build homes that were affordable?

The Council wanted to maximise its income but also hoped to create affordable housing. It was recognised that some sites lent itself to develop affordable housing and some sites lent itself to maximise its returns on private rental. Waxwell Lane was an area where the Council would expect to maximise its return on private rental.

- Could an update be provided in relation to the proposal to expand the Harrow School Improvement Partnership to other authorities?

This information would be circulated to Members after the meeting.

- What was the turnaround time for properties which were void to being re-let? How did the housing rental collection compare with other boroughs?

There was a programme on voids which was 8½ weeks. This was in line with other local authorities and the Council always tried to ensure that the turnaround time was kept to as minimum as possible.

- If the Waxwell Lane Car Park was let fully and could bring in more income than the proposal put forward, would the Council consider it?

The Council would consider this if this suggested income received outweighed the proposed income. Trials would also be considered.

RESOLVED: That the report be noted.

120. Draft Scope for Scrutiny Reviews of Community Involvement in Parks and Social & Community Infrastructure

The Committee received a report which set out the draft scope for two scrutiny reviews from the Environment and Enterprise Scrutiny Leads covering community involvement in parks and Social and Community Infrastructure.

The Chair commented that it had previously been informally agreed that a Labour Group Member would Chair the Review into Parks and a Conservative Member would Chair the Review into Social & Community Infrastructure. However the Vice-Chair commented that this had not yet been agreed by the Conservative Group. It was agreed that the memberships and Chairs of the working Group would be decided at a future scrutiny leadership meeting.

RESOLVED: That

- (1) the scopes for the Reviews be agreed;
- (2) the membership and Chairs of the Scrutiny Reviews be agreed at a future Scrutiny Leadership Group meeting.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.35 pm).

(Signed) COUNCILLOR JERRY MILES
Chair

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting: 17th November 2015

Subject: Project Minerva Update

Responsible Officer: Tom Whiting
Corporate Director of Resources

**Scrutiny Lead
Member area:** Cllr Stephen Wright
Cllr Primesh Patel

Exempt: No

Wards affected: All

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out progress to date on Programme Minerva (“Minerva”) since it was last presented to the Overview & Scrutiny Committee in December 2014 and presents the outcomes achieved against the original aims.

The aims of the project were as follows:

- Plan for long term cost reduction within support functions in line with the expected reduction in Council budgets.
- Agree the approach for the re-procurement of ICT and in particular whether this should include other back office functions
- Assess the business case for coming off SAP onto an alternative ERP system.

Members will be aware that the programme encompassed a range of work streams which included:

- The project to review and transform the HRD service;
- A range of work streams focussed on identifying and delivering savings in a number of Council departments by 1st April 2015 (Revenues & Benefits, Payroll & Shared Services, Human Resources (HR) and Finance & Assurance;
- The project to tender for a new ICT contract;
- Further investigation of potential shared service opportunities, including the development of potential relationships with other Local Authorities.

The major outcome from the projects was the delivery of 20% savings through internal re-organisation which were delivered on time in order for a full year effect of savings to be taken in 2015/16. These included:

- A restructure of the Finance function
- A restructure of Human Resources and a re-writing of HR Policies and introduction of a new phone based service and helpdesk system. New self-serve HR capability has also been made available online.
- A restructure of Revenues and Benefits, the partial ‘northshoring’ of an element of the service and implementation of further automation.

The savings were delivered for a full year effect in 2015/16 which was quicker than originally anticipated as the council’s funding gap grew over the life of the project.

In addition the following outcomes were also achieved from the programme:

- A successful re-tender of the ICT contract, with the award of a new contract to Sopra Steria with effect from 1st November 2015;
- A decision to remain on the existing SAP system; and
- Further investigation of shared services opportunities.

Recommendations:

Members are asked to:

- I. Note the results achieved from Minerva (effectively complete);
- II. Offer comment on the project activities completed to date; and
- III. Acknowledge that the total programme spend was £70k under the original budget (of £1,741k).

Section 2 – Report

Introduction

The Council launched Minerva in March 2013 in response to three key challenges that the Council was expecting to face and plan for, namely:

1. Future pressures for cost reductions anticipated from 2015/16 and beyond.
2. The break clause provisions within the Council's existing ICT Service contract with Capita that could be exercised subject to one year's prior written notice.
3. The future requirement and use of the existing SAP IT system.

In considering the above, a range of possible options were researched and evaluated including internal cost reduction proposals, SAP replacement, relocation of services, shared services, outsourcing and a retender of the ICT service.

A summary of the work undertaken since December 2014 and the key outcomes achieved are set out below:

Internal Cost Reductions

Services in scope within the Resources Directorate developed cost reduction options including but not limited to internal change projects, service transformation and increased self-service through channel migration. Internal options were developed with an input from managers and employees across the Resources Directorate. Options were also received from Trade Unions (i.e. Unison) in relation to some service areas.

Internal options identified a potential for almost 20% savings across Finance and Assurance, Human Resources and Shared Services and Collections and Benefits. These accounted for potential annual savings of £2.0m based upon an initial investment of £1.3M and an annual cost base of approximately £11.6m. The overall payback period for these was less than two years. The projects for these areas have all been satisfactorily implemented and the benefits released.

ICT Re-tender

The existing partnership agreement with Capita was to expire on 3rd November 2015 but could have been extended by up to five years subject to at least 12 months written notice. The variation to that agreement for the provision of IT Services was also to expire on 24th November 2020 but contained a break clause provision that could be exercised subject to giving at least 12 months prior written notice.

The contracted services provided by Capita included Business Transformation and had an initial focus on SAP implementation for Finance, Payroll, CRM

(Customer Relationship Management) and the delivery of Procurement savings.

In 2010, the IT Service was incorporated within the existing partnership agreement as a contract variation with one of the key contractual requirements being a major IT upgrade programme. The ability to transfer risk to the supplier was a key factor in this decision.

As the option existed to re-tender the IT Service contract, it was considered that the opportunity for securing greater value from the contract should be taken especially as the market had fundamentally changed since the contract was originally awarded. Additionally, further changes in the delivery of IT services were anticipated for which the existing contractual arrangement provided little “headroom” to accommodate. The added need for the Council to achieve significant savings targets between 2015 and 2020 was also a material consideration in this decision.

Based upon the above key factors, at the Cabinet meeting on the 15th January 2014 it was therefore agreed:

1. To exercise the early break clause within the Incremental Partnership Agreement variation for the provision of IT Services.
2. To refrain from extending the initial period of the Incremental Partnership Agreement.
3. To approve the re-tender of the IT Service contract under EU Procurement rules and in accordance with contract standing orders and delegate authority to proceed with the procurement to the Corporate Director of Resources in consultation with the Portfolio Holder for Communications, Performance and Resources and the Portfolio Holder for Finance and to bring a contract award recommendation to Cabinet for commencement of the IT Service contract.
4. To approve a process to appoint a Legal and Commercial provider for the re-tender of the IT Service.
5. To authorise the Corporate Director of Resources to continue exploring the potential for a shared service arrangement with suitable partners.
6. To approve the launch of a two-year cost reduction programme aimed at achieving a savings target of 17% (i.e. £2.0m per annum).

Current Situation

Cost Reduction

The Council budget that was agreed in February 2014 projected a funding gap of £24.75m in 2015/16 and £20.765m in 2016/17. Based upon this projected gap, it was apparent that savings of the magnitude required could only be realised through significant changes to service delivery models. Grant settlement figures subsequently published indicated an estimated £75M budget gap for the four year period 2015/16 to 2018/19.

The annual value of the services in scope under Minerva (please see “Services in Scope” below) was approximately £11.6M (excluding the ICT service element). The savings identified from progressing with the internal options recommended to Cabinet in January 2014 through Minerva totalled £2.0M.

Services in Scope

Services in scope for Minerva were as follows:

1. ICT Service re-tender
2. HRD Review and Transformation (including Shared Services, Payroll and Health and Safety)
3. Revenues & Benefits
4. Finance & Assurance

Approach Taken

Following the Cabinet decision in January 2014, plans to implement the 5 key projects for the services in scope were commenced focussing on cost savings, transformation, potential shared service arrangements and the Procurement of ICT services. A summary of the outcomes relating to these is set out below:

1. HRD Review and Transformation

As part of the cost reduction exercise it was identified that the service did not meet the needs of the organisation and that a transformation of the HR service was required to achieve the level of savings and meet the organisation's needs. As a result of a review that was commissioned and jointly undertaken by the Chartered Institute of Personnel Development (CIPD) and the Institute of Employment Studies (IES) the following changes to the service model and roles performed within it were made:

- Implemented an improved HR service delivery model including the implementation of a phone based service and helpdesk system and re-written HR Policies;
- Realised full year savings of £494k by 1st April 2015;
- Delivered the transformation on time, to agreed quality standards and within budget;
- Ensured smooth transition to the new delivery model;
- Effectively managed the impact and transition for affected staff: and
- Acting as a platform for delivering further savings in the future (2016/17) and beyond).

To facilitate the achievement of the above, a Project Team was established and a new Target Operating Model (TOM) was developed and implemented. The main features of the TOM are outlined below:

Human Resources (HR)

- Improved and standardised processes delivering operational efficiencies.
- A redesign of the HR intranet to improve front-end usability and making it easier for users to navigate and to access HR information.
- An integrated Case Management System (CMS) and workflow system for entering, administering and tracking requests for HR support and transactions providing a single source of records.
- Deployment of a new telephony system to effectively manage and handle HR requests and transactions received by telephone.

- A new, cost effective model that builds upon the high-level functional structure proposed by the CIPD and the IES for HR and Organisational Development activities in their final report dated May 2014.

Organisational Development (including Learning and Development)

- Enhanced HR and line management skills and capability aligned to the new service delivery model.
- A new, cost effective model that builds upon the high-level functional structure proposed by the CIPD and the IES for HR and Organisational Development activities in their final report dated May 2014.

Shared Services (including Pensions, Payroll & SAP Support)

- Improved HR Information system (HRIS) configuration and functionality to enable effective HR operations and self-service.

The new service delivery model is provided to all Council directorates and the schools service.

Employee consultation for the revised service delivery model proposals was concluded on the 8th December 2014 and the project was concluded on the planned date of 1st April 2015.

Health and Safety

Savings within the Corporate Health & Safety team were related predominantly to changes in the organisational structure resulting from transferring the service to the Environment and Enterprise Directorate, thereby merging the Health & Safety team with the Environmental Health team. A reduction in full time equivalent posts as well as the cost base for the service was anticipated as a consequence. Additionally, increased income was anticipated from external sources.

The new arrangements have been implemented resulting in an advance realisation of savings totalling £41K for 2013/14 and a full year's saving of £101K for 14/15 onwards.

Lessons Learnt from the HR Project

At the conclusion of the project a post-project review was undertaken. The main lessons learnt were:

- The training and development specification for managers and HR staff was over ambitious and could not be met given the budget constraints.
- Training for managers could have been delivered in house by HR and/or the project team.
- Allowing voluntary exit staff to leave earlier, not requiring them to work their full notice periods would have minimised disruption and low morale among remaining staff.
- Create an "idiot's guide" to the Target Operating Model for staff and managers to aid communication and consultation with staff and customers.
- Started consultation with the trade unions a lot earlier regarding the need to streamline HR Policies and Procedures.

2. Revenues & Benefits

Cost reductions identified through Minerva for the Revenues and Benefits services related to reductions in staffing achieved through increased customer self-service and the automation of processes, combining of roles to achieve synergies, and a resilience and support service currently provided by Capita through the existing partnership agreement.

A restructure of the service, including partial northshoring, has been completed following a 4 week consultation period. Integration of e-forms with back office systems to enhance the customer experience and create additional capacity has also been completed. Resilience and support for the services is being retained through the existing incremental partnership agreement with Capita and permission to procure a supplier to facilitate seamless provision of this support from 1st November 2015 when the existing partnership agreement ends has been sought from Cabinet at the December 2015 meeting.

The annual savings of £459K identified through Minerva have been realised by the planned date of 1st April 2015 and implementation has been completed on time. On income collection Revenues & Parking Income has not been affected and excellent monthly collection occurs. However there were some performance pressures in Housing Benefits concerning processing times. This may have partially resulted from the staffing reduction and in order to resolve the issue additional temporary resource has been put in to the service. The situation is being monitored.

3. Finance & Assurance

Just under a third of the savings proposed for 2015/16 will be employee cost savings arising from a reduced headcount. A third of the savings target has been achieved through increased investment income generated as a result of recent loan activity. Savings of £200k have been realised through reducing contributions to the Insurance Fund following a review of claims activity and the balance of £110k has been achieved through charging activity to other income sources such as the Pension Fund.

The new arrangements were in place by 1st April 2015 in order to yield a full year's equivalent of savings amounting to £964k. Additionally, £80k was realised early in 2014/15.

4. ICT Procurement

Following the Cabinet decision in January 2014 when it was agreed not to extend the current IT Outsource (ITO) (with Capita) and the Minerva update report to this Committee in December 2014, a range of procurement activities have since progressed and been completed enabling the award of a new ICT contract to Sopra Steria. Legal and technical support for the procurement was provided through Eversheds and New Networks respectively following a selection process.

Procurement for the ITO was conducted applying the EU Competitive Dialogue procedure following advice from Eversheds. This process enabled

the Council to engage with the market to establish how the service can be delivered to meet objectives through an iterative dialogue with suppliers. This approach also allowed solutions to be proposed, discussed and amended throughout the process until the optimum solution is submitted.

The ITO procurement was advertised through the Official Journal of the European Union (OJEU). An initial “bidders day” was held that was attended by 47 suppliers and PQQ’s together with Invitations to Submit Outline Solutions (ISOS) were submitted by 12 organisations. ISOS responses remained unseen until the PQQ evaluations were complete. The top 8 bidders had their ISOS submissions opened.

ISOS submissions were then evaluated for the 8 bidders shortlisted and 4 bidders were then invited to participate in competitive dialogue. A further evaluation of submissions was undertaken at the Invitation to Submit Detailed Solutions (ISDS) stage whereby the number of bidders was reduced from 4 to 3.

Competitive dialogue was concluded in early 2015 with Sopra Steria being awarded the contract.

External Shared Service Arrangements

The Council is continuing to identify shared service opportunities with other Local Authorities, particularly other London Boroughs and County Councils. These initiatives are now being managed by individual services (such as Commercial & Procurement, Legal and HR) and have been moved out of Minerva’s remit.

Progress continues to look for a shared service partner for HRD. A business case is being developed with Buckinghamshire County Council aligned to their usage of the SAP system.

Initial work is also being undertaken to look into whether there is a possibility to create a shared service for Commercial & Procurement between Brent, Bucks and Harrow.

Programme Governance

Minerva has now been completed and subject to final legal costs in respect to the ICT Migration will come in below budget and on time. The Minerva Programme Board has been disbanded.

Financial Implications

The Council budget agreed in February 2014 projected a funding gap of £24.75M in 2015/16 and £20.765M in 2016/17 (as reported to Cabinet/Council in February 2014). The grant settlement figures subsequently published indicated a then estimated £75M budget gap for the four year period 2015/16 to 2018/19.

The annual value of the services in scope under Minerva (excluding ICT) was approximately £11.6M. The original savings identified under the internal option from Project Minerva totalled £2.0M, which through the various projects outlined above have been achieved.

Performance Issues

Proposed changes to service delivery models have resulted in services being delivered in a different way. There is an increased emphasis on self-service particularly in HRD and for customers accessing Revenues and Benefits services through Access Harrow. In some areas, support is now provided through different channels (such as via the Intranet and online policies and procedures). As mentioned above there have been some performance pressures within Housing Benefits concerning processing times. This is being addressed using additional resource to relieve the pressure and the situation is being monitored.

Environmental Impact

There are no direct environmental impacts anticipated from this report.

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? Yes. There was a Risk Register for the major projects (e.g. ICT and HRD).

Project risks were documented on the project risk register and proactively managed through the Project Reporting arrangements and through VERTO.

Equalities implications

Was an Equality Impact Assessment carried out? Yes

Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties. They are not duties to secure a particular outcome. The equalities impact was revisited for each of the proposals as they were developed. Consideration of the duties should precede the decision. It is important that the Council has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

It is important that robust equalities impact assessments are completed and that consultation is undertaken whilst the project is in a formative stage.

An overview Equalities Impact Assessment was completed for Project Minerva and considered by the Equalities Impact Assessment Quality Assurance Group at their meeting of 16th December 2013. Specific EqIA's for the individual projects or areas were established and completed, as required.

Section 3 - Contact Details and Background Papers

Contact: Tom Whiting, Corporate Director of Resources X5484

Background Papers: None

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REPORT FOR: OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting:	17 November 2015
Subject:	School Expansion Programme
Responsible Officer:	Chris Spencer, Corporate Director for People
Scrutiny Lead Member area:	Councillor Lynda Seymour, Children and Families Policy Lead Member Councillor Janet Mote, Children and Families Performance Lead Member
Exempt:	No
Wards affected:	All
Enclosures:	Appendix A: School Expansion Programme Capital Forecasts and Funding Appendix B: Summary of Primary School expansions Appendix C: Programme Risk Profile

Section 1 – Summary and Recommendations

This report provides an update on the implementation of the school expansion programme and related matters including procurement for the next phase of the schools capital programme delivery.

Recommendations:

The Overview and Scrutiny Committee is requested to note the report and comment on the implementation of the school expansion programme.

Section 2 – Report

Introductory paragraph

1. The Local Authority has a statutory responsibility to provide sufficient school places for its area. Harrow is experiencing significant growth in the pupil population. There are several key strands to the delivery of sufficient school places because an increasing pupil population impacts across primary, secondary and special school provision.
2. The annual update of school roll projections provides important data to help inform the proposals that are brought forward in the phases of the school expansion programme. The most recent school roll projections update was reported to Cabinet on 14 July 2015.
3. This report updates Overview and Scrutiny Committee Members on the school expansion programme and outlines the progress to date on the planned programme implementation.

Council Strategies

4. Cabinet agreed its School Place Planning Strategy in February 2010 to meet the increasing demand for school places that is primarily birth rate driven. In July 2011, Cabinet agreed on a Primary School Expansion Programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient primary school places through the creation of additional permanent places in phases as the demand increases, supplemented by planned bulge classes opened if required.
5. In July 2013 Cabinet approved the Special School SEN Placements Planning Framework for bringing forward proposals over the next 3-5 years to increase provision for children and young people with special educational needs. In April 2015 Cabinet approved the Special Educational Needs and Disability Strategy 2015-2020.
6. In November 2013, Cabinet approved the Secondary School Place Planning Strategy. The strategy set out the Phase 1 approach to

increase capacity within the secondary sector that would deliver the additional places required by September 2018.

Summary of the School Expansion Programme

Primary School Expansion Programme

7. Phase 1 was implemented in September 2013 with the creation of 8 additional permanent Reception forms of entry at expanded schools.
8. Phase 2 delivered 15 additional permanent Reception forms of entry by September 2015. Seven in September 2014 and a further eight in September 2015.
9. Phase 3 will have delivered 5 additional Reception forms of entry by September 2016 at expanded schools. There is current planning for three primary free schools to be established that would provide 7 additional Reception forms of entry by September 2017.

Secondary School Expansion Programme

10. Phase 1 will have delivered 19 additional Year 7 forms of entry by September 2016.
11. Phase 2 planning is being developed to meet the projected need for additional Year 7 forms of entry from 2020/21 onwards.

Special Educational Need Provision

12. 151 additional special educational need places at special and mainstream schools have been delivered from September 2015. The SEND Strategy includes a Strategic Priority to continue to identify future provision requirements from 0-25 age range.

Delivery of the School Expansion Capital Programme

13. There is an extensive schools capital programme to create additional places and special educational needs provision. Whilst the priority for the funding is on expansion, the Council in partnership with schools has taken the opportunity for the learning environments and school sites to be transformed and improved significantly.
14. The approach the Council has adopted has the following features:
 - to consider all school sites in accordance with government accommodation guidance but to develop individual site specific solutions;
 - to provide permanent accommodation for permanent expansions and replacing time served temporary accommodation with permanent build. This improves the internal environment by enabling classrooms and spaces to be reconfigured ensuring that year groups are located together and circulation improved. Externally, the footprint is consolidated which in turn improves the outdoor and playground spaces;
 - improving catering facilities to provide meals in accordance with the Key Stage 1 Meal Entitlement;

- providing specialist spaces for the additionally resourced SEN provision.
15. The Council has maximised the government's funding opportunities and there are three main strands:
 - Annual Basic Need allocation and Targeted Basic Need Programme.
 - Priority School Building Programme (PSBP) Rounds 1 and 2. This is the government's national programme to address the worst condition schools. There are 7 schools in the PSBP1 programme and they will be rebuilt.
 - Free Schools managed and delivered by the Education Funding Agency with the proposers.
 16. The delivery of the construction projects in the school expansion programme is being coordinated by the Children's Capital Project Team.
 - Most of the construction projects in the initial phases of the school expansion programme are being delivered by Keepmoat the Council's Framework Partner.
 - The Education Funding Agency is delivering the school expansion projects within the Priority School Building Programme and also the new free schools announced by the Department for Education to be established in Harrow.
 17. A large proportion of the construction projects had to be delivered by September 2015 to meet the funding conditions of the Targeted Basic Need Programme which attracted into the borough over £32million of funding for new school places. Together with the other construction projects across schools, there was an extensive and complex programme of 29 projects to deliver during the summer period.
 18. This is an intensive programme of works which has had considerable challenges. At the outset of the programme it was expected that the majority of the project works would be completed by September 2015. However, there have been delays across the programme. The overall delay has meant that the priority for the Schools Capital Team and the contractors was to ensure that there is accommodation for the pupils at the beginning of September.
 19. Through the determination and commitment of the school staff, including Headteachers and site supervisors, the contractor and Children's Capital Project Team, the majority of schools opened during the first week of September for the new academic year. Four schools opened on Monday 7 September and parents were informed on Friday 28 August about the deferred start. The issues that were overcome to achieve this should not be underestimated and, whilst it is acknowledged that there are on-going challenges to complete all the projects, it is important that the combined contributions in this achievement from the schools, contractors and council are recognised.
 20. By the end of the Autumn half term holiday at the beginning of November progress has been made with SEP1 and SEP2 projects and a number of

projects have been completed. All the other projects have a completion date ranging from the end of this year to spring 2016.

Phase 3 procurement

21. The Council's single contractor framework agreement with Keepmoat, which is delivering the Phase 1 and Phase 2 expansion projects, has expired and has not been replaced as there are a number of alternative procurement routes available to the Council. These alternatives include using framework agreements let by other public sector bodies and issuing tenders to the market.
22. Cabinet has delegated the following authorities:
 - On 16 October 2014, authority for the appointment of a consultant or contractor from a national or local public sector Framework(s),
 - a) to undertake feasibility studies, surveys and provide professional and technical services and
 - b) to design and build /refurbish the school facilities to provide additional school places within the School Expansion Programme Phase 3 and Phase 4, subject to Council's approval of the capital programme 2015/16 to fund additional Phase 3 school expansions and Phase 4.
 - On 23 April 2015, authority to appoint contractors for works on projects in the capital programme, including for school expansions, amalgamation, capital maintenance and bulge class works
23. Following a procurement process, EC Harris, now known as Arcadis, were appointed as Technical Advisers to complete the feasibility studies on the Phase 3 expansion school sites including surveys and to develop the designs.
24. For the Phase 3 expansion projects, the Children's Capital Project Team, in conjunction with the Divisional Director Commercial, Contracts and Procurement and Arcadis, has recommended the procurement route to appoint the constructor for building works that it is considered will best address issues such as cost effectiveness (given the current market conditions which have seen construction costs rise significantly), severe pressures on the availability of the construction supply chain and a desire to enable, as far as possible, local companies to be able to compete for the work.
25. On 30 September 2015 approval was given to appoint Willmott Dixon as the single supplier from the SCAPE framework. The SCAPE framework is local authority owned and specialises in school construction. Under this framework the contractor is appointed using a National Engineering Contract (NEC) which is used widely by a number of LAs. The NEC form of contract includes robust Liquidated and Ascertained Damages (LAD) clauses in the event that the contract is breached to ensure delivery and within an agreed budget. Two contractors have been appointed:
 - Willmott Dixon as a single supplier for works over £2m.
 - Kier as a single supplier for works below £2m.
26. The Schools Capital Team will ensure that there are robust contract monitoring arrangements in place to hold all parties to account.

Procurement and Legal teams will be reviewing performance to ensure compliance. The contractor's performance against the contract will be reported to the Corporate Strategic Procurement Board.

Position for school places in September 2015

27. The immediate pressures for school places continue to be experienced in the primary sector. The situation will be monitored closely. At this stage it is believed there will be sufficient Reception places to meet in-year demand this academic year.
28. There is particular pressure across year groups Year 1 to Year 6 and pupils continue to be placed in accordance with the Fair Access Protocol. This means that the majority of primary schools have pupils in year groups above their published admission number. In order to alleviate this pressure, seven additional temporary 'bulge' classes have been opened across year groups Year 1 to Year 4 in recent years, which has been possible because of the very helpful response by schools to meet the demand for more school places:
- a Year 1 class in 2011;
 - a Year 2, a Year 3 and two Year 4 classes in 2014;
 - a Year 1 and a Year 4/5 class in 2015.
- Discussions will continue with schools about options to open further additional temporary classes during this academic year and in September 2016 as required.
29. There are sufficient places to meet demand for secondary places currently and it is believed there will be sufficient places to meet in-year demand this academic year.

Future Planning

30. Primary. Free schools are an important component of Harrow's school expansion programme. If the lower trajectory of increased demand for Reception places predicted in the latest school roll projections report materialises in reality, and the already announced free schools are delivered in Harrow, it may be that the current Phase 3 expansion plans up to September 2018 will provide sufficient additional permanent primary school places in Harrow to meet demand. The situation will need to be monitored annually, but on the updated projections the peak and any fluctuations in demand could perhaps then be met by continued use of bulge classes to avoid any risk of over capacity of permanent places.
31. The planning for the delivery of Phase 3 primary school places is phased over a two to three year period to meet demand as it is projected to increase. Currently the phasing is as follows:
- 2015 Grimsdyke and Longfield
 - 2016 Weald Rise and Stag Lane expansions. St Jérôme's and Mariposa free schools.
 - 2017. Harrow View free school.
32. The delivery of these additional school places is through a combination of Council projects and projects managed by the Education Funding Agency (EFA). Harrow's Schools Capital Team is project managing the expansions of Grimsdyke, Longfield and the Stag Lane schools. The

Government's Priority School Building Programme will rebuild Weald Rise as an expanded school. The EFA deliver free schools in partnership with the free school proposers. The Schools Capital Team and Education Strategy have established a strong interface with the EFA and proposers. This is important because if there are delays to the programme then there may be consequences for the Council school place planning strategy and the Council's ability to fulfil its statutory duty to provide sufficient school places.

33. The opening of Harrow View Primary School and the new primary school on the Civic Centre site need to be timed for when the new housing units are being occupied. An additional consideration is the lead in time for construction of new schools, for which a two year lead-in period needs to be factored in.

34. SEN and secondary. The focus for future school place planning is on provision for special educational needs (SEN) and secondary places. In developing plans there will be consideration of existing schools and free school opportunities.

Special educational needs provision

35. Representative task and finish groups are working on the six Strategic Priority Areas of the Special Educational Needs and Disability Strategy approved by Cabinet in March 2015. Additional special educational need provision is likely to be an outcome of this work. When specific proposals are identified to be brought forward for potential implementation, these will be reported to Cabinet. Special schools have already been expanded and space for additional SEN provision will be challenging to identify. It is important to identify where additional SEN provision could potentially be located and site scoping work (see below) will be undertaken in preparation for specific proposals that are identified.

Secondary places

36. The first phase of the Secondary School Place Planning Strategy set out the planning to meet the increasing demand for Year 7 places up to 2018. Successful applications to the Targeted Basic Need Programme and new schools under the Free School Programme have created additional places that will meet the demand predicted in the latest school roll projections up to 2020/21. Though a consequence of this is a surplus of Year 7 capacity for high schools to manage in the next few years, the successful applications have attracted very significant additional funding into the borough to timescales that were set by the Government.
37. Phase 2 secondary school place expansion planning will require expansion of places at a number of existing high schools as well as potentially an additional new school above the current free school plans in the borough. Current high school sites are very constrained by existing student numbers. Sites for a new high school in Harrow will be challenging to identify, and planning and delivery can be expected to take some years. It is important to identify where additional secondary places could potentially be located and site scoping work (see below) will be undertaken to help inform planning.

Site scoping

38. Site scoping work will help to inform proposals for additional school places and ensure that the capital programme is kept updated to meet future costs.
39. Arcadis, the Technical Advisers to Phase 3 of the School Expansion Programme, have been commissioned to undertake scoping studies on school site options for primary, secondary and special educational need provision that can inform:
- development of specific proposals;
 - Council's financial planning;
 - timing of any statutory decision-making processes.
40. The proposed timescales for this programme of work are:
- | | |
|---------------------|--|
| December | Arcadis site scoping and initial costings work to be completed |
| By end of term | discussion with schools |
| January 2016 | possible start of any statutory processes on proposals to create new school places (Cabinet decisions in June) |
| June 2016 | provisional costings for new provision. Commence planning for MTFS update. |
| September 2016 | start design work. |
| September 2018/2020 | delivery of new provision. |

Financial Implications

Revenue

41. School revenue budgets are funded from the Dedicated Schools Grant (DSG). As the Department for Education (DfE) allocates DSG based on pupil numbers, any increase in pupil numbers results in additional revenue funding for the expanding school. The revenue funding is allocated to schools based on the Harrow Schools Funding Formula. School budgets are based on the pupil numbers in the October prior to the start of the financial year, so there is always a funding lag when schools increase their pupil numbers.
42. Harrow's Schools Forum has made helpful decisions about school funding to support the school expansion programme, including: Additional Class Funding Formula; Additional Class Funding Formula in the 2nd Year to support in-year additional classes; Age Range Extension Primary to Secondary; provision for a lag in funding in some cases.

Capital

43. The budget for the school expansion programme through to 2018-19 is £124.944m. As at the end of August 2015 there have been significant pressures identified primarily in Phase 2 (SEP2) of the programme. They include items omitted/excluded from the Agreed Maximum Price (AMP) schedules, delays leading to additional costs including Plan B options for works not completed by September 2015 and a number of external unforeseen factors such as UK Power. It is anticipated the worst case scenario forecast figures will not all come to fruition and that the programme will still be affordable within the budget. However, the

programme is continually changing and therefore there is still a risk to this budget.

44. This does not include costs for two schools (Priestmead and Aylward) which will be rebuilt as expanded schools as part of the Government's Priority School Building Programme (PSBP) to improve the schools in the worst condition across the country.

Virement

45. All Phase 3 (SEP3) schools are on very confined sites within heavily residential areas. Consequently this brings additional challenges to the building programme with enhanced planning requirements mainly around traffic and the size and type of building planning will allow. Furthermore, due to works having to be carried out whilst schools are in occupation means the building process will be longer which impacts on project costs. The current construction market in the UK and in particular in London is extremely buoyant with many construction firms working to capacity and with full order books. Because of this, the cost of construction related materials, labour and professional services are at a premium. This means the current SEP3 budget needs to rise to keep pace with the rising costs of the London construction market. On 17 September 2015 Cabinet approved a virement to the Capital Programme transferring £5.465m of funding from the as yet uncommitted Phase 4 School Expansion Programme to Phase 3 to fund these increasing costs from within the overall approved capital programme.

Performance Issues

46. Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. As at 31st March 2015, 88% of Harrow's primary and secondary schools are judged 'good' or 'outstanding', compared to 86% in London and 82% nationally (Source: Ofsted Data View).
47. The Education Act 2011 maintains a focus on driving up standards in schools, and places more of the responsibility with the schools directly for their improvement. The role of the Local Authority in measuring performance and driving improvement has changed significantly and is reduced from its previous level. However, the Local Authority maintains a strategic oversight and enabling role in local education, and is likely to retain some role in monitoring educational achievement and key measures such as exclusions and absence. The Local Authority is also statutorily responsible for supporting and improving underperforming schools.
48. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and local authority level. They are also used within information provided to the Department for Education.
49. There is a complex interrelationship between a number of other performance issues such as traffic congestion, road safety, traffic and parking enforcement and travel plan performance, and all these

considerations are taken into account in assessing school expansion proposals.

Environmental Impact

50. The Council's over-arching climate change strategy sets a target to reduce carbon emissions by 4% a year. Schools account for 50% of the council's total carbon emissions. Reducing emissions from schools is therefore a vital component in meeting the Council's target. However there is a significant risk that the expansion programme will increase emissions rather than reduce them. Phase 3 of the School Expansion Programme will have an impact on carbon emissions that will need to be carefully considered in this context.
51. The RE:FIT Schools Programme will be available to retrofit existing school buildings to improve their energy efficiency. For new-build schools, the design standards will need to ensure that they meet high energy use efficiency standards. Of particular importance will be the use of low carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase.
52. For many of the projects in the school expansion, programme, planning applications will be required and part of the application will be a school travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Risk Management Implications

53. Risk included on Directorate risk register? Yes.
Separate risk register in place? Yes.
54. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers. A Programme Risk Register is reviewed by the Programme Board.
55. The risks for delivery of the school expansion programme have been reported in detail to Cabinet in quarterly update reports. The highest priority risk for this programme is financial in respect of the programme or individual projects being unaffordable and thereby incurring additional costs to the Council. Control actions to mitigate against this risk include:
 - Capital strategy brings together the Government's school funding streams: Basic Need; Capital Maintenance; Targeted Basic Need Programme; and building programmes e.g. Priority School Building Programme.
 - School expansion feasibility designs aligned to the Department for Education guidance on spaces and areas for schools.
 - Indicative costs calculated from feasibility studies to inform programme budget.
 - Programme contingency has been included in the programme budget.
 - Robust financial and programme monitoring through the Programme Board, Capital Forum and Cabinet reports.

- Exploring how the Government’s Free School Programme for new schools (programme funded directly from government) may be supported in Harrow.

Equalities implications

56. Equalities Impact Assessment has been undertaken on Phase 2 of the Primary School Expansion Programme and on each school proposed for permanent expansion. The overall conclusion of these assessments is that the implications are either positive or neutral in that the expansion of the schools will help to ensure sufficient school places for the increasing numbers of children in Harrow. The assessments have not identified any potential for unlawful conduct or disproportionate impact and conclude that all opportunities to advance equality are being addressed.
57. Harrow’s schools are successful, inclusive and provide a diversity of provision. The school expansion programme will ensure sufficient school places for the increasing numbers of children in Harrow and will build on the successful provision that already exists in Harrow’s schools. By acting to ensure all children in Harrow have access to a high quality school place, Harrow is promoting equality of opportunity for all children and young people.

Council Priorities

The Council’s vision is: **Working Together to Make a Difference for Harrow**

58. The Council Priorities are as follows:
- Making a difference for the vulnerable
 - Making a difference for communities
 - Making a difference for local businesses
 - Making a difference for families
59. The School Expansion Programme supports these priorities by:
- Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
 - Providing high quality local mainstream and special educational need provision in schools for children close to where they live.

Ward Councillors notified:

NO

Affects all Wards

Section 3 - Contact Details and Background Papers

Contact: Jerry Dillon, interim Head of Children’s Capital Project Team, 020 8424 1787, jerry.dillon@harrow.gov.uk

Background Papers: None.

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Project	Original Pre-feasibility Estimated Project Cost	Post-feasibility Forecast	Spend to date	School Sign-off Forecast	Latest Forecast/Agreed Price	Variance to School Sign-Off Forecast	Scheme	Note
LAST UPDATED:	Aug 2013	Dec 2013	Oct 2015	July 2014	Dec 2014			
SEP Phase 1								
Marlborough (top up of PSBP & Decant costs)	4,900	1,500	767	1,200	1,200	0	PSBP	1
Vaughan	2,900	2,900	483	2,900	700	-2,200	PSBP	2
Pinner Parks	2,850	3,100	3,335	3,100	3,100	0		
Pinner Parks additional works at school cost				250	250	0		3
Stanburn	2,150	2,150	1,988	2,150	2,150	0		Complete
Glebe	1,750	1,750	1,777	1,750	1,776	26		Complete
Camrose	297	297		297	297	0		Complete
Cedars Manor	26	26		26	26	0	PSBP	
TOTAL SEP Phase 1	14,873	11,723	8,349	11,673	9,499	-2,174		
SEP Phase 2 Group 1 (Sep 14 Expansions)								
Norbury	2,300	3,000	964	2,480	2,405	-75	TBNP	
Norbury additional works at school cost				100	125	25		4
Norbury s106 works					80	80		5
Belmont	2,010	2,450	2,875	2,970	3,026	56	TBNP	
Belmont s106 works					24	24		5
Pinner Wood	1,000	1,250	788	1,330	1,538	208		
Pinner Wood s106 works					42	42		5
Grange	1,250	1,550	205	1,315	1,350	35		
Aylward	PSBP		62			0	PSBP	
TOTAL SEP Phase 2 Group 1	6,560	8,250	4,894	8,195	8,590	395		
SEP2 Phase 2 Group 2 (Sep 15 Expansions)								
Elmgrove	5,100	3,500	2,513	3,360	3,173	-187	TBNP	
Elmgrove s106 works					27	27		5
St John Fisher	2,400	2,850	2,004	2,640	3,214	574	TBNP	
St John Fisher s106 works					6	6		5
Newton Farm	2,150	2,950	1,937	3,000	3,400	400	TBNP	
Newton Farm s106 works					22	22		5
Cannon Lane	3,130	3,700	3,042	3,610	3,300	-310	TBNP	
Priestmead	PSBP				0	0	PSBP	
Kenmore Parks	3,500	3,100	2,930	3,220	3,275	55		
Kenmore Parks additional works at school cost				110	260	150		6
Whitchurch	2,010	1,800	2,458	2,000	2,550	550	TBNP	
TOTAL SEP Phase 2 Group 2	18,290	17,900	14,883	17,940	19,226	1,286		
SEP Phase 3 (Sept 15 and 16 expansions)	Note: School specific details are commercially sensitive							
Grimsdyke								
Longfield								
Welldon Parks								
Weald Rise								
Stag Lanes								
TOTAL SEP Phase 3	15,750	7,500	393	7,500	21,215	13,715		
SEP Phase 4	10,500	0	0	0	4,615	4,615		
SEN Expansions								
Woodlands & Camrose	2,500	2,600	2,687	2,370	3,054	684	TBNP	
Woodlands & Camrose s106 works					11	11		
Kingsley	2,500	1,100	1,423	1,495	1,400	-95	TBNP	
Shaftesbury	2,500	2,600	2,960	2,530	3,150	620	TBNP	
West Lodge Mainstream Unit	1,500	950	1,329	940	1,436	496	TBNP	
Earlsmead Mainstream Unit	1,500	950	1,004	750	1,123	373	TBNP	
New provision	10,500				10,500	10,500		
TOTAL SEN Expansions	21,000	8,200	9,402	8,085	20,675	12,590		
Secondary Expansions								
Bentley Wood including SEN Unit	3,650	3,850	4,994	4,190	4,422	232	TBNP	
Bentley Wood additional works at school cost				695	1,000	305		7
Bentley Wood s106 works					158	158		5
Whitefriars Community	12,400	15,950	12,768	15,950	16,030	80	TBNP	
Secondary Provision scoping & feasibility					420	420		
New provision	525				525	525		
Total Secondary Expansions	16,575	19,800	17,762	20,835	22,555	1,720		
Original Schools Expansion Programme 2 Contingency		3,087		3,087		-3,087		8
New Schools Capital Programme Contingency					1,802	1,802		8
Other								
Relocation of Pupil Referral Unit		650	929	950	950	0		
PSBP Schemes Preparation Works					270	270		
Capital Maintenance	8,100	8,100	2,441	8,100	9,006	906		9
IT	950	950	128	950	950	0		
Whitmore Sixth Form Block D expansion			2,127		2,155	2,155		10
Short Breaks	256	256	262	256	256	0		
Bulge classes	525	525	417	525	975	450		
Universal Infant Free School Meals	505	505	263	505	305	-200		11
Amalgamations	1,900	1,900	1,641	1,900	1,900	0		
TOTAL Other	12,236	12,886	8,207	13,186	16,767	3,581		
TOTAL ESTIMATED SPEND	115,784	89,346	63,891	90,501	124,944	34,443		12

Funding Source	Total Notified funding 2012-2018	
Basic Need Yearly Allocation	65,543	
Capital Maintenance Yearly allocation	6,038	
Targeted Basic Need Programme	33,968	
Other Grant Funding - Free School meals	505	
Funding from Schools	3,768	
Council Funding	324	
New borrowing approved Feb 2015	23,575	
Offset new borrowing approved Feb 2015 with additional Basic Need funding	-19,607	
s106 funding	369	
Carry forward from previous year	10,462	
TOTAL CONFIRMED FUNDING	124,944	
POTENTIAL ADDITIONAL FUNDING	-0	

Sources of funding over the expansion programme

Funding Source	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	TOTAL
Basic Need Yearly Allocation	7,346	7,346	11,753	18,474	14,624	6,000	65,543
Capital Maintenance Yearly allocation	2,171	2,003	1,864				6,038
Targeted Basic Need Programme	9,503	24,464					33,968
Other Grant Funding - Free School meals		505					505
New borrowing approved Feb 2015			6,120	11,355	8,715	-2,615	23,575
Offset new borrowing with additional Basic Need			-6,120	-11,355	-2,132		-19,607
Funding from Schools		3,768					3,768
Council Funding	324						324
s106 funding		369					369
Carry forward from previous years	10,462						10,462
TOTAL CONFIRMED FUNDING	29,806	38,456	13,617	18,474	21,207	3,385	124,944

Status of funding

Funding Source	Received	Approved	Estimated	Total
LAST UPDATED:	Oct 2015	Oct 2015	Oct 2015	
Basic Need Yearly Allocation	22,528	37,015	6,000	65,543
Capital Maintenance Yearly allocation	5,417	621		6,038
Targeted Basic Need Programme	33,968			33,968
New borrowing approved Feb 2015	23,575			23,575
Offset new borrowing with add. Basic Need	-19,607			-19,607
Other Grant Funding - Free School meals	505			505
Funding from Schools	2,457	1,311		3,768
Council Funding	324			324
s106 funding	369			369
Carry forward from previous years	10,462			10,462
TOTAL	79,997	38,948	6,000	124,944

Spreadsheet notes and assumptions

- 1) The Marlborough scheme has been redesigned by the EFA. Harrow has provided the decant accommodation at the civic centre site. Provision is retained to potentially re-use the decant accommodation for future PSBP schemes.
 - 2) The Vaughan scheme is being delivered by the EFA to the Harrow planning permission. £700k is retained in the budget to contribute to the total cost of the scheme. The remaining funding is now released to the contingency line
 - 3) £250k funded directly by school
 - 4) £125k funded directly by school. This has risen by £25k for underpinning works.
 - 5) A total of £369k s106 funding identified for 7 schools
 - 6) £260k funded directly by school
 - 7) £1,000k funded directly by school. This has increased from £695k
 - 8) Original contingency £3.087m reallocated across SEP2 schemes. Unallocated funding previously committed to Vaughan (see note 2) now released into contingency line
 - 9) £330k capital maintenance funding contributing to SEP2 schemes
 - 10) Total cost £2.155m of which £2.133m included in funding sources, £22k diverted from contingency
 - 11) £200k Universal infant free school meals funding
 - 12) Net increase £2.982m funded by £369k s106 funding and £2.613m from increased school contributions
- New capital programme approved Feb 2015

Summary of Primary School Expansions

Harrow primary schools by geographical Primary Planning Area showing where temporary additional (bulge) classes have been opened and the approved permanent expansions Phases 1 – 3.

PPA	Schools	Bulge Classes All Reception <i>except those in mauve</i>	Permanent Expansion	New PAN when expanded
1. North East	Aylward	2013	2014	90
	Stanburn	2011, 2012	2013	120
	Weald	2010, 2011	2016	120
	Whitchurch	2014	2015	120
	<i>St John's CofE</i>			
2. North West	Cedars Manor	2009. 2011. 2012	2013	90
	Cannon Lane	2012, 2014	2015	120
	Grimsdyke	2014, 2014 (Yr 2)	2015	90
	Longfield	2010, 2013	2015	120
	Pinner Wood	2010, 2013	2014	90
	West Lodge			
	<i>Moriah</i>			
	<i>St John Fisher</i>	2014	2015	90
<i>St Teresa's</i>				
3. South East	Camrose	2011 (Yr 1), 2012	2013	60
	Glebe	2011, 2012, 2014 (Yr4)	2013	90
	Kenmore Park	2010, 2011, 2014	2015	120
	Priestmead	2014	2015	120
	Stag Lane	2014		
	<i>Krishna Avanti</i>		2013	60
	<i>St Bernadette's</i>			
4. South West	Earlsmead			
	Grange	2009, 2011, 2013, 2014 (Yr 4)	2014	90
	Heathland			
	Newton Farm	2014	2015	60
	Roxbourne			
	Roxeth	2013		
	Vaughan	2012	2013	90
	Welldon Park	2009, 2012	2015	90
<i>St George's</i>	2009			
5. Central	Belmont	2009, 2013	2014	90
	Elmgrove	2012, 2014	2015	120
	Marlborough	2012, 2014 (Yr 3), 2015 (Yr 1 and Yr 4/5)	2013	90
	Norbury	2010, 2011, 2013	2014	90
	Pinner Park	2011, 2012	2013	120
	Whitefriars*	2014	2015	90
	<i>St Anselm's</i>			
	<i>St Joseph's</i>			

Avanti House free school opened 2 Reception forms of entry from September 2012.

*Age range extension from Sept 2015 to Secondary

Summary of Expansions for Special Education Needs

From September 2015, 151 new places for pupils with special educational needs will open at:

School Expansions:

- Kingsley High School
- Shaftesbury High School
- Woodlands School

Additionally Resourced Provision:

- Bentley Wood High School
- Earlsmead Primary School
- West Lodge Primary School

Summary of Secondary School Expansions

- Bentley Wood High School September 2014
- Whitefriars School September 2015 (Age range extension from Sept 2015 to Secondary)
- Canons High School September 2016

Children's Capital Projects Team - Programme Overview

Programme Name	Progress Update	September 2015 Report	Programme RAG Status
SEP 1 Status	All SEP1 schools are now open. However, we are having issues with Keepmoat in trying to get them to complete works to Harrow's satisfaction and complete the outstanding snagging works. This situation is being monitored and reported monthly to the Programme Board on whether there are any improvements. Keepmoat's new Project Director for SEP1&2 has taken over this programme and is currently reviewing the outstanding works and will be coming back to Harrow with an action plan to complete the works. Should these issues continue there will be liaison with Harrow's legal team about options to secure completion of the works.		
Time	All SEP1 School are open.		
Cost	Final accounts for the completed projects have been agreed. The last project to complete is at draft final account stage.		
Resources	There are a number of issues in relation to the quality of workmanship and the high turnover of Keepmoat project staff, which Keepmoat have been trying to address. However, constant changes to site management staff did impact on site progress and the quality of work.		
Issue	Harrow are seeking resolution of the outstanding work issues and programme delays so the final project on SEP1 can be completed.		
Risk	All risks are being managed.		
SEP 2 Status	12 schools opened on 3/9/2015 and the remaining 4 schools opened on 7/9/2015 - these were Elmgrove, Camrose, Cannon Lane, Kenmore Park. There are various issues with completing the snagging and the outstanding contract works, but these issues are being managed. This was not the best solution, however it was agreed by all parties the priority was to make sure the pupils were in school and the remaining works would be completed after the schools opened.		
Time	Harrow are waiting for Keepmoat's new Project Director for SEP1&2 to issue a further revised programme schedule of SEP2 project programmes. Due to issues in design and poor management by Keepmoat some school projects will not be completed until 1Q 2016. The majority of the SEP2 projects should be completed by the end of 2015.		
Cost	Harrow's Technical Advisors MACE and T&T are reviewing all the SEP2 accounts and the numerous cost variations issued by Keepmoat. A number of the cost variations have not been accepted by Harrow. There are also a number of variations which Harrow will have to fund. The Children's Capital Team are liaising with Jo Frost in finance on this matter each month with monthly cost schedules for each school project.		
Resources	There are a number of issues in relation to the quality of workmanship and the high turnover of Keepmoat project staff, which Keepmoat have been trying to address. However, constant changes to site management staff has impacted on site progress and the quality of work.		
Issue	There are a number of issues across all SEP2 schools which Harrow are seeking resolution of from Keepmoat.		
Risk	All risks are being managed.		
SEP2 / SEN Expansion Status	There have been a number of issues but all the SEN schools are open.		
Time	Harrow are waiting for Keepmoat to issue a further revised schedule of SEP2/SEN project programmes. Due to issues in design and poor management by Keepmoat, SEN school projects are due to be completed 4Q 2015.		
Cost	AMPs now agreed and within budget but same cost matters as SEP2 above.		
Resources	Projects have resource issues		
Issue	Harrow's Technical Advisors MACE and T&T are reviewing all the SEP2/SEN accounts and the numerous cost variations issued by Keepmoat. A number of the cost variations have not been accepted by Harrow. There are also a number of variations which Harrow will have to fund. The Children's Capital Team are liaising with Jo Frost in finance on this matter each month with monthly cost schedules for each school project.		
Risk	All risks are being managed.		
SEP 3 Status	Programme to be fully planned for 5 school expansions 2015/16.		
Time	Scoping studies completed. Feasibility studies nearing completion. Stag Lane schools are to follow into the SEP3 programme following Cabinet's approval in October of the expansion. After resolution of procurement issues, works are now being procured via the SCAPE framework. The procurement delays mean there will be an impact on the completion dates which will extend beyond September 2016. Interim arrangements will ensure there is accommodation for the September 2016 intakes of additional pupils.		
Cost	Arcadis (EC Harris) have undertaken a cost review following receipt of costs from the SCAPE framework contractor Willmott Dixon. The costs indicate SEP3 can be procured within the current budget, however this is subject to finalisation of detailed design and obtaining full planning consent.		
Resources	Projects are fully resourced.		
Issue	All issues are under control and being managed.		
Risk	All risks are being managed.		

SEP 4 Status	Arcadis (EC Harris) have been appointed to review options for a new Secondary School and SEN School/SEN unit within Harrow. They will also look at potential for redevelopment options for Grange Primary School.	
Time	Arcadis (EC Harris) to issue findings and a report by the beginning of December 2015.	
Cost	Arcadis (EC Harris) options allowed within SEP budget.	
Resources	Projects are fully resourced.	
Issue	All issues are under control and being managed.	
Risk	All risks are being managed.	
PSBP 1 Status	EFA are managing the overall programme. Kier have been appointed by the EFA to be their main contractor on PSBP1 schools.	
Time	EFA Projects are in delay due to issues with EFA in procuring their appointed contractor. It is anticipated that Priestmead (the first EFA PSBP project) will be completed January 2017.	
Cost	Costs being managed by the EFA.	
Resources	Projects are fully resourced by EFA. Sample school is Priestmead.	
Issue	All issues are under control of the EFA. Vaughan school has now started on site and Marlborough school is due to be completed by April 2016. Salvatorian is currently part of high level discussions being held with Chris Spencer and the EFA.	
Risk	All risks are being managed.	
PSBP 2 Status	4 school applications were submitted to the EFA, however only Elmgrove was selected. EFA still to notify Elmgrove when the works will start on site.	
Time	EFA advises this is a five year programme and Harrow are still waiting for notification of where Elmgrove sits in the programme.	
Cost	Costs being managed by the EFA.	
Resources	Projects are fully resourced by EFA.	
Issue	No issues at present.	
Risk	Risk that delivery by EFA does not match Council requirements.	
Free Schools Status	<p>Free Schools are an integral element of the Council's School Expansion Strategy and are established by the proposers working directly with the EFA and their contractors. The LA has two functions - securing sufficient provision and Planning.</p> <ul style="list-style-type: none"> * Avanti House split sites opened September 2012. From September 2015: Primary - Peterborough and St Margaret; Secondary - Temp former Heathfield School site until Summer 2017. Site negotiations on-going for secondary. Planning approved for Primary at P and St M. * St Jérôme's Primary - Central Harrow location Sept 2016 but subject to Funding Agreement signing. Traffic assessment undertaken by the EFA. Planning application for Permitted Development submitted and validated on 19 August, but validation was delayed to 11 September because incorrect cheque was submitted. Awaiting confirmation from Planning about the stage the application is at. It has effectively delayed the whole programme by a month (including the start of the building work and also the funding agreement, with dependencies that include the announcement of the head of school). * Harrow View Primary (Kodak site). The DfE has deferred the opening of the school to September 2017. Outline Planning application being considered to increase housing density and relocate the school within the site. * Pinner High (former Heathfield School site) planned to open in Sept 2016. Removal of number restricting Covenant agreed. * Mariposa Primary School (formerly called New School for Harrow) announced for Sept 2016. No site decided and applications for places at the school are currently at a very low level. The proposers sought a location Hatch End (Note: there is not the basic need in NW PPA). In order to meet basic need, the school should be located in South East PPA. * Jubilee Academy requires decanting for two terms to allow for refurbishment. The EFA has arranged for Jubilee Academy to be located at the former Heathfield School site for two terms from January 2016 to September 2016. The delivery risk is managed by the EFA therefore appointing contractor, securing VFM etc. are their responsibility. The risk to the LA is in terms of school place planning and costs of expanding schools if the new schools are not delivered or are delayed. <p>Letter dated 10 September 2015 received from DfE Free Schools Group stating the Regional Schools Commissioner will work with LAs about potential free schools in their area.</p>	
Time	Understanding that the timelines are on-track; St Jérôme's for Sept 2016 opening - Planning application for Permitted Development submitted and decision awaited. Avanti House permanent secondary site timeline at risk. Mariposa for Sept 2016 opening - no site identified and initially low level of application	
Cost	Not applicable - directly delivered and funded by EFA (Note: except if not delivered or if delayed leading to LA having to fund interim provision for additional intakes of pupils prior to completion). However, the responsibility for the Section106/s278 requirements e.g. Highways are the responsibility of the LA and there needs to be a collaborative approach with the EFA, school proposers and the LA. Note the LA is responsible for funding the s106/s278.	
Resources	Not applicable - directly delivered and funded by EFA. Except for s106/s278	
Issue	The School places provided by the Free School programme are an important element in the school expansion programme. Certainty of delivery is essential in terms of school place planning.	
Risk	Planning is a risk across the Free School sites including increased development of sites, traffic and open space. Overall indicates the risk is red. However, for the individual sites this ranges from Amber where the EFA do not secure Planning Approval within expected timelines to Red where Planning Approval is not secured (high risk in relation to Avanti House secondary) or site not identified (high risk in relation to Mariposa). EFA consider that the risk has been lowered for St Jérôme's). Failure to deliver the school places in Harrow will impact on the overall expansion programme. Officers have developed a successful approach to Planning through stakeholder engagement, traffic assessments and mitigations and Planning Performance Agreements (PPA). Officers will encourage EFA to adopt this approach to contribute to the planning risk management. Note that any s77 or Sport England planning issues may also stop or slow down the Free School development on a given site.	

RAG Risk Profiles			
	Green	Amber	Red
Project Status	Project on schedule to deliver the agreed benefits	The project has encountered some issues which could effect the delivery of overall benefits within agreed time, cost and resources.	Delivery of overall benefits within agreed time, cost and resources is presently threatened
Time	The project is delayed by 1 week or under	The project is delayed by 1 week - 8 weeks	The project is delayed by 8 weeks or over
Cost	Predicted costs are on track & within budget	Predicted cost are up to 5% over/under budget	Predicted cost are in excess of 5% over/under the budget
Resources	The project is fully resourced	A lack of human resources exist which will impact successful delivery if not addressed	Lack of human resources is impacting successful delivery and needs to be addressed immediately
Issue	All issues under control and none outstanding requiring board attention	Outstanding issues which could impact overall delivery and require project board attention	Outstanding issues which will impact the overall delivery require URGENT board attention
Risk	All risks are under control and none outstanding require board attention	Risks that have a medium probability of occurring and will have a medium impact on the project and require project board attention if there is no change or is increasing	Risks that have a high or medium probability and impact if they occur and require the project board attention

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**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting:	17 th November 2015
Subject:	Revised policies under the Licensing Act 2003 and the Gambling Act 2005
Responsible Officer:	Venetia Reid-Baptiste – Divisional Director – Commissioning Services
Scrutiny Lead Member area:	Councillor Jeff Henderson
Exempt:	No
Wards affected:	All Wards
Enclosures:	Revised Licensing policy – Licensing Act 2003 Revised Gambling policy – Gambling Act 2005 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:

Overview & Scrutiny Committee is requested to:

1. Note the Licensing Policy and comment on it if appropriate.
2. Note the Gambling Policy and comment on it if appropriate.

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.

Licensing 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.

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.

Licensing 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.

Licensing 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.

Licensing 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.

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

Having carried out an initial Equalities Impact Assessment in line with the Corporate Equalities Policy, it has been established that there is no adverse impact on any of the protected groups arising out of the proposed policy..

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.

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

Having carried out an initial Equalities Impact Assessment in line with the Corporate Equalities Policy, it has been established that there is no adverse impact on any of the protected groups arising out of the proposed policy.

2.6 Financial Implications

None

2.7 Performance Implications

None

2.8 Environmental Implications

None

2.9 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.

Licensing Policy – Gambling Act 2005

The authority is required to publish a statement of its Licensing 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.

Licensing 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: 3 November 2015..		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 4 November 2015.		

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

**Contact: Richard Le-Brun, Environmental Services Manager,
(Public Protection) Ext 6267**

Background Papers:

Draft Revised Licensing Policy Licensing Act 2003

Draft Revised Licensing Policy Gambling Act 2005



LICENSING ACT 2003

LICENSING POLICY 2015

Adopted 3 December 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 200 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 authority, 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 8th July 2015 until 7th July 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.
- 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,</p> <p>Harrow Consumer and Business Protection</p> <p>Brent and Harrow Trading Standards</p> <p>Fifth Floor</p> <p>Brent Civic Centre</p> <p>Engineers Way</p> <p>Wembley</p> <p>HA9 0FJ</p> <p>e-mail: trading.standards@brent.gov.uk</p>
<p>PREVENTING RISK OF POLLUTION</p> <p>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

Adopted 3 December 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 licences 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-baring 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.



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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

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REPORT FOR: CABINET

Date of Meeting:	15 October 2015
Subject:	Events Policy
Key Decision:	Yes
Responsible Officer:	Venetia Reid-Baptiste, Divisional Director of Commissioning Services
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder for Environment, Crime and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A – Events in Harrow Policy (including Application Forms and Proposed Charges) Appendix B - EqIA

Section 1 – Summary and Recommendations

This report presents the Events in Harrow policy 2015 for approval. This policy sets out the key principles with which Harrow Council with its key partners approach the authorisation and management of events within the borough. The principles are based on a range of requirements which arise from legislation and the council's formally adopted policies. The approach is

applicable to events that impact on the public realm, whether the event is held at publicly managed streets, parks or open spaces.

Recommendations:

Cabinet is requested to:

- a. Approve the draft events policy for consultation purposes.
- b. Authorise the Divisional Director of Commissioning Services to take all necessary steps to consult on the proposed policy.
- c. Note that the outcome of the consultation will be reported back to Cabinet with any amendments considered appropriate, for final approval by Cabinet.
- d. Note the application forms and terms and conditions.

Reason: (For recommendation)

To ensure the Council balances the need to hold events with its obligations to residents, businesses and visitors, ensuring that these activities continue to be regarded by all as safe, lawful, successful and fair. To ensure that Members and the public are aware of what level of service will be delivered. To make public how this delivery will be monitored.

Section 2 – Report

1. Introduction

- 1.1 This policy sets out the key principles with which Harrow council with its key partners approach the authorisation and management of events within the borough of Harrow. The principles are based on a range of requirements which arise from legislation and the council's formally adopted policies. The approach is applicable to events that impact on the public realm, whether the event is held at publicly managed streets, parks or open spaces.
- 1.2 The council will go through careful planning and consultation so that benefits from events can be maximised while disruption to the specific location, the local environment, local residents and the local business community can be kept to a minimum. The council's overall strategy is to actively facilitate events and to promote the borough as a place of business, culture and community. The vision is "To enable the delivery of a diverse events programme that creates a vibrant place to visit whilst ensuring the sustainable use of Harrow's open spaces".
- 1.3 This document does not apply to events held on private property such as night clubs, bars, restaurants, community centres and function halls.
- 1.4 For the purposes of this policy an "event" is defined as any activity in Harrow's parks, open spaces or adopted highway which takes place

over a limited period only, and which – whether open to the public or not – may restrict access to (all or some of) the open space, thus affecting the “normal” recreational use and quiet enjoyment of public facilities. This includes filming in Harrow’s parks, open spaces or adopted highway, where we will work with film production companies.

1.5 Until now the council has not explicitly stated what will be expected of promoters and organisers of events when operating in Harrow and how the council reaches a view on whether an event is practical or appropriate. By setting out the key principles the council aims to make the process transparent leading to more successful and efficiently planned events.

1.6 The objectives of this policy are to:

- Communicate clearly the council’s events policy to those who either reside, work in or visit the Borough
- Engage residents through inclusive and diverse events, ensuring clear and transparent events and charging policies
- Ensure suitable use of parks and open spaces
- Support the development of Localism to empower and assist local communities to initiate, participate and manage events
- Enable the delivery of an events programme that creates a lively and vibrant experience by marketing outdoor event locations to raise the profile of parks and open spaces in the borough.
- Provide a clear guideline for events staff to apply consistently

1.7 This policy links directly to the council’s corporate objectives of:

- Making a difference for Communities – for example by promoting social engagement and a sense of community respect, belonging and identity.
- Making a difference for Local Businesses – for example, by increasing footfall and promoting economic wellbeing.
- Making a difference for families – for example, by facilitating events in the borough.

2. Options considered

2.1 The policy is needed to facilitate the effective management of events across the borough.

Option 1- Do nothing

- 2.2 Continuing to hold events in the borough without a policy would mean that there is a continuing lack of clarity and limited understanding of what events are permitted within the borough, the charges for these and the responsibilities of all those involved. It would also mean that activity would continue to be reactive with only short term planning for events.
- 2.3 This option is not preferred by officers.

Option 2 – Prepare an events policy

- 2.4 Having a formally adopted events policy helps to set out the approach of the council in relation to events and the level of service that can be expected from the council. It reinforces the council's vision for events in Harrow, clarifies activity that the council will undertake and outlines what customers can expect of the service and what is expected of events organisers.
- 2.5 This option is preferred.

Resources

- 2.6 Funding arrangements for events will not change as a result of this policy. Current staffing will be used and there is no requirement for additional staffing.

3. Community & Consultation

- 3.1 Consultation has taken place with key service managers to ensure that the policy aligns with service areas.
- 3.2 Full consultation with the wider community of Harrow is required prior to adopting this policy. Cabinet is asked to authorise full consultation on the draft policy. Results of the consultation will be reported by to cabinet.
- 3.3 The scale, content and impact of each event will be evaluated through the application process and a decision taken at that time on who needs to be consulted in relation to the event. Prior to deciding whether to grant approval for an event, consultation will take place with residents with properties immediately abutting the park/open space, ward councillors, local community groups/Interested Parties, responsible authorities (through the Safety Advisory Group), Portfolio Holder and Director or Nominated Deputy, as appropriate.

4. Performance Issues

- 6.1 This policy will be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every two

years. At the time of review, consultation will take place with appropriate parties. Monitoring the effectiveness of the policy will include measures such as:

- Number of events successfully held
- Percentage of applications agreed/denied
- Diversity of events
- Health and Safety statistics

5. Environmental Implications

- 5.1 The draft policy that approval is sought for will have a positive environmental impact. It recognises the value that effective event management brings to the overall economic viability of the borough. The council's overall strategy is to actively facilitate events and to promote the borough as a place of business, culture and community. The vision is "To enable the delivery of a diverse events programme that creates a vibrant place to visit whilst ensuring the sustainable use of Harrow's open spaces".

6. Risk Management Implications

- 6.2 This policy is not included on the Directorate or any other corporate risk register.

7. Legal Implications

- 7.1 Wedding Ceremonies: Wedding Ceremonies must be conducted in approved premises as per the Marriage and Civil Partnerships (Approved Premises) Regulations 2005. Therefore Harrow Council cannot permit marriages within all its parks and open spaces, unless the park or open space is an approved premise. It follows that only wedding receptions can usually be permitted in parks and open spaces. See the private events section of the draft policy.

- 7.2 Harrow has the power to allow wedding receptions and other types of private events to be conducted in its parks and open spaces.

- 7.3 However this is subject to any limitations in pre existing legislation including a limitation contained in the Open Spaces Act 1906.

- 7.4 Section 10 of the Open Spaces Act 1906 provides

'A local authority who have acquired any estate or interest in or control over any open space or burial ground under this Act shall, subject to any conditions under which the estate, interest, or control was so acquired—

- (a) hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by

the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose; ...'

- 7.5 Where Harrow parks and open spaces are affected by this Act, it may be possible to permit a private event in such spaces provided that the event organiser is informed that the park or open space must remain freely accessible to the general public while the event is being held.
- 7.6 The draft policy references the applicable legislation to which an event organiser must comply with. However, the Council is not responsible for informing event organisers of their legal obligations in relation to events or otherwise.

8. Financial Implications

- 8.1 The Events Policy will provide a clear and consistent approach on approving events held in public spaces including the fees structure. Appendix A includes the charges, deposits and damages applicable to different types/sizes of events. These are introduced to ensure that the full costs of providing the service are recovered, and will be reviewed as part of the annual fees and charges setting process.

9. Equalities implications / Public Sector Equality Duty

- 8.2 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty which requires public authorities to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 8.3 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.
- 8.4 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

8.5 An Equalities Impact Assessment (EqIA) has been carried out in relation to this draft policy and is attached to this report (Appendix B). The EqIA did not identify adverse or disproportionate impact on any of the protected groups. Following consultation, the EqIA will be reviewed as the comments will feed into it. This will then be reported back to Cabinet too.

Council Priorities

The council's vision:

Working Together to Make a Difference for Harrow

The policy supports the following council corporate priorities.

- Making a difference for Communities – for example by promoting social engagement and a sense of community respect, belonging and identity.
- Making a difference for Local Businesses – for example, by increasing footfall and promoting economic wellbeing.
- Making a difference for families – for example, by facilitating events in the borough.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 01/09/2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 10/09/2015		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Hanif Islam

Section 4 - Contact Details and Background Papers

Contact: Hanif Islam, Policy & Performance Manager, 020 8424 1548, Hanif.islam@harrow.gov.uk

Background Papers: None.

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]

Events in Harrow Policy

Date: October 2015

Version: 1.0

Environment and Enterprise
Harrow Council
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Station Road
Harrow
HA1 2XA

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Appendix A – Events Checklist

Appendix B – The Application Process and Outcomes (overview)

Appendix C – Action Plan

Appendix D – Events Application Form and Term and Conditions

Appendix E – Events Charges, Deposit and Damages

Appendix F – Event Risk Assessment Guidance Note and Example Form

Appendix G – Small Events Application Form and Terms and Conditions

Appendix H – Wedding Receptions in Parks

1 Introduction

This policy aims to assist with the growth, development and management of events over the next 5 years. The council's aim is to balance the need to hold events with its obligations to residents, businesses and visitors, ensuring that these activities continue to be regarded by all as safe, lawful, successful and fair. In addition, the council wants to enhance the use of parks and open spaces by supporting community, cultural, charitable and commercial events which in turn provide cultural, social and economic benefits to the borough.

This policy sets out the key principles with which Harrow council with its key partners approach the authorisation and management of events within the borough. The principles are based on the requirements which arise from both legislation and the council's formally adopted policies. The approach is applicable to events that impact on the public realm, whether it is publicly managed streets, parks or open spaces.

The council will go through careful planning and consultation with those involved in events e.g. local residents, so that benefits from events can be maximised with minimal disruption to the specific location and the local environment, residents and the business community. The council's overall strategy is to actively facilitate events and to promote the borough as a place of business, culture and community. The vision is "To enable the delivery of a diverse events programme that creates a vibrant place to visit whilst ensuring the sustainable use of Harrow's open spaces".

This document only applies to events that are held in parks, open spaces, council owned land and adopted highway. It does not apply to events held on private property such as night clubs, bars, restaurants, community centres and function halls.

For the purposes of this policy an "event" is defined as any activity in Harrow's parks, open spaces or adopted highway which takes place over a limited period only, and which – whether open to the public or not – may restrict access to (all or some of) the open space, thus affecting the "normal" recreational use and quiet enjoyment of public facilities.

Until now the council has not explicitly stated what will be expected of promoters and organisers of events when operating in Harrow and how the council reaches a view on whether an event is practical or appropriate. By setting out the key principles the council aims to make the process transparent leading to more successful and efficiently planned events.

The key principles of the policy can be summarised as follows:

- Consistency of approach to events.
- Effective forward planning and management of events including maximising safety for those working and attending events.
- Effective adherence to legislation, industry best practice and council policies.
- Better understanding of roles and responsibilities of all those involved.
- Effective protection of the borough's assets with minimal disruption to the environment and wildlife.
- Enhancing the borough's reputation.

The objectives of this policy are to:

- Communicate clearly the council's events policy to those who either reside, work in or visit the Borough.
- Engage residents through inclusive and diverse events, ensuring clear and transparent events and charging policies.
- Ensure suitable use of parks and open spaces.
- Empower and assist local communities to initiate, participate and manage events.
- Enable the delivery of an events programme that creates a lively and vibrant experience by marketing outdoor event locations to raise the profile of parks and open spaces in the borough.

This policy links directly to the council's corporate objectives of:

- Making a difference for Communities – for example by promoting social engagement and a sense of community respect, belonging and identity.
- Making a difference for Local Businesses – for example, by increasing footfall (the number of people entering the event) and promoting economic wellbeing.
- Making a difference for families – for example, by facilitating events in the borough.

It is emphasised that the organiser of an event is responsible for the safety of those attending that event. It is very important that event organisers are fully aware of their legal and health and safety responsibilities. Organisers must demonstrate an awareness of these duties throughout the planning and licensing processes including undertaking a risk assessment. Advice on risk assessments can be found at www.hse.gov.uk.

Events must comply with the regulations under the Health and Safety at Work Act 1974 which aims to secure the health and welfare of people. Organisers are advised to consult the Health and Safety Executive for further advice and guidance.

2 Supporting Documentation

This policy should be considered with reference to the documents listed below which provide clarification of the applicable procedures and protocols:

Application form

Terms and conditions

Risk Assessment

Fees and Charges

3 The Council's Commitment

To residents and the local area

The council will endeavour to ensure no event causes unreasonable disturbance to residents, the site and/or the public. To achieve this, the council will put conditions in place to minimise

noise and potential damage. Where damage is caused, the council will assess and carry out any repairs promptly and satisfactorily.

To the event organisers

The council understands that community organisations may require support in organising events. Harrow council encourages local community involvement and will do all that it can to empower the local communities to organise and run their own events including working with community organisations and offer advice and assistance where appropriate.

The council aims to consider and process all applications within the agreed timescales. Please see the guidance that accompanies this policy.

4 Event Types

Events vary by their scale, location, purpose and target audience. Through the classification of the “type of event”, hire charges, licence fees and other associated costs can be determined along with the level of planning and the appropriate notice required to plan effectively for said event.

Events are categorised by Purpose or Scale, which determines the event classifications of which are listed below.

4.1 Purpose

Community Event

An event organised by the community for the community. It is free to enter/attend the event and the purpose of the event is not for the selling or promoting of a commercial product.

Community events are generally not-for-profit, but can still gain community discounts if they are fundraising through charging an entry fee to an event. These discounts will only be offered where all monies gained through entry charges, trader’s fees, caterer’s fees and any other means go directly to benefiting the community or a non-exclusive community organisation. Ultimately the decision lies with the council as to whether an event can be considered a “Community Event”.

Charity/Fundraising Events – Local and National

This includes events that are organised by not-for-profit organisations but can also include events run by commercial companies where the purpose of the event is for charitable fund raising e.g. bike rides and charity runs.

Commercial Events

Commercial events are defined as events that provide a beneficial gain to a particular individual, group, business or company, be it financial or promotional. The following list gives some examples of commercial events. Please note this list is not exhaustive.

- Corporate events
- Commercial Music, Cultural, Theatre or Comedy Concerts or festivals

- Marketing and promotional activities for profit making organisations (not charitable or fundraising)
- Funfairs and circuses
- Private events e.g. a wedding reception/private party/large picnic

An event can fall into more than one category e.g. events can be community led and be considered commercial. The final decision on the purpose of an event will rest with the council.

Private Event

A private event is where a site or part of a site for the event is reserved for the sole use of the applicant and an identified audience consisting of paying attendees or guests of the applicant. Examples include private business functions, wedding receptions or parties.

Please note, some parks and open spaces must remain freely accessible to the general public throughout the duration of the private event.

Private events will be considered by the Council on an individual basis. The following factors will be balanced when considering private events:

- Income generated
- Loss of public amenity
- Potential negative impact, for example to the area, to residents

Special Event

A special event consists of any licensable event to which one or more of the following apply:

- The audience/number of participants exceeds 1,000 people per day
- The event will be on site for 5 days or longer

To preserve the site and minimise disruption to residents, the council will limit the number of “special events” to a maximum of four per site, in any twelve month period. Unless otherwise agreed, at least three weeks should elapse between special events, on any one site. The criteria already mentioned in this policy will be applied.

In line with the Labour manifesto, “Making a Difference: Our Vision for Harrow: A manifesto for the People of Harrow 2014 – 2018”, the Council will designate a weekend each year where communities can have street parties and the Council will waive all fees for road closures.

4.2 Scale

- Small event: 50-200 people per day
- Medium event: 201-999 people per day
- Large event: over 1,000 people per day
- Special event: over 1,000 people per day

Organisers will need to limit capacity to the agreed level accordingly.

Special Events

Any event with attendance and staffing levels over 1,000 people will be classified as a special event. Events considered to be particularly disruptive, may be categorised as a special event, even where attendance numbers equal less than 1,000 people.

Please note that all stand-alone funfairs, circuses and council led events are also regarded as special events.

The council will take into consideration the impact of both the maximum attendance at any one time and the total footfall (the number of people entering the event) of the event. The council will also evaluate whether the total footfall or maximum attendance at any one time should be used to determine the scale of an event that spans over multiple days. The scale of an event will determine the required notice and period to be given to the council by the organiser. This will enable sufficient planning.

5 Purpose

The purpose of the event is one of the relevant factors to whether permission to stage an event is given to an organiser. The council reserves the right to determine the type of event deemed suitable for council owned and managed land. The final decision as to an event will rest with the Corporate Director (or Divisional Director of Commissioning Services) or Nominated Deputy.

The council **will not** give permission for events that are:

- Political rallies or organised by groups affiliated with political organisations
- Events featuring adult or offensive content
- Events organised by extremist organisations. Extremist groups here are given the same definition as provided by the Home Office.

This above list is not exhaustive.

6 Location

The borough's sites have been assessed according to their suitability for hosting particular types and scale of events. Some locations may only be used to host a limited number of events per year in order to protect the site/land and in the interest of minimising disruption to the local community. Specific conditions may apply to the hire of such sites. Where there is evidence that an event in a particular location has caused issues/disturbance, the number of events held in that area may be limited to protect the sites, user groups, local residents and other stakeholders. Please see Appendix H which provides further details on wedding receptions in parks.

Appendix D details the terms and conditions relating to the hire of parks and open spaces.

Please note events within parks can only take place between the hours of 8am and 11pm.

7 Application process

Each event will be subject to the completion of a standard application form which is contained at Appendix D. For small events, the application form contained at Appendix G should be completed. The application must be submitted **10 weeks** in advance of the event taking place.

For large or special events the application must be submitted **26 weeks** in advance. The council will only make a provisional booking of an event at a site once an accurate and complete application is received. It should be noted however that permission to use council owned and managed land for an event does not guarantee the event will take place. Comments may be sought from some or all of the following teams:

- Licensing
- Noise
- Environmental Health
- Building Control
- Planning

Harrow Council may also notify the Metropolitan Police about applications received.

The nature and content of events should reflect well on the council and local stakeholders. The council will not agree to grant permission for an event that is likely to cause offence to public taste and decency. The Corporate Director or Nominated Deputy will consider such applications on their individual merits. Full details of the application process can be found on the Harrow Council website at www.harrow.gov.uk.

Safety

Responsibility for safety at an event rests with the organiser but the council and its partners have a duty to ensure all relevant health and safety guidance is followed, including the preparation of full risk assessments, emergency evacuation plans and method statements. Please refer to the Health and Safety at Work Act 1974. An example risk assessment form is attached at Appendix F and guidance on the completion of a risk assessment is attached at Appendix F.

All health and safety paperwork must be submitted to the council in accordance with the application timetable requirement. It may also be a condition of approval that management plans are submitted in advance of the application timetable requirement due to their complexity. If this is the case sufficient notice will be given of any change in deadline.

Please refer to the legislation section below where legislation relevant to event organisers can be found.

NB: It is not the responsibility of the Council to inform event organisers of their legal obligations.

8 Criteria for approval of event applications

The criteria below will be used to determine whether permission for an event is granted. For ease of reference the criteria has been provided as a list of questions:

- **How does the event benefit Harrow residents and communities?**

A key consideration will be whether the planned event appeals and is of interest to residents of Harrow and its communities. Events that are commercial in nature can increase the community benefit through offering discounts or free sessions for particular disadvantaged groups or schools. By the same measure any event should aim to minimise nuisance and annoyance to nearby neighbours.

- **Who is the event likely to attract?**

Is the event aimed at local residents or a wider audience? Greater weight will be placed on events that are aimed at a more local audience.

- **Does the event provide a safe and high quality experience to users?**

Events must adhere to and comply with all health and safety, building control and food hygiene conditions and provide a safe and enjoyable experience for those attending. Commercial providers of food will only be considered where the food hygiene rating is 3 or above.

- **Is the event accessible or can it be made more inclusive?**

Accessibility of events and activities will be an important consideration when assessing applications. The development and delivery of all events must facilitate access for people with disabilities and other traditionally under-represented groups. Facilities must be accessible to the mobility impaired and meet the requirements of Equality Act 2010. Where appropriate, the council may require commercial event organisers to provide British Sign Language (BSL) interpreters and accessible toilets at an event. Access conditions may be set for certain events.

- **What impact does the event have on the local environment?**

Events should be minimising their impact on the local environment in terms of noise, disturbance and waste, reducing energy consumption and be disturbance free to wildlife. The event must have minimal impact on the park and its assets.

- **Does the event support the local economy?**

Events that benefit and support local businesses and charities will be encouraged.

- **Could the event generate income for the service?**

Events can be a good way to generate additional income, which is particularly valuable in a period of reduced resources.

- **Have previous events been managed satisfactorily by the organisation?**
- **Is there any planned maintenance or improvement works that will clash with this event?**

These criteria will be used to assess the suitability and viability of the event.

9 Licenses

A Premises Licence or Temporary Event Notice (TEN) will be required for an event that will include licensable activities. While small events may be covered by a TEN, for larger events an application for a premises licence must be made. Some of the borough's open spaces are already licensed. The following parks have been licensed for regulated entertainment such as live music, recorded music, plays and exhibition of films between the hours of 10.00 and 22:00 each day.

Canons Park Recreation Ground

Headstone Manor Recreation Ground

Pinner Memorial Park

Harrow Recreation Ground

Roxeth Recreation Ground

Conditions are attached to these licences including the requirement to produce a risk assessment.

A licence is required to stage any of the following forms of regulated entertainment:

- A performance of a play
- An exhibition of a film
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Provision of late night refreshment (11pm-5am)
- Sale of alcohol

For exemptions to the above please refer to the DCMS website, www.culture.gov.uk.

Temporary Event Notices (TEN)

Small scale events for 50-200 people, including staff, at any one time and lasting for no more than 168 hours do not require a premises licence, providing that advance notice of the event is given to the Police and the Licensing Authority. Only the Police can object to a TEN if they believe the event is likely to undermine crime prevention. Persons wishing to hold such events must give a minimum of **10 weeks notice** to the Police and the council. Applicants are strongly recommended to contact licensing officers early in the planning of such events to discuss all relevant issues.

Premises Licences (time limited)

Premises Licences apply to licensable events at which more than 200 people will be taking part in Licensable activities at any one time. Premises Licence applications are a more lengthy process than that needed for a TEN and must be made well in advance of an event. It is advised that a minimum **26 weeks notice** be given should an event require a premises Licence. It is the organiser's responsibility to ensure that sufficient time is allocated to apply for a Premises Licence in advance of the event.

10 Approvals

The scale, purpose and impact of each event will be evaluated through the application process. A decision will then be taken at that time on who needs to be consulted. Consultation will take place with residents of properties immediately adjoining the park/open space, ward councillors, local community groups/Interested Parties, responsible authorities (through the Safety Advisory Group), Portfolio Holder and Corporate Director or Nominated Deputy, as appropriate.

The Safety Advisory Group (SAG) brings together all of the responsible authorities including the police, fire service and ambulance service. The impact, safety and planning of the event will be reviewed by SAG. All large scale events will be reviewed by SAG. SAG has the right to reject any event application if they believe, through consensus, that a safe event will not take place. The SAG could also recommend that the applicant apply for a separate premises licence for the event should they have concerns regarding the use of the park/open space under the council's existing premises licence.

The main objectives of the SAG are to promote high levels of health and safety at events by giving advice, to promote good practice in safety and welfare planning for events and to ensure events cause minimal adverse impact. The SAG is not responsible for granting permission for licenses for events.

It is highly recommended that a post event evaluation takes place, conducted by the organiser, to gain feedback on the event itself and to identify any event related problems. This is also the stage where the decision may be made to permit or refuse any future events taking place due to the impact of previous events, be it positive or negative.

11 Financial Responsibilities

The type of event being staged will determine the level of costs. Scale is a significant factor. Costs need to be considered by the organiser at a very early stage of the planning process to ensure funds are available. With respect to staging events in council land it should be noted that all event related costs rest with the event organiser. Organisers should consider the main areas of expenditure outlined below.

Fee and charges applicable to events are detailed at Appendix E.

11.1 Hire and Damage Deposit Fees

The type of event will be the key factor in determining hire and deposit fees. A site inspection will take place prior to and immediately after each event. Should any works be required, following the event, monies will be held back from the deposits as appropriate to cover costs. Should costs exceed the deposit the council will charge the remaining costs to the event organiser. All additional costs to the council resulting from the event are expected to be borne by the organiser.

All fees and charges are subject to change and will be reviewed annually. See Harrow Council's website for the current up to date rate of fees www.harrow.gov.uk.

11.2 Licensing Fees

All fees associated with the application for a Premises Licence or TEN will rest with and remain the responsibility of the event organiser. Current up to date fees can be found at www.dcms.gov.uk.

11.3 Event Delivery Associated Fees

All fees associated with the delivery of the event will rest with and remain the responsibility of the event organiser. Any costs incurred to the council resulting from an event will be charged to the organiser at the associated costs and will incur an administration fee to be determined by the Corporate Director or Nominated Deputy.

11.4 Cancellations

If the organiser cancels a booking, less than a month before the date of hire there will be no refund of the fee paid. Cancellations made with a month or more notice will be subject to a 50% cancellation fee.

If payment of the application fee has not been received a month prior to the event taking place or the payment has not cleared by the event date, the site will not be made available to the organiser for the planned event.

The London Borough of Harrow reserves the right to cancel events by refusing the use of the land/site, should the terms and conditions of hire, legal requirements or financial obligations not be met and/or inclement weather or other unforeseen circumstances occur. The decision for cancellation will rest with the Corporate Director or Nominated Deputy.

12 Advertising Events

Event organisers are not permitted to advertising an event at a council site or on council land before an event has been approved or without permission from the council. Event organisers wishing to attract the public to their event are welcome to advertise only on the sites notice boards or railings, up to seven days before the event. Those wishing to advertise more widely and for longer period before the event will need permission. In order to obtain permission the organiser must provide 14 days notice of the advertisements and a list of locations where the advertisements will be placed. All advertisements must be removed within 24 hours of an event ending. This is the responsibility of the event organiser. If the council incurs expenses related to removing advertisements, such costs will be deducted from the organiser's deposit.

The council does not allow any unauthorised advertising of events on highway structures – lamp columns, street furniture, traffic signals, safety railings, street trees etc. Under the Highway Act 1980, unauthorised advertising can result in a fine of up to £1000 per contravention.

13 Approvals

The applicant will be advised of any required licenses and approvals based on the detail provided in the application.

14 Support Withdrawal by Harrow Council

Please note that an event could be jeopardised and permission refused if the event organiser does not comply with this policy, the application requirements and the terms and conditions that accompany the application form.

Where such action is anticipated the organiser will be advised verbally as well as in writing by the council. **Please note** there may be occasions (such as national incidents) when we may need to alter or cancel your event, but will do our utmost to assist your event wherever possible.

15 Legislation

The Health and Safety Executive's Event Safety Guide, known as the Purple Guide sets out the information required by event organisers, contractors and employees to help them satisfy the Health and Safety at Work Act 1974 and other associated regulations.

All event organisers must conform, wherever applicable, to relevant legislation, including but not limited to:

- Health and Safety At Work Act 1974
- Data Protection Act 1998
- Equalities Act 2010
- Management of Health and Safety At Work Regulations 1999
- RIDDOR 2013
- Town and Country Planning Act 1990
- Licensing Act 2003
- Children's Act 1989
- Regulatory Reform (Fire Safety) Order 2005
- Wildlife and Countryside Act 1981

NB: It is not the responsibility of the Council to inform event organisers of their legal obligations.

Offences

It is an offence to street trade at an event without a licence. Please refer to the Street Trading Policy for further information.

16 Partnership working

This policy relies on strong partnership working. The council will work with the following key partners in delivering the policy. Please note that this list is not exhaustive.

- Metropolitan Police Service
- London Fire Service
- Transport for London
- Police Community Support Officers (PCSOs)
- Neighbouring councils
- Harrow Town Centre Business Improvement District (BID)
- Resident Associations
- Park User Groups
- Voluntary and Community Sector
- London Councils
- The Health and Safety Executive
- Department for Culture, Media and Sport

17 The Storing and Disclosure of Information

Information collected or recorded in relation to events will be securely retained in a paper and/or electronic format for a period defined by legislation or required for future reference by the council.

Personal data held manually or as computer records will be handled in accordance with the Data Protection Act 1998 (DPA). This information will be used in accordance with the council's DPA registration. Exemptions to this include where information is disclosed to other agencies or used for another reason for the purposes of detecting or preventing crime. This will include the sharing of information between council services and with the police and other enforcement agencies. Sharing of information relating to the Crime and Disorder Act 1998 will be undertaken in accordance with the appropriate information sharing protocol.

Right of access to information held by the council will be given on request, in accordance with the Freedom of Information Act 2000 and Environmental Information regulations 2004 unless the information is already publically available (as described in the council's Publication Scheme). Some exemptions applicable to the council can be found in the Act, Regulations and the council's publication scheme.

18 Monitoring and Review

This policy will be reviewed within two years of its implementation. The review will highlight successes as well as areas for improvement and the effectiveness of the policy against its objectives. Reviews will also seek to introduce where necessary any new powers granted to local authorities in relation to events. The review will include statistical information such as:

- Number of events successfully held
- Percentage of applications agreed/denied
- Diversity of events
- Health and Safety statistics

The action plan at Appendix C details key actions to be taken in the implementation of this policy.

19 Amendments to this Policy

As may be necessary (for instance with the issuing of new guidance by Government), to amend this events policy. Should such amendments not deviate away from the overall spirit of the policy, they will be attached through an amendment document rather than the re-issuing of the events policy as a whole.

Any matters of legal ambiguity will be assessed by the council's legal section, prior to coming into effect.

Appendix A – Events Checklist

A safe and trouble free event requires good planning; this is a crucial investment of your time. Generally for a large scale event, planning should start 6-9 months before the planned event date. Regular meetings are essential of the planning group and an event co-ordinator is vital.

In order to provide a safe event you – the organiser- will need to assess all the risks. To do this you will need to consider all aspects of the event. What follows are some key areas that you need to consider however this list is not exhaustive.

- The planned date and times of the event
- The event's aim and purpose/nature
- Your target audience
- Establish a working group with identified roles
- How many people will be attending the event?
- Is your event inclusive?
- Is your event open to the general public?
- Where will the event take place e.g. park, town centre, private venue?
- Will food be available?
- Will there be alcohol? What are the implications of having alcohol?
- Will there be live music? If so, consider type and noise levels?
- Are there any unusual or special activities?
- How will you communicate during the event e.g. two-way radios, mobile phones, PA for crowd announcements?
- Have similar events been organised? If so, what lessons have been learnt from these?
- Budget – what will the event cost? – Entertainment, catering, staffing, equipment, publicity, and first aid, contingency. (NB: Always obtain quotes).
- Celebrities/VIPs – consider their needs. What will the impact of them attending be? Give them clear instructions so they know what is expected of them.
- Crowd Safety – a risk assessment must be completed for the event. This is the responsibility of the organiser. Areas to cover include crowd dynamics, whether it will be dark – how will this restrict you? Stewards, communication, cordons, consider arrangements for people with disabilities and for children.
- Evacuation Procedure
- Communications – e.g. the use of radios, licence from the radio suppliers, list of radio channels being used, operational instructions.
- Contingency Plans
- Contractors

- Equipment
- Entertainment
- First Aid
- Tickets – are you selling tickets/where will they be sold/security of cash/what is the refund policy

In the unlikely event of things going wrong you as the organiser of the event will be liable. Remember careful planning is the key to a smooth running and successful event.

Useful Websites

Industry Guide to Good Food Hygiene Practice – www.cieh.org

Managing crowds safely – www.hsebooks.com/Books

Institute of Leisure and Amenity Management – www.ilam.co.uk

5 Steps to Risk Assessment – www.hsebooks.com/Books

Guide to Health and Safety and Welfare at music and similar events – www.hsebooks.com/Books

Appendix B – The Application Process and Outcomes (overview)

Application – You can apply for your event by completing the attached application form and paying the application fee. Your application is assessed against a number of internal policies, guidelines on the application form and criteria as well as any relevant legislation or other factors, to allow an “in principle” yes or no decision to be made.

Application Rejected – Something within your proposed event suggests that the council is unable to give permission for your event. We will let you know what the issues are and where possible suggest amendments that would allow your event to proceed.

Application Approved – This means there are no “in principle” issues with what you propose and detailed event planning can proceed. We will let you know what further information and actions are required and by what date. **Please note this is approval of your application only, not your actual event.** Please also note that in many cases, this second stage of planning can incur additional charges for licenses, permissions and administration time.

No Objection Conditions Letter – The final stage of the approval process. If we are satisfied that all the required elements are in place, we will send you a “No Objection Conditions Letter” detailing our terms and conditions.

Appendix C – Action Plan

The Action Plan reflects actions recommended to meet identified issues. Budget implications will be confined within the Directorates finances.								
No.	Ref	Action	Dependency	Action by	Expected Outcome	Budget	Start Date	End Date
1		Put in place the infrastructure to actively promote the events policy and to focus on implementation	Availability of appropriate staff	Community Engagement Team	Events policy implemented effectively	Within existing budget	Immediate	
2		Ensure that events provision meets the aspirations of the wider community	Dependant on understanding the wider community needs in relation to events	Community Engagement Team	A diverse programme of events in place that makes the best use of resources	Income generation opportunity	Immediate	
3		Manage the environmental impacts of events	Availability of appropriate staff	Community Engagement Team	Environmental impacts reduced	Within existing budget	Immediate	
4		Further develop an events service which actively supports a wider events agenda	Availability of appropriate staff	Community Engagement Team	Effective events service in place that offers advice and guidance to organisers of events	Income generation opportunity	Immediate	

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Appendix D

EVENTS in HARROW

APPLICATION FORM and TERMS and CONDITIONS

For MEDIUM, LARGE or SPECIAL EVENTS

Please note:

- This form will only be processed if the **application fee** has been paid.
- You may be required to pay a **£20.00 refundable deposit** for a set of parks keys if your event requires them.
- **Please ensure that you read the Events In Harrow Policy before completing this form.**

Other Important Information:

- This application must be made 10 weeks in advance of the date of hire for small or medium size events or 26 weeks for large size and special events or if a Premises Licence is required.
- Applicants must be over 18 years of age.
- You must complete this form as fully as you can; the more information provided, the easier it is to assess your application.
- **Important:** All fields marked with an '*' must be completed. Without this information, your application cannot be processed.

PROPOSED NAME OF EVENT

SECTION 1: Applicant Details*

Name:

Organisation:

Position Held:

Address:

Phone (Home):

Phone (Mobile):

Phone (Work):

Fax:

Registered VAT Number

Registered Charity Number

Email Address:

Second Contact*

Name:

Organisation:

Position held:

Address:

Phone (Home):

Phone (Mobile):

Phone (Work):

Fax:

Registered VAT Number

Registered Charity Number

Email Address:

If you wish to nominate a third contact, please attach a sheet.

SECTION 2: Key Information about the Hire

What type of event or activity do you want to hold?*

Which site do you want to hire?*

Which hire dates do you require?

Set up Date and Time*

Event Start Date and Time*

Event Close Date and Time*

Vacate Site Date and Time*

How many people do you expect to attend (including maximum attendance at any one time)?*

What are the objectives and purpose of the proposed event/activity?*

Age profile of people expected to attend proposed event*

Do you want the council to provide a quote for equipment hire? Yes/No

If yes, what equipment do you need?

--

IMPORTANT INFORMATION	YES/NO	PLEASE PROVIDE DETAILS
Has this event taken place within the Borough previously?		
Do you plan to restrict access or charge entry to this event?		(Please detail cost and whether the event is ticketed or not)
Is the event to raise money for a charity?		(Please name the charity and provide its registration number)

Please mark the boxes below to indicate if the following events will be taking place:

YES	Following activities will be taking place at the event.
NO	Following activities will not be taking place at the event.

REFERENCE	DESCRIPTION	YES/NO
A	Will there be any plays/theatre taking place at the event? Please Note: This is only permitted between 10:00-23:00 each weekday and Saturday and 14:00-23:00 on Sunday If yes, Please give details:	
B	Will you be showing any films/cinema at the event? If yes, Please give details:	
C	Will you be holding any indoor sporting activities at the event? If yes, Please give details:	
D	Will there be any boxing or wrestling at the event? If yes, Please give details:	
E	Will there be any form of live music at the event? If yes, Please give details:	
F	Will there be any form of recorded music at the event? If yes, Please give details:	
G	Will there any dance performance at the event? If yes, Please give details:	
H	Will there be any activities similar to E, F, or G above? If yes, Please give details:	
I	Will there be facilities for making music? If yes, Please give details:	
J	Will there be facilities for dancing? If yes, Please give details:	
K	Will there be any activities similar to I or J above? If yes, Please give details:	
L	Will there be any late night refreshments (between 23:00 and 05:00)? If yes, Please give details:	
M	Will there be supply of alcohol?	

	Please note: this is only permitted between 10:00-23:00 and 12:30-23:00 on Sunday	
	If yes, Please give details:	
N	Will there be any entertainment of an adult nature? E.g. Activities involving nudism or obscene language	
	If yes, Please give details:	
O	Will the event be open outside the hours of 10:00 and 23:00?	
	If yes, Please give details:	
P	Will the area remain open to the members of the general public?	
	If yes, Please give details:	

SECTION 3: Site and Safety

Please indicate in the boxes below, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	YES/NO	PLEASE PROVIDE DETAILS
Erect tents and/or marquees		
Use heavy equipment		
Bring vehicles onto site		(Give number and type, or specify if heavy machinery)
Installation of power (electricity)		
Letting off fireworks/fireworks display		
Have novelty rides		(If you are having a funfair at your event, it is your responsibility to administer this and take a deposit from the funfair operator)
Erect side shows and/or stalls		
Provide car parking		(State if free or charging)

SECTION 4: Environmental Health

Please indicate in the boxes below, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	YES/NO	PLEASE PROVIDE DETAILS
Provide toilet facilities		
Have live music and/or dancing		
Use amplification equipment		
Have a licensed bar		
Sell food/let a food concession		
Give away food as prizes		
Cook food on site		
Order standpipe for water		(Note: There is an additional charge for this)

SECTION 5: Waste Management

Summary of proposals for waste management including control of litter for duration of event.

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SECTION 6: Other

Please indicate in the boxes below, if you plan to carry out any of the following activities and provide as much information as possible in the 'details' section.

DO YOU PLAN TO:	YES/NO	PLEASE PROVIDE DETAILS
Provide your own security		(Please confirm numbers/qualifications and locations)
Hold arena displays		
Advertise your event		
Sell any items		
Use amplification equipment		
Use animals for rides		
Hold an animal show		
Use animals for displays		
Hold sporting activities		
Use the council's sport pitches		
Have pitches marked out		

SECTION 7: To support your application

For your application to have a better chance of success, you should also send your "Event Management Plan" covering the following areas. If these areas do not apply to your proposed event, this must be stated in the event management plan.

Please mark the box on the right if you have included these items.

ADDITIONAL INFORMATION DOCUMENTS	INCLUDED
Details of how your proposed event will be funded (to show expenditure and income)	
A site map showing the proposed event layout	
Details of your proposed suppliers and caterers (including cleaners and cleaning schedule)	
A copy of your security plan –see terms and conditions for details	
The proposed programme for the event (and programmes from previous events if applicable)	
Safety plan to include emergency procedures and named responsible person(s)	
A risk assessment (and method statements where applicable)	
A copy of your Temporary Event License (if required)	
Copies of insurance documents –see terms and conditions for details	
Two references	

Harrow Council must receive these documents at least 28 days prior to the event date.

SECTION 8:

Summary of public events previously organised and managed:

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SECTION 9:

Provide details in respect of all occasions where the police or a local authority has objected or refused to grant permission/license for an event to be managed by an applicant:

--

SECTION 10: References

Please enter the details of two referees who can confirm your event management experience. One must be a referee for the site manager on the day(s) of the event. The referees must be independent of your organisation.

Referee 1:

Name:	
Organisation:	
Position held:	
Address:	
Phone (Home):	
Phone (Mobile):	
Phone (Work):	
Fax:	
Email Address:	

Supporting Statement:

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Referee 2:

Name:	
Organisation:	
Position held:	
Address:	
Phone (Home):	
Phone (Mobile):	
Phone (Work):	
Fax:	
Email Address:	

Supporting Statement:

SECTION 11: Signature of agreement*

I/We have read the council's Terms and Conditions for the hire of council owned and managed land, and agree to comply with and be bound by them if this application is approved.

Applicant's Signature:

Date:

For and on behalf of (organisation)

Please return this form and supporting documentation to:

Environment and Enterprise
Community Engagement Team
Harrow Council
Room 404
4th Floor
East Wing
P.O. Box 39
Civic Centre, Station Road,
Harrow
HA1 2XA

Or email to: e-members@harrow.gov.uk marking your email 'EVENTS APPLICATION'

EVENTS in HARROW

HIRE OF PARKS AND OPEN SPACES TERMS AND CONDITIONS

This is a legal document. By completing the ‘**application form**’ you agree to keep to these terms and conditions. Failure to comply may result in your deposit being held or other action being taken. Action could be taken against you if you break these conditions and you will lose any deposit paid and/or be required to pay a fine. Future applications may also be refused.

All event organisers are advised to follow the guidance in all relevant sections of the ‘The Event Safety Guide’ published by the Health and Safety Executive, which can be bought from HSE Books, telephone 0845 345 0055 or www.hsebooks.co.uk.

Insurance:

1. You must have public liability insurance for your event, evidence of which must be supplied to the Council. The terms of this insurance should completely indemnify the Council against any claims, demands, losses or liability that may result from the Hirer’s use of this site (except where personal injury or death is caused by the Council’s negligence).
2. A minimum cover of £5m public liability insurance must be in place. You will need to send a copy of the certificate or cover note to the Council no later than 40 days before the event; **it is your responsibility to do this**. If you do not obtain suitable insurance and send a copy to the Council by this date, the event will be cancelled. You will be advised if you are required to obtain higher levels or additional insurances.

Site, safety and security:

3. You will be responsible for ensuring that your event proceeds smoothly and safely, and does not reasonably interfere with other users of the site, neighbours or local traffic.
4. You must layout the site to allow for easy access and evacuation in the event of an emergency. You should prepare a safety plan to explain how you would deal with an emergency, naming the responsible person who would call the emergency services.
5. The hirer must present the Council, no later than 40 days prior to the event, with a full risk assessment, site layout and safety plan (to include evacuation procedures). You must designate one person who is responsible for site management and will hold all the relevant safety documents.
6. The hirer must present the Council, no later than 40 days prior to the event, with a full security plan to include details of security/stewarding personnel to be used and the key locations marked on a plan. Please confirm if you are using a SIA registered security firm and confirm positions of door supervisor licence holders where required.
7. You must fence off any machinery including electrical equipment and especially generators, locating them at a safe distance from any tents, sideshows, other vehicles, etc. You need to ensure there is no risk of electric shock or fire. A competent person must oversee machinery, generators and electrical installations. The appropriate earthing and residual current devices must protect electrical circuits. Cable must not be run along the ground in areas of public access.
8. A qualified contractor must carry out all electrical work and any equipment that may present a danger to the public should be fenced off (or otherwise contained) and should display suitable warning signs.
9. All cables must be flown at a minimum of 3.5 metres high from the ground in pedestrian areas and 5.3 metres in areas where there is vehicle access.

10. You must not let off fireworks except where the Council has given permission for an organised display.
11. You must not light fire or barbecues on the site, unless previously agreed with the Council.
12. You must not damage the ground, fences, trees, shrubs, flowerbeds or buildings on the site. Nothing heavy should be parked or placed on any tree roots. If damage occurs you will have to pay the full cost of repairs to the Council.
13. You cannot bring vehicles onto the site, unless authorised by the Council. If authority has been given you must only bring on the number and type of vehicles that has been agreed. If the ground is wet permission may be withdrawn. On some sites you may be issued with keys for access. If so, you become responsible for locking the vehicle gates and agree to indemnify the Council against losses, liabilities or damage that the site or Council incur as a result of any vehicle gates being left unlocked
14. You cannot make any charge for entry to the site or car parking unless authorised by the Council.
15. The hirer must provide adequate facilities for refuse disposal. You must leave the site clean and tidy at the end of your event, and clear all litter away from the site. If you do not, the Council will charge you for the cost of this work.
16. Those wishing to advertise more widely and for longer will need permission. This requires 14 days notice and a list of locations where the advertisements will be placed prior to any advertisements being displayed. All advertisements must be removed within 24 hours of the end of the event. This is the responsibility of the event organiser. If the council incurs expense removing advertising this will be deducted from the deposit you paid. The council does not allow any unauthorised advertising of events on highway structures – lamp columns, street furniture, traffic signals, safety railings, street trees etc. A maximum fine of £1000 per contravention is applicable if the Council formally enforced this restriction under the Highway Act 1980.
17. You cannot bring a funfair or funfair rides onto the site without the Council's permission.
18. Unless otherwise authorised by the Council, you must keep to the site bylaws.
19. If any equipment or infrastructure or item is left on site overnight or otherwise unattended, this will be entirely at the hirer's risk and the Council will not be responsible for any loss or damage that may occur. The hirer is responsible for adequately securing the site to their satisfaction.

Licensing and environmental health:

20. A licence is necessary for some forms of public entertainment and this will be assessed on receipt of your application. You must not sell alcoholic drinks or carry out any other licensable activities unless authorised by the Council.
21. If a Temporary Event Notice (TEN) is required you will be asked to apply directly to the Licensing Authorities and you must supply a copy of the TEN to the Council, prior to the event. In the case of your event requiring either a TEN or premises licence, the conditions of the licence must be adhered to at all times. A period of consultation may also be needed and so park hire applications must be received ten weeks prior to the event date to allow sufficient time for processing.
22. If the event involves public performances and/or broadcast of musical works, the event organiser will be responsible for applying for a Performing Right Society (PRS) licence and adhering to the terms and conditions set out by the PRS (see www.prs.co.uk or call 0845 300 6033 for further details).
23. The LAeq noise level from amplified and non-amplified music and speech must not exceed the LA90 background level at any agreed perimeter of the site by more than 10dB. If requested by any of the relevant responsible authorities (or a member of staff from the council) you must switch off or turn down the noise level immediately and/or take any other noise control measures as necessary.

24. You must supply the Council, not less than 40 days before the event, with the details of any caterers that will be present.
25. Strict compliance with the Food and Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 is required from the hirer and any caterers, staff, agents or other persons on site. Commercial providers of food will only be considered where the food hygiene rating is 3 or above.
26. You must not bring animals onto the site for purposes of entertainment, or give them away as prizes, unless you have the Council's prior permission. If given, such permission will only be for animals that are domesticated or working animals in their country of origin. Permission will not be given for wild animals or captive birds of prey.
27. You must follow the procedures and rules for a dog show, if applicable.
28. A qualified first aider must be on site at all times activities are in progress. The **Community Engagement team** will be able to advise you on the number and level of qualifications required for your event.

Bookings and payment:

29. All bookings must be made using the application form.
30. Once your application has been agreed, you will be sent a contract and an invoice.
31. Payment must be cleared before the date of hire otherwise the event may be cancelled.
32. If the hirer cancels the booking less than a month before the date of hire 100% of the hire charges will be retained. Cancellation anytime between booking and a month prior to the event will be subject to a 50% cancellation fee.
33. If payment has not been received and cleared by the hire date the park will not be made available to hire.

General:

34. You must not use any designated sports pitches unless these have been hired through the council.
35. You must comply with all instructions given by the Council's representatives and special conditions shown on the confirmation letter.
36. Hirers must be 18 years of age or over.
37. Upon issue of the invoice and thereafter until the conclusion of the hire and ongoing obligations related to the hire, the hirer (and any staff or agents) shall be bound to comply with these terms and conditions of hire.
38. If you break any of these conditions your hire will be cancelled and will be subject to the charges set out in clause 33 above.
39. Consideration should be given to the provision of welfare facilities and this is the responsibility of the organiser. Where toilets are needed, arrangements must be agreed with the council in advance. Temporary toilets must meet all health and safety requirements and must not obstruct the highway. Any associated costs arising from the provision or cleaning of welfare facilities will rest with the event organiser.
40. It is the event's organiser responsibility to ensure that all traffic management measures are in place and agreed with Highways Management. Consideration must also be given to the impact on public transport services and where necessary full consultation must take place with key stakeholders, such as London buses, Transport for London, London Underground and Taxi firms. This is the responsibility of the event's organiser and the council will request evidence that this has taken place before an event is approved. Permission to charge for parking on council land must be agreed with the council in advance. Failure to do so will incur a fine, the level of which will be determined by the Director or nominated deputy. Access for emergency vehicles must be maintained with minimal impact on response times.
41. You must ensure that a valid trade waste agreement is in place and that all waste is removed from the site after the event.

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Appendix E

EVENTS in HARROW HIRE OF COUNCIL OWNED AND/OR MANAGED LAND CHARGES, DEPOSITS AND DAMAGES

Important Information:

Charges, Deposits and Damages will be reviewed and confirmed annually.

This document has been created to give the most accurate indication of the costs involved in putting on an event within the London Borough of Harrow's parks and open spaces. Unfortunately, no two events are the same and this form might not capture certain elements of your event that, ultimately, will affect the cost of hiring council owned or managed land. Please speak to a member of the **Community Engagement Team – Environment and Enterprise** for an accurate quote.

Size of event:	Small Scale Events Medium Scale Events Large Scale Events Special Events	50-200 201-999 Over 1,000 Over 1,000 and/or is considered to be particularly disruptive
Circuses/Funfairs	Daily Rate	£3,000
Consultation:	Use of council expertise (travel time is chargeable in addition)	£135 (per hour)
Application Fee	All small scale events All medium scale events All large scale & special events Note: TTROs, parking suspensions or similar orders will incur additional charges	£360 £660 By negotiation
Hire Charges:	All small scale events All medium scale events All large scale Non-operating days All special events Note: Commercial events such as ticketed events, etc. will be subjected to a negotiated fee.	£500 per day £1000 per day £2000 per day £250 per day By negotiation

individual basis and applications should be made at least **26 weeks** prior to the event date. The full costs associated with licensing the event will be passed onto the Event Organisers

Equipment Hire: The London borough of **Harrow Community Engagement Team** may have events equipment available for hire. Please contact the team for a list of stock and prices.

Street Events: Events that take place on the public highway will incur a cost for the closure of any roads and advertising these closures. Please speak to a member of the **Community Engagement** team for further information. All costs relating to street closures are in line with London Borough of Harrow's Highways service rates.

Parking Suspensions: The council can suspend parking bays and offer a tow truck service at an additional cost. Please speak to a member of the **Community Engagement** Team for further information.

Damages:

Note: The cost of any damages will be invoiced to the hirer and VAT will be added

Deductions from Deposit

Failure to comply with the terms and conditions of hire:	up to 100% of the deposit
Any action (or the absence of action) that, in the opinion of the nominated events representative, is likely to significantly compromise the safety of the public or staff:	up to 100% of the deposit
Extreme noise disturbance to adjoining properties:	up to 100% of the deposit
Nuisance fly posting and marketing:	up to 100% of the deposit
Litter or refuse left behind once the event is finished	Full cost of clearing and disposal plus a 15% admin fee
Ground damage requiring reinstatement by the council:	The full cost of repair plus 15% admin fee
The cost of officers called out to site outside of normal working hours:	An officer charge of £50 per hour per person (£100 on a Sunday or Bank Holiday)

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Appendix F

Events in Harrow Risk Assessment Guidance Note and Example Form

A full risk assessment should be carried out for all events. This will be a legal requirement in many circumstances. The following guidance should aid you in carrying out your risk assessments. A form to record your findings has also been provided.

Identifying the hazards

All hazards should be identified including those relating to the individual activities and any equipment. A hazard is something with the potential to cause harm. Only note hazards which could result in significant harm. The following should be taken into account:

- Any slipping, tripping or falling hazards.
- Hazards relating to fire risks or fire evacuation procedures.
- Any chemicals or other substances hazardous to health e.g. dust or fumes.
- Moving parts of machinery.
- Any vehicles on site.
- Electrical safety e.g. use of any portable electrical appliances.
- Manual handling activities.
- High noise levels.
- Poor lighting, heating or ventilation.
- Any possible risk from specific demonstrations or activities.
- Crowd intensity and pinch points

This list is by no means exhaustive and care should be taken to identify any other hazards associated with the activities at the event.

For each hazard identified, list all those who may be affected. Do not list individuals by name, just list groups of people. The following should be taken into account:

- Stewards.
- Employees.
- Volunteers.
- Contractors.
- Vendors, exhibitors and performers.
- Members of the public.
- Disabled persons.
- Children and elderly persons.
- Potential trespassers.
- Expectant mothers.
- Local residents.

Areas to consider

The following are examples of areas to consider:

- Type of event.
- Potential major incidents.
- Site hazards including car parks.
- Types of attendees such as children, elderly persons and the disabled.
- Crowd control, capacity, access and egress and stewarding.
- Provision for the emergency services.
- Provision of first aid.
- Provision of facilities.
- Fire, security and cash collection.
- Health and safety issues.

- Exhibitors and demonstrations.
- Amusements and attractions.
- Structures.
- Waste management.

Assessing the risk

The extent of the risk arising from the hazards identified must be evaluated and existing control measures taken into account. The risk is the likelihood of the harm arising from the hazard. You should list the existing controls and assess whether or not any further controls are required. The following should be taken into account:

- Any information, instruction and training regarding the event and the activities involved.
- Compliance with legislative standards, codes of good practice and British Standards.
- Whether or not the existing controls have reduced the risk as far as is reasonably practicable.

Further action necessary to control the risk

Classify risks into high, medium and low. Examples of risks falling into these categories are as follows:

High An unsecured inflatable being used in adverse weather conditions by young children.

Medium A display of animals in a roped off arena.

Low A mime artist performing amongst the crowd.

For each risk consider whether or not it can be eliminated completely. If it cannot, then decide what must be done to reduce it to an acceptable level. Consider the following:

- Removal of the hazard.
- Preventing access to the hazard e.g. by guarding dangerous parts of machinery
- Implement procedures to reduce exposure to the hazard.
- The use of personal protective equipment.
- Find a substitute for that activity/machine etc.

Assess the likelihood and impact of these risks occurring.

Record the risk assessment findings

Use the Risk Assessment Form to record all significant hazards, the nature and extent of the risks, and the action required to control them. Keep this for future reference or use. You could also refer to other documents you may have, such as manuals, codes of practice etc.

Review and revise

If the nature of the risks changes during the planning of the event, the risk assessments will need to be reviewed and updated.

Information

Where the risk assessment has identified significant risks, you must provide information to all those affected, regarding the nature of the risk and the control measures to be implemented.

Risk Assessment – Example Form

(Use to compile a comprehensive risk assessment unique to your event. Responsibility for ensuring the safety of those employed at and attending your event is entirely yours)

Event Title:

Organiser(s)

Venue:

Date:

Risk Assessment

Hazard	Persons at risk	Likelihood	Impact	Control measures	Action to be taken	Residual rating
Anything which can cause harm	Staff, contractors, public etc.	Low, Medium or High	Low, Medium or High	What you intend to do to minimise the risk	What action you will take at the event	Low, Medium or High after control measures and actions

Hazardous item e.g. Machinery, electrical equipment, fuel, vehicles, structures	Who is likely to be at risk from these items?	What is the likely risk from this item?		How likely is it that it may occur? High, medium, low.	How are you going to reduce the possibility of someone being at risk from these items?	Any further action required?

Appendix G

EVENTS in HARROW

APPLICATION FORM and TERMS and CONDITIONS – FOR SMALL EVENTS

Please note:

- This form will only be processed if the **application fee** has been paid.
- You may be required to pay a **£20.00 refundable deposit** for a set of parks keys if your event requires them.
- **Please ensure that you read the Events in Harrow Policy before completing this form.**

Other Important Information:

- This application must be made a minimum of 10 weeks in advance of the date of hire.
- Applicants must be over 18 years of age.
- You must complete this form as fully as you can; the more information we have, the easier it is for us to assess your application.
- **Important:** All fields marked with an ‘*’ must be completed. Without this information, your application cannot be processed.

Name of the Event

SECTION 1: Applicant Details*

Name:	<input type="text"/>
Organisation:	<input type="text"/>
Position Held:	<input type="text"/>
Address:	<input type="text"/>
Phone (Home):	<input type="text"/>
Phone (Mobile):	<input type="text"/>
Phone (Work):	<input type="text"/>
Fax:	<input type="text"/>
Registered Charity Number	<input type="text"/>
Email Address:	<input type="text"/>

SECTION 2: Key Information about the Hire

What type of event or activity do you want to hold?*

<input type="text"/>

Which site do you want to hire?*

Which hire dates do you require?

Set up Date and Time*

Event Start Date and Time*

Event Close Date and Time*

Vacate Site Date and Time*

How many people do you expect to attend (including maximum attendance at any one time)?*

What are the objectives and purpose of the proposed event/activity?*

Age profile of people expected to attend proposed event*

SECTION 5: Waste Management

Please provide details of your waste management proposals including control of litter for duration of event.

SECTION 6: Safety

Please outline what actions you have taken to ensure the safety of the event you are organising.

SECTION 6: Equipment

Do you want the council to provide a quote for equipment hire? Yes/No

If yes, what equipment do you need?

SECTION 7: Signature of agreement*

I/We have read the council's Terms and Conditions for the hire of council owned and managed land, and agree to comply with and be bound by them if this application is approved.

Applicant's Signature:

Date:

For and on behalf of (organisation)

Please return this form and supporting documentation to:

Environment and Enterprise
Community Engagement Team
Harrow Council
Room 404
4th Floor
East Wing
P.O. Box 39
Civic Centre, Station Road,
Harrow
HA1 2XA

Or email to: e-members@harrow.gov.uk marking your email 'EVENTS APPLICATION'

EVENTS in HARROW

HIRE OF PARKS AND OPEN SPACES TERMS AND CONDITIONS

This is a legal document. By completing the ‘**application form**’ you agree to keep to these terms and conditions. Failure to comply may result in your deposit being held or other action being taken. Action could be taken against you if you break these conditions and you will lose any deposit or be fined. Further applications in the future may also be refused.

All event organisers are advised to follow the guidance in all relevant sections of the ‘The Event Safety Guide’ published by the Health and Safety Executive, which can be bought from HSE Books, telephone 0845 345 0055 or www.hsebooks.co.uk.

Insurance:

1. You must have public liability insurance for your event, evidence of which must be supplied to the Council. The terms of this insurance should completely indemnify the Council against any claims, demands, losses or liability that may result from the Hirer’s use of this site (except where personal injury or death is caused by the Council’s negligence).
2. A minimum cover of £5m public liability insurance must be in place. You will need to send a copy of the certificate or cover note to the Council no later than 40 days before the event; **it is your responsibility to do this**. If you do not obtain suitable insurance and send a copy to the Council by this date, the event will be cancelled. You will be advised if you are required to obtain higher levels or additional insurances.

Site, safety and security:

3. You will be responsible for ensuring that your event proceeds smoothly and safely, and does not reasonably interfere with other users of the site, neighbours or local traffic.
4. You must layout the site to allow for easy access and evacuation in the event of an emergency. You should prepare a safety plan to explain how you would deal with an emergency, naming the responsible person who would call the emergency services.
5. The hirer must present the Council, no later than 40 days prior to the event, with a full risk assessment, site layout and safety plan (to include evacuation procedures). You must designate one person who is responsible for site management and will hold all the relevant safety documents.
6. The hirer must present the Council, no later than 40 days prior to the event, with a full security plan to include details of security/stewarding personnel to be used and the key locations marked on a plan. Please confirm if you are using a SIA registered security firm and confirm positions of door supervisor licence holders where required.
7. You must fence off any machinery including electrical equipment and especially generators, locating them at a safe distance from any tents, sideshows, other vehicles, etc. You need to ensure there is no risk of electric shock or fire. A competent person must oversee machinery, generators and electrical installations. The appropriate earthing and residual current devices must protect electrical circuits. Cable must not be run along the ground in areas of public access.
8. A qualified contractor must carry out all electrical work and any equipment that may present a danger to the public should be fenced off (or otherwise contained) and should display suitable warning signs.
9. All cables must be flown at a minimum of 3.5 metres high from the ground in pedestrian areas and 5.3 metres in areas where there is vehicle access.
10. You must not let off fireworks except where the Council has given permission for an organised display.

11. You must not light fire or barbecues on the site, unless previously agreed with the Council.
12. You must not damage the ground, fences, trees, shrubs, flowerbeds or buildings on the site. Nothing heavy should be parked or placed on any tree roots. If damage occurs you will have to pay the full cost of the Council making repairs.
13. You cannot bring vehicles onto the site, unless authorised by the Council. If authority has been given you must only bring on the number and type of vehicles that has been agreed. If the ground is wet permission may be withdrawn. On some sites you may be issued with keys for access. If so, you become responsible for locking the vehicle gates and agree to indemnify the Council against losses, liabilities or damage that the site or Council incur as a result of any vehicle gates being left unlocked.
14. You cannot make any charge for entry to the site or car parking unless authorised by the Council.
15. The hirer must provide adequate facilities for refuse disposal. You must leave the site clean and tidy at the end of your event, and clear all litter away from the site. If you do not, the Council will charge you for the cost of this work.
16. Those wishing to advertise more widely and for longer will need permission. This requires 14 days notice and a list of locations where the advertisements will be placed prior to any advertisements being displayed. All advertisements must be removed within 24 hours of the end of the event. As soon as the event ends advertising must be removed. This is the responsibility of the event organiser. If the council incurs expense removing advertising this will be deducted from the deposit. The council does not allow any unauthorised advertising of events on highway structures – lamp columns, street furniture, traffic signals, safety railings, street trees etc. with a maximum fine of £1000 per contravention if formally enforced under the Highway Act 1980.
17. You cannot bring a funfair or funfair rides onto the site without the Council's permission.
18. Unless otherwise authorised by the Council, you must keep to the site bylaws.
19. If any equipment or infrastructure or item is left on site overnight or otherwise unattended, this will be entirely at the hirer's risk and the Council will not be responsible for any loss or damage that may occur. The hirer is responsible for adequately securing the site to their satisfaction.

Licensing and environmental health:

20. A licence is necessary for some forms of public entertainment and this will be assessed on receipt of your application. You must not sell alcoholic drinks or carry out any other licensable activities unless authorised by the Council.
21. If a Temporary Event Notice (TEN) is required you will be asked to apply directly to the Licensing Authorities and you must supply a copy of the TEN to the Council, prior to the event. In the case of your event requiring either a TEN or premises licence, the conditions of the licence must be adhered to at all times. A period of consultation may also be needed and so park hire applications must be received ten weeks prior to the event date to allow sufficient time for processing.
22. If the event involves public performances and/or broadcast of musical works, the event organiser will be responsible for applying for a Performing Right Society (PRS) licence and adhering to the terms and conditions set out by the PRS (see www.prs.co.uk or call 0845 300 6033 for further details).
23. The LAeq noise level from amplified and non-amplified music and speech must not exceed the LA90 background level at any agreed perimeter of the site by more than 10dB. If requested by any of the relevant responsible authorities (or a member of staff from the council) you must switch off or turn down the noise level immediately and/or take any other noise control measures as necessary.
24. You must supply the Council, not less than 40 days before the event, with the details of any caterers that will be present.

25. Strict compliance with the Food and Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 is required from the hirer and any caterers, staff, agents or other persons on site. Commercial providers of food will only be considered where the food hygiene rating is 3 or above.

26. You must not bring animals onto the site for purposes of entertainment, or give them away as prizes, unless you have the Council's prior permission. If given, such permission will only be for animals that are domesticated or working animals in their country of origin. Permission will not be given for wild animals or captive birds of prey.

27. You must follow the procedures and rules for a dog show, if applicable.

28. A qualified first aider must be on site at all times activities are in progress. The **Community Engagement team** will be able to advise you on the number and level of qualifications required for your event.

Bookings and payment:

29. All bookings must be made using the application form.

30. Once your application has been agreed, you will be sent a contract and an invoice.

31. Payment must be cleared before the date of hire otherwise the event may be cancelled.

32. If the hirer cancels the booking less than a month before the date of hire 100% of the hire charges will be retained. Cancellation anytime between booking and a month prior to the event will be subject to a 50% cancellation fee.

33. If payment has not been received and cleared by the hire date the park will not be made available to hire.

General:

34. You must not use any designated sports pitches unless these have been hired through the council.
35. You must comply with all instructions given by the Council's representatives and special conditions shown on the confirmation letter.
36. Hirers must be 18 years of age or over.
37. Upon issue of the invoice and thereafter until the conclusion of the hire and ongoing obligations related to the hire, the hirer (and any staff or agents) shall be bound to comply with these terms and conditions of hire.
38. If you break any of these conditions your hire will be cancelled and will be subject to the charges set out in clause 33 above.
39. Consideration should be given to the provision of welfare facilities and this is the responsibility of the organiser. Where toilets are needed, arrangements must be agreed with the council in advance. Temporary toilets must meet all health and safety requirements and must not obstruct the highway. Any associated costs arising from the provision or cleaning of welfare facilities will rest with the event organiser.
40. It is the event's organiser responsibility to ensure that all traffic management measures are in place and agreed with Highways Management. Consideration must also be given to the impact on public transport services and where necessary full consultation must take place with key stakeholders, such as London buses, Transport for London, London Underground and Taxi firms. This is the responsibility of the event's organiser and the council will request evidence that this has taken place before an event is approved. Permission to charge for parking on council land must be agreed with the council in advance. Failure to do so will incur a fine, the level of which will be determined by the Director or nominated deputy. Access for emergency vehicles must be maintained with minimal impact on response times.
41. You must ensure that a valid trade waste agreement is in place and that all waste is removed from the site after the event.

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Appendix H – Wedding Receptions in Parks

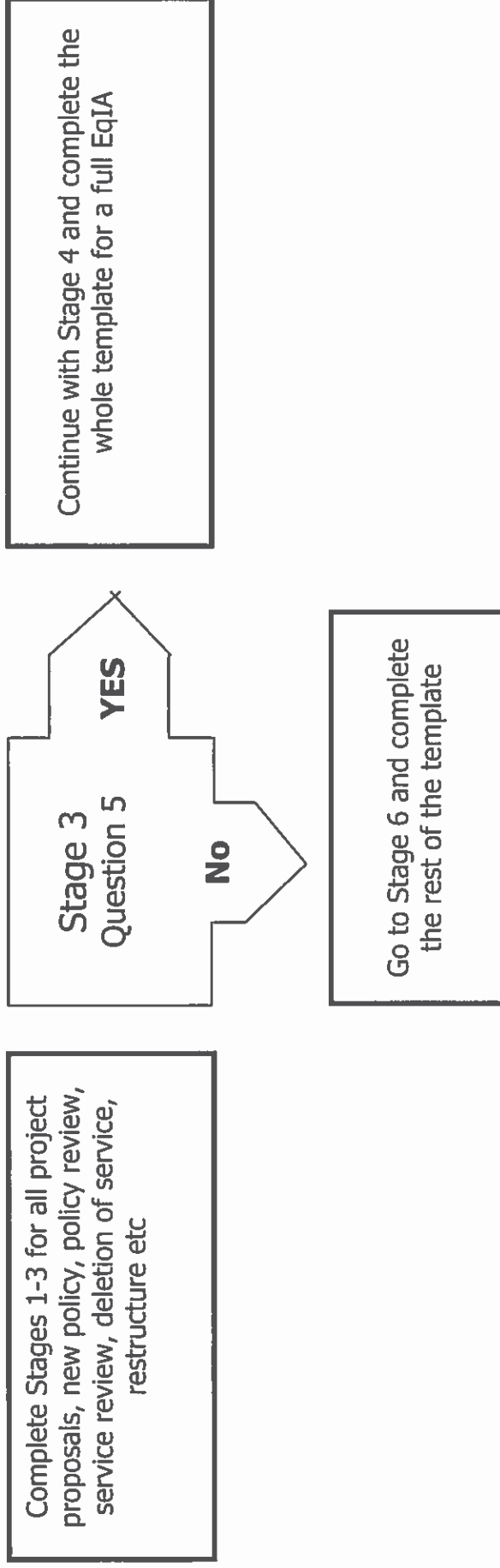
Please find below details of parks in the Borough of Harrow where wedding receptions may take place. For more information please contact the Community Engagement Team – Environment and Enterprise

Park	Address	Acres	Car Park	Public Convenience
Alexandra Park	Alexandra Avenue, South Harrow	21 acres	no	no
Byron Rec	Peel Road, Wealdstone	42 acres	no	no
Canons Park	Donnerfield Avenue, Edgware	49 acres	no	yes
Centenary Park	Culver Grove, Stanmore	23 acres	no	no
Chandos Rec	Camrose Avenue, Edgware	27 acres	yes	no
Harrow Rec	Hindes Road, Harrow	27 acres	yes	yes
Headstone Manor Rec	Pinner View, Harrow	57 acres	yes	yes
Kenton Rec	Carlton Avenue, Kenton	52 acres	yes	no
Roxeth Rec	Kingsley Road, South Harrow	17 acres	yes	no
West Harrow Rec	Butler Road, West Harrow	26 acres	yes	no

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Equality Impact Assessment Template

The Council has revised and simplified its Equality Impact Assessment process (EqIA). There is now just one Template. Lead Officers will need to complete **Stages 1-3** to determine whether a full EqIA is required and the need to complete the whole template.



- In order to complete this assessment, it is important that you have read the Corporate Guidelines on EqIAs and preferably completed the EqIA E-learning Module.
- You are also encouraged to refer to the EqIA Template with Guidance Notes to assist you in completing this template.
- **SIGN OFF:** All EqIAs need to be signed off by your Directorate Equality Task Groups. EqIAs relating to Cabinet Reports need to be submitted to the EqIA Quality Assurance Group at least one month before your Cabinet Report date. This group meets on the first Monday of each month.
- Legal will NOT accept any reports without a fully completed, Quality Assured and signed off EqIA.

The EqIA Guidance, Template and sign off process is available on the Hub under Equality and Diversity

Equality Impact Assessment (EqIA) Template

Type of Decision: Tick ✓	x	Cabinet	Portfolio Holder	Other (explain)
Date decision to be taken:				
Value of savings to be made (if applicable):				
Title of Project:				
Directorate / Service responsible:				
Name and job title of Lead Officer:				
Name & contact details of the other persons involved in the assessment:				
Date of assessment (including review dates):				
Stage 1: Overview				
<p>230</p> <p>1. What are you trying to do? (Explain your proposals here e.g. introduction of a new service or policy, policy review, changing criteria, reduction / removal of service, restructure, deletion of posts etc)</p>	<p>Events in Harrow Policy</p> <p>This is a new policy that aims to assist with the growth, development and management of events over the next 5 years. The council's aim is to balance the need to hold events with its obligations to residents, businesses, and visitors, ensuring that these activities continue to be regarded by all as safe, lawful, successful and fair. In addition, the council wants to enhance the use of parks and open spaces by supporting community, cultural, charitable and commercial events which in turn provide cultural, social and economic benefits to the borough.</p> <p>This policy sets out the key principles with which Harrow council with its key partners approach the authorisation and management of events in the borough of Harrow. The principles are based on a range of requirements which arise from legislation and the council's formally adopted policies. The approach is applicable to events that impact on the public realm, whether it is publicly managed streets or parks and open spaces.</p> <p>The council will go through careful planning and consultation so that benefits from events can be maximised while disruption to the specific location, the local environment, local residents and the local business community can be kept to a minimum. The council's overall strategy is to actively facilitate events and to promote</p>			

the borough as a place of business, culture and community. The vision is "To enable the delivery of a diverse events programme that creates a vibrant place to visit whilst ensuring the sustainable use of Harrow's open spaces".					
Residents / Service Users	X	Partners	X	Stakeholders	X
Staff	X	Age	X	Disability	X
Gender Reassignment		Marriage and Civil Partnership		Pregnancy and Maternity	
Race		Religion or Belief		Sex	
Sexual Orientation		Other			

Environment and Enterprise (in particular the community engagement team, public protection and parks and open spaces)

Contractors (when undertaking work on behalf of the Council)

Police, Fire Service and Ambulance Service

Stage 2: Evidence & Data Analysis

4. What evidence is available to assess the potential impact of your proposals? This can include census data, borough profile, profile of service users, workforce profiles, results from consultations and the involvement tracker, customer satisfaction surveys, focus groups, research interviews, staff surveys, press reports, letters from residents and complaints etc. Where possible include data on the nine Protected Characteristics.

(Where you have gaps (data is not available/being collated for any Protected Characteristic), you may need to include this as an action to address in your Improvement Action Plan at Stage 6)

Protected Characteristic	Evidence	Analysis & Impact
Age (including carers of young/older people)	2011 Census Data Harrow Borough Profile	There is no data available to suggest that there would be a disproportionate adverse effect on this protected characteristic. Some venues are likely to be in the vicinity of elderly residents homes and this group in particular may

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3. Is the responsibility shared with another directorate, authority or organisation? If so:

- Who are the partners?
- Who has the overall responsibility?
- How have they been involved in the assessment?

	Results from consultation	object to noisy events but this will be managed through the consultation process and existing environmental noise mitigation processes so there is likely to be no impact.
Disability (including carers of disabled people)	As above	There is no data available to suggest that there would be a disproportionate adverse effect on this protected characteristic.
Gender Reassignment	As above	As above
Marriage / Civil Partnership	As above	As above
Pregnancy and Maternity	As above	As above
Race	As above	As above
Religion and Belief	As above	As above
Sex / Gender	As above	As above
Sexual Orientation	As above	As above

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Stage 3: Assessing Potential Disproportionate Impact

5. Based on the evidence you have considered so far, is there a risk that your proposals could potentially have a disproportionate adverse impact on any of the Protected Characteristics?

	Age (including carers)	Disability (including carers)	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief	Sex	Sexual Orientation
Yes									
No	X	X	X	X	X	X	X	X	X

YES - If there is a risk of disproportionate adverse impact on any **ONE** of the Protected Characteristics, continue with the rest of the template.

- **Best Practice:** You may want to consider setting up a Working Group (including colleagues, partners, stakeholders, voluntary community sector organisations, service users and Unions) to develop the rest of the EqIA
- It will be useful to also collate further evidence (additional data, consultation with the relevant communities, stakeholder groups and service users directly affected by your proposals) to further assess the potential disproportionate impact identified and how this can be mitigated.
- **NO** - If you have ticked 'No' to all of the above, then go to **Stage 6**
- Although the assessment may not have identified potential disproportionate impact, you may have identified actions which can be taken to advance equality of opportunity to make your proposals more inclusive. These actions should form your Improvement Action Plan at Stage 6

Stage 4: Further Consultation / Additional Evidence

6. What further consultation have you undertaken on your proposals as a result of your analysis at **Stage 3**?

233	Who was consulted? What consultation methods were used?	What do the results show about the impact on different groups / Protected Characteristics?	What actions have you taken to address the findings of the consultation? E.g. revising your proposals

Stage 5: Assessing Impact

7. What does your evidence tell you about the impact on the different Protected Characteristics? Consider whether the evidence shows potential for differential impact, if so state whether this is a positive or an adverse impact? If adverse, is it a minor or major impact?

Protected Characteristic	Positive Impact ✓	Adverse Impact		What measures can you take to mitigate the impact or advance equality of opportunity? E.g. further consultation, research, implement equality monitoring etc (Also Include these in the Improvement Action Plan at Stage 6)
		Minor ✓	Major ✓	
Explain what this impact is, how likely it is to happen and the extent of impact if it was to occur. Note – Positive impact can also be used to demonstrate how your proposals meet the aims of the PSED Stage 7				

Age (including carers of young/older people)							
Disability (including carers of disabled people)							
Gender Reassignment							
234 Marriage and Civil Partnership							
Pregnancy and Maternity							
Race							
Religion or Belief							

Sex								
Sexual orientation								
<p>8. Cumulative Impact – Considering what else is happening within the Council and Harrow as a whole, could your proposals have a cumulative impact on a particular Protected Characteristic?</p> <p>If yes, which Protected Characteristics could be affected and what is the potential impact?</p>				Yes	No			
<p>9. Any Other Impact – Considering what else is happening within the Council and Harrow as a whole (for example national/local policy, diversity, welfare reform, unemployment levels, community tensions, issues of crime) could your proposals have an impact on individuals/service users' socio economic, health or an impact on community cohesion?</p> <p>If yes, what is the potential impact and how likely is it to happen?</p>				Yes	No			
<p>Stage 6 – Improvement Action Plan</p> <p>List below any actions you plan to take as a result of this Impact Assessment. These should include:</p> <ul style="list-style-type: none"> Proposals to mitigate any adverse impact identified Positive action to advance equality of opportunity Monitoring the impact of the proposals/changes once they have been implemented Any monitoring measures which need to be introduced to ensure effective monitoring of your proposals? How often will you do this? 								

Area of potential adverse impact e.g. Race, Disability	Proposal to mitigate adverse impact	How will you know this has been achieved? E.g. Performance Measure / Target	Lead Officer/Team	Target Date
Monitoring the impact of this policy	<p>This policy will be reviewed within two years of its implementation. The review will highlight successes as well as areas for improvement and how effective the policy has been in achieving its objectives. Reviews will also seek to introduce where necessary any new powers granted to local authorities in relation to events. The review will include measures such as:</p> <ul style="list-style-type: none"> • Number of events successfully held • Percentage of applications agreed/denied • Diversity of events • Health and Safety statistics 	<p>Timely Reviews Results of this monitoring will be regularly reviewed by service managers and any gaps identified addressed.</p>	Community Engagement Team	2017 (overall review)
Stage 7: Public Sector Equality Duty				
<p>10. How do your proposals meet the Public Sector Equality Duty (PSED) which requires the Council to:</p> <ol style="list-style-type: none"> 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 2. Advance equality of opportunity between people from different 	<p>Clear events policy supported by robust monitoring arrangements</p> <p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> • Communicate clearly the council's events policy to those who either 			

<p>groups</p> <p>3. Foster good relations between people from different groups</p>	<p>reside, work in or visit the Borough</p> <ul style="list-style-type: none"> Engage residents through inclusive and diverse events, ensuring clear and transparent events and charging policies Ensure suitable use of parks and open spaces Support the development of Localism to empower and assist local communities to initiate, participate and manage events Enable the delivery of an events programme that creates a lively and vibrant experience by marketing outdoor event locations to raise the profile of parks and open spaces in the borough. Provide a clear guideline for events staff to apply consistently
<p>Stage 8: Recommendation</p>	
<p>237</p>	<p>Please indicate which of the following statements best describes the outcome of your EqIA (✓ tick one box only)</p>
<p>Outcome 1 – No change required: the EqIA has not identified any potential for unlawful conduct or disproportionate impact and all opportunities to advance equality of opportunity are being addressed.</p>	<p><input type="checkbox"/></p>
<p>Outcome 2 – Minor Impact: Minor adjustments to remove / mitigate adverse impact or advance equality of opportunity have been identified by the EqIA and these are listed in the Action Plan above.</p>	<p><input checked="" type="checkbox"/></p>
<p>Outcome 3 – Major Impact: Continue with proposals despite having identified potential for adverse impact or missed opportunities to advance equality of opportunity. In this case, the justification needs to be included in the EqIA and should be in line with the PSED to have 'due regard'. In some cases, compelling reasons will be needed. You should also consider whether there are sufficient plans to reduce the adverse impact and/or plans to monitor the impact. (Explain this in Q12 below)</p>	<p><input type="checkbox"/></p>
<p>12. If your EqIA is assessed as outcome 3 explain your justification with full reasoning to continue with your proposals.</p>	

Stage 9 - Organisational sign Off

13. Which group or committee considered, reviewed and agreed the EqIA and the Improvement Action Plan?	E&E Directorate Equalities Task Group		
Signed: (Lead officer completing EqIA)	Jackie Barry-Pursell	Signed: (Chair of DETG)	Hanif Islam
Date:	10/07/2015	Date:	10/07/2015
Date EqIA presented at the EqIA Quality Assurance Group (if required)	27/07/2015	Signature of DETG Chair	